

Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Review of Political Balance and Appointment to Politically Balanced Bodies	
Report No:	COU/SE/18/005	
Report to and date:	Council	20 February 2018
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Purpose of report:	<p>Following the recent resignation of Councillor Bob Cockle, a by-election for the vacancy on St Edmundsbury Borough Council (SEBC) (St Olaves Ward (Bury St Edmunds)) will take place in due course (<i>at the time of the publication of this report, no election had been called.</i>)</p> <p>In addition, the Borough Council's UKIP political group has recently dissolved, which as a consequence, has resulted in five non-grouped Members now sitting on the Council.</p> <p>Accordingly, this has altered the political composition of the Borough Council and Council is, therefore, requested to review the allocation of seats and substitutes to political groups in accordance with the political balance rules.</p>	

Recommendations:	<p>It is <u>RECOMMENDED</u> that:</p> <ol style="list-style-type: none"> (1) the formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced, as set out in paragraph 1.2.1, be approved; (2) the allocation of seats (and seats for substitute Members) on the Committees which are required by law to be politically balanced, as indicated in Appendices 1 and 2 to Report No: COU/SE/18/005, be approved; (3) the allocation of full member and substitute seats on the West Suffolk Joint Standards Committee, as indicated in Section 1.3.5, be approved. This Committee is not required to be politically balanced; (4) whilst the Democratic Renewal Working Party is not required to be politically balanced, the allocation of seats is by custom and practice, undertaken on this basis. Therefore, the allocation of full member and substitute seats to this Working Party, as indicated in Section 1.3.6, be approved; and (5) the Service Manager (Democratic Services) be requested to exercise their existing delegated authority to re-appoint or appoint as applicable, Members and substitute Members to those bodies set out in recommendations (2), (3) and (4) above on the basis of nominations from the relevant Group Leaders. 	
Key Decision: <i>(Check the appropriate box and delete all those that <u>do not</u> apply.)</i>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	
Consultation:	<ul style="list-style-type: none"> • None 	
Alternative option(s):	<ul style="list-style-type: none"> • None, as the matters under consideration are required by law and the Constitution. 	
Implications:		

Are there any financial implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> The review has been undertaken within existing resources. Any changes required as a result of the review will also be borne from existing budgets.
Are there any staffing implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none"> As above.
Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none">
Are there any legal and/or policy implications? If yes, please give details	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The Local Government and Housing Act 1989 states that the authority has a duty to review the representation of different political groups at, or as soon as practicable, after a change occurs in Group composition.
Are there any equality implications? If yes, please give details	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <ul style="list-style-type: none">
Risk/opportunity assessment:	Not applicable as a review is required by law to be undertaken.
Wards affected:	All Wards
Background papers:	None
Documents attached:	Appendix 1: Committees required to be politically balanced and place entitlement /allocation Appendix 2: No. of substitutes required for each committee and place entitlement/allocation.

1. Key issues and reasons for recommendations

1.1 Current Situation

1.1.1 Following the recent resignation of Councillor Bob Cockle, a by-election for the vacancy on St Edmundsbury Borough Council (St Olaves Ward (Bury St Edmunds)) will take place in due course (*at the time of the publication of this report, no election had been called.*)

1.1.2 In addition, the Council has received written notice under the requirements of the Local Government (Committees and Political Groups Regulations 1990) confirming that Councillor Jason Crooks has resigned as leader of, and as a member of SEBC's UKIP Group. This has been shortly followed by the resignation of Councillor Anthony Williams from that Group. Both Members have also resigned from the UK Independence Party and have therefore requested to sit on the Borough Council as Independent members. As a consequence of this, this Group must now dissolve in its current form, as a political group must comprise two or more members and only Councillor Barry Robbins remained a member of SEBC's UKIP Group. At their request and agreement, the following therefore now applies:

- Councillor Jason Crooks – non-grouped Independent member
- Councillor Anthony Williams - non-grouped Independent Member
- Councillor Barry Robbins - non-grouped UKIP member.

As each of these councillors are no longer members of a political group, they lost their entitlement to existing committee seats with immediate effect. None of these members have indicated that they presently wish to join another or form a new group.

1.2 Political Composition

1.2.1 The political composition of the Council is as indicated in the following table:

GROUP	No of members	%
Conservative	34	75.56%
Charter (DN, DH, JW)	3	6.67%
Haverhill Indys (JB, TBr)	2	4.44%
UKIP (BR) Non-Group	1	2.22%
Independent (TBe) Non-Group	1	2.22%
Independent (JC) Non-Group	1	2.22%
Independent (PH) Non-Group	1	2.22%
Independent (AW) Non-Group	1	2.22%
VACANCY	1	2.22%
TOTAL	45	100.00%

- 1.2.2 The Council will need to formally approve the formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced.
- 1.2.3 The obligation to ensure that there is proportionality in the political composition of the Council's committees extends only to proportionate representation of members of political groups, and does not require non-grouped members to be proportionally represented.
- 1.2.4 In carrying out any review the Council is obliged to adopt the following principles and to give effect to them 'so far as is reasonably practicable':
- (a) that not all seats on the Council are allocated to the same political group;
 - (b) that the majority of the seats on the Council are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of the Council which are allocated to each political group, have the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority, and;
 - (d) subject to paragraphs (a) to (c) above, that the number of the seats on the Council which are allocated to each group have the same proportion to the number of all the seats on that Council as is borne by the number of members of that group to the membership of the Council.

1.3 **Entitlement to Places**

- 1.3.1 The table at Appendix 1 and summarised below, shows those Committees that are required to be politically balanced and provides the exact entitlement to places of each group.
- (a) Development Control (16 seats);
 - (b) Licensing and Regulatory (13 seats);
 - (c) Overview and Scrutiny (16 seats);
 - (d) Performance and Audit Scrutiny (10 seats);
 - (e) Joint Officer Appointments (3 seats);
 - (f) Joint Officer Appeals (3 seats);
 - (g) Mayoral Advisory (7 seats); and
 - (h) Treasury Management (3 seats).
- 1.3.2 The recalculation of the political balance has shown that there are presently nine unentitled seats on committees. Prior to this review, two of these were allocated to the Conservative Group, one seat to Charter and one seat allocated to Cllr Paul Hopfensperger. Five seats now remain unentitled and unallocated on the following committees:

- Development Control Committee
- Licensing & Regulatory Committee
- Overview & Scrutiny Committee (*this is in addition to the seat already previously allocated to Cllr Paul Hopfensperger*)
- Performance & Audit Scrutiny Committee
- Mayoral Advisory Committee

1.3.3 Non-grouped members - Although non-grouped members are not required to be proportionally represented, where a group is entitled to less than 0.5 of a place, Group Leaders may wish to consider whether to give a seat to a non-group member, particularly as the Council is currently in the relatively unusual position of having five non-grouped members. Proposals for the allocation of seats to non-grouped members, as provisionally agreed by Group Leaders, are set out in Appendix 1. Where seats have not been allocated to, or been provisionally accepted by the non-grouped member, these have been allocated to the Conservative Group, as they have a majority of overall members.

1.3.4 Charter Group:

Largely as a result of the resignation of Councillor Bob Cockle, the Charter Group currently has one additional seat across the Council than its present entitlement. This may however, be for the short term pending the result of the by-election, and it may be prudent not to make any changes to this Group's seat allocation at the present time.

1.3.5 West Suffolk Joint Standards Committee (3 seats) – Council approved on 26 February 2013 that arrangements for appointments to the West Suffolk Joint Standards Committee be made without compliance with the political balance requirements in Sections 15 and 16 of the Local Government and Housing Act 1989. Group Leaders have provisionally agreed that the allocation of full member seats is to be one Conservative Group, one Haverhill Indys Group and one Charter Group, with the substitute seat* being allocated to the Conservative Group.

*The Terms of Reference for this joint committee determine that only one substitute member from each authority should be appointed.

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- 1.3.6 Democratic Renewal Working Party - The Democratic Renewal Working Party is not required to be politically balanced, but the allocation of seats is, by custom and practice, undertaken on this basis. The table below gives the exact entitlement to places and the allocated places.

Committee	Democratic Renewal WP		
No of seats	7 full Members		4 Substitutes
GROUP	Entitled Places (exact)	Allocated Places	Allocated Places
Conservative	5.29	5	2
Charter (DN, DH, JW)	0.47	1	1
Haverhill Indys (JB,TBr)	0.31	1	1
UKIP (BR) Non-Group	0.16	0	0
Independent (TBe) Non-Group	0.16	0	0
Independent (JC) Non-Group	0.16	0	0
Independent (PH) Non-Group	0.16	0	0
Independent (AW) Non-Group	0.16	0	0
VACANCY	0.16	0	0
TOTAL	7	7	4

- 1.3.7 Substitutes: Appendix 2 attached shows the entitlement and proposed allocation of substitutes on the politically balanced committees. When the last review of the political balance was undertaken in October 2017, it was resolved that the Council gave precedence to ensuring that each Group had a substitute if they were represented on a committee, and, once that was achieved, if there were additional substitute places on a committee they be distributed by political balance.
- 1.3.8 As non-grouped members are not entitled to be substituted by another member, it is suggested that where substitute places were previously allocated to the former UKIP Group, these now be allocated to the Conservatives, being the majority Group. Charter and the Haverhill Indys would each retain a substitute place on the committees upon which they have seats, as indicated (and as shown for the Democratic Renewal Working Party in 1.3.6 above).

1.4 Recommendations

- 1.4.1 Council is asked to allocate seats and substitutes to political groups in accordance with the political balance rules and re-appoint the existing membership or appoint new membership as applicable, to those Committees and Working Party via delegated authority.