

Annual Council



Forest Heath
District Council

Title of Report:	Review of Political Balance and Appointment to Politically Balanced Bodies	
Report No:	AGM/FH/18/001	
Report to and date:	Annual Council	9 May 2018
Portfolio holder:	Councillor James Waters Leader of the Council Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
Lead officer:	Leah Mickleborough Service Manager (Democratic Services) & Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	The Council is required by the Constitution at each Annual Meeting to decide: (1) which Committees to establish for the municipal year; (2) the size and agree terms of reference for those committees; and (3) the allocation of seats and substitutes to political groups in accordance with the political balance rules.	
Recommendations:	It is recommended that: (1) The Committees and Joint Committees listed in paragraphs 1.2.1 to 1.2.4 of Report No: AGM/FH/18/001 continue to operate for 2018/2019 in accordance with their existing number of seats and terms of reference, as contained in Appendix 2; (2) The formula for the allocation of seats to the political groups on those Committees which are required by law to be politically balanced, as indicated in Appendix 1 of Report No: AGM/FH/18/001, be approved;	

	<p>(3) The allocation of seats on the Committees which are required by law to be politically balanced, as indicated in Appendix 1 and paragraph 1.2.7, of Report No: AGM/FH/18/001, be approved.</p> <p>(4) The allocation of seats on:</p> <ul style="list-style-type: none"> a. The Overview and Scrutiny Committee and the West Suffolk Joint Standards Committee, as indicated in paragraph 1.2.8 of Report No: AGM/FH/18/001, be approved. These Committees are not required to be politically balanced; and b. The Performance and Audit Scrutiny Committee be determined as indicated in paragraph 1.2.8 of Report No: AGM/FH/18/001. This Committee is not required to be politically balanced <p>(5) If the Council is unable to confirm the appointment of Members and Substitute Members at the Annual Council meeting on 9 May 2018, the Service Manager (Democratic Services) be given delegated authority to appoint Members and Substitute Members to those bodies set out in recommendations (3) and (4) above, on the basis of nominations from the relevant Group Leaders.</p>
Key Decision:	<p><i>Is this a Key Decision and, if so, under which definition?</i></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 the Constitution.
Implications:	
<p><i>Are there any financial implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <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.
<p><i>Are there any staffing implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> • As above.
<p><i>Are there any ICT implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <ul style="list-style-type: none"> 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 the annual meeting. 	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Opportunities for joint working are missed	Medium	Consider the creation of joint committees/panels wherever possible.	Low
Duplication of effort between member bodies	Medium	Carry out an annual review of committees, working parties, etc to ensure that they are all still relevant and adding value and do not cross over with the activities or other bodies e.g. scrutiny committees or task and finish groups	Low
The number of meetings and reviews cannot be accommodated with available member and officer time and resources	High	Carry out an annual review to disband any groups no longer required, and to optimise frequency of meetings. Keep under constant review.	Medium
Wards affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix 1: Committees required to be politically balanced Appendix 2: Committees and Joint Committees Terms of Reference	

1. Key issues and reasons for recommendation(s)

1.1 Political Composition

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

	No of members	%
Conservative	20	74.07%
West Suffolk Independent	4	14.82%
UKIP	3	11.11%
TOTAL	27	100.00%

1.1.2 The political balance and appointment to Committees was last reviewed for 2017/2018 by Council in September 2017, following a by-election in August 2017, with no changes having been made since that date. 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 for 2018/2018. (**Recommendation 2.**)

1.1.3 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. Seats therefore need to be allocated only to groups.

1.1.4 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.

1.2 **Entitlement to Places**

1.2.1 The table at Appendix 1 (attached) and as listed below shows those Committees that are required to be politically balanced.

- (a) Development Control Committee (Minimum of 14 seats) (To comprise no more than the minimum number of Members necessary to allow appointment on the basis of one Member for each Ward, unless the obligation to achieve political balance necessitates more than one Member from that Ward, but no more).
- (b) Licensing and Regulatory Committee (10 seats).
- (c) Joint Officer Appointments Committee (3 seats).
- (d) Joint Officer Appeals Committee (3 seats).

1.2.2 Overview and Scrutiny Committee (10 seats) – The Council approved on 21 June 2012 that arrangements for appointments to the Overview and Scrutiny Committee be made *without compliance with the political balance requirements* in Sections 15 and 16 of the Local Government and Housing Act 1989.

In 2017/2018, the allocation of seats was 8 seats to the Conservatives and 1 West Suffolk Independent Group, 1 UKIP.

1.2.3 Performance and Audit Scrutiny Committee (10 seats) – The Council approved on 8 May 2013 that arrangements for appointments to the Performance and Audit Scrutiny Committee be made *without compliance with the political balance requirements* in Sections 15 and 16 of the Local Government and Housing Act 1989.

In 2017/2018, the allocation of seats was 8 seats to the Conservatives, 1 West Suffolk Independent Group, 1 UKIP.

The Leader of the WSI has indicated that he no longer wishes for his party to have a seat on this Committee. Council is therefore required to consider how it wishes to allocate seats – see Paragraph 1.2.8 below.

1.2.4 West Suffolk Joint Standards Committee (3 seats) – The Council approved on 13 March 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.

In 2017/2018, the allocation of seats was 3 seats to the Conservatives with a further 1 Conservative as the named substitute.

1.2.5 Non-grouped Members – The District Council does not currently have any non-grouped Members.

1.2.6 The Council is asked (by way of **Recommendations 1 and 2**) to consider whether it wishes to continue operating the above Committees, Joint Committees for 2018/2019 in accordance with their existing number of seats and terms of reference, as contained in Appendix 2 (attached).

Licensing and Regulatory Committee (10 seats)
 (Chairman and Vice Chairman appointed by the Committee at their first meeting)

Conservatives 8 seats
 West Suffolk Independent 1 seats
 UKIP 1 seat

Political Group	Member
Conservative	Michael Anderson
Conservative	Chris Barker
Conservative	John Bloodworth
Conservative	Simon Cole
Conservative	Carol Lynch
Conservative	Christine Mason
Conservative	Nigel Roman
Conservative	Brian Harvey
West Suffolk Independent	Victor Lukaniuk
UKIP	Reg Silvester

Joint Officer Appointments Committee (3 seats and 1 substitute seat)
 (Joint Committee established with St Edmundsbury Borough Council)
 (Chairman and Vice Chairman appointed by the Committee at their first meeting)

Conservatives 2 seats
 West Suffolk Independent 1 seat

Political Group	Member
Conservative	Ruth Bowman
Conservative	James Waters
West Suffolk Independent	David Palmer
Substitute Member	
Conservative	Nigel Roman

Joint Officer Appeals Committee (3 seats and 1 substitute seat)
 (Joint Committee established with St Edmundsbury Borough Council)
 (Chairman and Vice Chairman appointed by the Committee at their first meeting)

Conservatives 2 seats
 West Suffolk Independent 1 seat

Political Group	Member
Conservative	David Bowman
Conservative	Brian Harvey
West Suffolk Independent	Ruth Allen
Substitute Member	
Conservative	Chris Barker

Non Politically Balanced Seats (Changes are highlighted)

1.2.8 Council is then asked to allocate seats and substitutes ***without compliance to the political balance rules*** and appoint membership to those Committees/Joint Committee (**Recommendation 4 a & b**):

Overview and Scrutiny Committee (10 seats)
 (Cabinet Members cannot be Members of this Committee)
(Chairman and Vice Chairman appointed by Annual Council – see separate agenda item)

The allocation of seats set out below for 2018/2019 is the same as it was for 2017/2018, this being; 8 seats to the Conservatives and 1 West Suffolk Independent Group, 1 UKIP.

The Conservative Group has nominated Councillor Robert Nobbs to take the place of Councillor Ruth Bowman in 2018/2019.

Chris Barker (CON)	Rona Burt (CON)
John Bloodworth (CON)	Nigel Roman (CON)
Robert Nobbs (CON)	Simon Cole (CON)
Brian Harvey (CON)	David Palmer (WSI)
Christine Mason (CON)	Reg Silvester (UKIP)

Performance and Audit Scrutiny Committee (10 seats)
 (Cabinet Members cannot be Members of this Committee)
(Chairman and Vice Chairman appointed by Annual Council – see separate agenda item)

The allocation of seats for 2017/2018 was; 8 seats to the Conservatives, 1 West Suffolk Independent Group, 1 UKIP.

However, the Leader of the WSI has indicated that he no longer wishes for his party to have a seat on this Committee. Council is therefore required to consider how it wishes to allocate seats for 2018/2019.

In order to continue having the same ratio of opposition membership on the Committee, the Leader of the Council suggested that a second seat be offered to the UKIP Group. Therefore, proposing that the allocation of seats for 2018/2019 is; 8 seats to the Conservatives, 2 UKIP.

In response and in agreement to this Councillor Silvester as Leader of the UKIP Group has nominated himself to sit on the Committee.

Michael Anderson (CON)	Colin Noble (CON)
John Bloodworth (CON)	Chris Barker (CON)
Louis Busuttil (CON)	Rona Burt (CON)
Christine Mason (CON)	Simon Cole (CON)
Reg Silvester (UKIP)	Peter Ridgwell (UKIP)

West Suffolk Joint Standards Committee (3 seats and 1 substitute seat)
 (Joint Committee established with St Edmundsbury Borough Council)
 (Chairman and Vice Chairman appointed by the Committee at their first meeting)

The allocation of seats set out below for 2018/2019 is the same as it was for 2017/2018, this being; 3 seats to the Conservatives.

Full Member	Substitute Member
David Bowman (CON)	Brian Harvey (CON)
Rona Burt (CON)	
Chris Barker (CON)	