

Annual Council



Forest Heath
District Council

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| 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; | |

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| | <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> <p>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</p> <p>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> <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> |

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| <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).

Politically Balanced Seats

- 1.2.7 Council is then asked to allocate seats and substitutes to political groups ***in accordance with the political balance rules*** and appoint membership to those Committees (**Recommendation 3**):

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.**)

(Chairman and Vice Chairman appointed by the Committee at their first meeting)

| | |
|--------------------------|----------|
| Conservatives | 10 seats |
| West Suffolk Independent | 2 seats |
| UKIP | 2 seat |

| Ward | Member |
|---------------------------------|-----------------------|
| All Saints | Stephen Edwards (CON) |
| Brandon East | Peter Ridgwell (UKIP) |
| Brandon West | David Palmer (WSI) |
| Eriswell and The Rows | David Bowman (CON) |
| Exning (<i>1 Member Ward</i>) | Simon Cole (CON) |
| Great Heath | Louis Busuttil (CON) |
| Iceni (<i>1 Member Ward</i>) | Rona Burt (CON) |
| Lakenheath | Louise Marston (CON) |
| Manor (<i>1 Member Ward</i>) | Brian Harvey (CON) |
| Market | Ruth Bowman (CON) |
| Red Lodge | Carol Lynch (CON) |
| Severals | Andrew Appleby (WSI) |
| South (<i>1 Member Ward</i>) | Roger Dicker (UKIP) |
| St Mary's | Chris Barker (CON) |

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) | |