



FULL COUNCIL
Wednesday, 05 May 2021

Subject	Political balance and allocation of seats on Committees 2021/22
Report by	Leader of the Council - Councillor Steve Gallant
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Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	NOT APPLICABLE
Wards Affected:	All Wards

Purpose and high-level overview

Purpose of Report:

Membership of the Committees and Sub-Committees of East Suffolk Council is determined under the terms of the Local Government (Committees and Political Groups) Regulations 1990.

Those provisions require the Authority to review the representation of political groups and individuals on the Committees, Sub-Committees, and other appropriate bodies to ensure that the seats on Committees are allocated by Group Leaders in proportion to the political groups' membership of the Council.

This report contains recommendations about the allocation of seats on the Council's Committees and Sub-Committees for the 2021/22 Municipal Year, that is until May 2022, due to the reduction in the number of seats on the Appointments Committee from six to three seats. Also, due to the recent resignation of Cllr Elliott in March this year.

Options:

None. The Council needs to appoint to its Committees and Sub-Committees to carry out its business effectively. Appointment to these bodies gives Members an opportunity to carry out their community leadership role and enables cross party views to be given on specific issues which is healthy for democracy and good decision-making.

Recommendations:

1. That, with effect from 5 May 2021, seats on Committees and Sub-Committees of the Council be allocated in accordance with the nominations made in Appendix A to this report.
2. That the Chief Executive Officer calculates the political balance of the Council, to take account of the results of the by-elections for the Framlingham Ward and the Beccles and Worlingham Ward, to be held on 6 May 2021, and declared on 10 May 2021, and agrees them with all of the Group Leaders.
3. That, after the revised political balance figures have been agreed with the Group Leaders, the Chief Executive Officer, acting in consultation with the Group Leaders, makes any necessary changes to the allocation of seats and publicises those changes by way of an Officer Delegated Decision Notice.

Corporate Impact Assessment

Governance:

The Local Government & Housing Act 1989 requires that the overall political balance of the Council be reflected, where possible, in the appointment of Members to Committees and Sub-Committees of the Council (known informally as the political balance rules).

The appointment of Committees forms the democratic framework by which some Council decisions are made. Specific legislation applies to the regulatory committees that exercise quasi-judicial powers and separate legislation is in place for the Cabinet.

The appointment to Committees and Sub-Committees enables the work of the Council to be shared across all Council Members (where appropriate) and enables Councillors to undertake a range of duties that collectively underpin or deliver the democratic decision-making process within the Council.

ESC policies and strategies that directly apply to the proposal:

Decisions are implemented in accordance with the Council's Constitution and statutory legislation.

Environmental:

Not applicable

Equalities and Diversity:

Appointments to Committees enable Members to carry out their community leadership role and in considering the issues before them, help build a stronger, healthier, and just society.

The decision to constitute and appoint to Committees will not in itself lead to the tackling of inequality, disadvantage, and discrimination (particularly for the most vulnerable), but it will provide the framework for those issues to be addressed when making decisions or reviewing policies / services.

Financial:

Councillors can claim expenses for attending Council meetings which will be met from within the Council's agreed Scheme of Members' Allowances. In addition, positions such as Chairmen of Committees are awarded a Special Responsibility Allowance recognising the additional responsibilities that these positions have.

Human Resources:

Not applicable

ICT:

Not applicable

Legal:

Membership of the Committees and Sub-Committees of East Suffolk Council is determined under the terms of the Local Government (Committees and Political Groups) Regulations 1990. Specific legislation applies to the regulatory committees that exercise quasi-judicial powers and separate legislation is in place for the Cabinet.

External Consultees:	<p>External consultation is not required. The Leaders of the Political Groups were asked to nominate the members of the Council whom they wish to see occupy certain seats.</p> <p>Appendix A to this report shows the list of nominations which were received from each Group Leader, setting out their allocation of Members to each Committee.</p>
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		

P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
XXX	Governance		
	How ESC governs itself as an authority	<input type="checkbox"/>	<input checked="" type="checkbox"/>

How does this proposal support the priorities selected?

Membership of Committees and Sub-Committees of East Suffolk Council is determined under the terms of the Local Government (Committees and Political Groups) Regulations 1990. The Regulations require that the total number of seats for each group equates to the number of places on each Committee to which political balance requirements apply.

Appointment to these bodies gives Members an opportunity to carry out their community leadership role and enables cross party views to be given on specific issues which is healthy for democracy and good decision-making.

Background and Justification for Recommendations

1 Background facts

1.1

Membership of Committees and Sub-Committees of East Suffolk Council is determined under the terms of the Local Government (Committees and Political Groups) Regulations 1990.

Those provisions require the Council to review the representation of political groups and individuals on Committees, Sub-Committees, and other appropriate bodies in order to ensure that:

- (1) No single political group has all seats on a Committee.
- (2) The majority of seats on a Committee is allocated to the majority political group.
- (3) The total number of seats on a Council's Committee is allocated in proportion to political groups' membership of the Council.
- (4) The seats on Committees are allocated in proportion to the political groups' membership of the Council.

1.2

This report contains recommendations on the allocation of seats on the Council's Committees and Sub-Committees. There are 55 Council seats in total, on the Council. The political balance of the Council was last reviewed in September 2020, following the resignation of Cllr Taylor (Conservative) (Framlingham Ward). The political balance as of September 2020 is shown in table 3.1, below. Since then, Cllr Elliott (GLI) (Beccles and Worlingham Ward) resigned from the Council in March this year. Elections for the two vacant seats will take place on 6 May 2021, with the results being declared on 10 May 2021. The total number of seats on Committees was also reduced from 61 to

58, in March this year, following the reduction in size of the Appointments Committee from 6 to 3 seats.

2 Current position

2.1 THE COUNCIL'S DEMOCRATIC STRUCTURE

Cabinet

The Full Council appointed the Leader of the Council for a four-year term of office at its Annual Meeting in May 2019 and the Leader then appoints the Cabinet.

The Cabinet (including the Deputy Leader) can be comprised of up to 10 Members and is exempt from the political proportionality rules under the Local Government Act 2000. It does not therefore form part of the Council's Committees.

Audit & Governance Committee

The Audit & Governance Committee is comprised of 9 Members and the political proportionality rules apply.

Members of the Cabinet are not able to sit on the Audit & Governance Committee.

Scrutiny Committee

The Scrutiny Committee is comprised of 13 Members and the political proportionality rules apply.

Scrutiny activity is undertaken by one Committee. The Committee will carry out detailed reviews, policy development and may call-in Cabinet decisions. It may appoint task and finish groups, which will be established for a specific purpose and be time bound. It may also undertake joint reviews or those involving the Council's partners.

Members of the Cabinet are not able to sit on the Scrutiny Committee.

Planning Committee (North)

The Planning Committee has 9 seats, which are allocated on a politically proportionate basis. This Committee considers planning applications which relate to the North of the District.

All Members and Substitute Members are required to have undertaken recent and relevant training on planning matters before they are able to serve on this Committee or instigate the Call-in process for planning applications.

All Members of the Planning Committee (North) also sit on the Strategic Planning Committee, along with the Members of the Planning Committee (South) and they provide high level, strategic direction regarding planning matters.

Planning Committee (South)

	<p>The Planning Committee has 9 seats, which are allocated on a politically proportionate basis. This Committee considers planning applications which relate to the South of the District.</p> <p>All Members and Substitute Members are required to have undertaken recent and relevant training on planning matters before they are able to serve on this Committee or instigate the Call-in process for planning applications.</p> <p>All Members of the Planning Committee (South) also sit on the Strategic Planning Committee, along with the Members of the Planning Committee (North) and they provide high level, strategic direction regarding planning matters.</p> <p><u>Strategic Planning Committee</u></p> <p>As the Strategic Planning Committee is made up of the Members of the North and South Planning Committees and the Cabinet Member who is the Portfolio Holder for Planning, the 18 seats on the Strategic Planning Committee have not been included in the total number of Committee seats, below.</p> <p><u>Licensing</u></p> <p>The Licensing Committee is comprised of 15 seats.</p> <p>The size of the Committee reflects both the statutory licensing responsibilities and the need to appoint Members to Licensing Sub-Committees (3 Members plus one Substitute) and to hear licensing appeals. All Members serving on the Licensing Committee are required to have received appropriate training before they undertake their role on the main Committee or serve on a Licensing Sub-Committee given their quasi-judicial nature.</p> <p><u>Appointments Committee</u></p> <p>The Appointments Committee has three seats (revised from 6 seats in report ES/0711 to Full Council on 24 March 2021).</p> <p>The Committee must comprise the Leader (or Deputy Leader in their absence), the relevant Cabinet Member (or another Cabinet Member in their absence), and one Member of the Opposition. It was agreed in March of this year that the one seat opposition seat would be shared between the Labour and GLI group, in the sense that the Leader of each of those groups would sit for alternating interviews.</p> <p>The Appointments Committee is politically balanced.</p> <p>The purpose of the Committee is to appoint the Heads of Service for the Council. The Committee can also consider the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.</p>
2.2	<p>The Regulations require that the total number of seats for each group equates to the number of places on each Committee to which political balance requirements apply. Once the outcome of the two by-elections is known, the political balance of the Council can then be calculated, so that Membership of each Committee reflects the overall political balance of the Council.</p> <p>Under the Council’s current structure, there are 58 seats available on Committees to which the Regulations will apply:</p>

<ul style="list-style-type: none"> • Audit and Governance Committee: 9 seats • Licensing Committee: 15 seats • Planning Committee (North): 9 seats • Planning Committee (South): 9 seats • Scrutiny Committee: 13 seats • Appointments Committee: 3 seats

3 How to address current situation

3.1

The Council last agreed its political balance in September 2020, following the resignation of Councillor Taylor from his seat in the Framlingham Ward. The Council then had 54/55 Members and 61 seats on Committees to which the relevant regulations about political balance applied.

Political balance-September 2020

	Total	Conservatives	Labour	GLI
District Councillors	54*	39	7	8
Audit and Governance Committee	9	6	1	2
Licensing Committee	15	11	2	2
Planning Committee (North Area)	9	7	1	1
Planning Committee (South Area)	9	7	1	1
Scrutiny Committee	13	9	2	2
Appointments Committee	6	4	1	1
Total Proportional Allocations	61	44	8	9

**Currently two vacant seats (Framlingham Ward and Beccles & Worlingham Ward) and the By-Elections will take place in May 2021*

**The opposition Groups between them are entitled to 1 seat on the Appointments Committee. It has been agreed that the Labour Leader and GLI Leader will sit on an alternating basis on interview panels.*

3.2

In March this year, Cllr Elliott, of the GLI Group, resigned from the Council. The by-election for this seat, in the Beccles and Worlingham Ward, will be held on 6 May 2021, along with the by-election for the Framlingham Ward. The results of those by-elections will be declared on 10 May 2021.

Also, in March this year, the Council agreed to reduce the size of the Appointments Committee from 6 seats to 3.

Due to the fact that the Council cannot hold remote meetings after 6 May 2021, the Annual Meeting of the Council has been brought forward from 26 May 2021 to 5 May 2021. In this way, the Annual Meeting can be held remotely, in a COVID secure manner, whilst restrictions on face-to-face meetings continue. The next meeting of the Council is scheduled for 28 July 2021. It is not clear, at the time of writing this report, when face-to-face meetings might be allowed, or if remote meetings might be able to continue, the latter depending on the outcome of a court case heard in the Administrative Court on 21 April, about the legality of remote meetings, after 6 May 2021.

It has been agreed between the Group Leaders that to maintain political balance on the Planning Committee North, and to avoid having a vacancy on that Committee, Cllr Brambley-Crawshaw will be appointed to the vacant seat created by Cllr Elliott's resignation.

It has been agreed between the Group Leaders that the Leaders of the Labour Group and the GLI Group will share the one opposition seat thereby created on the Appointments Committee, following its reduction in size from 6 to 3 seats. The GLI Leader and the Labour Leader will each sit, alternatively, on the panel for any future rounds of interviews.

Appendix A to this report shows the list of nominations which were received from each Group Leader, setting out their allocation of Members to each Committee. It is proposed that appointments be made in accordance with these nominations, which take account of the reduced size of the Appointments Committee and the agreement for Cllr Brambley-Crawshaw to fill the vacant seat on the Planning Committee North.

As the by-elections for the two vacant seats on the Council take place the day after the Council's Annual Meeting, and the results will be declared on 10 May, ordinarily, the newly elected Members would not be allocated their seats on Committees until the next meeting of the Council on 28 July 2021. Rather than wait until then, and due to the uncertainty about the future of remote meetings, it is proposed that the Chief Executive Officer calculates the political balance figures after 10 May 2021 and agrees them with all of the Group Leaders.

Further, that the Chief Executive Officer be given delegated authority, acting in consultation with the Group Leaders, to make any necessary changes to the allocation of seats and publicises them by way of an Officer Delegated Decision Notice.

4 Reason for recommendations

- 4.1 To ensure that Members are appointed to Committees for the 2021/22 Municipal Year in accordance with the political proportionality rules and that decision-making is undertaken in a democratic way.

Appendices

Appendices:**Appendix A**

The list of nominations which were received from each Group Leader, setting out their allocation of Members to each Committee.

Background reference papers:

None