

Annual Meeting of the East Devon District Council on 24 May 2006

Report by the Chief Executive on:

- Part A – Allocation to different political groups of seats on Overview, Regulatory and other Committees in accordance with the political balance of the Council.**
- Part B – Allocation of seats on Sub-Committees, Advisory Panels/Forum in accordance with the political balance of the Council.**
- Part C – Agree proposed changes to the Constitution**
- Part D – To receive and note the annual report of the Corporate Overview and Scrutiny Committees.**
- Part E - To agree to the Constitution of the Staff Joint Forum being amended so that the minimum number of representatives from each side (Employers/Employees) required for the meeting to be quorate is reduced from 4 to 3.**

Part A

Allocation to different political groups of seats on Overview, Regulatory and other Committees in accordance with the political balance of the Council.

1 Introduction

The Local Government and Housing Act 1989 (Sections 15-17) has implications in respect of the representation of political groups on committees, sub-committees of the Council and on specified joint bodies. A political group is treated as constituted when there is delivered to the Chief Executive the requisite notice signed by two or more members of the Council who wish to be treated as a political group.

The Council is required at each Annual Meeting of the Council (or as soon as practicable afterwards and at such other times as detailed in regulations) to review the representation of political groups on Committees, Sub-Committees and specified joint bodies.

The Council must as soon as practicable after such review, determine the allocation to different political groups of seats to be filled by it. Appointments must then be made to give effect to political groups' wishes as to who is to be appointed to the seats to be allocated to each group.

The Council decided (at Policy Committee Min No 29 of 10.10.90) that the review be carried out at each such Annual Meeting (and at such other times as required by the relevant regulations) and a determination then be made as to the allocation to different political groups of seats to be filled by the Council.

2 Scope of Sections 15-16 of the 1989 Act

The above provisions affect appointments to committees, sub-committees and specified joint bodies.

It is not a legal requirement for the political balance rules to apply to the Executive Board. The Council has decided that the Board shall be constituted by members of the majority party. The Constitution provides for the Executive Board to consist of the Leader, Deputy Leader and 8 other members. In addition the political balance rules are applied to some advisory panels/forums but not to appointments to outside bodies.

Part A

Allocation to different political groups of seats on Overview, Regulatory and other Committees in accordance with the political balance of the Council.

2 Scope of Sections 15-16 of the 1989 Act (cont)..

Further details are set out below but, broadly, allocations of seats on committees and sub-committees need to be in proportion to a political group's representation on the Council. For ordinary Committees and Sub-Committees, the general rule is (the Standards Committee being an exception) that Section 15(4) and (5) provides for the following principles to apply as far as reasonably practicable:-

- (a) All the seats on a committee/sub-committee or a joint body must not be allocated to the same political group.
- (b) Any political group which has a majority on the full Council must be allocated the majority of seats on each committee, sub-committee and joint body.
- (c) Subject to the two principles in (a) and (b) above the number of seats, in total, for all the ordinary Committees allocated to each political group must bear the same proportion to each group's proportion on the full Council.
- (d) Subject to the three principles in (a) to (c) above, the number of seats on each committee, sub-committee and joint body must be allocated to each political group in proportion to the political group's membership of the Council.

3 A Review of Representation of Political Groups on Committees and Sub-Committees

(a) Overview, Regulatory and Other Committees

The Committee Structure for 2006/2007 which is being submitted to the Council for approval is of 1 Corporate Overview (15 seats), 1 Housing Overview (Housing Project Board- 5 seats) and 1 Scrutiny Committee (15 seats) and includes the following Regulatory and other Committees:

Licensing and Enforcement (15 seats), Development Control (16 seats), Planning Inspections (8 seats), Employment Appeals, (7 seats), Audit & Accounts (8 seats), and Interviewing – Corporate Directors (7 seats).

The allocation of the total of 96 seats on all of these Committees between 59 Members of the Council is as follows:-

Conservative Group (35 Members) – 59.32%	57
Liberal Democrats Group (17 Members) – 28.81%	27
Independents plus one Group (7 Members) – 11.87%	12
	<u>96</u>

The allocation of seats on Overview/Scrutiny, Regulatory and Other Committees between political groups is as set out on **Appendix A** to this report.

The Constitution also provides for a Standards Committee and a Standards (Parish Councils) Sub-Committee but the political balance rules do not apply to either of these.

(b) Interviewing Committee (Corporate Directors)

In addition to the Committees set out in the Constitution, it is proposed that the above Committee of 7 Members again be appointed.

(c) **Licensing**

Under the Licensing Act 2003 it is a legal requirement for the Council's Licensing and Enforcement Committee to have a membership of between 10 and 15. The Gambling Act 2005 gives this Committee new responsibilities in regulating gambling.

Last year the Council operated with five licensing sub-committees to cope with the volume of Licensing Act 2003 hearings, and the Constitution needs amendment to include Gambling Act hearings in the sub-committees' remit. The gambling hearings will not start until February 2007 at the earliest. 5 sub-committees are no longer needed, as the transitional period for the Licensing Act has now passed. In accordance with arrangements approved by the Licensing and Enforcement Committee the Head of Legal and Member Services will continue to empanel 3 members of the proposed 2 licensing sub-committee as and when required.

4 **Determining the Allocation to different Political Groups of seats to be filled and appointments to give effect to Groups' wishes**

By virtue of Section 16(1) of the 1989 Act the Council must as soon as practicable after determining the allocation to different political groups of seats to be filled by it on any body to which Section 15 above applies (or after a subsequent vacancy on such a body) make appointments to give effect to political groups' wishes as to who is to be appointed to the seats allocated to the group.

5 **Development Control and Planning Inspections Committees**

Membership is 16. Ward Members who are also members of the Development Control Committee have the right vote in respect of applications within their own Ward. Ward Members who are not members of the Development Control Committee can speak on applications in their own ward but are not entitled to vote

A similar arrangement is in place in respect of the Planning Inspections Committee which considers planning applications and other matters where the Development Control Committee has been unable to reach a decision without a site inspection. Membership to be drawn from members of the Development Control Committee including the Chairman of Development Control and Portfolio Holder – Environment. Ward Members who are not members of this Committee will be entitled to speak at the Committee meetings on applications within their own Ward, but not to vote. Last year Council agreed that members of the Development Control Committee can be appointed to act as appropriate substitutes for the permanent members of Planning Inspections as required.

Part B – Allocation of seats on Sub-Committees, Advisory Panels/Forum in accordance with the political balance of the Council.

The political balance rules are applied to Sub-Committees, Advisory Panels/Forum as shown at **Appendix B**.

Part C – Agree proposed changes to the Constitution.

To agree the proposed amendments to the Constitution including the scheme of delegations - **Appendix C**.

Part D - To receive and note the annual report of the Corporate Overview and Scrutiny Committees

Article 7.03 (d) requires the Corporate Overview and Scrutiny Committees to report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate. The report is set out at **Appendix D**.

Report by the Chief Executive (cont)..

Part E – Staff Joint Forum

To agree to the recommendations of the Staff Joint Forum from its meeting on 26 January 2006 that the Constitution of the Forum be amended with the minimum number of representatives from each side required for the meeting to be quorate being reduced from 4 to 3.

RECOMMENDED (1) (a) that the allocation to different political groups of seats to be filled by the Council be determined as follows in respect of Overview, Regulatory and other Committees.

Conservative Group	(35 Members) – 59.32%	57
Liberal Democrats Group	(17 Members) – 28.81%	27
Independents + 1 Group	(7 Members) – 11.87%	12
Total		96

(b) that the allocation of seats on individual Overview/Scrutiny, Regulatory and Other Committees be as set out on Appendix A to this report,

- (2) that for Sub-Committees, Advisory Panels/Forums the political balance be as set out on Appendix B to this report be agreed,
- (3) that the proposed amendments to the Constitution, including the Scheme of Delegations be approved as set out in Appendix C with the Chief Executive being given delegated authority to make consequential drafting amendments to the Constitution,
- (4) that the annual report of the Corporate Overview and Scrutiny Committees (Appendix D) be received and noted.
- (5) That the Constitution of the Staff Joint Forum be amended so that the minimum number of representatives from each side (Employers/Employees) for the meeting to be quorate be reduced from 4 to 3.