

Annual meeting of the East Devon District Council on 22 May 2019

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	The makeup of Panels, Forums and Joint Bodies.
Part C	The membership of the Standards Committee and the Housing Review Board

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 minute number 29 of 10.10.90) that the review is carried out at each 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 some specified joint bodies.

It is not a legal requirement for the political balance rules to apply to the Cabinet. The Leader appoints between 2 and 9 other Councillors to the Cabinet. In addition, the political balance rules are applied to some advisory panels/forums where possible but not to appointments to outside bodies.

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 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 relevant 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 relevant 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 agreed by Council at its meeting on 29 April 2015 for the creation of separate Overview and Scrutiny Committees to replace the Overview and Scrutiny Committee is to be retained. The Overview and Scrutiny Committees plus the Housing Review Board will continue to utilise Task and Finish Forums as required.

The Overview Committee's ordinary meetings are scheduled eight times per year.

The Scrutiny Committee's ordinary meetings are scheduled to be held monthly.

The meetings of these Committees have been scheduled sufficiently in advance of Cabinet meetings so that their minutes can be referred to the next meeting of Cabinet.

Please refer to the Committee membership chart, and the list of Panels, Forum and Joint Bodies for details of all Committees, Sub Committees and Boards.

2019/20 agreed committee structure:

Overview Committee	13 seats
Scrutiny Committee	15 seats
Housing Review Board	5 Councillor seats

plus the following Regulatory and other Committees:

Audit & Governance	10 seats
Development Management	16 seats
Employment Appeals	7 seats
Interviewing – Chief Officers	7 seats
Licensing and Enforcement	15 seats
Standards Committee	5 seats (including Chairman of the Council)
Strategic Planning Committee	15 seats

The allocation of the total of **108 seats** on all of these committees between 60 members of the council is as follows:-

Independent group	20 members	34%	37 seats
Conservative group	19 members	32 %	35 seats
Independent EDA	11 members	18%	19 seats
Liberal Democrats group	8 members	13 %	14 seats
Green Party	2 members	3%	3 seats
Total seats	60	100	108

The allocation of seats on overview/scrutiny, regulatory and other committees between political groups is as set out on **Appendix A** to this report.

(b) **Standards**

Changes in the structure of the Standards Committee were agreed in June 2012 in compliance with the requirements of the Localism Act. The Standards Committee is now politically balanced (4 Councillors plus Chairman of the Council) with 2 substitute Council Members, 2 non-voting independent members and 2 non-voting parish council members.

(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 gave new responsibilities to this Committee in regulating gambling.

It is proposed that the arrangement agreed in 2009 of having one Licensing Sub-Committee be continued. Membership of the Sub-Committee to comprise 3 members of the Licensing and Enforcement Committee, empanelled by the Strategic Lead – Governance and Licensing, as and when required.

(d) **Development Management Committee**

Membership is currently 16. Ward members who are also members of the Development Management Committee (DMC) have the right to vote in respect of applications within their own ward. Ward members who are not members of the DMC can speak on applications in their own ward but are not entitled to vote. The Committee may organise a Committee site inspection if Members feel that a site needs to be viewed before a decision can be made.

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.

Part B – Makeup of advisory Panels, Forum and Joint Bodies.

The makeup of advisory Panels, Forums and Joint Bodies are as detailed at **Appendix B**

Part C – Membership of the Standards Committee and Housing Review Board.

1. The Standards Committee comprises the following membership;

Council representatives: Chairman of the Council and four other members of the Council to be nominated and appointed.

Substitute members: Three members of the Council to be nominated and appointed.

Non-voting independent representatives: Martin Goscomb and Tim Swarbrick*
Non-voting parish/town council representatives: Bob Nelson (Broadhembury Parish Council), Vacant position.

*Tim Swarbrick (non-voting independent representative) was originally appointed in 2012 for a 4-year term. Council approved a second 4-year term in 2016 to retain Mr Swarbrick's experience and knowledge.

For information - The Council's non-voting appointed Independent Person (Alison Willan) is a consultee and not a member of the Standards Committee. The Monitoring Officer consults with an Independent Person when dealing with Code of Conduct complaints. Her original appointment in 2012 was for a term of 4 years, Members approved a second 4-year term in 2016 for the Independent Person so that her experience and knowledge could continue to benefit this Council and support its governance arrangements.

2. To confirm the membership of the Housing Review Board

Council representatives: Five members of the Council to be nominated and appointed.

Tenant and/or Leaseholder representatives (5) - to serve a further year on the Board:
Peter Sullivan, Mike Berridge, Pat Gore, Cat Summers and Alek Williams.

Independent Community representatives (2) – to service a further year on the Board:
Julie Bingham and Christine Drew.

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.

Independent group	(20 members) – 34%	37 seats
Conservative group	(19 members) – 32%	35 seats

Independent EDA	(11 members) – 18%	19 seats
Liberal Democrats group	(8 members) – 13%	14 seats
Green Party	(2 members) – 3%	3 seats
Total	(60) 100%	108 seats

- (b) that the allocation of seats on individual overview/scrutiny, regulatory and other committees be agreed as set out on **Appendix A** to this report,
- (2) that for advisory Panels, Forums and Joint Bodies the makeup be agreed as set out on **Appendix B** to this report,
- (3) that the Membership of the Standards Committee and Housing Review Board be as set out in **Part C** to this report.