

BABERGH DISTRICT COUNCIL

To: ANNUAL COUNCIL	REPORT NUMBER: BC/18/3
FROM: Monitoring Officer	DATE OF MEETING: 22 May 2018

POLITICAL BALANCE AND COMPOSITION OF COMMITTEES AND CONSTITUTIONAL AMENDMENTS

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to comply with the provisions of the Local Government and Housing Act 1989 which require a Local Authority to review the allocation of seats to Political Groups at every annual meeting of the Council or as soon as practicable after that meeting. The report also seeks the Council's approval of the composition of committees which must be agreed each year at the Annual Council meeting.
- 1.2 In addition this report is seeking approval for constitutional amendments as recommended by the Joint Audit and Standards Committee.

2. RECOMMENDATIONS

- 2.1 That the committees' size and numerical allocation of seats be approved as detailed in Appendix (a) to this report
- 2.2 That committee members and named substitutes be appointed as set out in Appendix (b) to this report.
- 2.3 That a Joint Constitution Working Group be established, that the scope of the review detailed in section 3 of this report be agreed and that the Councillors named in Appendix (c) to this report be appointed to the working group.
- 2.4 That the amendments recommended by the Joint Audit and Standards Committee to its terms of reference be agreed.

3. KEY INFORMATION

Political Composition and Appointments to Committees

- 3.1 Under the provisions of the Local Government and Housing Act 1989 where a local authority is grouped for committee composition purposes, the Authority is required to make arrangements to ensure that its committees share the same political balance as the full Council.
- 3.2 The Local Government (Committees and Political Groups) Regulations 1990 allow ungrouped members to receive committee seats if any are left over once allocations have been made to the political groups in proportion to their membership of the authority. The political groups of Babergh make up 100% of the Council and therefore all of the politically balanced committee seats go to political groups.

The current committee structure has 43 available seats which go to political groups.

- 3.3 Separate items on the composition of the Babergh and Mid Suffolk Joint Standards Board and the Shared Revenues Partnership Committee appear elsewhere on the agenda.
- 3.4 The first step, therefore, is for the Council to approve the numerical allocation of committee seats, and the calculation in accordance with the provisions of the Local Government and Housing Act 1989 is shown in Appendix (a) to this report. The calculation provides for 43 committee seats to the various groups as follows:-
- Conservative 23 seats
 - Independent 8 seats
 - Independent Conservative 7 seats
 - Liberal Democrats 3 seats
 - Labour 2 seats
- 3.5 At its meeting on [13 November 2017](#), the Joint Audit and Standards Committee recommended that named substitutes for each committee should also be appointed at the Annual Council meeting. This would give clarity about who may sit as substitutes for each committee, provide greater consistency when substitutes are used and ensure that substitutes have the requisite training and experience to make a valuable contribution to the committee meeting.
- 3.6 The appointment of substitutes would need to reflect the political balance of the committee in question and depending on the size of the group, sufficient named substitutes could be chosen to cover all of the main committee places – i.e. a group with 5 places on the committee could appoint up to 5 substitutes. Anyone in the ‘pool’ of substitutes from the same political group can take the place of the absent Councillor.
- 3.7 The names of the substitutes would be printed on the agendas along with the committee members and substitutes would automatically be sent links to the agenda papers at the time of despatch. This new arrangement would also mean that the notice period for appointing substitutes could be reduced and that Committee Services could be responsible for contacting substitutes once they have been notified of apologies for absence.
- 3.8 There would be an exceptions process in the event that none of the named substitutes were available which would be by gaining the agreement of the Monitoring Officer to appoint someone else.
- 3.9 The Monitoring Officer would also be required to make changes to the following areas of the constitution:
- Part 2 – Responsibility of functions: the substitute section for each committee would need to be updated;
 - Part 3 – Council Procedure rules: Rule 4.1 (m) to be updated to include appointment of substitutes

- Part 3 – Committee and Sub Committee Procedure rules: Rule 20.1 to be updated to include reference to ‘appointed’ substitutes

3.10 Discussions are on-going with Group Leaders on the allocation of seats and appointment of substitutes and therefore Appendix (b) – Composition of Committees will be tabled at the meeting.

Constitution Working Group

3.11 The Constitution was last reviewed in April 2017 to include provisions for the introduction of the leader-cabinet model of governance. During that revision, responsibility for reviewing the Constitution was delegated to the Joint Audit and Standards Committee. However this was intended to be for piecemeal annual reviews rather than an in depth review of the whole, or a significant portion, of the Constitution. Adoption of any amendments to the Constitution remains the preserve of the full Council.

3.12 The revised Constitution has been in effect since the Annual Council meetings in May 2017, and it has become apparent that some inconsistencies exist within the Constitution following the insertion of the Cabinet provisions and procedure rules. Further, certain provisions of the Constitution, such as the procedure for Council questions, should be revised to provide greater clarity and transparency.

3.13 Given the potential extent of this review, it is recommended that the Babergh and Mid Suffolk District Councils appoint a joint cross-party working group to undertake this piece of work. The working group does not need to be politically proportionate as it is not a formal committee. Therefore it is suggested that each Council appoints three Councillors (two from the administration group and one from the opposition groups) to form the working group, as named in appendix (c) to this report. The working group would meet four times between June and October, with a set of final recommendations being presented to Council at the end of October 2018.

Proposed schedule of work for the Constitution Working Group:

Date of Meeting	Work to be undertaken
June 2018	Confirmation of Terms of Reference for Working Group, agreement of approach to review and arrangements for meetings
Early July 2018	Agreement of required amendments to the Constitution
July / August	Officer drafting of amendments to the Constitution
Early September 2018	Consideration of draft revised Constitution
September	Engagement with Councillors
Early October 2018	Confirmation of final recommendations to Council
23 October 2018	Council to consider recommendations of the Working Group

3.14 It is recommended that the scope of this Constitution review is limited to the Articles of the Constitution (section 1), the Terms of Reference for Council, Cabinet and Committees (section 2), and the Rules of Procedure (section 3), and any consequential amendments to the remaining sections of the Constitution.

The Scheme of Officer Delegations is being revised separately by the Monitoring Officer to ensure that the responsibilities for each Assistant Director area are properly represented.

- 3.15 The Joint Audit and Standards Committee considered these arrangements at its meeting on 14 May 2018 and its comments and recommendations will be reported at the Council meeting.

Joint Audit and Standards Committee Terms of Reference

- 3.16 The Constitution currently only contains terms of reference for a single Joint Audit and Standards Committee between Babergh District Council and Mid Suffolk District Council. However, a line was left in the terms of reference in error following the last Constitution review stating “Note: There are separate Terms of Reference for the Mid Suffolk and Babergh Audit Committees which set out their specific roles and functions.” It is recommended that this wording is removed.
- 3.17 Despite this, there are some matters which remain the preserve of the sovereign Councils, such as the Statement of Accounts. Therefore it is recommended that the following provision: “Issues that are pertinent only to a single Council area will remain the preserve of the Mid Suffolk Audit Committee or the Babergh Audit Committee.”, be amended to: “Where there are issues that are pertinent to only a single Council area, only Councillors from the relevant Council will be able to vote on the matter.”
- 3.18 Consequently it is also recommended that the quorum is amended to six Councillors, three from each Council. This is to ensure that there is equal and adequate representation from each Council and that there are sufficient Councillors present to take decisions on matters that are the preserve of a single Council.
- 3.19 The Joint Audit and Standards Committee considered these recommendations at its meeting on 14 May 2018 and its resolution and comments will be reported at the Council meeting.

4. LINKS TO JOINT STRATEGIC PLAN

- 4.1 Good governance and democratic, sound and transparent decision-making support the delivery of the Joint Strategic Plan.

5. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

6. LEGAL IMPLICATIONS

- 6.1 The approval of the recommendations will ensure compliance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990.

7. RISK MANAGEMENT

7.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
Sufficient members are not appointed and the Committee is inquorate and unable to take decisions	1 – Highly unlikely	3 - Bad	Early discussions with Group Leaders regarding Committee placements
The constitution does not provide lawful or fit for purpose governance arrangements	1 – Highly unlikely	3 - Bad	The Monitoring Officer reviews the constitution on an annual basis. Creation of a constitution working group

8. CONSULTATIONS

8.1 The Group Leaders, Joint Audit and Standards Committee and Joint Housing Board have been consulted on the relevant aspects of this report.

9. EQUALITY ANALYSIS

9.1 An Equality Impact Assessment is not required as none of the protected characteristics will be affected by the recommendations within this report.

10. ENVIRONMENTAL IMPLICATIONS

10.1 There are no environmental implications associated with this report.

11. APPENDICES

Title	Location
(a) Numerical allocation of committee places	Attached
(b) Appointments to committees	To follow
(c) Appointments to Constitution Working Group	To follow

12. BACKGROUND DOCUMENTS

12.1 None