

Dear Councillor

COUNCIL - MONDAY, 17 APRIL 2023

Please find attached, for consideration at the meeting of the Council on Monday, 17 April 2023, the following reports that were unavailable when the agenda was published.

Agenda No Item

5. **Reports of the Cabinet (Pages 3 - 6)**

To consider the reports of the Cabinet dated:-

- 1 March 2023 (already circulated); and
- 5 April 2023 (enclosed).

9. **Allocation of Seats and Appointments to Committees and Panels (Pages 7 - 14)**

To agree the allocation of seats to the political groups on those Committees and Panels to which political balance rules apply, and to approve the appointment of Members to Committees and Panels.

Yours sincerely

Kate Ryan
Chief Executive

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REPORT OF CABINET

[\(Meeting held on 5 April 2023\)](#)

1. LEADER'S ANNOUNCEMENTS (MINUTE NO 94)

At the Cabinet meeting, the Leader reassured Members and the public that the Council continues to drive its corporate priorities that matter to residents. Residents are facing challenging times and the Council is working with partners to deliver five, weekly 'Cost of Living' community hubs across the District. The hubs allow residents to meet with Officers from the Council's Benefits and Housing Teams as well as the Citizens Advice New Forest. Cost of living advice and signposting to the local national support remains available at the Council's website.

The District Council supported the Keep Britain Tidy 'Great British Spring Clean' programme with their very own 'New Forest Spring Clean' which ran between the 17 March and 2 April. The scheme provided information on how to carry out safe litter picks and lent appropriate equipment to those who needed it. It is hoped that this will see more local volunteering of this type for the 'Big Help Out' to mark His Majesty the King's Coronation.

The Council has also installed six new community recycling banks across the district where residents can take food and drink cartons as well as other paper-based containers.

2. PUBLIC SPACE PROTECTION ORDERS (MINUTE NO 97)

The Cabinet, noted the consultation responses to the two proposed Public Space Protection Orders (PSPOs) in respect of the lighting of fires and BBQs in the open Forest, and the feeding and petting of Forest animals and approved the making of PSPO1 and PSPO2.

The Council and its partners have undertaken several years of work and collaboration on the development of the PSPOs, culminating in the results of the public consultation and the numerous responses that have been received.

Cabinet believes that the level of detail contained within the PSPOs will enable their successful implementation. Training will focus on the reasonable and proportionate action embodied by the four 'Es': Engage, Explain, Educate, and then Enforce. Cabinet agree that the measurement of success will be in the positive behavioural change across the District regarding the nature of the PSPOs and not in the number of fines issued.

Members agree that protection of the New Forest, its residents, its visitors and its wildlife is fundamental to the PSPOs and were pleased that the responses received in the public consultation reflected this.

The management of outdoor recreational space remains a corporate objective for Forestry England. The New Forest typifies the pressures that arise from this responsibility. Due to the collaborative work with the Council on this matter, Forestry England believe that there will be positive behavioural change to promote respect for the Forest.

The Cabinet expressed their thanks to the hard work and collaboration of Officers and their partners from Forestry England, the National Park Authority and Hampshire & Isle of Wight Fire and Rescue service.

3. HEALTH AND WELLBEING ACTION PLAN (MINUTE NO 98)

The Cabinet, having considered a report on the proposed Health and Wellbeing Action Plan, are recommending to Council that the Health and Wellbeing Action Plan is approved. The Council's Health and Wellbeing Action Plan has been created to support the outcomes identified in the "Strategy for the Health and Wellbeing of Hampshire" where they align with the Council's priorities. The Action Plan recommended to Council for approval deals with specific actions, including the development of programmes and initiatives to support the health and wellbeing of New Forest residents, with appropriate progress updates and timescales of delivery. Council is requested to update the plan regularly and review it annually by way of the relevant Overview and Scrutiny Panel.

The Community, Partnerships and Wellbeing Overview and Scrutiny Panel has supported the Action Plan, following consideration of it at the meeting in March 2023.

The Action Plan is a 'live document' and will incorporate all projects and partnership working toward meeting the three priorities of working in partnership, increasing physical activity and improving mental wellbeing.

Cabinet agrees that the measures contained within the Action Plan, alongside the other Council measures in place, will seek to reduce the health disparities across the District and will contribute to the improvement in health and wellbeing for all residents.

The Cabinet believes that the Plan's priorities will give a shared focus for the Council and partners to work together to reduce health inequalities and make a positive difference across the District, improving the quality of life of New Forest communities.

RECOMMENDED:

That the Health and Wellbeing Action Plan be approved by Council.

4. CONSTITUTION REFRESH 2023 (MINUTE NO 99)

The Cabinet, having considered the Constitution Refresh 2023 report and the proposed changes that appear as the link at appendix 1, is recommending to Council that the Constitution for New Forest District Council be adopted for implementation with effect from Friday 5 May 2023 and that authority be delegated to the Monitoring Officer, to make further minor editing changes, corrections and updates to the document prior to publication. The Cabinet also authorised the delegation of Executive functions as set out in the proposed Constitution.

The Cabinet is conscious of the Electoral Review of New Forest District Council and the subsequent changes to Councillor numbers and new Wards that this will generate from the May 2023 Local Elections. Cabinet Members acknowledge this significant programme of work to create and implement the supporting governance arrangements and understand that the Constitution Refresh 2023 will provide a platform for the new Council to move forward from May 2023. The updated format, based on the key components and all the necessary information required of a local authority Constitution, is made of seven constituent parts which will provide a clear governance framework to

facilitate effective and accountable decision making. Cabinet notes the clarity of the new Constitution and how it will enable a clear Key Policy framework.

Group Leaders were consulted on the scope of changes in 2022, ahead of receiving a full briefing on the proposed draft Constitution in March 2023. Non-aligned Members were also offered the opportunity for a briefing.

RECOMMENDED:

That Council:

1.
 - (a) ***Adopt the refreshed Constitution for New Forest District Council, for implementation with effect from Friday 5 May 2023; and***
 - (b) ***Delegate authority to the Monitoring Officer, to make further minor editing changes, corrections, and updates to the document prior to publication.***
2. ***Authorise the Delegation of Non-Executive functions as set out in the proposed Constitution.***

**COUNCILLOR J CLEARY
CHAIRMAN**

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COUNCIL – 17 APRIL 2023

ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES AND PANELS

1. RECOMMENDATIONS

- 1.1 That the allocation of seats to committees and panels in accordance with the principles set out in the report, be agreed as at the table at paragraph 4.6 of this report; and
- 1.2 That the Council gives effect to the wishes of the political groups in making appointments to these Committees and Panels, for the remainder of the four year period ending May 2023.

2. INTRODUCTION AND BACKGROUND

- 2.1 In accordance with Section 15 of the Local Government and Housing Act 1989, it is necessary to review the representation of political groups on committees, as soon as practicable after any change to the political balance of the Council. This review is necessitated by changes to the membership of the Conservative Group. For this purpose, “committees” includes the Council’s Overview and Scrutiny Panels but excludes the Cabinet.
- 2.2 There are four statutory principles of political balance which have to be applied in filling appointments to Committees. These are contained in Section 15(5) of the Act.
- 2.3 The principles that have to be applied are as follows:-
 - (a) that not all seats on the body are allocated to the same political group;
 - (b) that the majority of the seats on the body are allocated to a particular political group if the number of persons belonging to that group are 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 a relevant Authority which are allocated to each political group bears 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 seats on the body which are allocated to each political group bears the same proportion to the same number of all seats on that body as is borne by the number of members of that group to the membership of the Authority.
- 2.4 Once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees.
- 2.5 Those members who are not members of political groups have no legal entitlement to an allocation of seats on committees. However, the political groups are entitled to their proportion of seats and once their entitlement has been reached, the remaining seats may be filled by members not belonging to a political group. Such Members are classed as being non-aligned.
- 2.6 These provisions need not be applied if a different position is agreed without any member of the authority voting against.

3. CURRENT POSITION

3.1 The political balance of the Council now stands at:-

Conservative Group 43 (71.67%)

Liberal Democrat Group 13 (21.67%)

Non-aligned Members 4

4. APPOINTMENTS TO COMMITTEES AND PANELS

4.1 There are 107 Committee/Panel seats to which appointments should be made under the principles of proportionality.

4.2 The application of the percentages outlined at paragraph 3.1 provides for the following allocation of seats to political groups across the overall Council position:-

Conservative Group 77

Liberal Democrat Group 23

Unallocated 7

4.3 The application of the percentages outlined at paragraph 3.1 provides for the following allocation of seats to the individual Committees and Panels:-

Committee/Panel	Seats	Conservative	Liberal Democrats	Unallocated Seats
Appeals Committee	20	14	4	2
Audit Committee	8	6	2	-
General Purposes and Licensing Committee	15	11	3	1
HR Committee	8	6	2	-
Planning Committee	16	11	3	2
Community, Partnerships and Wellbeing O&S Panel	10	7	2	1
Corporate Affairs and Local Economy O&S Panel	10	7	2	1
Environment and Sustainability O&S Panel	10	7	2	1
Housing and Homelessness O&S Panel	10	7	2	1
Total	107	76 (-1)	22 (-1)	9 (+2)

4.4 The allocation of seats to individual committees leaves an unallocated seat on a number of Committees and Panels. It also leaves both the Conservative Group and the Liberal Democrat Group short of a seat on the overall allocation, as at paragraph 4.2.

4.5 The Council could resolve to allocate a seat(s) to the non-aligned Members. The Council's Constitution makes provision for the allocation of seats to Members who are

not members of a political group, as nearly as possible in proportion to the number of those members on the Council. There are seven seats that could be allocated to the four non-aligned Members, outside of those that should be allocated to the political groups.

- 4.6 Therefore, having regard to the overall position outlined at paragraph 4.2 and having received notification of a preference from the Conservative Group and Liberal Democrat Group in adjusting their allocation, a recommended allocation of seats is outlined below:-

Committee/Panel	Seats	Conservative	Liberal Democrats	Non-aligned
Appeals Committee	20	14	4	2
Audit Committee	8	6	2	-
General Purposes and Licensing Committee	15	11	3	1
HR Committee	8	6	2	-
Planning Committee	16	12	3	1
Community, Partnerships and Wellbeing O&S Panel	10	7	2	1
Corporate Affairs and Local Economy O&S Panel	10	7	2	1
Environment and Sustainability O&S Panel	10	7	2	1
Housing and Homelessness O&S Panel	10	7	3	-
Total	107	77	23	7

- 4.7 The nominees of the political groups to the Committees and Panels are attached at Appendix 1. It should be noted that, in view of the proximity of these appointments to the quadrennial District Council elections and subsequent Annual Council meeting in May 2023 when these appointments will be freshly reviewed, many of the appointments remain unchanged, which include some vacancies to be carried into the election.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising directly from this report.

6. CRIME & DISORDER IMPLICATIONS

- 6.1 There are no crime and disorder implications arising directly from this report.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 There are no environmental implications arising directly from this report.

8. EQUALITY & DIVERSITY IMPLICATIONS

- 8.1 Political balance ensures that Committees and Panels are representative of the wishes of the electorate.

Appendix 1 – Appointments to Committees and Panels – Wishes of the Political Groups

For further information contact:

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Background Papers:

Local Government and Housing Act 1989

APPOINTMENTS TO COMMITTEES AND PANELS – WISHES OF THE POLITICAL GROUPS

APPEALS COMMITTEE (20 MEMBERS)

Conservative (14)

Alan Alvey
Ann Bellows
Sue Bennison
Fran Carpenter
Steve Clarke
Keith Craze
Barry Dunning
Allan Glass
David Hawkins
Maureen Holding
Neville Penman
Alvin Reid
Derek Tipp
Neil Tungate

Liberal Democrat (4)

Alex Brunsdon
Mark Clark
Sandra Delemare
Philip Dowd

Non-aligned (2)

Jacqui England
Non-aligned Vacancy

AUDIT COMMITTEE (8 MEMBERS)

Conservative (6)

Alan Alvey
Emma Lane
Martyn Levitt
Alan O'Sullivan
Ann Sevier
John Ward

Liberal Democrat (2)

Hilary Brand
Jack Davies

GENERAL PURPOSES AND LICENSING COMMITTEE (15 MEMBERS)

Conservative (11)

Steve Clarke
Keith Craze
Arthur Davis
Barry Dunning
Allan Glass
David Hawkins
Maureen Holding
Alvin Reid
Barry Rickman
Neil Tungate
John Ward

Liberal Democrat (3)

Jack Davies
Sandra Delemare
David Harrison

Non-aligned (1)

Joe Reilly

HR COMMITTEE (8 MEMBERS)

Conservative (6)

Diane Andrews
Jill Cleary
Keith Craze
Kate Crisell
Michael Harris
Maureen Holding

Liberal Democrat (2)

Hilary Brand
Mark Clark

PLANNING COMMITTEE (16 MEMBERS)

Conservative (12)

Ann Bellows
Sue Bennison
Anne Corbridge
Kate Crisell
Allan Glass
David Hawkins
Maureen Holding
Christine Hopkins
Barry Rickman
Ann Sevier
Christine Ward
Conservative Vacancy

Liberal Democrat (3)

Hilary Brand
Mahmoud Kangarani
Malcolm Wade

Non-aligned (1)

Joe Reilly

COMMUNITY, PARTNERSHIPS AND WELLBEING OVERVIEW AND SCRUTINY PANEL (10 MEMBERS)

Conservative (7)

Louise Cerasoli
Steve Clarke
Keith Craze
Arthur Davis
David Hawkins
Alan O'Sullivan
Neville Penman

Liberal Democrat (2)

Caroline Rackham
Alex Wade

Non-aligned (1)

Richard Frampton

CORPORATE AFFAIRS AND LOCAL ECONOMY OVERVIEW AND SCRUTINY PANEL (10 MEMBERS)

Conservative (7)

Alan Alvey
Keith Craze
Alison Hoare
Martyn Levitt
Alan O'Sullivan
Derek Tipp
Conservative Vacancy

Liberal Democrat (2)

Jack Davies
Mahmoud Kangarani

Non-aligned (1)

Richard Frampton

ENVIRONMENT AND SUSTAINABILITY OVERVIEW AND SCRUTINY PANEL (10 MEMBERS)

Conservative (7)

Ann Bellows
Sue Bennison
Allan Glass
Andrew Gossage
Tony Ring
Steve Rippon-Swaine
Derek Tipp

Liberal Democrat (2)

Stephanie Osborne
Malcolm Wade

Non-aligned (1)

Jacqui England

HOUSING AND HOMELESSNESS OVERVIEW AND SCRUTINY PANEL (10 MEMBERS)

Conservative (7)

Anne Corbridge
Kate Crisell
Andrew Gossage
Joshua Kidd
Ann Sevier
Neil Tungate
Christine Ward

Liberal Democrat (3)

Sean Cullen
Philip Dowd
Alex Wade

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