

14 May 2020

Brighton & Hove City Council

Subject:	Review of Political Balance 2020/21		
Date of Meeting:	14 May 2020		
Report of:	Chief Executive		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
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Ward(s) affected:	All		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that ongoing discussions with the Groups were not concluded in time for the report to be included with the agenda.

1. PURPOSE OF REPORT AND POLICY CONTEXT:

- 1.1 The Council is required at, or as soon as practicable after, each Annual Meeting of the Council to review the allocation of seats to political groups.
- 1.2 The purpose of this report is to appoint and/or re-appoint the Committees, Sub- Committees, Joint Committees, Boards, Forums and Panels of the Council and membership thereof and to appoint council representatives to various outside bodies for the 2020/21 municipal year.

2. RECOMMENDATIONS:

- 2.1 That the Council appoints/re-appoints its committees with the sizes and allocation of seats between political groups as set out in Appendix 1 to the report;
- 2.2 That the allocation of seats as detailed in the report and in Appendix 2 to the report be approved;
- 2.3 That having received nominations to the committees from the 3 political groups, as detailed in Appendix 2 to the report, such nominations be agreed, and the committee places filled accordingly;
- 2.4 That those Members listed as Chair, Deputy Chair and Opposition Spokesperson of the respective committees and sub- committees in Appendix 2 be appointed to those positions;
- 2.5 That an urgency sub-committee for each committee be appointed in accordance with Procedure Rule 22 (such committee being politically balanced but not included in the total number of seats for the purpose of allocating seats);

- 2.6 That having regard to 2.2. above, it be agreed that for the purpose of enabling meetings of the Personnel Sub-Committee Appeals Panel and Licensing Panels to be convened without disproportionate difficulty, the make-up of such panels need not be politically proportionate, although every effort will be taken to achieve it and the Council further agrees:
- (i) Although the Panels have the Members referred to in Appendix 2 as their standing Members, the Council agrees that, where any of the 3 Members are not available,
 - (a) any Member of the Council who has received appropriate training shall be eligible to sit on the Personnel Appeal Panel; and
 - (b) any Member of the Licensing Committee who has received the appropriate training shall be eligible to sit on the Licensing Panel
 - (ii) That the Head of Democratic Services be authorised to set up the Panel(s), as and when needed with the permanent Members or, where any of them is not available, by including any other eligible Member of the Council or Committee as appropriate, having regard to the need, where possible, to secure cross party representation;
 - (iii) The above arrangements, and those set out in paragraph 2.5 above, are intended to operate as "alternative arrangements" pursuant to section 17 of the Local Government & Housing Act 1989 and Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990.
- 2.7 That Council appoints Members/representatives to various bodies as listed in Appendix 3 to the report.

3. CONTEXT / BACKGROUND INFORMATION:

- 3.1 The political composition of the Council is Labour (20 Members), Green (19 Members), Conservative (13 Members) with 2 Independent Members. Section 15(1) of the Local Government & Housing Act 1989 requires the Council to review the representation of the different political groups on committees and sub-committees:
- At, or as soon as practicable after, the Annual Meeting of the Council or,
 - Where notice is received of a change in the composition of political groups.
- 3.2 The Chief Executive is under a duty; whenever such a review takes place, to submit a report to the Council showing what allocation of seats would in his opinion best meet the requirements of Section 15 of the 1989 Act.
- 3.3 The Council's duty to determine the allocation of seats is prescribed by Section 15 of the Local Government & Housing Act 1989 (specifically sub-sections (3) to (5)). These do not impose any specific requirement on the Council to consult the political groups as to which committee seats should be allocated to which group – this only applies to the actual appointment of Members to particular seats once they are allocated to political groups.

3.4 It is clearly preferable if all Groups have an agreed position as to which committee allocations are to be adjusted, provided that the agreed position does not conflict with the Council’s duty, which is “to make only such determinations as give effect, so far as reasonably practicable, to the principles specified in sub-section (5).”

3.4.1 In summary, these principles of determination (“principles”), are that:

- (a) All seats are not allocated to the same Group,
- (b) The majority of the seats go to the Group (if any) which has an overall majority on the Council (i.e. more than 27 seats),
- (c) Subject to the above two principles, that the number of seats on the total of all the committees/sub-committees allocated to each Group bears the same proportion to the proportion on the Full Council, and
- (d) Subject to (a) and (c), that the number of seats on each committee/sub-committee allocated to each Group bears the same proportion to the proportion on the Full Council.

Overall Political Group split on the Council

3.5 The political groups have the following seats on the Council and there are 101 seats across all committees to be allocated:

Party	Seats on the Council	Calculation	Seats to be Allocated	Proposed Allocation
Labour	20	20/54	37.40	38
Green	19	19/54	35.53	37
Conservative	13	13/54	24.31	24
Independent	1	1/54	1.87	1
Independent	1	1/54	1.87	1
Total	54		99.98	101

Committee Sizes and Review of Committees

3.6 The total number of committee places used for the determination of the allocation of seats to the political groups is 101 as detailed in Appendix 1. (Note that the Political Balance Regulations do not apply to the Licensing Committee (2003 Act) or the Health & Well Being Board and therefore only the 15 seats for the Licensing Committee are included in the 101 seats to be allocated).

3.7 The proposed allocation of places on each of the committees as detailed in Appendix 2 to the report takes into account the principles referred to in paragraph 3.4.1 in that:

- (a) The Labour Group’s overall allocation equals 38 seats,
- (b) The Green Group’s overall allocation equals 37 seats,

- (c) The Conservative Group's overall allocation equals 24 seats; and
- (d) That in having regard to the convention that the Council has abided to whenever there has been an Independent Member, one seat is allocated to each of the Independent Members.

3.8 In seeking to allocate the 101 available seats, and allowing for the Independent Members to be offered a seat; the initial allocation across all the committees results in 103 seats being allocated as follows:

- the Labour Group being over allocated by 3 seats,
- the Green Group being over allocated by 3 seats,
- the Conservative Group being under allocated by 2 seats.

3.9 In seeking to address the imbalance from the initial allocations across all the committee places and following discussions with the Leaders of the Groups, it is proposed that:

- the Labour Group reduce their overall allocation by 2 seats by only taking 3 seats on the Planning Committee and the HOSC Committee;
- the Green Group reduce their overall allocation by 2 seats by only taking 3 seats on the CYP&S Committee and Planning Committee
- the Conservative Group increase their overall allocation by 2 seats by taking an additional seats on the CYP&S Committee and HOSC Committee;
- the Independent Members taking a seat each on the Planning Committee in line with the convention to offer a seat to an Independent Member.

3.10 The allocations in 3.9 above will leave the Labour and Green Groups with a total of 38 and 37 seats respectively, which is one above their overall allocation but enables the 2 seats that would otherwise remain unallocated to be taken. It also means that the Conservative Group's allocation of 24 seats fulfils their overall allocation as the minority Group. This also takes into account the allocation of 1 seat each to the Independent Members and provides that all committees have a full membership.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The proposed committee allocations have been raised with the respective Group Leaders and are in keeping with the Regulations governing the political balance of committees.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 The Leaders of the three political groups have been consulted on the proposed allocations and notification of nominations for committee membership and Lead Member roles will be provided after the respective Annual Group Meetings. Details of these nominations will be listed in appendices 2 and 3, which will be tabled at the Council meeting as part of the addendum papers.

6. CONCLUSION

6.1 Having taken into consideration the number of committees and seats available for the distribution of places between the three Groups represented on the Council, the allocations proposed are considered to be the most appropriate.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 All associated costs for the payment of Members Allowances relating to the changes outlined in the above report, are expected to be met within the existing members allowances budget (£0.958m in 20/21).

Finance Officer Consulted: James Hengeveld

Date: 04/05/2020

Legal Implications:

- 7.2 The proposals in this report comply with Section 15(1) of the Local Government & Housing Act 1989, which sets out the duty and principles regarding the allocation of seats to political groups.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 05/05/2020

Equalities Implications:

- 7.3 The regulations provide for the distribution of seats amongst the political groups on an equitable basis.

Sustainability Implications:

- 7.4 There are no sustainability issues arising from the report.

Risk and Opportunity Management Implications:

- 7.5 The allocation of seats across the various parties is required by statute and the failure to comply with the requirements could place the council at risk and subject to review from the Secretary of State.

Corporate / Citywide Implications:

- 7.6 The appointments process needs to be completed to enable the various decision-making bodies to have their memberships confirmed so that meetings can then be called in accordance with regulations. The failure to appoint to the bodies would prevent decisions from being taken and therefore could result in the authority failing to undertake its duties and responsibilities.

SUPPORTING DOCUMENTATION

Appendices:

- Appendix 1 Committee seat allocations;
- Appendix 2 Chairs, Deputy Chairs, Opposition Spokespersons and Committee membership nominations;
- Appendix 3 List of Lead Members roles and nominees
- Appendix 4 Appointments to Council and Outside Bodies

Documents in Members' Rooms

None

Background Documents

None