

Subject:	Review of Political Balance and Committee Allocations 2020/21		
Date of Meeting:	13 August 2020		
Report of:	Chief Executive		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
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Ward(s) affected:	All		

FOR GENERAL RELEASE**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 and until 2023 were appropriate.

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 (including a BME Standing invitee to the Policy & Resources Committee when appointed) 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, sub- committees, project boards and working groups in appendix 2 be appointed to those positions and the changes referred to in paragraph 3.16 to Council Procedure Rules be agreed;
- 2.5 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.
- 2.6 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 Green (19 Members), Labour (18 Members), Conservative (13 Members) with 4 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:

Party	Seats on the Council	Calculation	Seats to be Allocated	Proposed Allocation
Green	19	20/54	36	37
Labour	18	19/54	34	35
Conservative	13	13/54	24	25
Independents	4	4/54	4	4
Total	54		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 & wellbeing 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.
- 3.8 In seeking to allocate the 101 available seats and allowing for the four Independent Members to be offered a seat; the initial allocation across all the committees results in 98 seats being allocated. All three Groups have their full allocations and each of the 4 Independent Members have one seat. This then leaves 3 seats across the committees to be allocated and allows each of the three political Groups to take 1 seat and thereby being overallocated on an equal basis.

- 3.9 On 5th December 2019, the Policy & Resources Committee agreed the principle of appointing a BME person who lives or works in the Brighton & Hove area as a permanent Invitee to the Policy & Resources Committee. Candidates will be required not to be politically active. They have the right to speak but not vote. The detailed proposals were discussed at Leaders group and the person will be appointed by the Chief Executive on the recommendations of a selection panel consisting of Group Leaders and 2 representatives of the local BME Community in time for the October meeting of the Policy & Resources Committee in October.
- 3.10 In response to the recommendations of the Fawcett Society, the Tourism, Equalities, Communities & Culture and Policy & Resources Committee agreed in December 2019 to allow the job-sharing of positions special responsibility. There is nothing in the Council's constitution or the general law that prohibits this. However, in the interests of transparency and avoidance of any doubt, it is proposed that the relevant sections of the Council's Procedure Rules be amended to read:
- “20.1 The Council may appoint, from amongst its voting Members, a Chair or Chairs and Deputy Chair or Deputy Chairs of Committees and Sub Committees and such appointments may be of one Member or two Members on a role share basis.”
- “31.2 Unless the context otherwise requires, the singular includes the plural and the plural includes the singular. Any references to the Chair or other person holding a position of special responsibility shall include reference to Co-chairs or persons sharing a position of special responsibility as long as it is compatible with the law.”
- 3.11 It is proposed to introduce a protocol for job-sharing setting out the working arrangements. A template for such arrangements is attached in Appendix 4 (to follow.)

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 provided.

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: Peter Francis Date: 27/07/2020

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: 27/07/2020

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 Appointments to Council and Outside Bodies
- Appendix 4 Job-sharing protocol

Documents in Members' Rooms

None

Background Documents

None