

Council

16 December 2021

Agenda Item 77

Brighton & Hove City Council

Subject:	Review of Committee Allocations – December 2021		
Date of Meeting:	16 December 2021		
Report of:	Chief Executive		
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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 the allocation of seats to political groups following notification of changes in the overall make-up of the council.
- 1.2 The purpose of this report is to update Members on various changes in the party-political composition of the Council since the Special Council meeting in August 2020 and to appoint to roles and to committees as necessary.

2. RECOMMENDATIONS:

- 2.1 That the Council notes the changed political make-up of the Council since the last review as set out in paragraph 3.1.
- 2.2 That the Council notes that, had the review of allocations taken place in accordance with the proportionality rules and having regard to the custom and practice of allocating seats to Independent Members and exempting the Personnel Appeals Sub-committee, this would have resulted in the allocations as set out in Appendix 1 to this report.
- 2.3. Given that the current changes in the political composition of the Council do not trigger a mandatory review, and given the review would require unanimous agreement, the Council agrees to retain the current allocation of seats to its committees and sub committees with the sizes and allocation of seats between political groups as set out in Appendix 2 to this report until full review is undertaken at the Annual Council meeting in May 2022.

3. CONTEXT / BACKGROUND INFORMATION:

- 3.1 Following recent changes, the current political composition of the Council is as follows:

Green: 20 Members
Labour : 15 Members
Conservative: 13 Members
Independents/Non-Group: 6

- 3.2 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 when certain events listed in the Local Government (Committees and Political Groups) Regulations 1990 take place. These include the formation of a new political Group or a Member joining another Group, and this is followed by a notice from that Group requiring a review. The current situation where Members have simply ceased to be Members of a political Group without joining another Group does not trigger a mandatory review under the regulations. Although the Council has the power or discretion to undertake a review, and should review the allocations, there is no mandatory obligation to do so and given that there will not be unanimous agreement at this point, there will be a review for Annual Council next year.
- 3.3 If a review is undertaken, the allocation would have to be done in accordance with the principles set out in section 15 of the Local Government & Housing Act 1989. These are that:
- All seats are not allocated to the same Group,
 - 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),
 - 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
 - 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.
- 3.4 The Council can depart from the above principles if no Member objects. The practice in the Council has been not to apply the proportionality rules to the Personnel Appeals Panel and also to allocate seats to Independent Members, which is a departure from the above principles. This requires unanimous agreement.
- 3.5 Given that there does not appear to be unanimous agreement to review the allocations and given, as set out in paragraph 3.2, there is no mandatory obligation to review the allocations at this stage, it is proposed that the review does not take place until annual Council when there will be a statutory obligation to review the allocations. This report is being submitted to Members so that they are all aware of the position and the reason for the delay in reviewing the allocations to reflect the changed political composition of the Council.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 It would be possible to review the allocation of seats at this stage, but given the lack of unanimous agreement, it is not recommended at this stage.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Leaders of the three political groups have been consulted and their views taken into account.

6. CONCLUSION

- 6.1 Given the lack of mandatory obligation to review the allocation of seats and officers' current understanding of the position of different political groups it is officers' view that there should be no review of allocations at this stage.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no financial implications arising from this report.

Finance Officer Consulted: James Hengeveld

Date: 10/10/2021

Legal Implications:

- 7.2 The proposals in this report comply with the law and, in particular, with the legal requirements as to the timing of review of allocations as set out in The Local Authorities (Committees and Political Groups) Regulations 1990.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 6/12/2021

Equalities Implications:

- 7.3 There are no equalities implications arising from this report. .

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;

Background Documents

None

