

<b>Subject:</b>	<b>Review of Political Balance</b>		
<b>Date of Meeting:</b>	<b>25 October 2012</b>		
<b>Report of:</b>	<b>Acting Chief Executive</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Wall</b>	<b>Tel: 29-1006</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Council is required at, or as soon as practicable after, each Annual Meeting of the Council, or following any change in the overall balance of the council to review the allocation of seats to political groups.
- 1.2 The purpose of this report is to consider the proposed changes to the make-up and membership of various committees following a request from the Policy & Resources Committee. The committee noted that the Green Group had gone down from 23 to 22 Members and that the result of the East Brighton By-election would be known on the 19<sup>th</sup> October and therefore felt that a review should be undertaken and reported to the Council.

**2. RECOMMENDATIONS:**

- 2.1 That the allocation of seats as detailed in the report and in appendix 1 to the report be approved
- 2.2 That the revised memberships of the Environment & Sustainability and Transport Committees be agreed as follows:
  - (a) Environment & Sustainability Committee on the basis of 4 Green, 4 Conservative and 2 Labour & Co-operative Members; and
  - (b) Transport Committee on the basis of 5 Green, 3 Conservative and 2 Labour & Co-operative Members;

**3. BACKGROUND INFORMATION:**

- 3.1 The political composition of the Council is Green (22 Members), Conservative (18 Members), Labour & Co-operative (13 Members); and Independent Member (1). 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/her 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)."
- 3.5 The decision of the Green Group resulting in Councillor Summers becoming an Independent Councillor has led to a change in the overall balance of the political make-up of the Council. This has led to a review of the allocation of the seats available to each of the political groups represented on the council and the need to revise the membership of some of the council's committees.
- 3.6 There are 139 seats to be allocated and based on the size of each of the political groups on the council following the reduction to 22 in the Green Group; the overall breakdown is as follows in the table below:

Group	No. Cllrs	Allocation of seats across all committees	
		@ Annual Council	@ 25.10.12
Green	22	59	<b>57</b>
Conservative	18	46	<b>46</b>
Labour & Co-operative	13	34	<b>34</b>
Independent	1	-	0
Remaining Unallocated Seats	-	0	<b>2</b>
<b>Total</b>	<b>54</b>	<b>139</b>	<b>139</b>

- 3.7 Previously the allocation of the 139 seats left eight seats unallocated to any particular Group and in accordance with the convention recognised by the political groups, the seats were allocated to the Groups on the basis of their overall position within the council, i.e. 4 to the Green Group, 1 to the Conservative Group and 3 to the Labour & Co-operative Group, thereby enabling each Group to receive their full quota of seats.

- 3.8 The result of Councillor Summers becoming an Independent has meant that in reviewing at the allocations of seats to each group, the Green Group's overall allocation has to reduce by 2. The two vacant seats remain as a surplus, as all of the Groups have had their allocations rounded up and applied. In this instance it has been the usual practice to offer any surplus seats to the Independent Member(s) on the Council.
- 3.9 However, following consultation with Councillor Summers, she has declined the opportunity to sit on any committee for this municipal year. This has therefore meant that further consideration needed to be given to the allocation of the two remaining seats. In taking into account the overall balance of each Group on the Council the outcome provides that the Green and Conservative Groups should take one additional seat each.
- 3.10 In view of Councillor Summers having been a Member of the Environment & Sustainability and Transport Committees, it is proposed that these two seats should be treated as the two in question for allocation and therefore following discussions between the Group Leaders, the Green Group have opted for the Transport Committee and the Conservative Group will take the Environment & Sustainability Committee's allocation. All allocations would then be reviewed at the Annual Council meeting in May 2013.

#### **4. CONSULTATION**

- 4.1 The Group Leaders have been consulted on the various changes that are required to comply with the regulations covering the need to maintain political balance on committees. Having taken into account the various options available to them, the Group Leaders have agreed to the proposed changes to the allocations for the committees detailed in 2.2 above for the remainder of the municipal year.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 There are no direct financial implications arising from the report.

Finance Officer Consulted: Anne Silley

Date: 1 October 2012

##### Legal Implications:

- 5.2 The proposals in this report comply with the requirements of the Local Government & Housing Act 1989 and associated guidance.

There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis

Date: 10 October 2012

##### Equalities Implications:

- 5.3 The changes to the allocations of committee seats maintain a political balance and thereby ensure an equal distribution for all Groups.

Sustainability Implications:

- 5.4 There are no direct sustainability issues arising from the report.

Crime & Disorder Implications:

- 5.5 There are no specific implications arising from this report.

Risk and Opportunity Management Implications:

- 5.6 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.

- 5.7 There is a risk that agreement cannot be achieved on the proposed allocations and that the full membership of the committees in question cannot be achieved.

Corporate / Citywide Implications:

- 5.8 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;

### **Documents in Members' Rooms**

1. None

### **Background Documents**

1. Local Government & Housing Act 1989
2. Local Government & Public Involvement in Health Act 2007

Brighton & Hove City Council		No. Members 54			
No. Seats to be Allocated 139		Green	Conservative	Labour & Co-operative	Independent
Policy & Resources Committee	10	<b>5</b>	3	2	
Adult Care & Health	10	4	3	<b>3</b>	
Children & Young People	10	4	3	<b>3</b>	
Economic Development & Culture	10	4	<b>4</b>	2	
Housing	10	<b>5</b>	3	2	
Environment & Sustainability	10	4	<b>4</b>	2	
Transport	10	<b>5</b>	3	2	
Licensing (Non 2003) Committee*	15	6	5	4	
Planning Committee	12	5	4	3	
Audit & Standards Committee	8	3	3	2	
O&SC	10	4	3	<b>3</b>	
Health & Wellbeing OSC	8	3	3	2	
Housing Management Sub	8	3	3	2	
Corporate Parenting Sub	5	2	2	1	
Personnel Appeals Sub	3	1	1	1	
<b>Total</b>	<b>139</b>	<b>58</b>	<b>47</b>	<b>34</b>	<b>0</b>

*Figures shown in bold italics indicate where additional seats have been taken up to meet the overall allocations to Groups.*

