

15 May 2014

Brighton & Hove City Council

Subject:	Review of Political Balance and Appointment of Committees, Sub-Committees, Forums, Panels and Outside Bodies 2014/15.		
Date of Meeting:	15 May 2014		
Report of:	Chief Executive		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 29-1500
		Mark Wall	Tel: 29-1006
	Email:	mark.wall@brighton-hove.gcsx.gov.uk	
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, Forums and Panels of the Council and membership thereof and to consider and appoint representatives to various Outside Bodies for the ensuing municipal year or in accordance with the period of office for the respective Body.

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 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;
- 2.3 That having received nominations to the Committees from the 3 political groups, as detailed in appendix 2 to the report, (to be circulated separately), such nominations be agreed and the committee places filled accordingly;
- 2.4 That having regard to 2.3 above, those Members listed as Chair, Deputy Chair and Opposition Spokesperson of the respective Committees and Sub-Committees in appendix 2 (to be circulated separately) be appointed to those positions;
- 2.5 That having regard to 2.2 above, 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 Appeals Panel to be convened without disproportionate difficulty, the make up of such panels need not be politically balanced, although every effort would be taken to achieve it and the Council further agrees:
- (i) Although the Panel has the Members referred to in appendix 2 as its standing Members, the Council is asked to agree that, where any of the 3 Members is not available, any Member of the Council who has received appropriate training shall be eligible to sit on the Panel;
 - (ii) That the Head of Democratic Services be authorised to set up the Panel, 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, 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" for the 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 listed in Appendix 2;
- 2.8 That the various Lead Members and 'Champions' roles and the designated Members listed against those roles as detailed in appendix 3 to the report be agreed: and
- 2.9 That having received nominations for the appointments to the list of Outside Bodies from the 3 political groups as detailed in appendix 4 to the report, (to be circulated separately), such appointments be agreed.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 The political composition of the Council is Green (21 Members), Conservative (18 Members), Labour & Co-operative (14 Members), and Independent (1 Member); 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 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).”

3.4.1 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:

<u>Party</u>	<u>Seats</u>	<u>Calculation</u>	<u>%</u>
Green	21	21/54	38.88
Conservative	18	18/54	33.33
Labour	14	14/54	25.92
Independent	1	1/54	1.85
Total	54		99.98%

3.6 There is also one Independent Member on the Council and it has been a convention to allocate available seats on committees/sub-committees to such Members if any remain available following the allocations to the respective Groups.

Committee Sizes

3.7 The total number of committee places used for the determination of the allocation of seats to the political groups is 106 as detailed in appendix 1. (Note that the Political Balance Regulations do not apply to the Licensing Committee (2003 Act) and therefore only the 15 seats for the Licensing Committee are included in the 106 seats to be allocated).

- 3.8 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 Green Group's overall allocation equals 41 seats,
 - (b) The Conservative Group's overall allocation equals 35 seats,
 - (c) The Labour & Co-operative Group's overall allocation equals 28 seats.
- 3.9 In seeking to allocate the 106 available seats, 104 can be allocated across the 3 Political Groups proportionately. This leaves two seats that with the agreement of the Groups can be allocated to the Independent Member and having consulted with the Leaders of the Groups it is proposed that the two seats are allocated accordingly.
- 3.10 In recognition of the changes to the remit of the Health & Wellbeing Board as recommended by the Policy & Resources Committee, it is proposed that Lead Member roles for specific areas of responsibility be recognised and appointed to as detailed in appendix 3 to the report. The Lead Member roles for Adult Care & Health and Children & Young People have statutory responsibilities and the Lead Member for Transport was recognised as part of the combining of the previous Environment & Sustainability and Transport Committees.
- 3.11 Following the approval of the recommendations of the Trans Scrutiny Panel in May 2013 and a notice of motion on partnering with faith groups in the city in October 2013, a list of 'Champions' roles for Members has been drawn together. It is proposed that these roles should be appointed to for the duration of the council and therefore will run until 2015 and then at the Annual Council in 2015 would be treated as a 4-year term (see appendix 3).

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. CONCLUSION

- 5.1 Having taken into consideration the number of committees and seats available for the distribution of places between the three Groups represented on the council and having regard to the convention to allow for any Independent Members to sit on committees, the allocations proposed are considered to be the most appropriate.

6. CONSULTATION

- 6.1 The Leaders of the three political groups have been consulted on the proposed allocations and notification of nominations for committee membership and appointments to outside bodies 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.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The reduction of committee places from 124 to 106 will have little or no effect on the Democratic Services budgets as these places are not directly linked to payment of members allowances. Any other potential changes outlined in this report, such as the payment of Special Responsibility Allowances, will be met within existing resources..

Finance Officer Consulted: Peter Francis

Date: 24/04/2014

Legal Implications:

- 7.2 The proposals in this report comply with the requirements of the Local Government & Housing Act 1989.

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

Lawyer Consulted:

Abraham Ghebre-Ghiorghis

Date: 24/04/2014

Equalities Implications:

- 7.3 There are no equalities implications arising from the report and the application of 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 Champions roles and nominees
- Appendix 4 - Outside Bodies' nominations.

Documents in Members' Rooms

1. None

Background Documents

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