

5 March 2019

Brighton &amp; Hove City Council

|                          |                                                                                                            |                                                                                    |                          |
|--------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------|
| <b>Subject:</b>          | <b>Review of Allocation of Seats in Committees and Appointments to Positions of Special Responsibility</b> |                                                                                    |                          |
| <b>Date of Meeting:</b>  | <b>5 March 2019</b>                                                                                        |                                                                                    |                          |
| <b>Report of:</b>        | <b>Chief Executive</b>                                                                                     |                                                                                    |                          |
| <b>Contact Officer:</b>  | <b>Name:</b>                                                                                               | <b>Mark Wall</b>                                                                   | <b>Tel: 01273 291006</b> |
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| <b>Ward(s) affected:</b> | <b>All</b>                                                                                                 |                                                                                    |                          |

**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 discussions with the various Groups could not be concluded in time for release with the agenda.

**1. PURPOSE OF REPORT AND POLICY CONTEXT:**

- 1.1 The Extraordinary Council meeting has been called to review the allocation of seats to political groups and appointments to special responsibility positions within the Council. This follows the submission of an appropriate statutory notice and requisition by Members to the Chief executive.
- 1.2 Subject to the Council determining that the current allocations should be revised, 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 for the remainder of the 2018/19 municipal year.

**2. RECOMMENDATIONS:**

- 2.1 That the Council considers whether to review the appointments to special responsibility positions including the Leader, Deputy Leader, Chairs of Committees and Lead Member roles.
- 2.2 That if the Council approves the review of the various appointments, to agree the appointees to the various positions of special responsibility as set out in appendix 1 having regard to the list of nominations submitted by the Political Groups.
- 2.3 That the Council appoints/re-appoints its committees with the sizes and allocation of seats between political groups as set out in Appendix 2 to the report;

- 2.4 That having received nominations to the committees from the 4 political groups, as detailed in Appendix 3 to the report (to follow), such nominations be agreed and the committee places filled accordingly;
- 2.5 That those Members listed as Chair, Deputy Chair and Opposition Spokesperson of the respective committees and sub- committees in Appendix 3 (to follow) be appointed to those positions;
- 2.6 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);
- 2.7 That the various Lead Members' roles and the designated Members listed against those roles as detailed in Appendix 4 to the report (to follow), be agreed.
- 2.8 That the exemptions from political proportionality requirements currently in existence (Personnel Appeals Panel etc.) be continued.

### **3. CONTEXT / BACKGROUND INFORMATION:**

- 3.1 The political composition of the Council is Conservative (21 Members), Labour & Co-operative (19 Members), Green (11 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 various times, including:
  - At, or as soon as practicable after, the Annual Meeting of the Council or,
  - Where notice is received requesting a review of the allocation of seats following change in the composition of political groups.
- 3.2 The Chief Executive is under a duty, whenever such a review is required to take 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:

| <u>Party</u>   | <u>Seats</u> | <u>Calculation</u> | <u>%</u>      |
|----------------|--------------|--------------------|---------------|
| Conservative   | 21           | 21/54              | 38.88         |
| Labour & Co-op | 19           | 19/54              | 35.18         |
| Green          | 11           | 11/54              | 20.37         |
| Independent    | 2            | 2/54               | 3.70          |
| Vacancy        | (1)          |                    |               |
| <b>Total</b>   | <b>54</b>    |                    | <b>99.98%</b> |

Committee Sizes

3.6 The total number of committee places used for the determination of the allocation of seats to the political groups is 108 as detailed in Appendix 2. (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 108 seats to be allocated).

3.7 The proposed allocation of places on each of the committees as detailed in Appendix 3 to the report takes into account the principles referred to in paragraph 3.4.1 in that:

- (a) The Conservative Group's overall allocation equals 42 seats,
- (b) The Labour & Co-operative Group's overall allocation equals 38 seats,
- (c) The Green Group's overall allocation equals 22 seats; and
- (d) The Independent Group's overall allocation equals 4 seats.

3.8 In seeking to allocate the 108 available seats, the initial allocation across all the committees results in the seats being allocated as follows:

- the Conservative Group being over allocated by 1 seat (43),
- the Labour & Co-operative Group being over allocated by 3 seats (41),
- the Green Group being allocated their full entitlement (22),
- the Independent Group being under allocated by 2 seats (2).

3.9 Whilst the initial allocations in 3.8 above allows for all 108 seats to be allocated, there is an imbalance in the make-up of individual committees and in seeking to address the imbalance, and taking into account the principles in paragraph 3.4.1 above; the following is proposed:

- That the Conservative Group increase their allocation from 4 to 5 seats on one of the following policy committees:

Children, Young People & Skills

Environment, Transport & Sustainability

Housing & New Homes

Neighbourhoods, Inclusion, Communities & Equalities

Tourism, Development & Culture

- That the Independent Group has seats on the Licensing Committee and the Health, Overview & Scrutiny Committee with the Labour & Co-operative Group dropping a seat on each of the committees.

3.10 The Lead Member Roles listed in appendix 4 (to follow) and the designated Member for each role is anticipated to be the spokesperson for that area on behalf of the Council and the Administration.

#### **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 and 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 for 2018/19.

*Finance Officer Consulted: Peter Francis Date: 25/02/2019*

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: 25/02/2019*

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 of legal challenge.

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 Special Responsibility Positions  
Appendix 2 Committee seat allocations;  
Appendix 3 Chairs, Deputy Chairs, Opposition Spokespersons and Committee membership nominations (to follow);  
Appendix 4 List of Lead Members roles and nominees (to follow).

**Documents in Members' Rooms**

None

**Background Documents**

None

