

Council

24 October 2019

Agenda Item 44

Brighton & Hove City Council

Subject:	Appointments & Review of Political Balance 2019/20		
Date of Meeting:	24 October 2019		
Report of:	Chief Executive		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
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Ward(s) affected:	All		

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 information could not be provided until after the political groups had met during the week of the 21st October.

1. PURPOSE OF REPORT AND POLICY CONTEXT:

- 1.1 The Council is required at, or as soon as practicable to review 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 since the Annual Council meeting and to appoint to roles and to committees as necessary.

2. RECOMMENDATIONS:

- 2.1 That Councillor Allcock be appointed as the Deputy Leader of the Council;
- 2.2 That the Council confirms the appointments to those Committees and Boards affected by the changes between political groups as set out in appendix 1 to the report;
- 2.3 That it be noted the vacant places shown in appendix 1 will be notified by the respective Group Leaders;
- 2.4 That the following appointments be confirmed:
 - (a) Councillor Allcock as Chair of the Corporate Parenting Board;
 - (b) Councillor Evans as Chair of the Asset Management Board;
 - (c) Councillor Evans as Chair of the Procurement Advisory Board.
- 2.5 That Councillor Childs be designated as Lead Member for Community Safety and Planning Policy;

- 2.6 That having received confirmation from the Police Authority that as a result of reviewing its political balance, the Council's second representative, who is a co-optee on the Authority, should come from the Conservative Group, that Councillor Simson be confirmed as the council's representative in place of Councillor Deane.

3. CONTEXT / BACKGROUND INFORMATION

- 3.1 The recent change of composition for the Conservative Group from 14 to 13 and the additional Independent Member on the council has resulted in the Conservative Group's overall seat allocation being reduced from 25 to 23. In maintaining the convention for an Independent Member to hold 1 seat, it is proposed that they take a seat on the Planning Committee. The remaining unallocated seat would be offered to the Administration as the largest Group. In this instance, it is proposed that the Labour Group would take a seat on the Health, Overview & Scrutiny Committee thereby bringing it in line with the political balance for a committee of 10.
- 3.2 The political composition of the Council is Labour (20 Members), Green (19 Members), Conservative (13 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, 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.
- 3.3 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:

<u>Party</u>	<u>Seats</u>	<u>Calculation</u>	<u>%</u>
Labour	20	20/54	37.03
Green	19	19/54	35.18
Conservative	13	13/54	24.07
Independent	1	1/54	1.85
Independent	1	1/54	1.85
Total	54		99.98%

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 remains at 96.
- 3.7 The proposed allocation of places on each of the committees affected as detailed in Appendix 1 to the report takes into account the principles referred to in paragraph 3.4.1.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The proposed revised 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.

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 (£0.939m in 19/20).

Finance Officer Consulted: Peter Francis Date: 14/10/2019

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: 14/10/2019

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 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, Board and Working Group seat allocations;

Documents in Members' Rooms

None

Background Documents

None

**MEMBERSHIP OF COMMITTEES, SUB-COMMITTEES FORUMS and PANELS
2019/2020**

Appendix 1

REGULATORY COMMITTEES:

HEALTH OVERVIEW & SCRUTINY COMMITTEE (10)

Labour Group	Green Group	Conservative Group
Cllr Evans	Cllr Deane (Chair)	Cllr McNair
Cllr Grimshaw	Cllr Druitt	Cllr Barnett
Cllr O'Quinn	Cllr Hills	
Cllr TBC	Cllr Powell	

PLANNING COMMITTEE (10)

Labour Group	Green Group	Conservative Group	Independent
Cllr Hill (Chair)	Cllr Littman (Opp Spokes)	Cllr Theobald (Spokes)	Cllr Fishleigh
Cllr Childs (Deputy Chair)	Cllr Mac Cafferty	Cllr Mears	Cllr Janio
Cllr Yates	Cllr Shanks	Cllr Miller	

ASSET MANAGEMNT BOARD (5)

Labour Group	Green Group	Conservative Group
Cllr Evans (Chair)	Cllr Gibson (Opp Spokes)	Cllr Mears
Cllr Knight	Cllr West	

PROCUREMENT ADVISORY BOARD (5)

Labour Group	Green Group	Conservative Group
Cllr Evans (Chair)	Cllr Osborne (Opp Spokes)	Cllr TBC
Cllr Pissaridou	Cllr Druitt	

Working Groups & Panels

	Cross Party KPI Development Group	1 Labour	Cllr	Moonan (Chair)
		1 Green	Cllr	Hugh-Jones
		1 Conservative	Cllr	TBC