

20 May 2021

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Review of Political Balance 2021/22</b>		
<b>Date of Meeting:</b>	<b>20 May 2020</b>		
<b>Report of:</b>	<b>Chief Executive</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Wall</b>	<b>Tel:</b> 01273 291006
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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 ongoing discussions with the Groups were not concluded in time for the appendices to the report to be included with the agenda.

**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, Joint Committees, Boards, Forums and Panels of the Council and membership thereof and to appoint council representatives to various outside bodies for the 2021/22 municipal year.

**2. RECOMMENDATIONS:**

- 2.1 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;
- 2.2 That the allocation of seats as detailed in the report and in Appendix 2 to the report be approved;
- 2.3 That having received nominations to the committees from the 3 political groups, as detailed in Appendix 2 to the report, such nominations be agreed, and the committee places filled accordingly;
- 2.4 That those Members listed as Chair, Deputy Chair and Opposition Spokesperson of the respective committees and sub-committees in Appendix 2 be appointed to those positions;
- 2.5 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);

- 2.6 That having regard to 2.2. above, it be agreed that for the purpose of enabling meetings of the Personnel Sub-Committee Appeals Panel and Licensing Panels to be convened without disproportionate difficulty, the make-up of such panels need not be politically proportionate, although every effort will be taken to achieve it and the Council further agrees:
- (i) Although the Panels have the Members referred to in Appendix 2 as their standing Members, the Council agrees that, where any of the 3 Members are not available,
    - (a) any Member of the Council who has received appropriate training shall be eligible to sit on the Personnel Appeal Panel; and
    - (b) any Member of the Licensing Committee who has received the appropriate training shall be eligible to sit on the Licensing Panel
  - (ii) That the Head of Democratic Services be authorised to set up the Panel(s), 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 or Committee as appropriate, having regard to the need, where possible, to secure cross party representation;
  - (iii) Note that the above arrangements, and those set out in paragraph 2.5 above as well as the allocation of seats to Independent Members, are intended to operate as "alternative arrangements" 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 as listed in Appendix 3 to the report.

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

3.1 The political composition of the Council is Green (20 Members), Labour (17 Members), Conservative (13 Members) with 4 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 asking for a review of the allocations is received under the Local Government (Committees and Political Groups) Regulations 1990 following 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 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). 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 and there are 96 seats across all committees to be allocated:

Party	Seats on the Council	Initial Allocation	36	Proposed Allocation
Green	20	35.56		<b>37</b>
Labour	17	30.22	30	<b>31</b>
Conservative	13	23.11	23	<b>24</b>
Independent	1	1.78		<b>1</b>
Independent	1	1.78		<b>1</b>
Independent	1	1.78		<b>1</b>
Independent	1	1.78		<b>1</b>
<b>Total</b>	<b>54</b>			<b>96</b>

Committee Sizes and Review of Committees

3.6 The total number of Committee places (excluding the Urgency sub-committees) used for the determination of the allocation of seats to the political groups is 96 as detailed in Appendix 1. (Note that the Political Balance Regulations do not apply to the Licensing Committee (2003 Act) or the Health & Well Being Board and therefore only the 15 seats for the Licensing Committee are included in the 96 seats to be allocated).

3.7 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 37 seats,
- (b) The Labour Group's overall allocation equals 31 seats,
- (c) The Conservative Group's overall allocation equals 24 seats, and

- (d) That in having regard to the convention that the Council has abided to whenever there has been an Independent Member, one seat is allocated to each of the Independent Members.

3.8 The allocations in 3.7 above will leave the three Groups 1 seat each above their initial allocation across all committees. This outcome is a result of the allocation of 1 seat each to the Independent Members and ensures that all committees have a full membership.

#### **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 will be provided after the respective Annual Group Meetings. Details of these nominations will be listed in appendices 2 and 3, which will be published ahead of or 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 compatible with the requirement of the Regulations.

#### **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 (£0.960m in 21/22).

*Finance Officer Consulted: James Hengeveld*

*Date: 10/05/2021*

##### 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: 10/05/2021*

##### 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 seat allocations;  
Appendix 2 Chairs, Deputy Chairs, Opposition Spokespersons and Committee membership nominations;  
Appendix 3 Appointments to Council and Outside Bodies

**Documents in Members' Rooms**

None

**Background Documents**

None

