

Subject:	Review of Political Balance 2023/24		
Date of Meeting:	25 May 2023		
Report of:	Chief Executive		
Contact Officer:	Name:	Elizabeth Culbert	Tel: 01273 291515
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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 ongoing discussions with the Groups were not concluded in time for the report to be included with the agenda. The urgency requiring a decision to be made at Annual Council arises from the requirement in the Local Government & Housing Act 1989 to review the representation of political groups on Committees at, or as soon as practicable after, the Annual Meeting of the Council

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 and Joint Committees of the Council and to appoint council representatives to Outside Bodies and Partnerships,

2. RECOMMENDATIONS:

- 2.1 That the Council agrees the four Committees with their terms of reference as set out in Appendix 1 to replace the Environment, Transport and Sustainability Committee and the Tourism, Equalities, Communities and Culture Committee with immediate effect;
- 2.2 That the Council delegates power to the Chief Executive and the Executive Director for Governance, People and Resources, after consultation with the Leader and the Chair of the relevant Committee, to determine the frequency of the meetings and the meeting dates for the Committees set out at Appendix 1;
- 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, Sub-Committees, Joint Committees and Area Panels, as detailed in Appendix 3 to the report, 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 be appointed to those positions;
- 2.6 That an Urgency Sub-Committee for each Committee be appointed, by that Committee, in accordance with Procedure Rule 22, such Committee being politically balanced but not to be included in the total number of seats for the purpose of allocating seats;
- 2.7 That having regard to 2.3. 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, 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;
 - (iii) The arrangements in this report 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.
- 2.8 That Council appoints Members/representatives to Outside Bodies and Partnerships as listed in Appendix 4 to the report;
- 2.9 That the Lead Members' roles and designated Members listed against those roles as detailed in Appendix 5 to the report be noted;
- 2.10 That the Chief Executive and Executive Director, Governance, People & Resources be authorised to take all steps necessary or incidental to the implementation of the recommendations in this report and that the Executive Director Governance, People & Resources be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.
- 3. CONTEXT / BACKGROUND INFORMATION:**
- 3.1 The political composition of the Council is Labour (38 Members), Green (7 Members), Conservative (6 Members), Brighton & Hove Independent Group (2 Members) and 1 Independent 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 their 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 The Council's duty is to give effect, so far as reasonably practicable, to the following principles:-
- (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 There are 116 seats across all Committees to be allocated and the initial allocation was calculated as follows:

Party	Seats on the Council	Initial Allocation (rounded)	Proposed Allocation
Labour	38	81.63 (82)	83
Green	7	15.04 (15)	15
Conservative	6	12.89 (13)	13
B&H Independent	2	3.70 (4)	4

Independent 1 1.85 (2) 1

Committee Sizes and Review of Committees

- 3.6 The total number of Committee places (excluding sub-Committees) used for the determination of the allocation of seats to the political groups is 116 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 or its sub-Committee).
- 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 and has regard to the convention that the Council has abided to to offer one seat to the Independent Member.
- 3.8 The allocations proposed in paragraph 3.5 above have been further adjusted to redistribute 3 seats from the Brighton & Hove Independent Group as the Group did not wish to take up those seats. The final allocations of seats is therefore:-
- **Labour - 85**
 - **Green - 16**
 - **Conservative - 13**
 - **Brighton & Hove Independent Group – 1**
 - **Peter Atkinson – 1.**

This outcome ensures that all Committees have a full membership.

3.9 Review of Committees

- 3.9.1 The Council is required to keep the constitutional arrangements, including the number and remit of Committees under review. This takes account of the need for an efficient dispatch of business, the need to ensure a logical and coherent grouping of functions and the Council's priorities.
- 3.9.2 Taking the above into account, it is proposed to review the Committees and replace the ETS and TECC Committees with new Committees as follows:-
- City Environment, South Downs & the Sea
 - Transport & Sustainability
 - Culture, Heritage, Sport, Tourism & Economic Development
 - Equalities, Community Safety & Human Rights
- 3.9.3 The terms of reference of the above four Committees are set out in Appendix 1 to the report. The creation of revised arrangements is intended to ensure an enhanced focus on City Services, Environmental, Tourism & Sport and Equalities & Community Safety issues. The arrangements will be organised so that the provision of additional Committees will be cost neutral, through disbanding 21 Member Working Groups as well as Committee and Sub-Committee pre-meetings. The frequency of meetings for Committees will be

kept under review, as will the volume of work at each Committee to ensure this is manageable within existing officer resources. There will be no additional burden on the Member Allowances budget. All Chairs and Deputy Chairs from the Administration will take a reduction in their SRA to cover the cost of the SRAs for all new Chair and Deputy Chair positions.

- 3.9.4 Given the changes to the Committees, the Council's meetings calendar as agreed by the Policy & Resources Committee needs to be reviewed. Rather than waiting until the next meeting of the Strategy, Finance & City Regeneration Committee, it is proposed that Council delegates power to the Chief Executive and the Executive Director for Governance, People and Resources, after consultation with the Leader and the Chair of the relevant Committee, to determine the frequency of the meetings and the meeting dates as they affect the four Committees listed above. It is proposed to contain any changes to the four Committees and the rest of the meetings calendar will remain unaffected.
- 3.9.5 The names of the Committees have been reviewed and refreshed to clearly reflect the priorities and focus of those Committees and the new names are as detailed in Appendices 2 and 3.

3.10 Outside Bodies and Partnerships

- 3.10.1 The list of appointments to Outside Bodies and Partnerships is attached as Appendix 4, with the allocation of seats and the nominated membership listed alongside each body, together with the length of tenure.

3.11 Lead Member Roles

- 3.11.1 Lead Member Roles are listed in Appendix 5. The designated Member for each role is anticipated to be a spokesperson for that area on behalf of the Council and the Administration. This will be reviewed by the Chief Executive and Leader of the Council to determine whether there is a need to make any changes to the roles or designations.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The proposed Committee allocations are in keeping with the Regulations governing the political balance of Committees.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Leaders of the political groups have been consulted on the proposed allocations and notification of nominations for Committee membership and Outside Bodies have been provided. Details of these nominations are listed in appendices 3 and 4.

6. CONCLUSION

- 6.1 Having taken into consideration the number of Committees and seats available for the distribution of places between the 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 arrangements outlined in the above report are expected to be met within the existing Members' Allowances budget.

Finance Officer Consulted: Nigel Manvel

Date: 240523

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: Elizabeth Culbert

Date: 240523

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.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 – Terms of Reference of new Committees

Appendix 2 – Allocation of Seats on Committees and Sub Committees

Appendix 3 – Membership of Committees, Sub-Committees and Area Panels

Appendix 4 – Appointments to Outside Bodies and Partnerships

Appendix 5 - Lead Member roles

Documents in Members' Rooms

None

Background Documents

None