

23 May 2013

Brighton & Hove City Council

Subject:	Review of Political Balance and Appointment of Committees, Sub-Committees, Forums, Panels and Outside Bodies 2013/14.		
Date of Meeting:	23 May 2013		
Report of:	Chief Executive		
Contact Officer:	Name:	Abraham Ghebre-Ghiorghis	Tel: 29-1500
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY 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 accordingly, 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 Chief Whips of 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 in 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 in 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 in having regard to 2.2. above, it be agreed that for the purpose of enabling meetings of the Personnel Appeals Panel, the make up of such panels need not be politically balanced, although every effort would be taken to achieve it; taking into account:

- (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) Council is also asked to agree 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 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 it be noted in having regard to the Council's constitution the Council shall appoint members/representatives to various bodies listed in Appendix 2;

2.8 That having received nominations for the appointments to the list of Outside Bodies from the Chief Whips of the 3 political groups as detailed in appendix 3 to the report, (to be circulated separately), such appointments be agreed.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 The political composition of the Council is Green (22 Members), Conservative (18 Members), Labour & Co-operative (13 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 his/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	22	22/54	40.74
Conservative	18	18/54	33.33
Labour	13	13/54	24.07
Independent	1	1/54	1.85
Total	54		99.99%

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 124 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 124 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 51 seats,
- (b) The Conservative Group's overall allocation equals 41 seats,
- (c) The Labour & Co-operative Group's overall allocation equals 30 seats.

3.9 In seeking to allocate the 124 available seats, 122 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.

4. CONSULTATION

4.1 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.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no financial implications other than in relation to the payment of special responsibility allowances to the respective post holders.

Finance Officer Consulted: Anne Silley

Date: 09/05/2013

Legal Implications:

5.2 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: 09/05/2013

Equalities Implications:

5.3 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:

5.4 There are no sustainability issues arising from the report.

Crime & Disorder Implications:

5.5 There are no crime & disorder issues relating from the report.

Risk and Opportunity Management Implications:

- 5.6 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.

Public Health Implications:

- 5.7 There are no public health implications arising from the report.

Corporate / Citywide Implications:

- 5.8 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 - 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