

**Council**

18 July 2013

**Agenda Item 26(A)**

Brighton &amp; Hove City Council

<b>Subject:</b>	<b>Review of Political Balance</b>		
<b>Date of Meeting:</b>	<b>18 July 2013</b>		
<b>Report of:</b>	<b>Chief Executive</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mark Wall</b>	<b>Tel:</b> 29-1006
	<b>Email:</b>	<a href="mailto:mark.wall@brighton-hove.gov.uk">mark.wall@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All Wards</b>		

**FOR GENERAL RELEASE**

Note: By reason of the special circumstances referred to below, the Mayor is of the opinion that this item should be considered the Council meeting as a matter of urgency. The special circumstances are that the political make-up of the council has changed and a request submitted for a review of the political balance of the committees.

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 (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the results and implications of the Hanover & Elm Grove By-election were not known until after the despatch of the council agenda.

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Under the Local Government & Housing Act 1989, the Council has an obligation to review the allocation of seats at committees and sub-committees at each Annual Meeting of the Council, or following any change in the overall balance of the council if it receives a request to do so that complies with the requirements of the Local Authorities (Committees and Political Groups) Regulations 1990.
- 1.2 The purpose of this report is to consider the proposed changes to the make-up and membership of various committees following a request from the Leader of the Labour & Co-operative Group as a result of the Hanover & Elm Grove By-election which complies with the above regulations.

**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 the revised memberships of the Policy & Resources, Environment, Transport & Sustainability Committees and Overview and Scrutiny Committee be agreed as follows:

- (a) Policy & Resources Committee on the basis of: 4 Green, 3 Conservative and 3 Labour & Co-operative Members;
  - (b) Environment, Transport & Sustainability Committee on the basis of: 4 Green, 3 Conservative and 3 Labour & Co-operative Members.
  - (c) Overview & Scrutiny Committee: on the basis of 4 Green, 4 Conservative and 2 Labour & Co-operative Members.
- 2.3 That Council agrees to retain the current arrangements regarding the Personnel Appeals Panel, the Urgency sub-Committees and the seats allocated to the Independent Member as alternative arrangements in accordance with regulation 20 of the Local Authorities (Committees and Political Groups) Regulations 1990.

### **3. BACKGROUND INFORMATION:**

- 3.1 The current political composition of the Council is Green (21 Members), Conservative (18 Members), Labour & Co-operative (14 Members); and Independent Member (1). 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 a notice/request is received asking for a review of the allocation of seats following a change in the political composition of the Council.
- 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 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) and regulations made under the Act. These are referred to generally the "proportionality rules.")
- 3.4 There are 124 seats to be allocated and, based on the relative size of each of the political groups on the council and applying the proportionality rules, it is proposed that the allocation of seats at committees and sub-committees of the Council be reviewed to result in the allocations as shown in the Appendix to this report.
- 3.5 Neither the Act nor the regulations entitle Members who are not members of a political group to be allocated seats. However, the Council can agree to allocate seats to an Independent Member or Members by adopting "alternative arrangements" under regulation 20 of the Local Authorities (Committees and Political Groups) Regulations 1990. This has been the practice of the Council in the past and Council is recommended to continue the arrangements. Similarly, to deal with the difficulty of Member availability, alternative arrangements were agreed in the past whereby any member of the pool of Members who is available can serve in the Personnel Appeals Panel. In addition, it is proposed that urgency sub-committees should be, as far as possible, politically proportionate, but not count in the overall allocation. No change is proposed

regarding any of these arrangements and the proposed allocation assumes that these arrangements continue.

#### **4. CONSULTATION**

- 4.1 The Group Leaders have been consulted on the various changes that are required to comply with the regulations covering the need to maintain political balance on committees

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 There are no direct financial implications arising from the report.

Finance Officer Consulted: James Hengeveld Date: 16 July 2013

##### Legal Implications:

- 5.2 The proposals in this report comply with the requirements of the Local Government & Housing Act 1989 and associated guidance.

There are no adverse Human Rights Act implications arising from this report.

Lawyer Consulted: Abraham Ghebre-Ghiorghis Date: 16 July 2013

##### Equalities Implications:

- 5.3 The changes to the allocations of committee seats maintain a political balance and thereby ensure an equal distribution for all Groups.

##### Sustainability Implications:

- 5.4 There are no direct sustainability issues arising from the report.

##### Crime & Disorder Implications:

- 5.5 There are no specific implications arising from this 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.

- 5.7 There is a risk that agreement cannot be achieved on the proposed allocations and that the full membership of the committees in question cannot be achieved.

##### Public Health Implications:

- 5.8 There are no public health implications arising from this report.

### Corporate / Citywide Implications:

- 5.9 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.

### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 Following changes to the political make-up of the authority, the Chief Executive is required to report the impact of those changes to the council in order for the council to determine whether there is a need to amend the allocations of seats across the Groups.

### **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The recommendations take account of the change in political balance across the three Groups represented on the council and enable an equality of distribution of seats across the various committees.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

Appendix 1 - Committee seat allocations;

### **Documents in Members' Rooms**

None

### **Background Documents**

None

Brighton & Hove City Council		No. Members 54			
No. Seats to be Allocated <del>139</del> 124		Green	Conservative	Labour & Co-operative	Independent
Policy & Resources Committee	10	<b>4</b>	3	<b>3</b>	
Adult Care & Health	10	4	3	2	1
Children & Young People	10	4	3	3	
Economic Development & Culture	10	4	4	2	
Housing	10	4	3	3	
Environment, Transport & Sustainability	10	<b>4</b>	3	<b>3</b>	
Licensing (Non 2003) Committee*	15	6	5	4	
Planning Committee	12	5	4	3	
Audit & Standards Committee	8	2	3	2	1
O&SC	10	<b>4</b>	<b>4</b>	2	
Health & Wellbeing OSC	8	3	3	2	
Housing Management Sub	8	3	3	2	
Personnel Appeals Sub	3	1	1	1	
<b>Total</b>	<b>124</b>	<b>48</b>	<b>42</b>	<b>32</b>	<b>2</b>

*Figures shown in bold italics indicate where changes to the number of seats have been recommended to meet the overall allocations to Groups.*