

Brighton & Hove City Council

Annual Council

Agenda Item 10

Subject: Review of Political Balance 2022/23

Date of meeting: 26 May 2022

Report of: Chief Executive

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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.

1. Purpose of the 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 2022/23 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 not to be 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, 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) The above arrangements, and those set out in paragraph 2.5 above, 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;
- 2.8 That Council agrees the provisional terms of reference for a Joint Committee of Brighton & Hove City Council, West Sussex County Council, East Sussex County Council and the NHS Sussex Integrated Care Board attached at Appendix 4.

3. Context and background information

- 3.1 The political composition of the Council is Green (20 Members), Labour (16 Members), Conservative (12 Members) with 6 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.

- 3.2 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)). 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 and there are 96 seats across all committees to be allocated:

Party	Seats on the Council	Initial Allocation (rounded)	Proposed Allocation
Green	20	35.56 (36)	39
Labour	16	28.44 (28)	30
Conservative	12	21.33 (21)	22
Independent	1	1.78	1
Independent	1	1.78	1
Independent	1	1.78	1
Independent	1	1.78	1

Independent	1	1.78	1
Independent	1	1.78	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 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 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 3.4.1 in that:
- (a) The Green Group's overall allocation equals 39 seats,
 - (b) The Labour Group's overall allocation equals 30 seats,
 - (c) The Conservative Group's overall allocation equals 22 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 offered to each of the Independent Members.
- 3.8 The allocations in 3.7 above will leave the Green Group with 3 seats above their initial allocation, the Labour Group with 2 seats above their allocation and the Conservative Group with 1 seat above their initial allocation (a 3:2:1 split which accords with political proportionality for the division of 6 roles) .This outcome is a result of the allocation of 1 seat each to 5 of the 6 Independent Members and ensures that all committees have a full membership.
- 3.9 On 19 May 2022 P&R Urgency Sub-Committee agreed to recommend to full Council that it formally approves the establishment of the Sussex Health & Care Assembly (SHCA) as a joint committee of Brighton & Hove City Council, West Sussex County Council, East Sussex County Council and the NHS Sussex Integrated Care Board, with provisional written terms of reference as set out at Appendix 4 and that the full terms of reference be brought back to a future meeting of Council for approval, once agreed with the other parties. It was further recommended that annual Council appoint the Chair of the Brighton & Hove Health & Wellbeing Board as the BHCC member of the SHCA.

4. Analysis and consideration of 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 and consultation

- 5.1 The Leaders of the three political groups have been consulted on the proposed allocations and have provided the nominations for committee membership listed on Appendix 2 and 3. Where appointments were made for a term of 4 years in 2019, these have not been included.

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 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.

Name of finance officer consulted: Nigel Manvell Date consulted 25/05/22:

8. Legal implications

- 8.1 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.

Name of lawyer consulted: Elizabeth Culbert Date consulted: 25/05/22

9. Equalities implications

- 9.1 The Regulations provide for the distribution of seats amongst the political groups on an equitable basis.

10. Sustainability implications

- 10.1 There are no sustainability issues arising from the report.

Supporting Documentation

1. Appendices

1. Committee seat allocations;
2. Chairs, Deputy Chairs, Opposition Spokespersons and Committee membership nominations;
3. Appointments to Council and Outside Bodies
4. Draft Terms of Reference for Sussex Health Care Assembly

