

Brighton & Hove City Council

Council

Agenda Item 7

Subject: Review of Political Balance March 2023

Date of meeting: 2 March 2023

Report of: Chief Executive

Contact Officer: **Name:** Elizabeth Culbert
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Ward(s) affected: All

FOR GENERAL RELEASE

Note: Urgency

By reason of the special circumstances below, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency.

Note: Reasons for urgency

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 consultation with Group Leaders was ongoing and needed to be concluded in order to finalise the report.

1. PURPOSE OF REPORT AND POLICY CONTEXT:

- 1.1 The Council is required to review the allocation of seats on Committees and Sub Committees where there is a change to the membership of the political groups in accordance with Section 15 of the Local Government and Housing Act 1989.
- 1.2 The purpose of this report is to review the allocation of seats following a by election in Wish Ward.

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.

3. CONTEXT / BACKGROUND INFORMATION:

- 3.1 In December 2022 Councillor Bella Sankey (Labour) was elected as a member for Wish Ward following a by election which took place following the sad death of Councillor Garry Peltzer-Dunn. The political composition of the Council is now therefore Green (20 Members), Labour (16 Members), Conservative (11 Members) and 7 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	11	19.56	(20)	21
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:
- The Green Group's overall allocation equals 39 seats,
 - The Labour Group's overall allocation equals 30 seats,
 - The Conservative Group's overall allocation equals 21 seats, and
 - 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 revised allocation and the Conservative Group with 1 seat above their initial allocation (a 3:2:1 split which accords as closely as possible with political proportionality for the division of 6 roles) .This outcome is a result of the allocation of 1 seat each to 6 of the 7 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.

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 This review does not change the amount of members allowances to be paid. 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: Jeff Coates

Date: 270223

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: 210223

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 Committee seat allocations;
- Appendix 2 Committee membership.

Documents in Members' Rooms

None

Background Documents

None

