

Brighton & Hove City Council

Council

Agenda Item 12

Subject: Review of Political Balance 2024/25

Date of meeting: 16 May 2024

Report of: Chief Executive

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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 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 2024/25 municipal year.

2. Recommendations

2.1 That the Council 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 having received nominations to the committees from the 4 political groups, as detailed in Appendix 2 to the report, such nominations be agreed, and the committee places filled accordingly;

2.3 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;

- 2.4 That an Urgency Sub-Committee for each Committee be appointed, by that Committee, in accordance with Procedure Rule 5 of the Committee Procedure Rules, such Urgency Sub-Committees being politically balanced but not to be included in the total number of seats for the purpose of allocating seats;
- 2.5 That having regard to 2.1. above, it is agreed that for the purpose of enabling meetings of the Personnel Appeals Panel Sub-Committee (until the Panel ceases) 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 or any Member of the Licensing Committee who has received the appropriate training shall be eligible to sit on the Personnel Appeals Panel or Licensing Panel respectively.
 - (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 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.
- 2.6 That Council appoints Members/representatives to various bodies as listed in Appendix 3 to the report;
- 2.7 That the Chief Executive and Monitoring Officer be authorised to take all steps necessary or incidental to the implementation of the recommendations in this report and that the Monitoring Officer be authorised to amend and re-publish the Council's constitutional documents to incorporate the changes.

3. Context and background information

- 3.1 The political composition of the Council is Labour (38 Members), Green (7 Members), Conservative (5 Members), Brighton & Hove Independents (2 Members) with 2 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 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 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 63 seats across all committees to be allocated:

Party	Seats on the Council	Initial Allocation (rounded)	Proposed Allocation
Labour	38	44.1 (44)	44
Green	7	8.12 (8)	8
Conservative	5	5.83 (6)	6
Brighton & Hove Independents	2	2.33 (2)	2
Independent	1	1.16	1
Independent	1	1.16	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 63 as detailed in Appendix 1. (Note that the Political Balance Regulations do not apply to the Cabinet, Licensing Committee (2003 Act) or the Health & Well Being Board).
- 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 Labour Group's overall allocation equals 46 seats,
 - (b) The Green Group's overall allocation equals 8 seats,
 - (c) The Conservative Group's overall allocation equals 6 seats,
 - (d) The Brighton & Hove Independents equals 2 seats and
 - (e) 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 Labour Group with 2 seats above their initial allocation and the Green Group, Conservative Group and Brighton & Hove Independent Group with allocations in accordance with their initial calculations. This outcome is a result of the allocation of 1 seat to 1 Independent Member and ensures that all committees have a full membership.

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 four political groups have been consulted on the proposed allocations and notification of nominations for committee membership will be provided after the respective Annual Group Meetings. Details of these nominations will be listed in appendices 2 and 3, which will be published ahead of or tabled at the Council meeting as part of the addendum papers.

6. Conclusion

- 6.1 Having taken into consideration the number of committees and seats available for the distribution of places between the four 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 There are no financial implications arising from the recommendations of this report

Name of finance officer consulted: James Hengeveld Date consulted
10/05/24

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 06/05/24

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

Appendix 1 Committee seat allocations;

Appendix 2 Chairs, Deputy Chairs, Opposition Spokespersons and Committee membership nominations;

Appendix 3 Appointments to Council, Outside Bodies and Partnerships

