

**WEST MIDLANDS FIRE AND CIVIL DEFENCE AUTHORITY**

**26TH JULY 2004**

**1. CONSTITUTION AND POLITICAL BALANCE OF COMMITTEES, PANELS AND FORA 2004/2005**

Report of the Clerk.

**RECOMMENDED:**

That the Authority determine:-

- (a) the constitution and political balance of committees, panels and fora 2004/2005;
- (b) whether or not persons who are not elected Members should be appointed to serve on any of the committees, panels and fora of the Authority and whether those persons should be treated as voting or non-voting Members;
- (c) the names of Members to be appointed to committees, panels or fora together with their substitutes;
- (d) the appointment of:-
  - the Chairs and Vice-Chairs of Committees;
  - the Lead Members for Performance Management and Equality and Diversity (and their nominated deputies);
  - the principal elected Member on the Joint Consultative Panel.

**2. PURPOSE**

To approve the constitution and political balance of committees, panels and fora for 2004/2005.

**3. REPORT DETAILS**

**3.1 Political Balance on Committees**

The Local Government and Housing Act 1989 provides that where a Joint Authority is divided into different political groups, it shall review the representation of those groups.

It also has a duty following such a review, to determine the allocation of committee seats to the different political groups into which the Members of the Authority are divided. Regulations provide for a political group to comprise 2 or more Members.

Based on the information available to me, the current political balance of the Authority is:-

Conservative	13
Labour	12
Liberal Democrat	2

The attached appendix sets out a template showing the political balance on committees for 2004/2005.

#### 4. **Committee Structure, Constitution and Political Balance**

4.1 The Authority is required to decide the constitution of its committees for 2003/2004 and then decide the political balance on each committee using the following formula:-

- (a) Decide the total number of seats on the ordinary committees (disregarding any co-opted Members/advisors);
- (b) Decide the number of Members for each minority political group;
- (c) Decide the proportion of the Membership of those groups to the Membership of the Authority as a whole;
- (d) Apply the proportions to the number of seats in (a).

For the purpose of this exercise, the Joint Consultative Panel and the Policy Planning Forum are not included as they are not regarded as ordinary committees for the purposes of the legislation. The proportionality requirements of the Local Government and Housing Act 1989 do not apply to the Standards Committee.

#### 5. **Joint Consultative Panel**

5.1 Because the Joint Consultative Panel will comprise employees of the Authority it cannot be regarded as an ordinary committee for the purposes of Section 15 of the Local Government Act 1989 and the rules regarding proportionality do not therefore apply.

5.2 It is for the Authority to decide the constitution of the Joint Consultative Panel. Pending the outcome of the ongoing discussions concerning the Membership, terms of reference and constitution of the Panel (see previous agenda item), the Authority is requested to establish the Panel on the same basis as in 2003/2004. The Authority is recommended to approve the appointment of Fire Service employees to serve on the Panel, with voting rights, as in previous years. Also, to approve the attendance of whole time trade union officials at meetings of the Joint Consultative Panel in an observer capacity, without voting rights.

6. **Appeals Committee**

The Chair and Vice-Chair of the Appeals Committee are to be appointed at this meeting. Last year, authority was delegated to the Clerk to select 3 other Members of the Authority to serve on Appeals Committees, as and when necessary, in accordance with the proportionality of the Committee and subject to Members eligibility. It is recommended that these arrangements be continued.

7. **Disciplinary Committee**

A further report will need to be submitted to the Authority in due course on the implications for proportionality arising from any proposal to formally disestablish the Disciplinary Committee.

8. **Standards Committee**

- 8.1 Under the provisions of the Local Government Act 2000, the Authority has established a Standards Committee. The proportionality requirements of the Local Government and Housing Act 1989 do not apply to the Standards Committee.
- 8.2 In previous years, the Authority's Standards Committee comprised 3 elected members plus an Independent Chair. Guidance from the Standards Board for England recommends that there should be at least two independent representatives on the Standards Committee. It is recommended that the Standards Committee membership be amended to provide for 2 independent persons and 3 elected members (one from each political group).
- 8.3 Following the recent public advertisement process and subsequent advice from the Standards Board for England, a verbal recommendation will be made at the meeting concerning the appointment of the independent representatives on the Standards Committee for a period ending with the annual meeting of the Authority in June, 2007.

9. **Policy Planning Forum**

The Policy Planning Forum acts in an advisory capacity only. It is not an ordinary committee for the purposes of Section 15 of the Local Government Act 1989. All Members of the Authority will continue to comprise the Policy Planning Forum.

10. **EQUALITY AND DIVERSITY IMPLICATIONS**

The adoption of a portfolio for the Lead Member for Equality and Diversity will allow the Authority to continue to pursue its commitment to this area of work. That Member will be appointed to the Executive Committee to ensure that equality and diversity issues are properly considered in the mainstream decision-making processes of the Authority.

11. **CORPORATE AIMS SUPPORTED**

The principal corporate aim supported by this report is:-

1. To support the Authority in meeting its statutory duties, standards and expectations.

12. **LEGAL IMPLICATIONS**

The recommendations are legal requirements non-compliance with which would instigate the Monitoring Officer procedure and would render the Authority's decision vulnerable to judicial review.

13. **FINANCIAL IMPLICATIONS**

Provision is made in the Authority's budget for the payment of Members' allowances.

F N SUMMERS  
CLERK

**Source Documents**

Local Government and Housing Act 1989.  
Local Government Act 2000.

## Appendix

### West Midlands Fire and Civil Defence Authority

#### Political Balance of Committees for 2004/2005

<u>Committee</u>	<u>Labour</u>	<u>Conservative</u>	<u>Liberal Democrat</u>	<u>Total</u>
Appointments	4	4	1	9
Disciplinary	4	5	-	9
Appeals	2	3	-	5
Executive	3	3	1	7
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Total	13	15	2	30
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Joint Consultative Panel	5	5	1	11
Policy Planning Forum	12	13	2	27
Standards Committee	1	1	1	3 (+2 Independent persons)