

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**24 JUNE 2013**

**1. POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2013/2014**

Report of the Clerk and Monitoring Officer

**RECOMMENDED:**

1.1 THAT the Authority approve:-

- (a) the political balance and membership of committees and panels for 2013/2014, as set out in the Appendix;
- (b) whether or not the current independent member of the Audit Committee should be appointed to serve on any of the committees and panels of the Authority and whether he should be treated as a voting or non-voting Member;
- (c) the appointment to the roles of Chairs and Vice-Chairs of Committees and Panels;
- (d) the appointment of Mr Michael Ager as an independent member on the Audit Committee for a further term of office concluding with the Annual Meeting of the Authority in 2016;
- (e) the appointment of the following persons to the role of Independent Persons, appointed in pursuance of Section 28 of the Localism Act 2011, for the terms of office indicated:

Term of office to end

Mr Frederick Bell	30 June 2014
Ms Yetunde Akande	30 June 2014

**2. PURPOSE OF REPORT**

To approve the political balance and membership of committees and panels for 2013/2014.

## **BACKGROUND**

### **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	8
Labour	18
Liberal Democrat	1

The attached appendix sets out a template showing the political balance on committees for 2013/14.

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

4.1 The Authority is required to decide the constitution of its committees for 2013/14 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).

4.2 For the purpose of this exercise, the Joint Consultative Panel and the Policy Planning Forum are not included as the proportionality requirements do not apply to these bodies.

- 4.3 The number of committee seats in 2013/14 is 45. The proposed allocation of seats to political parties based on this number of seats is set out in the Appendix to this report, which is recommended for approval. The Authority is also asked to make appointments of members and co-opted members to serve on the committees and advisory bodies referred to in the Appendix. More information to assist members is provided below.

5. **Joint Consultative Panel**

- 5.1 The Joint Consultative Panel (JCP) comprises employees of the Authority and is therefore not regarded as an ordinary committee for the purposes of Section 15 of the Local Government Act 1989 and the rules regarding proportionality do not apply.

The Authority at its meeting on 13 February 2012, approved a revised constitution for the Joint Consultative Panel which provides that the Panel will comprise elected members of the West Midlands Fire and Rescue Authority [with voting rights] and recognised elected officials of the Trade Unions/Representative Bodies [without voting rights] as follows:

- 6 employers side and
  - 5 employee side\*
    - 2 Fire Brigades' Union
    - 1 Fire Officers' Association
    - 1 UNISON
    - 1 Association of Principal Fire Officers
- \* subject to having a locally appointed/elected representative.

6. **Standards Committee**

- 6.1 The Localism Act 2011 brought in changes to the framework of regulation of standards of conduct for elected and co-opted members and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The relevant provisions of the legislation came into force on 1 July 2012.
- 6.2 The Authority at its annual meeting on 25 June 2012 appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code. The Authority decided that the 'independent person/s' appointed in pursuance of Section 28 of the Localism Act 2011, [who have to be consulted by the Authority on standards matters] appointed by Sandwell Council would be used by this Authority in relation to alleged breaches of the Code of Conduct.

- 6.3 The Localism Act 2011 gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated.
- 6.4 It is proposed that the Standards Committee in 2013/14 will comprise 6 elected members. It has been the practice to invite the independent persons to attend as observers.
- 6.5 The Localism Act 2011 gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated.
- 6.6 Sandwell Council at its meeting on 21 May 2013 appointed the following persons as independent persons for the terms of office indicated:

<u>Term of office to end</u>	
Mr Frederick Bell	30 June 2014
Ms Yetunde Akande	30 June 2014

There has been a public advertisement in respect of these appointments, as required by the legislation, indicating that this is a joint appointment with the Authority. Applicants were interviewed by a panel of two Sandwell elected members advised by the Clerk/Monitoring Officer. The persons recommended for appointment were deemed to meet the requirements of the role description.

- 6.7 In accordance with the previous arrangement, it is recommended that the persons named above be appointed by the Authority pursuant to Section 28 of the Localism Act 2011. The appointment of the independent person/s must be approved by a positive vote of a majority of all members of the Authority [not just of those present and voting].

## 7. **Audit Committee**

- 7.1 The Authority established an Audit Committee in September 2007. Its remit was expanded in 2010/11 to take on performance management functions.

- 7.2 Mr M Ager has served as an independent Member of the Audit Committee since 2007. It is now proposed to appoint Mr Ager as independent member on the West Midlands Fire and Rescue Authority for a further three year term of office expiring with the Annual Meeting of the Authority in June 2016.

8. **EQUALITY IMPACT ASSESSMENT**

- 8.1 Equality and diversity issues are properly considered in the mainstream decision-making processes of the Authority and this will be reinforced by the introduction of the Scrutiny Committee which has equality and diversity matters in its terms of reference.
- 8.2 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

9. **LEGAL IMPLICATIONS**

- 9.1 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.
- 9.2 Non-compliance with the provisions of the 1989 Act would render the Authority's decisions vulnerable to judicial review.

10. **FINANCIAL IMPLICATIONS**

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

NEERAJ SHARMA  
CLERK AND MONITORING OFFICER

**Source Documents**

None

**West Midlands Fire and Rescue Authority****Political Balance of Committees for 2013/2014**

Note: Proportionality applies to the Committees shown above the line.  
Those below are exempt.

<b>Committee</b>	<b>Cons</b>	<b>Lab</b>	<b>Lib Dem</b>	<b>Total</b>
Appointments	3	6		9
Appeals	2	4		6
Audit	2	4		6*
Executive	3	7		10
Scrutiny Committee	3	4	1	8
Standards Committee	2	4		6
	<b>14</b>	<b>30</b>	<b>1</b>	<b>45</b>
<b>Total</b>				
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Policy Planning Forum	8	18	1	27
Joint Consultative Panel	2	4		6

\* + one independent member