

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27TH JUNE 2005

1. **CONSTITUTION AND POLITICAL BALANCE OF COMMITTEES
AND PANELS 2005/2006**

Report of the Clerk.

RECOMMENDED:

That the Authority determine:-

- (a) the constitution and political balance of committees and panels for 2005/2006;
- (b) whether or not persons who are not elected Members should be appointed to serve on any of the committees and panels 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 and panels, 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 (and his/her nominated deputy).

2. **PURPOSE**

To approve the constitution and political balance of committees and panels for 2005/2006.

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	11
Liberal Democrat	3

The attached appendix sets out a template showing the political balance on committees for 2005/2006.

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

4.1 The Authority is required to decide the constitution of its committees for 2005/2006 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, the Policy Planning Forum and the Standards Committee are not included as the proportionality requirements do not apply to these bodies (see paragraphs 5, 8 and 9 below). It is recommended below that the Disciplinary Committee be dis-established as soon as practicable [see paragraph 7] and this Committee has also been disregarded for the purposes of the calculation of committee seats.

Following discussions with the three Group Leaders, it is proposed that the number of committee seats in 2005/06 be set at 22, and the proposed allocation of seats to political parties based on this number of seats is set out in the Appendix to this report.

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 (JCP). Members may recall that negotiations were ongoing on a review of the constitution of the JCP. There has been no progress on this matter, and the Authority is requested to establish the Panel on the same basis as in 2004/2005. The Authority is also recommended to approve the appointment of Fire Service employees to serve on the Panel, with voting rights, as in previous years; and 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 this year the Authority appoints the Chair and Vice-Chair and four members to the Committee together with nominated substitutes for each Member.

7. Disciplinary Committee

- 7.1 The Fire Service (Discipline) Regulations 1985 have been revoked and revised disciplinary procedures been approved by the Authority under the provisions of the new Grey Book. One case under the 1985 Regulations is outstanding. It is recommended that the Disciplinary Committee be formally dis-established as soon as practicable after the outstanding case has been dealt with.

- 7.2 In accordance with Schedule 1 of the Members' Allowances Scheme, the Chair and Vice Chair of the Disciplinary Committee are entitled to receive a Special Responsibility Allowance of £1,920 and £640 per annum respectively. It is recommended that these allowances be transferred to the principal elected Member on the Joint Consultative Panel and his/her nominated deputy, and that the necessary amendments be made to the Members' Allowances Scheme.

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 It is recommended that as in 2004/05 the Standards Committee membership comprise 2 independent persons and 3 elected members (one from each political group). Mr Martin Chambers [Chair] and Mr Colin Topliss were appointed as independent members in 2004/05 following invitations for expressions of interest in the local press. It is recommended that the appointment of Mr Chambers and Mr Topliss as independent Members of the Standards Committee for 2005/06 be approved.

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. Meeting the Fire Authority's 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 Rescue Authority

Political Balance of Committees for 2005/2006

<u>Committee</u>	<u>Labour</u>	<u>Conservative</u>	<u>Liberal Democrat</u>	<u>Total</u>
Appointments	4	4	1	9
Appeals	2	3	1	6
Executive	3	3	1	7
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Total	9	10	3	22
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Joint Consultative Panel	5	5	1	11
Policy Planning Forum	11	13	3	27
Standards	1	1	1	3 + 2 independent members