

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

28th June 2010

1. POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2010/2011

Report of the Clerk

RECOMMENDED:

1.1 THAT the Authority determine:-

- (a) the political balance and membership of committees and panels for 2010/2011;
- (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 appointment to the roles of:-
 - Chairs and Vice-Chairs of Committees;
 - Lead Members.
- (d) the appointment of independent members of the Standards Committee.

2. PURPOSE OF REPORT

To approve the political balance and membership of committees and panels for 2010/2011.

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	11
Labour	11
Liberal Democrat	5

The attached appendix sets out a template showing the political balance on committees for 2010/2011.

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

4.1 The Authority is required to decide the constitution of its committees for 2010/2011 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, the Policy Planning Forum and the Standards Committee are not included as the proportionality requirements do not apply to these bodies (see paragraphs 5, 6 and 7 below).

4.3 The number of committee seats in 2010/11 is 31. 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 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.

5.2 The Authority at its meeting on 21st September, 2010, approved a revised constitution for the Joint Consultative Committee which

provides that the Panel will comprise 6 employer representatives and 6 employee representatives nominated by the appropriate representative bodies [without voting rights].

5.3 Nominations have been received from representative bodies as follows:

Fire Brigades Union - Michael Bell; one nomination awaited;
Fire Officers' Association – Alan Tranter;
UNISON – Judy Foster;
APFO – nomination awaited.

It is recommended that the nominations from representative bodies be approved.

6. **Standards Committee**

- 6.1 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. The independent members of the Committee have voting rights by law.
- 6.2 The term of office for Mr Bagley, Mr Denny and Mr Topliss, independent members of the Standards Committee, expires with this Annual Meeting of the Authority. The Monitoring Officer advertised these forthcoming vacancies for independent members in accordance with the Standards Committee (England) Regulations 2008 in pursuance of a decision of the Authority taken at its meeting on 19th April, 2010.
- 6.3 The Executive Committee at its meeting on 7th June, 2010 considered a report on this matter as a matter of urgency. The Committee was advised that the only applications received were from two of the retiring members, Mr Denny and Mr Topliss. These applicants are entitled to apply for re-appointment. Mr Denny has served for three years, and Mr Topliss for six years. As no fresh applications had been received, and as Mr Denny and Mr Topliss are experienced independent members who have served the Authority well, it was suggested that they might be re-appointed without interview. The Executive Committee **recommend** this course of action to the Authority.
- 6.4 There is a third independent member vacancy on the Standards Committee as constituted in 2009/10. The Authority would comply with the statutory requirement to have 25% independent members on Standards Committee if it made only two independent member appointments. In view of the poor response to the first round of advertising it is **recommended** that no action be taken to fill the

third vacancy and that the constitution of the Standards Committee be amended accordingly.

- 6.5 The Standards Board for England guidance suggests that independent members should serve for a four-year term of office with a maximum period of service of eight years. The guidance suggests that this will be long enough for independent members to gain an understanding of the Committee, the Authority and its workings, but no so long that they could be perceived as losing their independence. Previous appointments have been made for three years with no limit on the length of service. The guidance also states that it may be helpful for independent members to be appointed for differing lengths of time so that the experience they gain is not all lost simultaneously. It is therefore **recommended** that the terms of office to be attached to these appointments be as follows:

Mr Topliss – two years expiring with the Annual Meeting of the Authority to be held in June 2012

Mr Denny - four years expiring with the Annual Meeting of the Authority to be held in June 2014.

Appointments can thereafter revert to four year terms, with one member retiring every two years.

- 6.6 The new Coalition Government has stated that it will abolish the Standards Board regime. It is not yet known to what extent this will impact on local standards committees.
- 6.7 The law requires the Chair of the Standards Committee to be appointed from amongst the independent Members of the Committee. Guidance from the Standards Board for England also suggests that the Vice Chair of the Committee should be drawn from the independent Membership. Furthermore, the Standards Board advises that substitute Members are not appointed to standards committees. This guidance was taken into account in the appointments made from 2008/09 and it is **recommended** that the appointment of a Chair and Vice Chair be left to the Standards Committee to determine at its first meeting and that no substitute member appointments be made.

7. **Audit and Performance Management Committee**

- 7.1 The Authority established an Audit Committee in September 2007 comprising five Members, selected in accordance with current proportionality requirements. It is proposed to expand the remit of the Audit Committee in 2010/11 and to rename it the Audit and Performance Management Committee.

- 7.2 The Authority also resolved to appoint an independent Member to the Audit Committee with effect from the annual meeting in 2008, for a three year term of office. The independent Member does not have voting rights. The serving independent member is Mr M Ager whose term of office expires with the Annual Meeting in June 2011. It is **recommended** that his appointment be confirmed for 2010/11.

8. **Executive Committee**

- 8.1 The membership of the Executive Committee includes the Chair and Vice Chair of the Authority and Lead Members. No further changes are proposed to the existing arrangements.

9. **Principal Officers' Staffing Committee [formerly the Appointments Committee]**

- 9.1 The arrangements for the Appointments Committee have worked satisfactorily. The allocation of seats is made in accordance with proportionality rules. The protocol of the Authority is that all constituent Districts should be represented on the Appointments Committee.
- 9.2 The terms of reference of the Committee were extended in 2009/10 and it is proposed to rename the Committee to reflect this wider remit.

10. **Policy Planning Forum**

- 10.1 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.

11. **Member Development Working Group**

- 11.1 The Member Development Working Group was set up by the Authority in September 2009. The Working Group is not a committee for the purposes of Section 15 of the Local Government Act 1989.
- 11.2 It is proposed that the Lead Member and Deputy Lead Member for Member Development will sit on the Working Group and that the Lead Member will act as Chair.

- 11.3 The Authority made an agreement with the West Midlands Leaders Board and Improvement and Efficiency West Midlands when it decided to proceed with assessment for the Primary Level of the Member Development Charter to provide two charter assessors who would commit to assist with assessments of other authorities. In 2009/10 these assessors were:

Councillors Turner and Spence.

Both Councillor Turner and Councillor Spence attended training for Charter Assessors in March 2010.

11. **EQUALITY IMPACT ASSESSMENT**

- 11.1 Each Lead Member has a responsibility under his/her terms of reference to ensure that equality and diversity issues are properly considered in the mainstream decision-making processes of the Authority.
- 11.2 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

12. **LEGAL IMPLICATIONS**

- 12.1 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.
- 12.2 Non-compliance with the provisions of the 1989 Act would render the Authority's decisions vulnerable to judicial review.

13. **FINANCIAL IMPLICATIONS**

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

SUSAN PHELPS
CLERK

Source Documents

None

West Midlands Fire and Rescue Authority**Political Balance of Committees for 2010/2011**

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

Committee	Conservative	Labour	Lib Dem	Total
Appointments	4	4	1	9
Appeals	2	2	2	6
Audit	2	2	1	5*
Executive	5	5	1	11
Total	13	13	5	31

Policy Planning Forum	11	11	5	27
Standards	2	2	2	6**
Joint Consultative Panel	2	2	2	6

* + one independent member

** + two independent members