

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

22nd June 2009

**1. POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES
AND PANELS 2009/2010**

Report of the Clerk

RECOMMENDED:

1.1 THAT the Authority determine:-

- (a) the political balance and membership of committees and panels for 2009/2010;
- (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, and in particular to confirm the appointment of the following independent members for 2009/10:

Standards Committee

Messrs Bagley, Denny and Topliss [with voting rights]

Audit Committee

Mr Ager [without voting rights]

(c) the appointment to the roles of:-

- Chairs and Vice-Chairs of Committees;
- Lead Members for Performance Management, Equality and Diversity, and Human Resources and their deputies; and a Lead Member for Asset Management.

1.2 THAT the Authority agree that the Chair and Vice Chair of the Standards Committee for 2009/10 be elected from amongst the independent members at the first meeting of the Committee.

2. **PURPOSE OF REPORT**

To approve the political balance and membership of committees and panels for 2009/2010.

3. **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	14
Labour	10
Liberal Democrat	3

The attached appendix sets out a template showing the political balance on committees for 2009/2010.

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

4.1 The Authority is required to decide the constitution of its committees for 2009/2010 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 2009/10 is 29. 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 It is proposed that member appointments to the Joint Consultative Panel be made as in previous years to provide a discussion forum for consideration of a revised employee relations policy.

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 of the current independent Members of the Standards Committee [Mr Topliss, Mr Bagley and Mr Denny] expires with the Annual meeting of the Authority in 2010. It is recommended that their appointments be confirmed for 2009/10.
- 6.3 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 in 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.

7. **Audit Committee**

- 7.1 The Authority established an Audit Committee in September 2007 comprising five Members, selected in accordance with current proportionality requirements.
- 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 2009/10.

8. **Executive Committee**

- 8.1 The size of the Executive Committee was increased during 2008/09 to allow the Lead Member for the Property Asset Management Plan to sit as a full member. No further changes are proposed to the existing arrangements.

9. **Appointments Committee**

- 9.1 The arrangements for the Appointments Committee are working satisfactorily. The allocation of seats is made in accordance with proportionality rules. The protocol of the Authority is that all constituent Districts should also be represented on the Appointments Panel.

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. **EQUALITY IMPACT ASSESSMENT**

- 11.1 The Lead Member for Equality and Diversity will continue to be a member of the Executive Committee 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 2009/2010

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

Committee	Conservative	Labour	Lib Dem	Total
Appointments	5	3	1	9
Appeals	3	2	1	6
Audit	3	1	1	5*
Executive	6	2	1	9
Total	17	8	4	29
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Policy Planning Forum	14	10	3	27
Standards	2	2	2	6 + 3 independent Members
Joint Consultative Panel	3	2	1	6

* + one independent member