

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**25 June, 2012**

**1. POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2012/2013**

Report of the Clerk and Monitoring Officer

**RECOMMENDED:**

1.1 THAT the Authority determines:-

- (a) the political balance and membership of committees and panels for 2012/2013;
- (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 and Panels;
- (d) the confirmation of appointment of the independent member of the Audit Committee.

**2. PURPOSE OF REPORT**

To approve the political balance and membership of committees and panels for 2012/2013.

**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	17
Liberal Democrat	1
Independent	1

The attached appendix sets out a template showing the political balance on committees for 2012/13.

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

4.1 The Authority is required to decide the constitution of its committees for 2012/13 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 2012/13 is 39. 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 In previous years the Authority has established a Standards Committee under the provisions of the Local Government Act, 2000. At the current time the proportionality requirements of the Local Government and Housing Act, 1989 do not apply to the Standards Committee but the situation will change on 1 July 2012 when the relevant provisions of the Localism Act 2012 are fully enacted. A separate report on this matter will be presented to the Authority at this meeting.

- 6.2 It is proposed that the Standards Committee in 2012/13 will comprise 6 elected members. The Committee will be assisted in its work by an Independent Person. The terms of office of the current independent members, Mr Colin Topliss and Mr David Denny, will therefore cease but it is proposed that they remain as advisers to the Committee.

## 7. **Audit and Performance Management 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 was appointed as an independent Member of the Audit Committee in June 2008 for a three year term of office. The independent Member does not have voting rights. There is currently a Government consultation underway on the future of local public audit which includes proposals to increase the number of independent members on the Audit and Performance Management Committee. The outcome of the consultation exercise is not yet known and it is therefore **recommended** that Mr Ager's term of office be extended by a further year to expire with the Annual Meeting of the Authority in June 2013, when the position with independent member appointments may be clearer.

8. **Executive Committee**  
**Principal Officers' Staffing Committee**  
**Policy Planning Forum**

- 8.1 No changes are proposed to the existing arrangements for the above bodies.

9. **EQUALITY IMPACT ASSESSMENT**

- 9.1 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.
- 9.2 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

10. **LEGAL IMPLICATIONS**

- 10.1 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.
- 10.2 Non-compliance with the provisions of the 1989 Act would render the Authority's decisions vulnerable to judicial review.

12. **FINANCIAL IMPLICATIONS**

- 12.1 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 2012/2013**

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>Ind</b>	<b>Total</b>
Appointments	3	6			9
Appeals	2	4			6
Audit	1	4		1	6*
Executive	3	7			10
Scrutiny Committee	3	4	1		8
<b>Total</b>	<b>12</b>	<b>25</b>	<b>1</b>	<b>1</b>	<b>39</b>

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Policy Planning Forum	8	17	1	1	27
Standards	2	4			6
Joint Consultative Panel	2	4			6

\* + one independent member