

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

25th June 2007

1. **POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2007/2008**

Report of the Clerk.

RECOMMENDED:

1. That the Authority determine:-
 - (a) the political balance and membership of committees and panels for 2007/2008;
 - (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 for Performance Management and Equality and Diversity and Principal Member for the Joint Consultative Panel (and their nominated deputies);
2. That the number of independent members on the Standards Committee be increased from two to three, and that Mr Roger Bagley, Mr David Denny and Mr Colin Topliss be appointed to serve as independent members of the Standards Committee for the three-year term of office expiring with the Annual Meeting of the Authority to be held in 2010.

2. **PURPOSE**

To approve the political balance and membership of committees and panels for 2007/2008.

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	14
Labour	10
Liberal Democrat	3

The attached appendix sets out a template showing the political balance on committees for 2007/2008.

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

4.1 The Authority is required to decide the constitution of its committees for 2007/2008 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 It is proposed that the number of committee seats in 2007/08 remain 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**

Because the Joint Consultative Panel (JCP) will comprise employees of the Authority it is 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 therefore apply.

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.
- 6.2 The Authority at its meeting on 12th February 2007 approved a recommendation of the Standards Committee that its membership be increased to 6 members [Lab 2; Con 2; Lib Dem 2] plus 2 independent members, to enable Sub-Committees to be drawn from the membership to deal with breaches of the Code of Conduct.
- 6.3 The three-year term of office of the current independent members of the Standards Committee who have served since 2004 expires with the Annual Meeting of the Authority. Expressions of interest in the role of independent member have been invited in the local press and the Appointments Committee at its meeting on 8th June 2007 interviewed three applicants. The Committee were impressed with the calibre of all three applicants, and recommends to the Authority that the number of independent members on the Standards Committee be increased from two to three, and that Mr Roger Bagley, Mr David Denny and Mr Colin Topliss be appointed to serve as independent members of the Standards Committee for the three year term of office expiring with the Annual Meeting of the Authority to be held in 2010.
- 6.4 It is proposed that the Chair of the Standards Committee for 2007/08 be elected from among the independent members at the first meeting of the Committee. The appointment of an independent member as Chair of the Committee is in line with guidance from the Standards Board for England.

7. **Policy Planning Forum**

- 7.1 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.

8. **EQUALITY IMPACT ASSESSMENT**

- 8.1 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.
- 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.

SUSAN PHELPS
CLERK

Source Documents

None

Appendix

West Midlands Fire and Rescue Authority

Political Balance of Committees for 2007/2008

Note: Proportionality applies to the Committees shown above the line. Those below are exempt. Total number of seats same as 2006/07.

<u>Committee</u>	<u>Labour</u>	<u>Conservative</u>	<u>Liberal Democrat</u>	<u>Total</u>
Appointments	4	5	0	9*
Appeals	2	3	1	6
Executive	2	4	1	7
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Total	8	12	2	22
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Joint Consultative Panel	2	3	1	6**
Policy Planning Forum	10	14	3	27
Standards	2	2	2	6*** + 2 independent members****

* Appointments Committee should comprise Chair and Vice Chair and one member from each constituent district.

** Number of members set in JCP constitution. Seat allocation listed as 2006/07.

*** Membership of Standards Committee increased by the Authority 12/2/07 to enable Sub-Committees to be drawn from the membership to deal with any allegations of breaches of the Code of Conduct.

**** But see recommendation 2 and paragraph 6.3 above.