

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

27th June 2011

1. POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2011/2012

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 2011/2012;
- (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/confirmation of appointment of independent members of the Standards Committee and the Audit and Performance Management Committee.

2. PURPOSE OF REPORT

To approve the political balance and membership of committees and panels for 2011/2012.

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	12
Labour	13
Liberal Democrat	2

The attached appendix sets out a template showing the political balance on committees for 2011/2012.

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

4.1 The Authority is required to decide the constitution of its committees for 2011/2012 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 2011/12 is 33. 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.
- 5.2 The Authority at its meeting on 21st September, 2010, approved a revised constitution for the Joint Consultative Panel which provides that the Panel will comprise 6 employer representatives and 5 employee representatives nominated by the appropriate representative bodies [without voting rights] as follows:

Fire Brigades Union – two representatives
Fire Officers' Association – one representative
UNISON – one representative
APFO – one representative.

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 and have to make up at least 25% of the membership.
- 6.2 The Standards Committee currently comprises 6 elected members and two independent members. The independent members were re-appointed by the Authority at the annual meeting in June 2010 for the following terms of office:

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

- 6.6 The new Coalition Government has however stated that it will abolish the Standards Board regime.
- 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 (as was) 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 then 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 [see separate item on the agenda] which includes proposals to increase the number of independent members on the Audit and Performance Management Committee. It is **recommended**, in the light of the ongoing consultation, that Mr Ager's term of office be extended by one year to expire with the Annual Meeting of the Authority in June 2012, 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. **Member Development Working Group**

- 9.1 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. The Lead Member for Member Development chairs the Group.
- 9.2 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 2010/11 these assessors were Councillors Turner and Spence.
The Authority subsequently approved a recommendation of the

Member Development Working Group that the Member Development Charter no longer be pursued. The Authority will not therefore be required to provide peer assessors in the future.

10. **EQUALITY IMPACT ASSESSMENT**

- 10.1 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.
- 10.2 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

11. **LEGAL IMPLICATIONS**

- 11.1 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.
- 11.2 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 2011/2012**

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	3	1	6
Audit	3	3	0	6*
Executive	5	6	1	12
Total	14	16	3	33

Policy Planning Forum	12	13	2	27
Standards	2	3	1	6**
Joint Consultative Panel	2	3	1	6
Member Development Working Group	2	2	2	6

* + one independent member

** + two independent members