

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 JUNE 2019

1. POLITICAL BALANCE AND MEMBERSHIP OF COMMITTEES AND PANELS 2019/2020

Report of the Clerk and Monitoring Officer.

RECOMMENDED:

1.1 THAT the Authority approve:-

- (a) the political balance and membership of committees and panels for 2019/2020;
- (b) whether or not the current independent member of the Audit Committee should be appointed to serve on any of the committees and panels of the Authority and whether he should be treated as a voting or non-voting Member;
- (c) the appointment of co-opted members to Scrutiny and Collaboration and Transformation Committees
- (d) the appointment to the roles of Chairs and Vice-Chairs of Committees and Panels;
- (d e) the appointment of Mr. Ray Tomkinson to the role of Independent Person appointed in pursuance of Section 28 of the Localism Act 2011, for the term of office expiring at the AGM in June 2020.

2. PURPOSE OF REPORT

To approve the political balance and membership of committees and panels for 2019/2020 aligned to the changes approved in the Governance of the Authority 2019/20 report.

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 5

Labour 10

The attached appendix sets out a template showing the political balance on committees for 2019/20.

4. Committee Structure, Constitution and Political Balance

- 4.1 The Authority is required to decide the constitution of its 4 committees for 2019/20, as set out in the Governance report 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 and the Policy Planning Forum are not included as the proportionality requirements do not apply to these bodies.

- 4.3 The number of committee seats in 2019/20 is 26. 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 24 June 2019, will be asked to approve a revised constitution for the JCP 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:

5 employers side and
5 employee side*
3 Fire Brigades' Union
1 Fire Officers' Association
1 UNISON

Fire Leaders Association by invitation as appropriate

* subject to having a locally appointed/elected representative.

6. **Appointments, Standards and Appeals (ASA) Committee**

- 6.1 The Localism Act 2011 brought in changes to the framework of regulation of standards of conduct for elected and co-opted members and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The relevant provisions of the legislation came into force on 1 July 2012.
- 6.2 The Authority at its annual meeting on 25 June 2012 appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code.

- 6.3 The Localism Act 2011 provides that an authority shall appoint one or more Independent Persons who must be consulted before any decision is taken on a complaint which has been investigated. The Authority decided that the independent person/s appointed by Sandwell Council in pursuance of Section 28 of the Localism Act 2011 would be used by this Authority in relation to alleged breaches of the Code of Conduct. In view of the Authority's low level of complaints activity, it is suggested that the appointment of one independent person will be sufficient. The appointment of the independent person/s must be approved by a positive vote of a majority of all members of the Authority [not just of those present and voting]. Following the resignation of Mr. Bell, Sandwell MBC appointed Mr. Ray Tomkinson as an Independent Member. Mr. Tomkinson was appointed as an Independent Member to the Fire Authority in 2017/18 and has again agreed to continue in this role for a further year until the AGM in June 2020.
- 6.4 The Appointments, Standards and Appeals Committees were amalgamated into one committee in 2018/19 and comprise 7 members . It has been the practice to invite the independent person/s to attend as observer at meetings considering matters relating to Standards issues.

7. Audit and Risk 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 has served as an independent Member of the Audit Committee since 2007. The West Midlands Fire and Rescue Authority appointed Mr Ager for a three year term of office expiring with the Annual Meeting of the Authority in June 2016. Mr Ager agreed to continue in this role for a further year until 30 June 2017 and has again agreed to continue in this role for a further year until the AGM in June 2020.
- 7.3 The Audit and Risk Committee will now comprise of 5 Members and 1 Independent Member.

8. **Scrutiny Committee**

The Scrutiny Committee will now comprise of 7 Members and a coopted member.

9. **Collaboration and Transformation Committee**

The Governance and Transformation Committee will be renamed as the Collaboration and Transformation Committee and will comprise 7 Members, one from each Constituent District Council and a coopted member.

10. **EQUALITY IMPACT ASSESSMENT**

- 10.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report do not relate to a policy change.

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.

BACKGROUND PAPERS

None

The contact name for this report is Julie Connor, telephone number 0121 380 6906.

Karen Gowreesunker
Clerk to the Authority

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Monitoring Officer

Appendix 1

West Midlands Fire and Rescue Authority**Political Balance of Committees for 2019/2020**

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

Committee

	Conservative	Labour	Total
Appointments, Standards and Appeals	2	5	7*
Audit and Risk	2	3	5*
Collaboration and Transformation	2	5	7**
Scrutiny	2	5	7**
Total			26

Policy Planning Forum***	5	10	15
Joint Consultative Panel	2	3	5

* + one independent member

** + plus one Cooptee

*** plus 2 cooptees and the Police and Crime Commissioner

