

Full Council

23 May 2017



Report of:	Shahzia Daya, Service Director – Legal and Democratic Services
Title:	Allocation of committee seats and appointment of members to serve on committees
Ward:	Citywide
Officer Presenting Report:	Not applicable
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Recommendation

To review and approve the allocation of seats on committees in accordance with the statutory requirements concerning political balance and to approve the appointment of members (and substitutes) to serve on committees (full recommendations set out in the body of the report).

Summary

As per above recommendation.

The significant issues in the report are:

As set out in the main report.

Note: the Overview and Scrutiny Management Board is currently undertaking a review of the Council's scrutiny arrangements. The recommendations from that review, including recommendations on a future scrutiny structure, will be reported to a future Full Council meeting. In the interim, the proposal in this report is that the current scrutiny structure is retained, pending the outcome of the scrutiny review.

Arrangements are also subject to any changes that may arise from the current constitutional review.



Policy

1. Not applicable

Consultation

2. **Internal**
Party group whips
3. **External**
Not applicable

Context

4. See proposal below.

Background / Proposal

5. Under Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) regulations, the Full Council has a duty to review the representation of different political groups at its annual meeting in respect of bodies to which the section applies (for example, the section applies to the Council's ordinary committees and scrutiny commissions). The section does not apply to the statutory Licensing Committee or the Health and Wellbeing Board and so the political balance rules are not applied to these. Section 15 of the Act provides that, in performing this duty, the Council has a duty to make only such determinations as give effect **so far as reasonably practicable** to the following principles:
 - a. That not all the seats on the body are allocated to the same political group.
 - b. That the majority of the seats on the body are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership.
 - c. Subject to a. and b. above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of the authority as is borne by the number of members of that group to the membership of the authority; and
 - d. Subject to a. to c. above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the numbers of that group to the membership of the authority.
6. The current membership of political groups represented on the City Council is set out below and the names of the members of each group are set out in Appendix A to this report:

Labour group	37 members
Conservative group	14 members
Green group	11 members
Liberal Democrat group	8 members

7. For the purposes of calculating the entitlement of each political group to seats on committees, it is proposed that the following be included:

- Development Control Committee A
- Development Control Committee B
- Overview and Scrutiny Management Board
- People Scrutiny Commission
- Place Scrutiny Commission
- Resources Scrutiny Commission
- Neighbourhoods Scrutiny Commission
- Public Safety and Protection Committee
- Public Rights of Way and Greens Committee
- Audit Committee
- Human Resources Committee
- Selection Committee

8. Alternative arrangements for appointments to these committees can be approved provided no member of the Council votes against.

9. Subject to the Full Council appointing the committees as per agenda item 8, and agreeing the sizes of committees described below, the total number of seats on committees available is **110**.

10. The number of Council members for each political group expressed as a percentage of the total membership of political groups on the City Council (70) is:

Labour	37 members (% of 70) = 52.86 %
Conservative	14 members (% of 70) = 20.00 %
Green	11 members (% of 70) = 15.71 %
Liberal Democrat	8 members (% of 70) = 11.43 %

11. Following discussion with the party group whips, the following committee sizes are proposed:

	LAB	CON	GREEN	LD
11 member committees:				
Development Control Committee A	6	2	2	1
Development Control Committee B	6	2	2	1
Overview and Scrutiny Management Board	6	2	2	1
People Scrutiny Commission	6	2	2	1
Place Scrutiny Commission	6	2	2	1
9 member committees:				
Resources Scrutiny Commission	5	2	1	1
Neighbourhoods Scrutiny Commission	5	2	1	1
Public Safety and Protection Committee	5	2	1	1
7 member committees:				
Public Rights of Way and Greens Committee	4	1	1	1
Audit Committee	4	1	1	1
Human Resources Committee	4	1	1	1
Selection Committee	4	1	1	1
TOTAL = 110 seats, breaking down as	61	20	17	12

	LAB	CON	GREEN	LD
The % which this distribution gives each party:	55.45%	18.18%	15.45%	10.91%
As compared with the entitlement %:	52.86%	20.00%	15.71%	11.43%

- 12.** These totals reflect, as far as is reasonably practicable, the aggregate entitlement of the political groups to committee seats.

Appointments to which political balance do not apply:

13. Licensing Committee:

- The Licensing Committee is established under Section 6 of the Licensing Act 2003, and is a standing committee. Any vacancies must be filled by the Full Council – this task is non-delegable, i.e. only Full Council can decide who will serve on the committee.
- Members continue to serve on the committee until they either resign or are removed by the Full Council.
- The appointment of members is a licensing function and, as such, equalities law applies to it, and the Full Council should fill vacancies having due regard to equalities tests and considerations.
- The Council must have a licensing committee of between 10-15 members. As one of the largest licensing authorities in the country, Bristol has established a 15 member committee.

- The list of members currently serving on the committee is as follows:
 - Councillor Abraham
 - Councillor B Clark
 - Councillor Clough
 - Councillor Combley
 - Councillor C Davies
 - Councillor Eddy
 - Councillor Jama
 - Councillor Khan
 - Councillor Langley
 - Councillor Massey
 - Councillor O'Rourke
 - Councillor Pearce
 - Councillor Whittle
 - Councillor Windows
 - One vacancy
- The Full Council is asked to enquire if there have been any resignations from the committee since the date of publication of this report, and having done so, to invite nominations to fill any vacancies on the committee. In confirming appointments to the committee, the Full Council is asked to take full account of equalities duties and considerations, and to note that the political balance rules do not apply.
- Any vacancies that subsequently arise will need to be referred to the next meeting of the Full Council to ensure they are filled promptly, and to ensure that the Council retains the 15 member committee it has previously resolved to establish.

14. Appeals Committee: The Full Council is asked to determine the membership of the Appeals Committee. It is proposed that, as in previous years, membership of the Appeals Committee should comprise any 3 members of the Council subject to them having first received the necessary training and not having been involved in the original decision which is the subject of an appeal.

15. Joint Scrutiny: The following is proposed:

- **Joint Health Scrutiny Committee** (interim continuing body; 3 members from Bristol, one from each of the largest 3 political groups).
- **Joint Health Overview and Scrutiny Committee for the purpose of jointly scrutinising the Bristol, North Somerset and South Gloucestershire Sustainability and Transformation Plans:** 7 members from Bristol (4 Labour; 1 Conservative; 1 Green; 1 Liberal Democrat).
- **West of England Joint Scrutiny Committee** (interim continuing body; 3 members from Bristol, one from each of the largest 3 political groups).
- **West of England Combined Authority Overview and Scrutiny Committee and Audit Committee;** 6 members (3 Labour; 2 Conservative, 1 Green) in relation to the West of England Combined Authority Overview and Scrutiny Committee and Audit Committee as per the proposals agreed at Full Council on 14 March 2017.

- 16. Performance management panel:** The membership of the Performance Management Panel was agreed at Full Council on 14 March 2017, and is as follows:
- The Mayor and Party Group Leaders (who are the voting members).
 - The Chief Executive and their trade union or professional association representative.
 - Two representatives of the Local Government Association and the Service Director – HR (or nominee).
- 17. Health and Wellbeing Board:** The membership of the Health and Wellbeing Board is prescribed in section 194 of the 2012 Act, as follows:
- a. At least one councillor from the authority nominated by the elected Mayor. The elected Mayor may themselves be a member of the board instead of or in addition to the person they nominate.
 - b. The director of adult social services for the local authority.
 - c. The director of children’s services for the local authority.
 - d. The director of public health for the local authority.
 - e. A representative of the local Healthwatch organisation for the area of the local authority.
 - f. A representative of each relevant clinical commissioning group.
 - g. Such other persons, or representatives of such other persons, as the local authority thinks appropriate.

It is proposed that the Mayor should be appointed to the Board, together with other Cabinet members whose portfolio is relevant to the Board’s remit. Currently, this would be the:

- * Deputy Mayor – Communities (portfolio includes public health)
- * Cabinet Member for Children & Young People
- * Cabinet Member for Adult Social Care

Substitutes

- 18.** In addition to deciding the allocation of seats to political groups, the Full Council is also required to decide substitution arrangements.

Other Options Considered

Not applicable.

Risk Assessment

Not applicable.

Public Sector Equality Duties

Not applicable.

Legal and Resource Implications

Legal

As indicated in the report, in determining the allocation of committee seats and the

appointment of members to serve on committees, the Full Council must comply with the requirements of Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) regulations.

(Legal advice provided by Shahzia Daya, Service Director – Legal and Democratic Services)

Financial

(a) Revenue

Not applicable.

(b) Capital

Not applicable.

Land

Not applicable.

Personnel

Not applicable.

RECOMMENDATION:

Noting that arrangements are subject to any changes that may arise from the current scrutiny and constitutional reviews, Full Council is recommended to:

- 1. Approve the allocation of committee seats as set out above.**
- 2. Enquire if there have been any resignations from the Licensing Committee since the date of publication of this report, and having done so invite nominations to fill all of the vacancies on the committee. At the time of publication of this report, there is 1 vacancy. In confirming appointments to the committee, the Full Council is asked to take full account of equalities duties and considerations, and to note that the political balance rules do not apply.**
- 3. Agree that all members of Council be appointed to serve on an Appeals Committee comprising of any 3 members of Council, subject to them having first received the necessary training and not having been involved in the original decision which is the subject of an appeal.**
- 4. Agree that the Council be represented (as per paragraph 15) on the following joint scrutiny bodies:**
 - Joint Health Scrutiny Committee**
 - Joint Health Overview and Scrutiny Committee for the purpose of jointly scrutinising the Bristol, North Somerset and South Gloucestershire Sustainability and Transformation Plans**
 - West of England Joint Scrutiny Committee**
 - West of England Combined Authority Overview and Scrutiny Committee and Audit Committee.**

- 5. To note and agree the position in relation to the membership of the Performance Management Panel as per paragraph 16 of the report.**
- 6. To note and agree the position in relation to the membership of the Health and Wellbeing Board as per paragraph 17 of the report.**
- 7. To agree that named members will be provided for the committee memberships by the party group whips (to be sent to the Monitoring Officer). If named substitutes are not also provided, then any councillor of the relevant group may attend a meeting as a substitute, other than in the case of:**
 - a Development Control Committee, where the substitute must be a member of another Development Control Committee (and be appropriately trained).**
 - any scrutiny commission, where the substitute may not be a member of the executive.**

Appendices:

Appendix A – Councillor membership of political groups

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None

Appendix A – Councillor membership of political groups

Labour Group (37)

Councillor Donald Alexander

Councillor Nicola Beech

Councillor Nicola Bowden-Jones

Councillor Harriet Bradley

Councillor Mark Bradshaw

Councillor Mark Brain

Councillor Fabian Breckels

Councillor Tom Brook

Councillor Craig Cheney

Councillor Barry Clark

Councillor Asher Craig

Councillor Mike Davies

Councillor Kye Dudd

Councillor Helen Godwin

Councillor Paul Goggin

Councillor Margaret Hickman

Councillor Helen Holland

Councillor Chris Jackson

Councillor Hibaq Jama

Councillor Carole Johnson

Councillor Anna Keen

Councillor Mahmadur Khan

Councillor Gill Kirk

Councillor Mike Langley

Councillor Jeff Lovell

Councillor Brenda Massey

Councillor Olly Mead

Councillor Steve Pearce

Councillor Celia Phipps

Councillor Ruth Pickersgill

Councillor Jo Sergeant

Councillor Afzal Shah

Councillor Paul Smith

Councillor Mhairi Threlfall

Councillor Estella Tincknell

Councillor Jon Wellington

Councillor Lucy Whittle

Conservative Group (14)

Councillor Peter Abraham

Councillor Lesley Alexander

Councillor Tony Carey

Councillor Richard Eddy

Councillor Geoff Gollop

Councillor John Goulandris

Councillor Claire Hiscott

Councillor Steve Jones

Councillor Matt Melias

Councillor Graham Morris

Councillor Kevin Quartley

Councillor Liz Radford

Councillor Mark Weston

Councillor Chris Windows

Green Group (11)

Councillor Charlie Bolton

Councillor Stephen Clarke

Councillor Eleanor Combley

Councillor Carla Denyer

Councillor Jude English

Councillor Martin Fodor

Councillor Fi Hance

Councillor Cleo Lake

Councillor Paula O'Rourke

Councillor Clive Stevens

Councillor Jerome Thomas

Liberal Democrat Group (8)

Councillor Clare Campion-Smith

Councillor Jos Clark

Councillor Harriet Clough

Councillor Chris Davies

Councillor Gary Hopkins

Councillor Tim Kent

Councillor Anthony Negus

Councillor Mark Wright