

Agenda item:

Title of meeting: Governance & Audit & Standards Committee

Date of meeting: 30 January 2014

Subject: Consideration of the political balance rules in relation to the constitution of Sub-Committees considering complaints against Members

Report by: City Solicitor

Wards affected: N/A

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 The Committee is asked to consider whether it wishes to "disapply" the political balance rules in respect of its Sub-Committees which are considering complaints against Members. This would consequently mean that the three member panel shall wherever possible comprise a representative of each of the three groups, all the time those groups are represented on the main committee.

2. Recommendations

- 2.1 The Committee is asked to consider whether it wishes to disapply the political balance rules in respect of its Sub-Committees which are considering complaints against Members.

3. Background

- 3.1 The Council agreed on 17th July 2012 to "disapply" the political balance rules in respect of Sub-Committees of Governance and Audit and Standards which were dealing with complaints. This meant the Sub-Committees' membership would in future not be made up of Members in the same proportion as the political groups are represented on the Council. Instead it was agreed that the Sub-Committees would be "cross party as far as reasonably practicable."
- 3.2 However, Section 17 (2), Local Government and Housing Act 1989 provides that any decision not to apply the political balance rules shall come to an end if there is any change in the make-up of a committee where they have been disappplied. In January 2013, the Committee membership changed and therefore the Council was required to once again apply the political balance rules. From that date all Sub-Committees have been made up of two Lib-Dem Members and one Conservative Member in accordance with the political balance rules.

3.3 The Committee is asked to consider whether they again wish to disapply the political balance rules in respect of the Sub-Committees' membership. If the decision is made to disapply the political balance rules then they shall be applied only until the end of this council year in May 2014 when the matter would again have to be reconsidered.

3.4 The decision is one which this Committee can make but it must be made without any of the Members present voting against it.

4. Reasons for recommendations

4.1 To allow Members to consider whether they wish to disapply the political balance rules in respect of Sub-Committees.

5. Equality impact assessment (EIA)

5.1 The contents of this report do not have any relevant equalities impact and therefore an equalities assessment is not required.

6. Legal Implications

6.1 The City Solicitor's comments are included in this report.

7. Finance Comments

7.1 There are no financial implications arising from the recommendations set out in this report.

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Signed by: Michael Lawther, City Solicitor

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location