

Decision maker:	Governance & Audit & Standards Committee
Subject:	Composition of Sub-Committees considering complaints against Members.
Date of decision:	27 th June 2014
Report by:	City Solicitor
Wards affected	N/A
Key decision (over £250k)	No

1 Background

- 1.1 The Council agreed on 17th July 2012 to "disapply" the political balance rules in respect of Sub-Committees of Governance and Audit and Standards Sub-Committees which were dealing with complaints. ¹This 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." This was considered important to ensure the greatest transparency in the decision making of these Sub-Committees where complaints against Members were considered.
- 1.2 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 disapplied. 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 were made up of two Lib-Dems Members and one Conservative Member in accordance with the political balance rules. The Committee further considered the question on 30th January 2014 and decided not to suspend the political balance rules.
- 1.3 As there has again been a change in the political make-up of the Council, Members have asked to reconsider the matter. 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 2015 when the matter would again have to be reconsidered.
- 1.4 The decision is one which this Committee can make without further reference to council but it must be made without any of the Members present voting against it.

¹ <http://www.legislation.gov.uk/ukpga/1989/42/section/17>

2 Purpose of Report

2.1 The purpose of the report is to ask the Committee to consider whether it wishes to dis-apply 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 three of the four groups on the Council, all the time those groups are represented on the main committee.

3 Recommendation

3.1 Members are asked to consider whether it wishes to dis-apply the political balance rules in respect of its Sub-Committees which are considering complaints against Members.

4 Equality Impact Assessment (EIA)

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

5 City Solicitor's Comments

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

6 Head of Finance & S151 Officer Comments

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

.....
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
None	N/A