

<b>Title of meeting:</b>	Governance & Audit & Standards Committee
<b>Date of meeting:</b>	2 November 2018
<b>Subject:</b>	Consideration of the political balance rules in relation to the constitution of Sub-Committees considering complaints against Members.
<b>Report by:</b>	City Solicitor
<b>Wards affected</b>	N/A
<b>Key decision</b>	No
<b>Full Council decision</b>	No

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## 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 consider complaints against Members and to agree that the same rule shall apply to the Initial Filtering Panel.

## 2 Recommendation

- 2.1 It is recommended that the political balance rules are disapplied in respect of Governance and Audit and Standards Sub-Committees which are considering complaints against Members and also the same arrangement should apply in respect of Initial Filtering Panel membership.

## 3 Background

- 3.1 The Committee agreed on 30 June 2017 to "disapply" the political balance rules in respect of Sub-Committees of Governance and Audit and Standards Sub-Committees when dealing with complaints. <sup>1</sup>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". This was considered important to ensure the greatest transparency in the decision making of these Sub-Committees where complaints against members were considered. It was also agreed that the same rule would apply to the make-up of the Initial Filtering Panel which is not a formal Sub-Committee of Governance and Audit and Standards.
- 3.2 Section 17 (2) Local Government and Housing Act 1989 provides that any

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

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.

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

#### **4 Reasons for recommendations**

4.1 As there has been a change this municipal year in the political make-up of the Committee, Members are asked to reconsider this decision, as the decision to disapply the political balance rules, last made in September 2018, is only effective for one year or until there is any change in the make-up of a committee where they have been disapplied. If Members decide to disapply the political balance rules then this shall occur only until May 2019 when the decision would again have to be reconsidered.

#### **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 Director of Finance's comments**

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

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Signed by: City Solicitor

**Appendices:** None

#### **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:

<b>Title of document</b>	<b>Location</b>
None	N/A