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REPORT

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TO:

ON:

SUBJECT: Outside Bodies, proportionality and political balance.

## 1. PURPOSE OF THE REPORT

The Council is required, under the Local Government & Housing Act 1989 (ss. 15-17) and the Political Balance Regulations made under that Act, to ensure that the allocation of seats on 'Ordinary' Committees (i.e. those appointed under Sections 101 and 102 of the Local Government Act 1972), comply with the political balance rules. 4.2. Under the Rules, the total number of seats available must be allocated in proportion to the strength of each recognised political group and in line with the following principles: -

- a) That not all seats on a body are allocated to the same political group.
- b) That the majority of seats on the body are allocated to a political group, which has a majority of the Council's membership.
- c) That, subject to principles a) and b) above, the total number of seats on all committees that are allocated to each political group shall bear the same proportion as their relative strength on the Council as a whole.
- d) That, subject to principles a) to c) above, the number of seats on any individual body allocated to each political group bears the same proportion as to their relative strength on the Council (as far as practicable in relation to the size of the body).

<b>Political balance of the Council 2010</b>				
<b>Group</b>	<b>Pre May 6<sup>th</sup></b>	<b>Post May 6<sup>th</sup></b>	<b>Post Sept 14<sup>th</sup></b>	<b>Post Sept 30<sup>th</sup></b>
<b>Labour</b>	<b>28</b>	<b>31</b>	<b>31</b>	<b>00</b>
<b>Conservative</b>	<b>18</b>	<b>19</b>	<b>19</b>	<b>19</b>
<b>Liberal Democrat</b>	<b>11</b>	<b>09</b>	<b>09</b>	<b>09</b>
<b>For Darwen</b>	<b>05</b>	<b>05</b>	<b>03</b>	<b>03</b>
<b>English Democrat</b>	<b>01</b>	<b>00</b>	<b>00</b>	<b>00</b>
<b>Independent</b>	<b>01</b>	<b>00</b>	<b>02</b>	<b>00</b>
<b>Independent Group</b>	<b>00</b>	<b>00</b>	<b>02</b>	<b>00</b>
<b>Alignment</b>	<b>00</b>	<b>00</b>	<b>00</b>	<b>33</b>
<b>TOTAL</b>	<b>64</b>	<b>64</b>	<b>64</b>	<b>64</b>

#### **Summary of seats post 30<sup>th</sup> Sept 2010**

<b>Political Party</b>	<b>Seats on the Council</b>	<b>% seats on the Council</b>
<b>Alignment</b>	<b>33</b>	<b>51.56%</b>
<b>Conservative</b>	<b>19</b>	<b>29.67</b>
<b>Lib Dem</b>	<b>09</b>	<b>14.06</b>
<b>For Darwen</b>	<b>03</b>	<b>4.69</b>
<b>Independent</b>	<b>00</b>	<b>0.00</b>
<b>Total</b>	<b>64</b>	<b>99.98%</b>

**The allocation of seats from the Outside Bodies list is as follows\*:**

Committee	Places	Alignment	Con	Lib Dem	For Darwen
A Outside Bodies Combined Authorities*	6	3.096 (3)	1.78 (2)	.84 (1)	.28 (0)
B Outside Bodies*	37	19.08 (19)	10.98(11)	5.20 (5)	1.74 (2)
C Outside Bodies Community Associations	52	26.81 (27)	15.42 (15)	7.31 (7)	2.44 (3)
D outside bodies Council partnership Bodies	16	8.25 (8)	4.75 (5)	2.25 (2)	.66 (1)
E Outside Bodies Nhood Boards	25	12.89 (13)	7.41 (7)	3.51 (4)	1.17 (1)
<b>Total</b>	<b>136</b>	<b>70</b>	<b>40</b>	<b>19</b>	<b>7</b>

## 2. BACKGROUND AND NOTE OF EXPLANATION:

2.1 At Annual Council in May 2010 the Chief Executive submitted a report on appointments to combined authorities, outside bodies, community associations and partnership bodies (Agenda item 12). It was resolved that appointments to the list of representatives on combined authorities, outside bodies, community associations and partnership bodies would be delegated to Political Group Leaders for decision. However to date such an agreement has not been possible. Whilst it is appreciated some Members may ascribe more importance to some committees, associations or bodies in preference to others, it is for Political Group Leaders to come to an agreement on which Councillor (proportionally) is assigned to which, and in the absence of any agreement for Council Forum to vote on the matter.

2.2 It is for Members to note that the specified bodies include:

- Ordinary committees and ordinary sub-committees of the authority
- Any body from a specified list to which the authority makes at least 3 appointments. Such bodies include:
  - Fire Authority
  - Police Authority
  - Waste Disposal Authority
  - Superannuation Committee
  - Joint Committee, not falling within any other category, appointed by 2 or more authorities under s102(1)(b) LGA 1972

2.3 The rules only apply to those bodies listed in the legislation.

- 2.4 For all other outside bodies the Council sets its own policy for the allocation of seats to those bodies:
- 2.5 Blackburn with Darwen Borough Council Policy: Annual Council 21<sup>st</sup> June 2010 "This Council believes that when considering appointments to outside bodies it should seek to reflect the political composition of the Council, as closely as possible. It therefore resolves that, with the exclusion of those nominations made by reference to political office (that is the Leaders of the political groups, Executive Board members , Chairs of committee or their nominees) or to the Mayor and Deputy, appointment be made on the following basis:
- I. When there is only one representative it is for the controlling Group.
  - II. Where there is more than one representative the places are allocated in the same proportion as the political composition of the Council.
  - III. That discussions take place between representatives of all political Groups at the start of the Council Year to agree the allocation of seats in accordance with I and II
  - IV. When seats become vacant during the Council Year, the political party allocated the seats in III, has the right to nominate a replacement.
- 2.6 This Policy currently reflects the outside bodies as outlined in the Councils current structure.
- 2.7 "Outside Bodies group A & B"

Custom and practice at Blackburn with Darwen Borough Council has previously meant that:

- I. The overall figure is calculated on those positions which are not / have not been assigned to the Executive Member of a,b,c or the Leader of the Council etc.
  - II. Where an organisation has a single seat, this normally goes to the ruling group unless by agreement certain seats are given to the opposition.
  - III. Some of the Bodies listed have already been agreed at Council e.g. Care Trust Plus.
  - IV. As part of the calculation "11. Common Good Trust" has not been included as the nominees (2) are not Councillors.
  - V. The remainder of seats are divided proportionally and takes into account the reduction on Twin Valley to 2 nominations and the inclusion of 6 places to the Charitable Trusts Committee.
- 2.8 "Outside Bodies /Community Associations – Group C"

Community Associations; where possible the number of seats are divided proportionally unless by agreement certain seats are given to the opposition.

## 2.9 “Outside Bodies Neighbourhood Boards – Group E”.

Neighbourhood Boards - their terms of reference were agreed by the Executive Board and have their own arrangement, therefore the figures in Group E are only an outline for example, as opposed to the actual Terms of Reference: *The membership of the Neighbourhood Boards shall comprise of no less than 10 and be no larger than 20 members. It shall consist of: Councillors, between 3 and 6 (excluding Town/Parish Councillors). Other sectors (including town / Parish Councillors) between 6 and 12. There will be no ex officio members.*

## 3. RECOMMENDATIONS

- 3.1. That Council agree the latest iteration of the Outside Bodies list (appendix A) as the list for the remainder of the Municipal Year.
- 3.2. That Group Leaders forward outstanding nominations within the next five working days.
- 3.3 That in the absence of nominations pursuant to recommendation 3.2 above and the need to fill the positions as a matter of urgency, a new policy be adopted, to fill the seats for the remainder of the year by offering unallocated seats to remaining political groups instead of holding vacancies.
- 3.4 That the revised list be circulated to Members Chief Officers and partner organisations as soon as practicable.

**Linda Comstive – Coar**  
**Date:**

**Contact Officer:**  
**Date:**

**Director of Legal Services**  
**24<sup>th</sup> November 2010**

**Ben Aspinall**  
**24<sup>th</sup> November 2010**