

BROMSGROVE DISTRICT COUNCIL

Council
2021

14th July

Membership Arrangements: Constitution Review Working Group

Relevant Portfolio Holder	Councillor Geoff Denaro
Portfolio Holder Consulted	
Relevant Head of Service	Claire Felton, Head of Legal, Democratic and Property Services
Report Author Claire Felton	Job Title: Head of Legal, Democratic and Property Services Contact email: c.felton@bromsgroveandredditch.gov.uk Contact Tel: 01527 881429
Wards Affected	N/A
Ward Councillor(s) consulted	N/A
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Non-Key Decision	
If you have any questions about this report, please contact the report author in advance of the meeting.	

1. RECOMMENDATIONS

Council is asked to RESOLVE that:

- 1) The membership of the Constitution Review Working Group be amended to reflect the Council's political balance; and**
- 2) The Council's constitution be amended to require the membership of the Constitution Review Working Group to reflect the political balance.**

2. BACKGROUND

- 2.1 Bromsgrove District Council has a number of working groups, including the Constitution Review Working Group.
- 2.2 Working Groups do not have any decision-making powers. However, they can make recommendations to Council for consideration. Meetings of these groups are informal and are held in private.
- 2.3 The Constitution Review Working Group is responsible for reviewing the Council's constitution. Any changes to the constitution proposed by the group are recommended on to full Council for consideration.
- 2.4 Currently, there are 6 members of the Constitution Review Working Group, comprising each of the political group leaders and the Portfolio

BROMSGROVE DISTRICT COUNCIL

Council
2021

14th July

Holder for Finance and Enabling, in his capacity as lead Portfolio
Holder for governance arrangements.

- 2.5 From time to time it is necessary to review the workings of these groups and the membership thereof and given the recent change to group numbers and size it would appear to be an appropriate time for review. It is therefore suggested that members give consideration to reconfiguring the membership so as to afford with political balance whilst at the same time enabling all groups to participate.
- 2.6 Further reviews of other working groups may be undertaken on a case-by-case basis during the year.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications.

4. LEGAL IMPLICATIONS

- 4.1 Council is responsible for approving any proposed changes to the authority's constitution. Unlike other areas of Council business, this final decision-making power in respect of the constitution cannot be delegated to another Committee.
- 4.2 The political balance rules are set out in The Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990. When setting the political balance, the Council needs to comply with this legislation.
- 4.3 The political balance rules, in terms of the appointment of Members to Committees to reflect the authority's political balance, apply to most "ordinary committees", or formal Committees such as the Planning Committee, though not the Cabinet.
- 4.4 The Local Government and Housing Act 1989 stipulates in calculating the political balance "...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 that authority as is borne by the number of members of that group to the membership of the authority." (Para 15, (5), (c)) This means that in calculating the overall political balance, only the figures for ordinary Committees should be included in the calculations for the authority.
- 4.5 Working Groups, scrutiny Task Groups and advisory panels are not classified as ordinary committees. Therefore, the political balance does not need to apply to these bodies.

- 4.6 However, the Council can determine how membership is allocated for informal bodies such as working groups. Therefore, Members could set the membership of a working group in accordance with numbers that would correspond with the political balance for a Committee of an equivalent size in membership. It must be noted, though, that if this was to occur the seats could not be included in the formal calculations for the Council's political balance nor would the seats on those groups be included in the total of all seats used to calculate the political balance.
- 4.7 Should Members decide to appoint to the Constitution Review Working Group in a manner that reflects the political balance, it is suggested that consideration be given to appointing a total of 9 Members to the group. This would ensure that all political groups are represented and each of the political groups not forming part of the administration would be able to appoint the same number of Members, so would be equally represented. The number of appointments in this context would be 5 Conservative Members and 1 Member from each of the other political groups.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

- 5.1 The Council needs to ensure that governance arrangements enable Council business to be conducted in an effective and sustainable manner. As part of this process, Members should consider whether changes to the membership of the Constitution Review Working Group would improve the Council's ability to conduct Council business in an effective and sustainable manner.

Climate Change Implications

- 5.2 There are no specific climate change implications.

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

- 6.1 No equalities and diversity implications have been identified.

Operational Implications

- 6.2 There have been various iterations in terms of the membership of the Constitution Review Working Group in recent years. Prior to the 2021/22 municipal year, both group leaders and deputy group leaders from each political group were appointed to the working group. This resulted in 10 Members serving on the group.
- 6.3 The membership of the Constitution Review Working Group was reduced to the current membership of 6 in February 2021. This change was agreed by all group leaders due to concerns about difficulties in respect of organising ad hoc meetings of the group that could be attended by all group leaders and deputy leaders.
- 6.4 A change to the membership of the Constitution Review Working Group to reflect the political balance of the Council would potentially result in an increase in membership to 9 Members overall. However, this is the minimum number of Members required on the group in order for all political groups to be represented at meetings of the Constitution Review Working group.
- 6.5 Many Councils involve group leaders in discussions about proposed changes to the Council's constitution. This is considered to be good practice.
- 6.6 The Constitution Review Working Group does not currently have official terms of reference, beyond the group's remit to review the constitution. However, it is recognised that Members might find written terms of reference helpful as a guide to the group's remit.
- 6.7 Suggested terms of reference for the group have been attached at Appendix 1 for Members' consideration. Members are asked to note that as the Constitution Review Working Group is not a formal Committee these terms of reference will not be included in the Council's constitution.

7. RISK MANAGEMENT

- 7.1 No specific risks have been identified.

8. APPENDICES and BACKGROUND PAPERS

Appendices

Appendix 1 – Proposed terms of reference for the Constitution Review Working Group

Background papers

Background papers include the relevant legislation:

The Local Government and Housing Act 1989

The Local Government (Committees and Political Groups) Regulations 1990

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor Geoff Denaro	14 th June
Lead Director / Head of Service	Kevin Dicks, Chief Executive	June 2021
Legal Services	Claire Felton, Head of Legal Democratic and Property Services	14 th June 2021