

---

**Report to:** Cabinet

**Date of Meeting:** 26 May 2011

**Subject:** Appointment of Representatives to the Merseyside Integrated Transport Authority

**Report of:** Head of Corporate Legal Services    **Wards Affected:** None

**Is this a Key Decision?** No

**Is it included in the Forward Plan?** No

**Exempt/Confidential** No

---

### **Purpose/Summary**

To determine the appointment of four Council Representatives on to the Merseyside Integrated Transport Authority (MITA) and one of the representatives on to the Strategic Board of Sefton Borough Partnership subject to the approval of the MITA.

### **Recommendation(s)**

- 1) The Cabinet is requested to consider the issues set out in the report and appoint four representatives onto the MITA for 2011/12; and
- 2) The Cabinet is requested to appoint one of the MITA Representatives (Councillor Griffiths, Conservative nominee) as a member of the Strategic Board of Sefton Borough Partnership subject to the approval of the MITA. (Paragraph 1.3 refers)

### **How does the decision contribute to the Council's Corporate Objectives?**

	<b><u>Corporate Objective</u></b>	<b><u>Positive Impact</u></b>	<b><u>Neutral Impact</u></b>	<b><u>Negative Impact</u></b>
1	Creating a Learning Community		√	
2	Jobs and Prosperity		√	
3	Environmental Sustainability		√	
4	Health and Well-Being		√	
5	Children and Young People		√	
6	Creating Safe Communities		√	
7	Creating Inclusive Communities		√	
8	Improving the Quality of Council Services and Strengthening Local Democracy	√		

**Reasons for the Recommendation:**

The Council is required by law (Section 15 of the Local Government and Housing Act 1989) to allocate seats in accordance with the new political make-up of the Council following an election. The Council has referred consideration of the matter to Cabinet. The report sets out the legal position and the provisions contained within the convention which the 3 Political Group Leaders previously agreed should apply. The application of the provisions in the convention require the unanimous agreement of all 3 Political Groups, otherwise the legal default position must apply.

**What will it cost and how will it be financed?**

**(A) Revenue Costs - Nil**

**(B) Capital Costs - Nil**

**Implications:**

The following implications of this proposal have been considered and where there are specific implications, these are set out below:

<b>Legal</b> These are contained within the contents of this report.
<b>Human Resources</b> There are no implications arising from the contents of this report
<b>Equality</b> 1. No Equality Implication <input checked="" type="checkbox"/>
2. Equality Implications identified and mitigated <input type="checkbox"/>
3. Equality Implication identified and risk remains <input type="checkbox"/>

**Impact on Service Delivery:**

None

**What consultations have taken place on the proposals and when?**

The Head of Corporate Finance and ICT has been consulted (FD.781).

**Are there any other options available for consideration?**

As set out in the report.

## **Implementation Date for the Decision**

Following the expiry of the “call-in” period for the Minutes of the Cabinet.

**Contact Officer:** Jill Coule, Head of Corporate Legal Services  
**Tel:** 0151 934 2032  
**Email:** [jill.coule@sefton.gov.uk](mailto:jill.coule@sefton.gov.uk)

## **Background Papers:**

There are no background papers available for inspection.

## 1. Introduction/Background

- 1.1 The Council at its Adjourned Annual Meeting held on 17 May 2011 considered a schedule regarding the proposed Council representation on the four Merseyside Joint Authorities for 2011/12.
- 1.2 The Council approved the proposed representation on the Merseyside Fire and Rescue Authority, Merseyside Waste Authority and Merseyside Police Authority. In relation to the proposed appointments on the Merseyside Integrated Transport Authority, Council **resolved**:

That in relation to the Merseyside Integrated Transport nominations, the names identified in the schedule (Councillors Dodd, McDowd, Griffiths and Sumner) remain the Council's nominations until such time as the next Cabinet Meeting amends the nominations following clarification of issues relating to proportionality.

- 1.3 Council has by default, also referred consideration of the appointment of the MITA representative on the Strategic Board of Sefton Borough Partnership to Cabinet. The Council previously agreed to apply proportional balance to the Strategic Board. The effect of this is that the seats on the Board are allocated as follows: Labour 2, Liberal Democrat, 1 and Conservative 1. The Labour Group has nominated Councillors Cluskey (Waste Disposal Authority) and Byrom (Fire and Rescue Authority); and the Liberal Democrat Group has nominated Councillor Howe (Police Authority) to the Board. The effect of this is that the MITA representative on the Board falls to Councillor Griffiths, Conservative Group, in order to effect the political balance on the Strategic Board. The Merseyside Integrated Transport Authority will be asked to confirm this appointment.

## Legal Position

2.1 The Local Government and Housing Act 1989 ("the Act") specifies the responsibilities upon relevant authorities to appoint to a Joint Board (or indeed any body to which they are required to appoint to) in accordance with the representation of different Political Groups on the body. This is a statutory requirement.

Sub-section 5 of Section 15 to the Act stipulates the principles that must be considered when filling appointments to be made to any relevant authority. These are;

- a) that not all seats on the body are allocated to the same political group
- b) that the majority of the seats on the body is allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership
- c) that subject to (a) and (b) above, 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 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; and

- d) Subject to paragraphs (a) and (c) above, that the number of seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by all number of members of that group to the membership of the authority

The Act through Section 21 and Schedule 1 makes it clear that the above principles apply to the appointment of members on a joint board for transport.

### Political Conventions Document

- 3.1 The Political Conventions Document signed by the three Group Leaders on 29 March 2010 indicates that the position with regard to the appointment of Council representatives on the four Merseyside Joint Authorities is as follows:

#### 9.0 Joint Boards

- 9.1 The Police Authority seats are allocated proportionately on a Pan-Merseyside basis and the respective Party shares will be calculated after the Elections. Accordingly it is custom and practice for the Council to make reserve nominations in case the Council finds itself in the situation, as in the past, where it needs to change nominations to ensure the appropriate political balance.

- 9.2 On the three Joint Boards the Council has ten representatives (Transport: 4 / Waste: 2 / Fire: 4). The Council has always pooled the ten seats (plus the two Police nominees) and distributed them proportionately to the Parties, (although it should be noted in the past this convention has been challenged by Liverpool City Council.)

### 3.2 The pooled proportionality on the 3 Joint Boards is

Joint Authority	No. of Reps	Political Group		
		Labour	Liberal Democrat	Conservative
Fire and Rescue	4	2	1	1
Integrated Transport	4	1	2	1
Waste Disposal	2	1	1	0
Total	10	4	4	2

This is the same position as for 2010/11

**3.3 The proportionality per Joint Board would be:**

Joint Authority	No. of Reps	Political Group		
		Labour	Liberal Democrat	Conservative
Fire and Rescue	4	2 (1.81)	1 (1.48)	1 (0.71)
Integrated Transport	4	2 (1.81)	1 (1.48)	1 (0.71)
Waste Disposal	2	1 (0.90)	1 (0.74)	0 (0.35)
<b>Total</b>	<b>10</b>	<b>5</b>	<b>3</b>	<b>2</b>
<b>Impact</b>	<b>-</b>	<b>+1</b>	<b>-1</b>	<b>Nil</b>

The impact would be that the Labour Group would gain one place on the Merseyside Integrated Transport Authority and the Liberal Democrat Group would lose one place on that Authority.

3.4 The provisions within the Act only apply where the relevant authority is making at least three appointments to a body. With regard to the appointments to the Integrated Transport Authority, these rules do not apply to Knowsley and St. Helens Councils.