
Report to: Cabinet

Date of Meeting: 24 May 2012

Subject: Appointment of Representatives to the Joint Authorities 2012/13

Report of: Head of Corporate Legal Services **Wards Affected:** All

Is this a Key Decision? Yes

Is it included in the Forward Plan? Yes

Exempt/Confidential: No

Purpose/Summary

To determine the appointment of the Council Representatives on to the Merseyside Fire and Rescue Authority, Merseyside Integrated Transport Authority and Merseyside Waste Disposal Authority for 2012/13.

Recommendation

(1)The Cabinet is requested to consider the issues set out in the report and appoint four representatives onto the Merseyside Fire and Rescue Authority and Merseyside Integrated Transport Authority and two representatives on the Merseyside Waste Disposal Authority for 2012/13; and

(2) it be noted that the Chair of the Overview and Scrutiny Committee (Performance and Corporate Services) has given his consent under Rule 17 of the Scrutiny Procedure Rules for these decisions to be treated as urgent and not subject to "call in" on the basis that they cannot be reasonably deferred because of the scheduled meetings and induction sessions of the Joint Authorities.

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

	<u>Corporate Objective</u>	<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
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 and this report sets out the legal position.

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:

Legal	
These are contained within the contents of this report.	
Human Resources	
There are no implications arising from the contents of this report	
Equality	
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 (FD1555/12).

Are there any other options available for consideration? As set out in the report.

Implementation Date for the Decision

Immediately following the meeting.

Contact Officer: Jill Coule, Head of Corporate Legal Services
Tel: 0151 934 2032
Email: 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 15 May 2012 considered a schedule regarding the proposed Council representation on the four Merseyside Joint Authorities for 2012/13 and resolved: That:

- (1) approval be given to the nomination of Councillors Kerrigan and Shaw as the Council's representatives on Merseyside Police Authority (nominations only - appointment will be made by the Merseyside Police Authority Appointments Committee for the period up to 22 November 2012);
- (2) consideration of the Council's representation on the following Joint Authorities for 2012/13 be deferred:
 - (i) Merseyside Fire and Rescue Authority
 - (ii) Merseyside Integrated Transport Authority
 - (iii) Merseyside Waste Disposal Authority; and
- (3) the decision making in respect of the representation on the above-mentioned Joint Authorities be delegated to the Cabinet on 24 May 2012, following clarification of issues relating to proportionality.

1.2 The calculated proportionality on the three Joint Authorities is as follows:

Authority	Seats	Lab	Lib Dem	Con
Fire & Rescue	4	2.25	1.25	0.50
Transport	4	2.25	1.25	0.50
Recycling & Waste	2	1.13	0.63	0.25

1.3 The nominations submitted to Council by the three Political Groups for the three Joint Authorities are as follows:

<u>Joint Authority</u>	<u>Representatives</u>
Merseyside Fire and Rescue Authority	Councillors Blackburn (LD) Byrom (Lab) Jones (Con) Mahon (Lab)
Merseyside Integrated Transport Authority	Councillors Dodd (LD) M. Dowd (Lab) Friel (Lab) Papworth (Con)

2. 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.

Section 15(4) of the Act makes clear it that it is the duty of every authority to make only such determinations as give effect, so far as is reasonably practicable, to the principles specified in Section 15(5) of the Act. These principles are:

- a) that not all seats on the body are allocated to the same political group
- b) that the majority of the seats on each body are allocated to the political group holding the majority on the full Council**
- c) that subject to paragraphs (a) and (b) above, the number of seats on the total of all the ordinary committees of a relevant authority allocated to each political group should bear the same proportion to the proportion on the full Council
- d) that subject to paragraphs (a) to (c) above, that the number of seats on each ordinary committee of the authority allocated to each political group bears the same proportion to the proportion on the full Council.

2.2 The Act through Section 21 and Schedule 1 makes it clear that the above principles apply to the appointment of members of the following bodies.
Section 21 (1)(f) - fire and rescue authority
Section 21 (1)(h) - waste disposal authority
Section 21 (1)(i) - transport authority

2.3 The provisions within the Act (Schedule 1 Paragraph 1(c)) only apply where the relevant authority is making at least three appointments to a body and consequently, these rules do not apply to the proposed appointments to the Merseyside Waste Disposal Authority, where 2 places are available for representatives of Sefton Council.

2.4 The consequences of this legislation on the Council’s nominations is currently being considered and an updated position will be reported to the meeting.