



## Belfast District Council (Shadow)

<b>Report to:</b>	Shadow Strategic Policy and Resource Committee
<b>Subject:</b>	Allocation of Political Places on the Belfast Policing and Community Safety Partnership (PCSP) and the Four District Policing and Community Safety Partnerships (DPCSPs)
<b>Date:</b>	Friday, 20th February, 2015
<b>Reporting Officer:</b>	Stephen McCrory, Democratic Services Manager (ext. 6314)
<b>Contact Officer:</b>	Alison Allen, Safer City Manager (ext. 3780)

<b>1</b>	<b>Relevant Background Information</b>
1.1	The Council is required, under Part 3 of the Justice Act (Northern Ireland) 2011, to establish the Belfast PCSP and the four DPCSPs. The Council must, under this legislation, make the appointments, so far as is practicable, to reflect the strength of the Parties on the Council. A diagrammatic representation of the structure is given in Appendix 3.
1.2	Furthermore, Part 3, Section 6 (1) (f) of the Local Government Act (Northern Ireland) 2014 makes provision for the filling of positions of responsibility. Under this legislation, Political Members appointed to the PCSP and the four DPCSPs are considered positions of responsibility.
1.3	The Committee, at its meeting on 30th January, deferred consideration of this report until its meeting in February.

<b>2</b>	<b>Key Issues</b>
2.1	<b><u>Appointment of Political Members to the Principal PCSP</u></b>  Members are reminded that, in 2012 the Council decided to appoint a 19 Member Policing and Community Safety Partnership which comprised 10 elected Members appointed by the Council and 9 Independent Members appointed by the Northern Ireland Policing Board. There were also representatives from 7 statutory bodies and the voluntary and community sector, however there is no formal appointments process for these members.

2.2	The Justice Act (Northern Ireland) 2011 provides that the Council may decide to appoint either 8, 9 or 10 Political Members to the PCSP. The number of Independent Members is to be set at one less than the number of Political Members. The decision which the Committee must make on the number of Political Members to appoint needs to factor in both the size of the partnership, but also its political make up.
2.3	Appendix 1, Part A, sets out the allocation of places to the political parties on the Council based upon a PCSP (the citywide partnership) comprising 19 Members, 17 Members and 15 Members (numbers include both Political and Independent Members). This is based on several proportionality methods, namely the quota greatest remainder, the droop quota, D'hondt and Sainte Lague formulas. The Council, in the past, has favoured the use of the quota greatest remainder method for sharing out of Committee posts. This formula works on party strengths and is aimed at providing proportionate representation reflecting party strengths in the Council.
2.4	This is further complicated as the legislation also provides that the Political Members of the PCSP shall include the persons who hold the Office of Chair of each of the DPCSPs. This means that 4 of the Political appointments to the PCSP each year will be reserved for the Chairs of the 4 DPCSPs.
2.5	In addition, for any particular DPCSP there is a requirement that, <b><i>so far as is practicable</i></b> , the Chair will be held in turn by the 4 largest Parties on the Council during the 4-year term (although there is a slight difficulty with this as discussed below in 2.8). Accordingly, when considering the political nominations to the PCSP, it needs to be remembered that some Parties will already have obtained places through the Chairs of the DPCSPs..
2.6	<u>The Committee is then firstly required to determine whether it wishes to appoint a PCSP comprising of 19 Members, 17 Members or 15 Members and to select the proportionality method for doing so.</u> In making this decision Members should be mindful of the fact that additional multi-sectoral members could add at least a further 10 people to the partnership.
2.7	The Committee is reminded that the nomination of a political Member to hold a position on the PCSP or on one of the 4 DPCSPs is considered to be a position of responsibility under the provisions of the Local Government Act (Northern Ireland) 2014 and, therefore any consideration of the appointment of political Members can only be undertaken at the same time as all other positions of responsibility are being considered. Indeed, it is not possible to be certain that the outcome of the political makeup of the PCSP and the DPCSPs will precisely reflect the numbers set out in Appendix 1 as these choices will be included in a larger pool of positions of responsibility.
2.8	<b><u>Allocation of places and the appointment of the Chairs on the DPCSP's</u></b>
2.9	The 4 DPCSPs will have 6 Political Members each (as determined by the legislation), giving a total of 24 Political Members. The legislation requires that, so far as is practicable, the political membership of all 4 DPCSPs taken together reflects the balance of the Parties immediately after the last local election. Again, this can only be determined when all of the positions of responsibility are being allocated at the second annual meeting of the Shadow Council in March.
2.10	Part B of Appendix 1 shows the results when applying the standard formulas used by the Council in respect of appointments to the DPCSPs, namely the quota greatest remainder, the droop quota, D'hondt and Sainte Lague.

2.11	<p><b><u>Chairs of the PCSP and DPCSPs</u></b></p>
	<p>Under the legislation, the position of Chair of the PCSP is to be rotated, <b><i>so far as is practicable</i></b>, amongst the 4 largest Parties represented on the Council.</p>
2.12	<p>Accordingly, in the 4-year term, the position of Chair would, in accordance with the spirit of the legislation, be held in turn by the Sinn Féin, Democratic Unionist, Alliance and Social, Democratic and Labour Parties.</p>
2.13	<p>For any particular DPCSP there is a requirement that, <b><i>so far as is practicable</i></b>, the Chair will be held in turn by the 4 largest Parties on the Council during the 4-year term. Accordingly, when considering the political nominations to the PCSP, it needs to be remembered that some Parties will already have obtained places through the Chairs of the DPCSPs. However, when applying any of the available proportionality formula used by the Council this would not be possible with the current party strengths on Belfast City Council as the 3<sup>rd</sup> and 4<sup>th</sup> largest political parties on the Council, the Alliance and the Social Democratic Labour Parties, would only be entitled to 3 places each across the four DPCSPs. Accordingly, if this model is applied, there would always be a DPCSP that would not have an Alliance or Social Democratic Labour Party representative.</p>
2.14	<p>The Council previously sought legal advice on the approach that it would be advised to take in these circumstances. This advice, which was provided by Junior Counsel, is attached in Appendix 2. Although the advice does not rule out the possibility of the Council deciding not to apply its normal formula rigidly (i.e. it would be within the powers of the Council to do so), it concludes that on balance the Council would be best to continue to apply the process which the Council has habitually used, i.e. appointments to the DPCSPs should be shared out on the basis of the model used by the Council without adjustment.</p>
2.15	<p>This recommendation is also made based on the sequencing of the Council's obligations contained within the legislation. It is when exercising the power to appoint Political Members to the DPCSPs that the Council is required to ensure that membership of the DPCSPs is proportionate to party strengths. The obligation to rotate the DPCSP Chairs arises not when appointing Political Members but when actually appointing the Chairs each year.</p>
2.16	<p>The outcome of this approach would also have an impact on the composition of the PCSP as the Chair of each DPCSP is entitled to membership of the PCSP. Furthermore, the vacant Chairs would have to be allocated to the largest Party groupings which would result in both Sinn Féin and the Democratic Unionist Party holding two Chairs of the DPCSPs during the affected years.</p>
2.17	<p><u>The Committee is required to determine whether it wishes to appoint Political Members to the 4 DPCSPs based on the legal opinion as outline in Appendix 2.</u></p>
2.18	<p>Once the decisions are made by Committee, a meeting of the relevant Party Leaders will be necessary to allocate places using a d'Hondt based table of choices.</p>

<b>3</b>	<b>Resource Implications</b>
3.1	<p><b><u>Financial Resources</u></b></p> <p>£122,500 of service delivery costs per annum until March, 2016. This has already been agreed via the revenue estimates.</p>
3.2	<p><b><u>Human Resources</u></b></p> <p>None.</p>
3.3	<p><b><u>Asset and Other Implications</u></b></p> <p>None.</p>

<b>4</b>	<b>Equality and Good Relations Considerations</b>
4.1	None at present.

<b>5</b>	<b>Call In</b>
4.1	This decision is subject to Call In.

<b>5</b>	<b>Recommendations</b>
5.1	<p>The Committee is asked to:</p> <ol style="list-style-type: none"> <li>1. Determine whether it wishes to appoint a PCSP comprising of 19 Members, 17 Members or 15 Members.</li> <li>2. Determine the proportionality method to be used to give indicative Party allocations on the PCSP and the DPCSPs</li> <li>3. Determine whether it wishes to appoint the Political Members to the four DPCSPs based on the legal advice.</li> </ol>

<b>6</b>	<b>Decision Tracking</b>
Alison Allen, Safer City Manager.	

<b>7</b>	<b>Key to Abbreviations</b>
<p>DPCSP – District Policing and Community Safety Partnerships  PCSP – Policing and Community Safety Partnerships</p>	

<b>8</b>	<b>Documents Attached</b>
Appendix 1	Allocation of Places – Application of formula
Appendix 2	Legal Opinion
Appendix 3	Diagrammatic representation of Partnerships