



**Belfast City Council**

<b>Report to:</b>	Strategic Policy and Resource Committee
<b>Subject:</b>	<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>
<b>Date:</b>	Friday, 18 <sup>th</sup> November, 2011
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<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.
1.2	The Strategic Policy and Resources Committee was made aware of the structures for these new partnerships in a number of previous reports. A diagrammatic representation of the structure is given in Appendix 3.

<b>2</b>	<b>Key Issues</b>
	<b><u>Appointment of Political Members to the Principal PCSP</u></b>
2.1	Members are reminded that, in 2003 and again in 2007, the Council decided to appoint a 19 Member District Policing Partnership which comprised 10 elected Members appointed by the Council and 9 Independent Members appointed by the Northern Ireland Policing Board. It should be noted that in the new partnership there will also be representatives from statutory bodies and the voluntary and community sector, however there is no formal appointments process for these members. This has the potential to make the citywide partnership very large.
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 the formula which the Council uses for sharing out of Committee posts and other posts where it is entitled to nominate representatives to outside bodies. This formula works on party strengths and is aimed at providing proportionate representation reflecting party strengths in the Council.

2.4 However, 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 Chairman of each of the DPCSPs. This means that 4 of the Political appointments to the PCSP each year will be reserved for the Chairmen of the 4 DPCSPs.

In addition, for any particular DPCSP there is a requirement that, ***so far as is practicable***, the Chairmanship 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 Chairmen of the DPCSPs. The breakdown is represented in Part B of Appendix 1.

2.5 The political make up of PCSP, depending on whether it has 19, 17 or 15 members is summarised in the table below (see Appendix 1 Part A for more detail):

	19 Members	17 Members	15 Members
SF	3	3	3
DUP	3	3	2
SDLP	2	1	1
ALL	1	1	1
UUP	1	1	1
PUP	0	0	0
IND	0	0	0
<b>TOTAL</b>	<b>10</b>	<b>9</b>	<b>8</b>

2.6 **The Committee is then firstly required to determine whether it wishes to appoint a PCSP comprising of 19 Members, 17 Members or 15 Members.** In making this decision Members should be mindful of the fact that additional multi-sectoral members could add approximately a further 10 people to the partnership.

2.7 **Chairman of the PCSP**  
Under the legislation, the position of Chairman of the PCSP is to be rotated, so far as is practicable, amongst the 4 largest Parties represented on the Council. Accordingly, in the 4-year term, the position of Chairman would, in accordance with the spirit of the legislation, be held in turn by the Sinn Féin, Democratic Unionist, Social, Democratic and Labour and Alliance Parties.

**Allocation of places and the appointment of the Chairmen on the DPCSP's**

2.8 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.

2.9 Part C of Appendix 1 shows the results when applying the standard formula used by the Council in respect of appointments to the DPCSPs. This is summarised below:

Party	Total
SF	8
DUP	7
SDLP	4
ALL	3
UUP	1
PUP	1
IND	0
<b>Total</b>	<b>24</b>

### Chairs of the DPCSPs

- 2.10 Again the legislation states that the chairmanship of each of the 4 DCSPs should, ***so far as is practicable***, be held in turn by each of the 4 largest parties on the Council. However, when applying the normal formula used by the Council this would not be possible with the current party strengths on Belfast City Council as the 4<sup>th</sup> largest political party on the Council, the Alliance Party, would only be entitled to 3 places across the four DPCSP's. Accordingly, if this model is applied, there would always be one DPCSP that would not have an Alliance Party representative.
- 2.11 Given that the structures are governed by a new piece of legislation, the Council has 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.
- 2.12 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.
- 2.13 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 Chairmanship would have to be allocated to the largest Party grouping which would result in Sinn Féin holding two Chairmanships of the DPCSPs during the affected year (i.e. in one of the four years of the membership term).
- 2.14 **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.**
- 2.15 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.

### 3 Resource Implications

3.1 None

<b>4</b>	<b>Recommendations</b>
4.1	<p>The Committee is asked to:</p> <ol style="list-style-type: none"> <li>1. <u>Determine whether it wishes to appoint a PCSP comprising of 19 Members, 17 Members or 15 Members.</u></li> <li>2. <u>Determine whether it wishes to appoint the Political Members to the four DPCSPs based on the legal advice.</u></li> </ol>

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

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

## Appendix 1

### A. Allocation of places to the PCSP – 3 scenarios (not considering chairs of DCSPS)

#### Formula Used:

$$\frac{\text{Number of political places}}{51} \times \text{Party representation on the Council}$$

#### 19 Member PCSP – 10 Political Members

Party	No of Seats	Allocation	Whole Number	*Balancing Figure	Total
SF	16/51	3.14	3	+0	3
DUP	15/51	2.94	2	+1	3
SDLP	8/51	1.57	1	+1	2
ALL	6/51	1.18	1	+0	1
UUP	3/51	0.59	0	+1	1
PUP	2/51	0.39	0	+0	0
IND	1/51	0.20	0	+0	0
<b>TOTAL</b>	<b>51/51</b>	<b>10.01</b>	<b>7</b>	<b>3</b>	<b>10</b>

#### 17 Member PCSP – 9 Political Members

Party	No of Seats	Allocation	Whole Number	*Balancing Figure	Total
SF	16/51	2.82	2	+1	3
DUP	15/51	2.65	2	+1	3
SDLP	8/51	1.41	1	+0	1
ALL	6/51	1.06	1	+0	1
UUP	3/51	0.53	0	+1	1
PUP	2/51	0.35	0	+0	0
IND	1/51	0.18	0	+0	0
<b>TOTAL</b>	<b>51/51</b>	<b>9</b>	<b>6</b>	<b>3</b>	<b>9</b>

#### 15 Member PCSP – 8 Political Members

Party	No of Seats	Allocation	Whole Number	*Balancing Figure	Total
SF	16/51	2.51	2	+1	3
DUP	15/51	2.35	2	+0	2
SDLP	8/51	1.25	1	+0	1
ALL	6/51	0.94	0	+1	1
UUP	3/51	0.47	0	+1	1
PUP	2/51	0.31	0	+0	0
IND	1/51	0.16	0	+0	0
<b>TOTAL</b>	<b>51/51</b>	<b>7.99</b>	<b>5</b>	<b>3</b>	<b>8</b>

## **B. Effect of Chairs of each PCSP holding seats on the PCSP**

### **19 Member PCSP – 10 Political Members**

<b>Party</b>	<b>No of seats on PCSP</b>	<b>Less Seats held for Chairmen of DPCSP's</b>	<b>Remaining Seats to be Allocated</b>
SF	3	-1	2
DUP	3	-1	2
SDLP	2	-1	1
ALL	1	-1	0
UUP	1	0	1
<b>Total</b>	<b>10</b>	<b>-4</b>	<b>6</b>

### **17 Member PCSP – 9 Political Members**

<b>Party</b>	<b>No of seats on PCSP</b>	<b>Less Seats held for Chairmen of DPCSP's</b>	<b>Remaining Seats to be Allocated</b>
SF	3	-1	2
DUP	3	-1	2
SDLP	1	-1	0
ALL	1	-1	0
UUP	1	0	1
<b>Total</b>	<b>9</b>	<b>-4</b>	<b>5</b>

### **15 member PCSP – 8 Political Members**

<b>Party</b>	<b>No of seats on PCSP</b>	<b>Less Seats held for Chairmen of DPCSP's</b>	<b>Remaining Seats to be Allocated</b>
SF	3	-1	2
DUP	2	-1	1
SDLP	1	-1	0
ALL	1	-1	0
UUP	1	0	1
<b>Total</b>	<b>8</b>	<b>-4</b>	<b>4</b>

## **C – Appointment to DCSPs**

<b>Party</b>	<b>No of seats</b>	<b>Allocation</b>	<b>Whole number</b>	<b>*Balancing figure</b>	<b>Total</b>
SF	16/51	7.53	7	+1	8
DUP	15/51	7.06	7	+0	7
SDLP	8/51	3.76	3	+1	4
ALL	6/51	2.82	2	+1	3
UUP	3/51	1.41	1	+0	1
PUP	2/51	0.94	0	+1	1
IND	1/51	0.47	0	+0	0
<b>Total</b>	<b>51/51</b>	<b>23.99</b>	<b>20</b>	<b>4</b>	<b>24</b>