

**Council Report**

Annual Council 20 May 2016

**Title**

Membership of Political Groups on the Council, Political Balance and Entitlement to Seats

**Is this a Key Decision and has it been included on the Forward Plan?**

Not applicable

**Director Approving Submission of the Report**

Assistant Chief Executive

**Ward(s) Affected**

All

**Executive Summary**

Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and set out the principles to be followed when determining such allocation following formal notification of the establishment of political groups in operation on the council.

Following the election held on 5 May 2016, there is a requirement to review the entitlement of the political groups to seats on the committees of the council. The allocation of seats must follow two principles:

- (a) Balance must be achieved across the total number of available seats on committees; and
- (b) Balance must be achieved on each individual committee or body where seats are available

**Recommendations:**

- That the operation of two political groups on the Council and the detailed of their designated Leaders be noted.
- That the entitlement of the membership of the political groups be agreed and that such entitlements will be reflected in the appointments to committees following receipt of nominations from political groups.
- That approval be given to the appointment of Members as set out on the schedule tabled at the meeting as 'Appendix B' in respect of those committees/bodies that the council has the legal authority to appoint.

**Background Papers**

- Rotherham Council's Constitution

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Not applicable

**Council Approval Required**

Yes

**Exempt from the Press and Public**

No

## **Title (Main Report)**

Membership of Political Groups on the Council, Political Balance and Entitlement to Seats

### **1. Recommendations**

- 1.1 That the operation of two political groups on the Council and the detail of their designated Leaders be noted.
- 1.2 That the entitlement of the membership of the political groups be agreed and that such entitlements will be reflected in the appointments to committees following receipt of nominations from political groups.
- 1.3 That approval be given to the appointment of Members as set out on the schedule tabled at the meeting as 'Appendix B' in respect of those committees/bodies that the council has the legal authority to appoint.

### **2. Background**

- 2.1 Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and sets out the principles to be followed when determining such allocation. The main principles, which must be satisfied sequentially, include:
  - (a) That the number of seats on ordinary Committees/Bodies ... 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 Members of that group to the membership of the Authority (i.e. the allocation of the **total** number of seats available must mirror the political composition of the council).
  - (b) That the number of seats on the Body (Committee, etc.), 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 the number of Members of that group to the membership of the Authority (i.e. the allocation of seats on **individual** committees must mirror the political composition of the council).
- 2.2 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.
- 2.3 Those members not in a political group are entitled to a due share of seats, although the council will decide how to allocate which seats to non-aligned councillors.
- 2.4 In line with the provisions of the council's Constitution, appointments will be made to committees of the council and outside bodies at this annual meeting. This report confirms the entitlement to seats on committees.

### 3. Political Groups

- 3.1 The Proper Officer has received formal notification, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of the establishment of two political groups in operation on the council, namely:

Name of Group	Designated Leader and Deputy Leader (number of Members)
Labour	Appointment of Leader and Deputy Leader will be reported to the meeting (48 Members)
UK Independence Party	Appointment of Leader and Deputy Leader will be reported to the meeting (14 Members)

- 3.2 At the time of writing this report, Councillor Clive Jepson is unaffiliated to a political party and does not belong to a political group. For the purpose of this report, Councillor Jepson is referred to as a non-aligned councillor.

### 4. Allocation of Seats

- 4.1 The allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of the 169 seats to the two political groups is determined by the following formula:

$$\frac{\text{Number of Members of Political Group}}{\text{Total Number of Members of Council}} \times \text{Number of Seats to be allocated}$$

For the 169 seats available in applying principle (a) in paragraph 2.1, this gives:

Political Group	Number of Seats
Labour	129
UK Independence Party	38
Non-aligned	2
<b>TOTAL</b>	<b>167</b>

This calculation leaves two seats unallocated which must be offered to the non-aligned councillor.

- 4.2 Application of principle (b) in paragraph 2.1 of this report, relating to the number of seats on individual committees, gives the following:

	Seats Available	Labour	UK Independence Party	Non-aligned
<b>Regulatory Committees/Boards</b>				
Audit Committee	5	4	1	0
Licensing Board	21	16	5	0
Licensing Committee	15	11	3	1
Planning Board	15	11	3	1
Standards and Ethics	8	6	2	0

Committee				
<b>Overview and Scrutiny</b>				
Overview & Scrutiny Management Board	12	9	3	0
Health Select Commission	18	14	4	0
Improving Lives Select Commission	18	14	4	0
Improving Places Select Commission	18	14	4	0
				0
<b>Other Bodies</b>				
Appeal and Grievance Panel	Pool of 8	6	2	0
Appointments Panel	4	3	1	0
Corporate Parenting Group	5	4	1	0
Early Release Panel	4	3	1	0
Introductory Tenancy Review Panel	4	3	1	0
Joint Consultative Committee	5	4	1	0
Negotiating Panel	4	3	1	0
Staffing Committee	5	4	1	0
<b>TOTAL</b>		<b>129</b>	<b>38</b>	<b>2</b>

This calculation leaves two seats unallocated on Licensing Committee and Planning Board, which can be offered to the non-aligned councillor. However, it is a matter for the council to determine which seats should be allocated to the non-aligned councillor to achieve balance across all committees.

- 4.4 In the table in paragraph 4.2 above, the committees and panels listed have locally agreed provisions in respect of their membership which were determined by the Council at its annual meeting in May 2015. For ease of reference, these are set out below:

<b>Appeal and Grievance Panel</b>	Appeal and Grievance Panels shall comprise three members of the Council selected from a pool of eight members (two of whom shall be Cabinet members, and four of whom shall be Scrutiny Panel members and two of whom shall be members of the opposition party), who have received appropriate training on employment related issues.
<b>Appointments Panel</b>	The Panel shall comprise the Leader and Deputy Leader, the relevant Cabinet member and a representative from the scrutiny panels nominated by the chairman of the Overview and Scrutiny Management Board, and the Leader of the Majority Opposition party

<b>Corporate Parenting Group</b>	The Panel, in addition to the Members appointed by the Council, shall comprise of two representatives of the Adoption Panel and one representative of the Fostering Panel.
<b>Early Release Panel</b>	The Panel shall comprise the Leader, Deputy Leader and the relevant Cabinet Member from the employing area, and the Leader of the Majority Opposition party.
<b>Introductory Tenancy Review Panel</b>	The Panel shall comprise of at least three elected members from the Improving Lives Scrutiny Commission or Improving Places Scrutiny Commission and a housing policy advisor.
<b>Joint Consultative Committee</b>	The Committee shall comprise of the Deputy Leader, three Cabinet Members and one member of an opposition group.
<b>Negotiating Panel</b>	The Panel shall comprise of the Leader, Deputy Leader, relevant Cabinet Member and one member of an opposition group.
<b>Staffing Committee</b>	The Committee shall comprise of the Leader, Deputy Leader, Leader of the Opposition Group and the relevant Cabinet Member

- 4.5 The council also has the following protocols in respect of these committees/boards:

<b>Licensing Board</b>	Political groups should nominate three Members per Assembly Area, having regard to the overriding requirement for political balance.
<b>Licensing Committee</b>	Members of this committee are appointed from the membership of the Licensing Board.
<b>Planning Board</b>	Political groups should nominate two members per Assembly area plus the relevant Cabinet Member, having regard to the overriding requirement for political balance.

- 4.6 Political Groups are invited to submit their nominations to fill their seat allocation ahead of the Annual Meeting on 20 May 2016.

## 5. Appointment of Chairs and Vice-Chairs – Area Assemblies and Overview & Scrutiny

- 5.1 In the event of the council agreeing the recommendations of the Governance Working Group elsewhere on the agenda for this meeting, it will be necessary to nominate members to the positions of Chairs and Vice-Chairs of the authority's Area Assemblies and Overview & Scrutiny bodies. according to the political balance of the council. It should be noted that the recommendations from the Working Group in respect of these areas were:

### Scrutiny:

“That the Vice-Chair of the Overview and Scrutiny Management Board be a member of the main opposition party.”

### Area Working:

“... each would be chaired by a member of the party with the most seats in the given area.”

- 5.2 Applying the principles of political balance to the positions available on the council’s Overview and Scrutiny bodies, the entitlement is set out in the table below:

	<b>Chairs</b>	<b>Vice-Chairs</b>
<b>Labour</b>	4	2
<b>UK Independence Party</b>	0	2
<b>TOTAL</b>	4	4

It is a matter for the political groups to nominate Members as Chairs and Vice-Chairs of the Overview and Scrutiny bodies, however the appointments must be made by the individual committees.

- 5.3 The following table sets out the breakdown of seats within the Assembly areas:

<b>Area</b>	<b>Wards</b>			<b>Breakdown of Seats in Area</b>	<b>Chairman to be appointed from</b>
Rotherham North	Keppel	Rotherham West	Wingfield	6 Labour 3 UKIP	Labour
Rotherham South	Bolton Castle	Rotherham East	Sitwell	6 Labour 3 UKIP	Labour
Rother Valley South	Anston & Woodsetts	Dinnington	Wales	7 Labour 1 UKIP 1 Non-aligned	Labour
Rother Valley West	Brinsworth & Catcliffe	Holderness	Rother Vale	7 Labour 2 UKIP	Labour
Wentworth North	Hooper	Swinton	Wath	9 Labour	Labour
Wentworth South	Rawmarsh	Silverwood	Valley	6 Labour 3 UKIP	Labour
Wentworth Valley	Hellaby	Maltby	Wickersley	7 Labour 2 UKIP	Labour

- 5.4 There is no provision in law or within the Constitution for the other bodies of the council to appoint Chairs or Vice-Chairs according to the authority’s political make up.
- 5.5 Political Groups are invited to submit their nominations for the positions, detailed in paragraphs 5.2 and 5.3, ahead of the Annual Meeting on 20 May 2016.
- 5.6 The council also appoints to a number of joint authorities, which are required to reflect political balance:

<b>Joint Committee</b>	<b>Seats</b>
Sheffield City Region - Combined Authority	1 and 1 substitute
Sheffield City Region - Combined Authority Audit Committee	2
Sheffield City Region - Combined Authority Scrutiny Committee	2
Sheffield City Region - Combined Authority Transport Committee	2
South Yorkshire Fire and Rescue Authority	2
South Yorkshire Pensions Authority	2
South Yorkshire Police and Crime Panel	2

## 6. Other Bodies

- 6.1 The authority to appoint councillors to serve on external organisations and partnerships (outside bodies) is reserved to the Lead Commissioner. Following the restoration of some powers to the council in February 2016, some appointments to outside bodies can be made by the full council, whilst others remain reserved to the Lead Commissioner. A schedule indicating which bodies are council appointments and which are reserved to Commissioners is attached to this report as Appendix A.
- 6.2 Political Groups are invited to submit their nominations for the outside body appointments ahead of the Annual Meeting on 20 May 2016. Once received, these will be forwarded to Commissioner Sir Derek Myers for determination and will be reported back to the council meeting.
- 6.3 The following bodies require the appointment of Members according to local conventions:

<b>Body</b>	<b>Membership requirement</b>
Complaints Panel	Three non-Executive councillors
Education Consultative Committee	Cabinet Member Representative of Improving Lives Select Commission
Education School Transport Appeals	Panel of six non-Executive Members from a pool
Emergency Planning Shared Service Joint Committee	Cabinet Member – Jobs & the Local Economy Cabinet Member – Waste, Roads and Community Safety
Local Admissions Forum	Deputy Leader of the Council, along with two councillors appointed within the 'Community Representative' category of the Forum's membership

Parish Councils – Liaison Meetings	Cabinet Member with responsibility for Planning Other Cabinet Members depending on matters being discussed (Ward Members to invited for matters specific to their areas)
Rotherham Local Plan Steering Group	To comprise of: (a) Leader and Deputy Leader of the Council (b) Cabinet Members (c) Chair and Vice-Chair of the Planning Board (d) One Member each appointed by the Overview and Scrutiny Management Board and the Select Commissions (e) One member of the Opposition
Rotherham Schools Forum	Deputy Leader of the Council and one other Member
Standing Advisory Committee for Religious Education (SACRE)	Deputy Leader of the Council and two other Members
Transport Liaison Group	To comprise of : (a) the Leader and Deputy Leader of the Council, (b) the two representatives appointed to the Sheffield City Region Transport Committee (c) one representative of each electoral ward (d) two representatives of the parish councils in the authority area

6.4 The following bodies/roles require the appointment of Members by Commissioner Sir Derek Myers:

<b>Body/Role</b>
Adoption Panel
Champion for Carers
Corporate Parenting Group
Fostering Panel
Health, Welfare and Safety Panel

6.5 Political Groups are invited to submit their nominations for the bodies set out in the table at paragraph 6.4 ahead of the Annual Meeting on 20 May 2016. Once received, these will be forwarded to Commissioner Sir Derek Myers for determination and will be reported back to the council meeting.

## **7. Options considered and recommended proposal**

7.1 The law and the authority's Constitution provide for the appointment of members to serve on committees and other bodies as a power reserved to the full Council at its annual meeting.

7.2 The council may determine not to appoint to the committees at the Annual Meeting, however this will delay the conduct of the authority's business until the next available council meeting. This option is not recommended.

## **8. Consultation**

8.1 Political groups have been advised of the requirement for political balance and have been requested to provide nominations to the Proper Officer for the available seats ahead of this meeting. The Commissioner's Office has also been provided with the detail in respect of political group membership and entitlement to seats.

## **9. Timetable and Accountability for Implementing this Decision**

9.1 There is a requirement for the Council to make all of appointments set out above at the Annual Meeting on 20 May 2016. Where appointments are reserved to Commissioner Sir Derek Myers, the nominations received from political groups will be forwarded for determination.

## **10. Financial and Procurement Implications**

10.1 None directly from this report

## **11. Legal Implications**

11.1 The legislative requirements are set out at paragraph 2.1 above.

## **12. Human Resources Implications**

12.1 There are no human resources implications.

## **13. Implications for Children and Young People**

13.1 The appointment of members to serve on committees and other bodies of the council will indirectly impact on children and young people through the activities and decisions of those bodies. There are no apparent direct implications at the time of writing this report.

## **14. Equalities and Human Rights Implications**

14.1 None directly from this report

## **15. Implications for Partners and Other Directorates**

15.1 The appointment of councillors to serve on external bodies and partnerships is designed to have a positive impact on the council's relationship with those organisations and enhance the relationship through the presence of accountable and elected representatives.

