

Council Report

Annual Council – 19 May 2017

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

Shokat Lal, 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.

There is a requirement to annually review the entitlement of the political groups to seats on the committees of the council. This is also required following the by-elections in Brinsworth & Catcliffe and Dinnington wards in February 2017.

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

There are presently two political groups in operation on the council – the Labour Group and the UK Independence Party Group – with two non-aligned councillors (members who are not in a political group).

There are 169 seats available on committees, boards and panels and under the calculation the Labour Group is entitled to 129 seats and the UK Independence Group is entitled to 35. This leaves five seats which cannot be given to members of the political groups and should be allocated to the two non-aligned councillors.

Recommendations:

1. That the operation of two political groups on the Council and the detail of their designated Leaders be noted.
2. That the entitlement of the membership of the political groups be agreed and such entitlements be reflected in Council's appointments of members to committees.
3. That approval be given to the appointment of Members to committees, boards and panels, and the appointment of Chairs and Vice-Chairs, as set out on the schedule to be tabled at the meeting as 'Appendix B'.

Background Papers

The Council's Constitution

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

Yes

Exempt from the Press and Public

No

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 such entitlements be reflected in Council's appointments of members to committees.
- 1.3 That approval be given to the appointment of Members to committees, boards and panels, and the appointment of Chairs and Vice-Chairs, as set out on the schedule to be tabled at the meeting as 'Appendix B'.

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 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 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 & Deputy Leader (number of Members)
Labour	Leader – Councillor Chris Read Deputy Leader – Councillor Gordon Watson (48 Members)
UK Independence Party	Leader – Councillor Allen Cowles Deputy Leader – Councillor Peter Short (13 Members)

- 3.2 Whilst Councillor Adam Carter is affiliated to the Liberal Democrats and Councillor Clive Jepson is unaffiliated to a political party, neither Member belongs to a political group. For the purpose of this report, Councillors Carter and Jepson are regarded as non-aligned councillors.

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	Seat Entitlement
Labour	129
UK Independence Party	35
Non-aligned	5
TOTAL	169

- 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
Regulatory Committees/Boards				
Audit Committee	5	4	1	0
Licensing Board	21	16	4	1
Licensing Committee	15	11	3	0*
Planning Board	15	11	3	0*
Standards Board	8	6	2	0
Overview and Scrutiny				
Overview & Scrutiny Management Board	12	9	3	0
Health Select Commission	18	14	4*	1
Improving Lives Select Commission	18	14	4*	1
Improving Places Select Commission	18	14	4*	1
			15	3
Other Bodies				
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
			9	
TOTAL		129	37	4

4.3.1 This calculation does not reflect the entitlement to seats from the calculation under principle (a). Numbers followed by an asterisk identify where Council will need to determine the allocation of seats on individual committees.

4.3.2 Under the application of principle (b) the UK Independence Group has an entitlement of 37 seats, which is two more than the 35 seats under principle (a). The difference in the number of seats falls under the entitlement to seats on Overview and Scrutiny Committees, which will need to reduce by two to achieve balance.

4.3.3 Under the application of principle (b) the non-aligned councillors have an entitlement of 4 seats, which is one less than the 5 seats under principle (a). It is recommended therefore, that the non-aligned councillors be given a seat on the Licensing Committee, which draws its membership from the Licensing Board, where the non-aligned councillors have an existing entitlement to a seat.

4.3.4 As the non-aligned councillors are not a group under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, there is no requirement to appoint those members to those seats. The Council has the discretion to appoint the non-aligned councillors to none, some or all of the five seats available. The Council may not appoint members of other political groups to fill those seats.

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 2016. For ease of reference, these are set out below:

Panel	Description of Role and Function
<p>Appeal and Grievance Panel</p>	<p>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.</p> <p>Decision making powers for this function are currently reserved to Commissioners and member involvement is on an advisory and consultative basis.</p>
<p>Appointments Panel</p>	<p>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</p>
<p>Corporate Parenting Group</p>	<p>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.</p>
<p>Early Release Panel</p>	<p>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.</p> <p>Decision making powers for this function are currently reserved to Commissioners and member involvement is on an advisory and consultative basis.</p>

Panel	Description of Role and Function
Introductory Tenancy Review Panel	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.
Joint Consultative Committee	The Committee shall comprise of the Deputy Leader, three Cabinet Members and one member of an opposition group.
Negotiating Panel	The Panel shall comprise of the Leader, Deputy Leader, relevant Cabinet Member and one member of an opposition group.
Staffing Committee	<p>The Committee shall comprise of the Leader, Deputy Leader, Leader of the Opposition Group and the relevant Cabinet Member.</p> <p>Some decision making powers for this function are currently reserved to Commissioners and member involvement in respect of such matters where powers are reserved is on an advisory and consultative basis.</p>

4.5 Political Groups are invited to submit their nominations to the Democratic Services Manager ahead of the Annual Meeting on 19 May 2017 in order for Council to consider a schedule of nominations and confirm appointments to committees, board and panels.

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

5.1 At the annual meeting of the Council in 2016, the recommendations of the Governance Working Group were approved which introduced a provision for the Vice-Chair of the Overview and Scrutiny Management Board to be a member of the main opposition party and for the allocation of the positions of Chair and Vice-Chair on the Select Commissions according to the political balance of the council.

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:

	Chairs	Vice-Chairs
Labour	4	2
UK Independence Party	0	2 (inc. Overview and Scrutiny Management Board)
TOTAL	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.

5.4 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 ahead of the Annual Meeting on 19 May 2017.

6. Appointments to Joint Bodies

6.1 The council also appoints to a number of joint authorities, which are required to reflect political balance:

Joint Committee	Seats
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

6.2 The entitlement to seats for these bodies is calculated according to political balance across the four South Yorkshire local authorities. Nominations will be required from the two political groups in operation on the Council in respect of the seats available. The political balance across South Yorkshire has changed following by-elections during the 2016-17 municipal year and the whole council elections held in Doncaster on 4 May 2017.

6.3 The entitlement in respect of the political groups in operation in Rotherham is set out below:

Joint Committee	Membership	Entitlement
Sheffield City Region - Combined Authority	1 Member plus 1 substitute	Leader of the Council (Deputy Leader of the Council – substitute member)
Sheffield City Region - Combined Authority Audit Committee	3	Labour = 2 seats UK Independence Party = 1 seat
Sheffield City Region - Combined Authority Scrutiny Committee	2	Labour = 2 seats UK Independence Party = 1 seat

Joint Committee	Membership	Entitlement
Sheffield City Region - Combined Authority Transport Committee	2	Labour = 2 seats
South Yorkshire Fire and Rescue Authority	2	Labour = 2 seats
South Yorkshire Pensions Authority	2	Labour = 2 seats
South Yorkshire Police and Crime Panel	2	Labour = 1 seat UK Independence Party = 1 seat

7. Other Bodies

- 7.1 The authority to appoint councillors to serve on external organisations and partnerships (outside bodies) has been returned to the Council in the most recent restoration of powers by the Secretary of State. A report elsewhere on the agenda for this meeting proposes the adoption of a new protocol for the appointment of councillors to serve on outside bodies which will transfer authority to make such appointments to the Cabinet. A report detailing nominations for appointments to outside bodies will be submitted to the Cabinet on 26 June 2017.
- 7.2 The bodies listed in the table below require the appointment of Members according to local conventions (those appointments required by Select Commissions will be made at those commissions' first meeting of the new municipal year). There is no requirement for political balance to be applied in respect of appointment to these bodies.

Body	Membership requirement
Adoption Panel	Two Members of the Council (to be members of Fostering Panel)
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
Fostering Panel	Two Members of the Council (to be members of Adoption Panel)

Body	Membership requirement
Health, Welfare and Safety Panel	To be appointed by the Cabinet Member for Corporate Services and Finance
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 Neighbourhood Working & Cultural Services Other Cabinet Members depending on matters being discussed
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

7.3 Political Groups are invited to submit their nominations for the bodies set out in the table at paragraph 7.2 ahead of the Annual Meeting on 19 May 2017.

8. Options considered and recommended proposal

8.1 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.

8.2 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.

9. Consultation

9.1 Political groups have been advised of the requirement for political balance and have been requested to provide nominations to the Democratic Services Manager for the available seats ahead of this meeting.

10. Timetable and Accountability for Implementing this Decision

10.1 There is a requirement for the Council to make appointments to committees, boards and panels at the Annual Meeting on 19 May 2017.

11. Financial and Procurement Implications

11.1 None directly arising from this report

12. Legal Implications

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

13. Human Resources Implications

13.1 There are no human resources implications arising from this report.

14. Implications for Children and Young People

14.1 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.

15 Equalities and Human Rights Implications

15.1 None directly from this report

16. Implications for Partners and Other Directorates

16.1 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.

17. Risks and Mitigation

17.1 By having regard to the detail of the report above in respect of meeting statutory requirements, any risk implications will have been mitigated. Consequently there are no risks to be borne in mind in respect of the recommendations.

18. Accountable Officer(s)

James McLaughlin, Democratic Services Manager