

## Summary

### **Name of Committee and Date of Committee Meeting**

Council – 22 May 2019

### **Report 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

### **Strategic Director Approving Submission of the Report**

Shokat Lal, Assistant Chief Executive

### **Report Author**

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### **Ward(s) Affected**

Borough-wide

## 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.

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 149 seats available on committees, boards and panels and under the calculation the Labour Group is entitled to 114 seats and the UK Independence Group is entitled to 31. This leaves four 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:
  - (a) Labour Group – Councillor Chris Read (Leader of the Council)
  - (b) UK Independence Party Group – Councillor Allen Cowles (Leader of the Majority Opposition Group)
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.
4. That approval be given to the appointment of Members to joint committees, as set out on the schedule to be tabled at the meeting.

**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. Background

- 1.1 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).
- 1.2 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.
- 1.3 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.
- 1.4 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.

### 2. Political Groups

- 2.1 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<br>(number of Members)                                   |
|-----------------------|--|
| Labour                | Leader – Councillor Chris Read<br>Deputy Leader – Councillor Gordon Watson<br>(48 Members) |
| UK Independence Party | Leader – Councillor Allen Cowles<br>Deputy Leader – Councillor Peter Short<br>(13 Members) |

2.2 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.

### 3. Allocation of Seats

3.1 The allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of the 149 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 149 seats available in applying principle (a) in paragraph 1.1, this gives:

| Political Group       | Seat Entitlement |
|-----------------------|------------------|
| Labour                | 114              |
| UK Independence Party | 31               |
| Non-aligned           | 4                |
| <b>TOTAL</b>          | <b>149</b>       |

3.2 Application of principle (b) in paragraph 1.1 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     | 4                     | 1           |
| Licensing Committee                  | 15              | 11     | 3                     | 0           |
| Planning Board                       | 15              | 11     | 3                     | 0           |
| Staffing Committee                   | 5               | 4      | 1                     | 0           |
| Standards and Ethics Committee       | 8               | 6      | 2                     | 0           |
|                                      |                 |        |                       |             |
| <b>Overview and Scrutiny</b>         |                 |        |                       |             |
| 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           |
|                                      |                 |        |                       |             |

|                                   | <b>Seats Available</b> | <b>Labour</b> | <b>UK Independence Party</b> | <b>Non-aligned</b> |
|-----------------------------------|------------------------|---------------|------------------------------|--------------------|
| <b>Other Bodies</b>               |                        |               |                              |                    |
| Corporate Parenting Group         | 5                      | 4             | 1                            | 0                  |
| Introductory Tenancy Review Panel | 4                      | 3             | 1                            | 0                  |
| Joint Consultative Committee      | 5                      | 4             | 1                            | 0                  |
|                                   |                        |               |                              |                    |
| <b>TOTAL</b>                      | <b>149</b>             | <b>114</b>    | <b>32</b>                    | <b>4</b>           |

3.3.1 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.

3.3.2 Under the application of principle (b) the UK Independence Group has an entitlement of 31 seats, which is one fewer than the 32 seats under principle (a). The difference in the number of seats falls under the entitlement to seats on one of the Select Commissions, which will need to reduce by one to achieve balance.

3.3.3 Under the application of both principle (a) and principle (b) the non-aligned councillors have an entitlement of 4 seats.

3.3.4 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 four seats available. The Council may not appoint members of other political groups to fill those seats.

3.4 In the table in paragraph 3.2 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 2018, with the pool of membership of the Appeals Panel proposed to be increased to 13 Members on this agenda. For ease of reference, these are set out below:

| <b>Panel</b>        | <b>Description of Role and Function</b>   |
|---------------------|---|
| <b>Appeal Panel</b> | Appeal Panels shall comprise three members of the Council selected from a pool of 13 members (four of whom shall be Cabinet members, and nine of whom shall be Scrutiny Panel members and three of whom shall be members of the opposition party), who have received appropriate training on employment related issues. |

| <b>Panel</b>                             | <b>Description of Role and Function</b>   |
|--|---|
| <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>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.   |

3.5 Political Groups are invited to submit their nominations to the Head of Democratic Services in order for Council to consider a schedule of nominations and confirm appointments to committees, board and panels at its meeting on 22 May 2019.

#### **4. Appointment of Chairs and Vice-Chairs – Overview & Scrutiny**

4.1 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.

4.2 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             | 1 (inc. Overview and Scrutiny Management Board) |
| <b>TOTAL</b>                 | 4             | 4   |

4.3 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.

4.4 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.

4.5 Political Groups are invited to submit their nominations for the positions, detailed in paragraphs 4.2 ahead of this meeting on 22 May 2019.

## 5. Appointments to Joint Bodies

- 5.1 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                  |
| South Yorkshire Fire and Rescue Authority                     | 2                  |
| South Yorkshire Pensions Authority                            | 2                  |
| South Yorkshire Police and Crime Panel                        | 2                  |

- 5.2 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.

- 5.3 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     | 2                          | Labour = 1 seat<br>UK Independence Party = 1 seat                        |
| Sheffield City Region - Combined Authority Scrutiny Committee  | 2                          | Labour = 1 seat<br>UK Independence Party = 1 seat                        |
| 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<br>UK Independence Party = 1 seat                        |

## 6. Other Bodies

- 6.1 The authority to appoint councillors to serve on external organisations and partnerships (outside bodies) is a matter for Cabinet and a report will be submitted to the June Cabinet meeting recommending appointments.
- 6.2 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.

| <b>Body</b>   | <b>Membership requirement</b>   |
|---|---|
| Adoption Panel  | Two Members of the Council  |
| Complaints Panel  | Three non-Executive councillors   |
| Education Consultative Committee                            | Cabinet Member<br>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<br>Cabinet Member – Corporate Services and Finance  |
| Fostering Panel   | Two Members of the Council  |
| 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 Cleaner, Greener Communities<br>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  |

| Body                    | Membership requirement  |
|-------------------------|---|
| Transport Liaison Group | To comprise of :<br>(a) the Leader and Deputy Leader of the Council,<br>(b) the two representatives appointed to the Sheffield City Region Transport Committee<br>(c) one representative of each electoral ward<br>(d) two representatives of the parish councils in the authority area |

6.3 Political Groups are invited to submit their nominations for the bodies set out in the table at paragraph 6.2 to the Head of Democratic Services by 22 May 2019.

## 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 Council.

7.2 The Council may determine not to appoint to the committees at this 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 Head of Democratic Services for the available seats ahead of this meeting.

## 9. Timetable and Accountability for Implementing this Decision

9.1 There is a requirement for the Council to make appointments to committees, boards and panels at its meeting on 22 May 2019.

## 10. Financial and Procurement Implications

10.1 There are no financial and procurement implications directly arising from this report

## 11. Legal Implications

11.1 The legislative requirements are set out at paragraph 1.1 above.

## 12. Human Resources Implications

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

## 13. Implications for Children and Young People and Vulnerable Adults

13.1 The appointment of members to serve on committees and other bodies of the council will indirectly impact on children and young people and vulnerable adults 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 There are no equalities implications arising from the report. Political groups are required to have regard to the provisions of the Equality Act 2010 when nominating Member appointments to committees and other offices.

#### **15. Implications for Partners**

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.

#### **16. Risks and Mitigation**

16.1 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.

#### **17. Accountable Officer(s)**

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