

Committee Name and Date of Committee Meeting

Council – 30 October 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?

No

Strategic Director Approving Submission of the Report

Shokat Lal, Assistant Chief Executive

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The Proper Officer is required to notify the Council of any change in the political balance of the authority or the operation of new political groups under the Local Government (Committees and Political Groups) Regulations 1990. Since the last meeting held on 4 September 2019, the Proper Officer has received notification of a change in the political balance of the authority. .

There are two political groups in operation on the Council – the Brexit Party Group (11 Members) and the Labour Group (48 Members) – with four non-aligned 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 Brexit Party Group is entitled to 28. This leaves 7 seats which cannot be given to members of the political groups and should be allocated to the three non-aligned councillors.

The authority has two seats on the South Yorkshire Police and Crime Panel, one of which was appointed to on 22 May 2019. The current vacancy must be filled by a member of the Brexit Party Group and be appointed to by the Council.

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) – 48 Members

(b) Brexit Party Group – Councillor Allen Cowles (Leader of the Majority Opposition Group) – 11 Members

2. That the entitlement of the membership of the political groups and non-aligned Members be agreed and such entitlements be reflected in Council's appointments of members to committees.
3. That approval be given to the appointment of Councillor McNeely to the Planning Board and non-aligned Members to committees, boards and panels, as set out on the schedule in the Mayor's Letter to be tabled at the meeting.
4. That the Council appoint either a Brexit Party Group Member or a non-aligned Member to serve as a representative on the South Yorkshire Police and Crime Panel.

List of Appendices Included

None

Background Papers

The Constitution of Rotherham Metropolitan Borough Council

Report to Council – 22 May 2019 – *Membership of Political Groups on the Council, Political Balance and Entitlement to Seats*

Report to Council – 24 July 2019 – *Membership of Political Groups on the Council, Political Balance and Entitlement to Seats*

Minutes of the Council meeting held on 22 May 2019

Minutes of the Council meeting held on 24 July 2019

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.

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 a change in the political balance of the Council. Councillor Nigel Simpson, formerly of the Brexit Party, is now a non-aligned (independent) Member. The effect of this change means that the political balance of the Council is:

Name of Group	Designated Leader (number of Members)
Brexit Party	Councillor Allen Cowles (11 Members)
Labour	Councillor Chris Read (48 Members)

- 2.2 As Councillor Simpson has given notice to the Proper Officer of his intention to sit as a non-aligned (unaffiliated to a political party) councillor. Whilst Councillor Adam Carter is affiliated to the Liberal Democrats and Councillors Jepson, Short and Simpson are unaffiliated to a political party, none of these Members belong to a political group. For the purpose of this report, Councillors Carter, Jepson, Short and Simpson 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
Brexit Party	26
Non-aligned	9
TOTAL	149

- 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	Brexit Party	Non-aligned
Regulatory Committees/Boards				
Audit Committee	5	4	1	0
Licensing Board	21	16	4	1
Licensing Committee	15	11	3	1
Planning Board	15	11	3	1
Staffing Committee	5	4	1	0
Standards and Ethics Committee	8	6	1	1
Overview and Scrutiny				
Overview & Scrutiny Management Board	12	9	2	1
Health Select Commission	18	14	3	1
Improving Lives Select Commission	18	14	3	1
Improving Places Select Commission	18	14	3	1
Other Bodies				
Corporate Parenting Group	5	4	1	0
Introductory Tenancy Review Panel	4	3	0	1
Joint Consultative Committee	5	4	1	0
TOTAL	149	114	26	9

- 3.2.1 This calculation reflects the entitlement to seats from the calculation under principle (a).
 - 3.2.2 Under the application of both principle (a) and principle (b) the non-aligned councillors have an entitlement of 9 seats.
 - 3.2.3 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.
- 3.3 The Council is invited to consider any nominations to appoint non-aligned Members to serve on those committees, boards and panels where there is a vacancy for non-aligned Members. Details of nominations received will be reported to the meeting in the Mayor's Letter.
- 3.4 The Labour Group has indicated that Councillor McNeely is to be appointed to that group's vacancy on the Planning Board. If approved, this will create a vacancy on the Licensing Board, as Members are not permitted to serve on both the Planning Board and Licensing Board concurrently.

4. South Yorkshire Police and Crime Panel – Appointment of Members

- 4.1 On 22 May 2019, the Council appointed Councillor Sansome to serve on the South Yorkshire Police and Crime Panel as the Labour Group representative. The Council did not appoint a representative from the former UK Independence Party Group. Following the formation of the Brexit Party Group in July 2019, the Council further considered the issue of appointing a member of that group to serve on the South Yorkshire Police and Crime Panel on 24 July 2019, however the appointed member, Councillor Cowles, refused to accept the appoint and the seat remained unfilled.
- 4.2 The Police & Crime (Nominations, Appointments and Notifications) Regulations 2012 require the Council to notify the Secretary of State where it fails to nominate or appoint to the police and crime panel for the local force area. In June 2019, the Chief Executive wrote to the Home Secretary to advise that the Council did not appoint to the seat to which the former UK Independence Party Group was entitled. The Home Office has responded to the Council to indicate that the above regulations require the Council to seek to achieve political balance "as far as is reasonably practicable", and invited the Council to consider whether the limit of that definition had been reached in the failure to appoint on two previous occasions. The Home Office therefore suggested that the Council should consider appointing a member from a different political group, if a Brexit Party group member were not willing to accept appointment to the body.

- 4.3 Having considered this matter twice previously in the current municipal year, the Council should consider making an appointment to the South Yorkshire Police and Crime Panel from the non-aligned members of the Council. In doing so, it will not be able to consider Councillor Carter for appointment to serve on the Panel, as the Liberal Democrats Party already has representation on the body from Sheffield City Council, therefore the nomination must be one of Councillors Jepson, Short or Simpson.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Following the change in political balance, there is a requirement for the Council to make appointments to committees, boards and panels which will be effective from the date of the meeting that appointments are agreed.
- 5.2 The Council is also required to consider the appointment of a member, recommended to be from the non-aligned members of the Council, to serve as a representative on the South Yorkshire Police Crime Panel. If agreed, this appointment would be effective from the date of this Council meeting.

6. Financial and Procurement Advice and Implications

- 6.1 There are no financial and procurement implications directly arising from this report.

7. Legal Advice and Implications

- 7.1 The legislative requirements in respect of political balance and entitlement to seats are set out earlier in this report.
- 7.2 The Monitoring Officer to the South Yorkshire Police and Crime Panel was consulted following receipt of the advice from the Home Office and has indicated agreement that the Council should seek to appoint a member and that the statutory responsibility of notifying the Home Secretary of the failure to appoint had been undertaken.

8. Human Resources Advice and Implications

- 8.1 There are no human resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 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.

10. Equalities and Human Rights Advice and Implications

- 10.1 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.

11. Implications for Partners

- 11.1 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.

12. Risks and Mitigation

- 12.1 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.

13. Accountable Officer(s)

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