

**Committee Name and Date of Committee Meeting**

Council – 03 June 2020

**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**

Judith Hurcombe, Interim 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 Council meeting on 26 February 2020, the Proper Officer has received notification of the operation of a new political group.

With effect from 1 March 2020, there are two political groups in operation on the Council, with the former Brexit Party Group becoming the Rotherham Democratic Party Group (11 Members). Since 1 May 2020, the Labour Group's membership has reduced to 44 Members with the resignation of former Councillor Richard Price, the application of the six-month attendance rule removing former Councillors Allcock and Wilson and the decision of Councillor Evans to sit as a non-aligned Member. Within the reduced membership of 60 councillors, there are now five 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 109 seats and the Rotherham Democratic Party Group is entitled to 27. This leaves 12 seats which cannot be given to members of the political groups and should be allocated to the five 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) Rotherham Democratic Party Group – Councillor Allen Cowles (Leader of the Majority Opposition Group)
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, subject to the changes required from the previous municipal year's entitlement, the appointments made by the Council in the 2019/20 municipal year to committees, boards and panels and joint committees be continued for the 2020/21 municipal year

## **List of Appendices Included**

None

## **Background Papers**

The Constitution of Rotherham Metropolitan Borough Council

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

No

## **Council Approval Required**

No

## **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 the establishment of a new political group in operation. The Brexit Party Group has become the Rotherham Democratic Party Group, with effect from 1 March 2020. The Labour Group has reduced by four members following a resignation, the disqualification of two councillors for not attending a meeting of the Council for more than six months and the decision of Councillor Evans to sit as a non-aligned Member. The effect of this change means that the political balance of the Council is:

<b>Name of Group</b>	<b>Designated Leader (number of Members)</b>
Rotherham Democratic Party	Councillor Allen Cowles (11 Members)
Labour	Councillor Chris Read (44 Members)

- 2.2 In addition to the changes in political groups, 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, Evans, 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:

$$\frac{\text{Number of Members of Political Group}}{\text{Total Number of Members of Council (60)}} \times \text{Number of Seats to be allocated}$$

For the 149 seats available in applying principle (a) in paragraph 1.1, this gives:

Political Group	Seat Entitlement
Labour	109
Rotherham Democratic Party	27
Non-aligned	12
<b>TOTAL</b>	<b>148</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	Rotherham Democratic Party	Non-aligned
<b>Regulatory Committees/Boards</b>				
Audit Committee	5	4	1	0
Licensing Board	21	15	4	2
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
<b>Overview and Scrutiny</b>				
Overview & Scrutiny Management Board	12	9	2	1
Health Select Commission	18	13	3	2
Improving Lives Select Commission	18	13	3	2
Improving Places Select Commission	18	13	3	2
<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>109</b>	<b>27</b>	<b>12</b>

- 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 12 seats
  - 3.2.3 The effect of the change in political balance is a reduction of five seats for the Labour Group from the Licensing Board, the Overview and Scrutiny Management Board and the Select Commissions. The seats are now allocated to non-aligned councillors.
  - 3.2.4 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 seats available. The Council may not appoint members of other political groups to fill those seats.
- 3.3 Under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, the Council has the discretion not to hold an Annual Meeting during the 2020/21 municipal year. On this basis, it is proposed that, subject to the foregoing updates in respect of entitlement to seats, that appointments to committees, boards and panels, as well as joint committees, be extended from the previous 2019/20 municipal year until such a time as the Council holds an Annual Meeting either during the current municipal year or for the commencement of the 2021/22 municipal year.

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

- 4.1 Any changes agreed by the Council will be effective immediately from the date of the meeting on 3 June 2020.

#### **5. Financial and Procurement Advice and Implications**

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

#### **6. Legal Advice and Implications**

- 6.1 The legislative requirements in respect of political balance and entitlement to seats are set out earlier in this report. In addition to this, the report has confirmed that the authority to appoint a representative to the South Yorkshire Police and Crime Panel will transfer from the authority to the Home Secretary in the event of the Council failing to appoint a Member to serve on that joint committee.

#### **7. Human Resources Advice and Implications**

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

## **8. Implications for Children and Young People and Vulnerable Adults**

- 8.1 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.

## **9. Equalities and Human Rights Advice and Implications**

- 9.1 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.

## **10. Implications for Partners**

- 10.1 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.

## **11. Risks and Mitigation**

- 11.1 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.

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

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