

**Committee Name and Date of Committee Meeting**

Council – 11 November 2020

**Report Title**

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

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

No

**Strategic Director Approving Submission of the Report**

Sharon Kemp, 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 the Proper Officer has received notification of a changes to political affiliation.

With effect from 28<sup>th</sup> September, Cllr Ian Jones has confirmed his resignation from the Labour Party and intention to sit as a non-aligned Councillor.

With effect from 19<sup>th</sup> October, Cllr Kerry Albiston has confirmed her resignation from the Labour Party and intention to sit as a non-aligned Councillor.

There are now seven non-aligned Members, who are not in a political group.

There are also two political groups in operation on the Council, the Labour Group (42 councillors) and the Rotherham Democratic Party Group (11 councillors).

There are three councillor vacancies which cannot currently be filled due to restrictions on the convening of by-elections (Coronavirus Regulations 2020)

There are 149 seats available on committees, boards and panels and under the calculation the Labour Group is entitled to 104 seats and the Rotherham Democratic Party Group is entitled to 27. This leaves 18 seats which cannot be given to members of the political groups and should be allocated to the seven non-aligned councillors.

## **Recommendations**

1. That the revised political composition of the Council be noted.
  - (a) Labour Group – 42 seats
  - (b) Rotherham Democratic Party Group – 11 seats
  - (c) Non-aligned – 7 seats
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 and Appointments

### 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 political balance of the Council groups is:

Name of Group	Designated Leader (number of Members)
Labour	Councillor Chris Read (42 Members)
Rotherham Democratic Party	Councillor Allen Cowles (11 Members)

2.2 In addition, there are seven 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
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Labour	104
Rotherham Democratic Party	27
Non-aligned	18
<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:

	<b>Seats Available</b>	<b>Labour</b>	<b>Rotherham Democratic Party</b>	<b>Non-aligned</b>
<b>Regulatory Committees/Boards</b>				
Audit Committee	5	4	1	0
Licensing Board	21	13	4	4
Licensing Committee	15	9	3	3
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	12	3	3
Improving Lives Select Commission	18	13	3	2
Improving Places Select Commission	18	12	3	3
<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>104</b>	<b>27</b>	<b>18</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 15 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 seats available.

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 19<sup>th</sup> November 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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