

Committee Name and Date of Committee Meeting

Council – 25 May 2022

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

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Ward(s) Affected

Borough-Wide

Report Summary

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, 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 4 political groups in operation on the council – the Labour Group (majority), Conservative Group (opposition), Liberal Democrat (Lib Dem) Group and Rotherham Democratic Party (RDP) Group – with 1 non-aligned councillor (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 83 seats, the opposition Group (Conservative) 45 seats, the Liberal Democrat Group 10 seats, the Rotherham Democratic Party Group 8 seats. 3 seats are allocated to the non-aligned councillor.

Recommendations

1. That the operation of 4 political groups on the Council and the detail of their designated Leaders be noted:
 - (a) Labour Group – Councillor Chris Read (Leader of the Majority Group)
 - (b) Conservative Group – Councillor Emily Barley (Leader of the Majority Opposition Group)
 - (c) Liberal Democrat Group – Councillor Adam Carter (Group Leader)
 - (d) Rotherham Democratic Party Group – Councillor Rob Elliott (Group Leader)
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.

List of Appendices Included

None.

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 may still at the discretion of the Council, be allocated 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 four 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 Sarah Allen (33 Members)
Conservative	Leader – Councillor Emily Barley
	Deputy Leader – Councillor Zachary Collingham (18 Members)
Liberal Democrat	Leader – Councillor Adam Carter
	(4 Members)

Rotherham Democratic Party	Leader – Councillor Rob Elliott
	(3 Members)

2.2 Councillor Bennett-Sylvester is unaffiliated to a political party. For the purposes of this report, Councillor Bennett-Sylvester is regarded as a non-aligned councillor.

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 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	83
Conservative	45
Liberal Democrat	10
Rotherham Democratic Party	8
<i>(balance)</i>	3
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:

Regulatory Committees/Boards	Seats Available	L	C	LD	RDP	NA
Audit Committee	5	3	2	0	0	0
Licensing Board	21	12	6	1	1	1
Licensing Committee	15	8	5	1	1	0
Planning Board	15	8	5	1	1	0
Staffing Committee	5	3	2	0	0	0
Standards and Ethics Committee	8	4	2	1	0	1

Overview and Scrutiny	Seats Available	L	C	LD	RDP	NA
Overview & Scrutiny Management Board	12	7	3	1	1	0
Health Select Commission	18	10	5	2	1	0
Improving Lives Select Commission	18	10	5	1	2	0
Improving Places Select Commission	18	10	5	1	1	1
Other Bodies	Seats Available	L	C	LD	RDP	NA
Corporate Parenting Group	5	3	2	0	0	0
Introductory Tenancy Review Panel	4	2	1	0	0	1
Joint Consultative Committee	5	3	2	0	0	0
TOTAL	149	83	45	9	8	4

Please note that the Liberal Democrat Group are entitled to two seats on the Improving Places Select Commission however they have chosen to gift one of those seats to the non-aligned member.

- 3.3 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. For ease of reference additional information relating to appointments is set out below:

Panel	Description of Role and Function
Employment Appeals Panel	Appeal Panels shall comprise three members of the Council selected from a pool of 8 members (two of whom shall be Cabinet Members, four who shall be scrutiny members and two whom shall be members of the opposition.)
Corporate Parenting Group	The Corporate Parenting Group shall comprise of five members (three of whom shall be from the majority political party and two of whom shall be from the majority opposition party).

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, two Cabinet Members and two members of an opposition group.

3.4 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, boards and panels at its meeting on 25 May 2022.

4 Appointment of Chairs and Vice-Chairs – Overview & Scrutiny

4.1 The recommendations of the Governance Working Group (approved 2016), 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 to be 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:

	Chairs	Vice-Chairs	Total
Majority	4	1	5
Opposition	0	3	3
TOTAL	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 which specifically require the appointment of Chairs or Vice-Chairs, to reflect the balance of the representation of Political Groups on the Council.

4.5 Political Groups are invited to submit their nominations for the positions, detailed in paragraph 4.2 ahead of this meeting on 25 May 2022.

5 Appointments to Joint Bodies

- 5.1 The Council also appoints to a number of joint authorities and representation on those bodies must also reflect the balance of the representation of Political Groups on the Council.
- 5.2 The entitlement in respect of the political groups in operation in Rotherham is set out below:

Joint Committee	Membership	Entitlement
Sheffield City Region – Mayoral Combined Authority Board	1 Member plus 1 substitute	Leader of the Council with the Deputy Leader of the Council as substitute
Sheffield City Region – Mayoral Combined Authority Rotational Board Member	1 Member plus 1 substitute	Relevant Cabinet Member
Sheffield City Region – Mayoral Combined Authority Local Enterprise Partnership Board	1 Member plus 1 substitute	Leader of the Council with the Deputy Leader of the Council as substitute
Sheffield City Region Combined Authority Housing and Infrastructure Board	1 Member plus 1 substitute	Relevant Cabinet Member plus any other member from the majority party
Sheffield City Region - Combined Authority Transport and Environment Board	1 Co-Chair	Leader of the Council
Sheffield City Region - Combined Authority Transport and Environment Board	1 Member plus 1 substitute	Relevant Cabinet Member plus any other member from the majority party
Sheffield City Region - Education, Skills and Employability Board	1 Member plus 1 substitute	Relevant Cabinet Member plus any other member from the majority party
Sheffield City Region - Business, Recovery and Growth Board	1 Member plus 1 substitute	Relevant Cabinet Member plus any other member from the majority party
Sheffield City Region - Combined Authority Audit, Standards and Risk Committee*	2 Members plus 2 Substitutes	Labour = 1 seat plus 1 substitute Conservative = 1 seat plus 1 substitute
Sheffield City Region - Combined Authority Scrutiny Committee *	2 Members plus 2 Substitutes	Labour = 1 seat plus 1 substitute

		Conservative = 1 seat plus 1 substitute
South Yorkshire Fire and Rescue Authority *	2	Labour = 1 seat Conservative = 1 seat
South Yorkshire Pensions Authority *	2	Labour = 1 seat Conservative = 1 seat
South Yorkshire Police and Crime Panel *	2	Labour = 1 seat Conservative = 1 seat

*The entitlement to seats on these bodies marked with an asterisk * is calculated to reflect political balance across the four South Yorkshire local authorities.

- 5.3 Nominations will be required as appropriate from the political groups in operation on the Council in respect of the seats available.

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.

Body	Membership requirement
Adoption Panel	Two Members of the Council
Complaints Panel	Three non-Executive councillors
Education Consultative Committee	Cabinet Member – Children and Young People 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 – Corporate Services, Community Safety and Finance
Fostering Panel	Two Members of the Council

Health, Welfare and Safety Panel	To be appointed by the Cabinet Member for Corporate Services, Community Safety 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	Deputy Leader
Rotherham Schools Forum	Cabinet Member for Children and Young People and one other Member
Standing Advisory Committee for Religious Education (SACRE)	Cabinet Member for Children and Young People and two other Members
Transport Liaison Group	There is no set membership for this Group with the exception of the relevant Cabinet Member who has responsibility for transportation and who shall be Chair of the Group. Attendance at meetings shall be open to all elected members of the Council. Each Parish/Town Council within the Borough may also send on representative to each meeting.

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 10.00am on 25 May 2022.

7. Options considered and recommended proposal

7.1 The Local Government and Housing Act and the Council'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 Council's business until the next available council meeting. This option is not recommended.

7.3 As listed in the recommendations section at the beginning of the report, the preferred option is:

- that the operation of 4 political groups on the Council, including details of their designated Leaders be noted.

- That the entitlement of the membership of the political groups be agreed and any entitlements be reflected in the Council's appointments to committees.
- That 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 be approved.
- That the appointment of Members to joint committees as set out on the schedule to be tabled at the meeting be approved.

8. Consultation on proposal

- 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 25 May 2022.

10. Financial and Procurement Advice and Implications

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

11. Legal Advice and Implications

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

12. Human Resources Advice and 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 Advice and 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 CO₂ Emissions and Climate Change

- 15.1 There are no implications for CO₂ Emissions and Climate Change arising from this report.

16. Implications for Partners

- 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. Therefore, there are no risks to be borne in mind in respect of the recommendations.

Accountable Officer(s)

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