

Committee Name and Date of Committee Meeting

Council – 01 March 2023

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

Jo Brown, Assistant Chief Executive

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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 2 non-aligned councillors (members who are not in a political group).

The Political Balance of the Council has changed due to a by-election in Keppel Ward which took place on 26 January 2023.

There are 149 seats available on committees, boards and panels and under the calculation the Labour Group is entitled to 86 seats, the opposition Group (Conservative) 43 seats, the Liberal Democrat Group 10 seats, the Rotherham Democratic Party Group 5 seats. The seats allocated to the non-aligned councillors is 5.

Recommendations

1. To note the new political balance of the Council as a result of the by-election.
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. To agree the amendment of appointments of members to Committees, Boards and Panels to reflect the change in political balance as notified by Group Leaders and detailed in the Mayor's Letter.

List of Appendices Included

None

Background Papers

The Council's Constitution.

Membership of Political Groups on the Council, Political Balance and Entitlement to Seats Council Report – 18th January 2023

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 no vote against doing 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 its annual meeting. This report confirms and updates 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 (34 Members)
Conservative	Leader – Councillor Simon Ball Deputy Leader – Councillor Lewis Mills (17 Members)

Name of Group	Designated Leader & Deputy Leader (Number of Members)
Liberal Democrat	Leader – Councillor Adam Carter (4 Members)
Rotherham Democratic Party	Leader – Councillor Robert Elliott (2 Members)

2.2 Councillor Bennett-Sylvester and Councillor Wilson are unaffiliated to a political group. For the purposes of this report, Councillor Bennett-Sylvester and Councillor Wilson are regarded as non-aligned councillors.

3. Allocation of Seats

3.1 The existing allocation of Committee seats is as follows:

Regulatory Committees/Boards	Seats Available	L	C	LD	RDP	NA
Audit Committee	5	3	2	0	0	0
Licensing Board	21	12	5	1	1	2
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	0
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	1	0	0	1
TOTAL	149	83	43	9	8	5

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.

- 3.2 The revised allocation will be included in the mayor's letter together with the nominations to those bodies.
- 3.3 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:

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

For the 149 seats available in applying principle (a) in paragraph 1.1 and providing for seats to non-aligned members in line with the Council's custom and practice, this gives:

Political Group	New Seat Entitlement
Labour	86
Conservative	43
Liberal Democrat	10
Rotherham Democratic Party	5
Non-Aligned	5
Total	149

- 3.4 In the table in paragraph 3.1 above, the committees and panels listed have locally agreed provisions in respect of their membership which were determined by the Council. 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.

Panel	Description of Role and Function
Joint Consultative Committee	The Committee shall comprise of the Deputy Leader, two Cabinet Members and two members of an opposition group.

4. Options considered and recommended proposal

- 4.1 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.
- 4.2 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.
- 4.3 As listed in the recommendations section at the beginning of the report, the preferred option is:
- That the entitlement of the membership of the political groups be agreed and any entitlements be reflected in the Council's appointments to committees.

5. Consultation on proposal

- 5.1 The respective political groups have been advised of the requirement for political balance and have been requested to provide amendments to the Head of Democratic Services for the available seats ahead of this meeting.

6. Timetable and Accountability for Implementing this Decision

- 6.1 There is a requirement for the Council to make appointments to committees, boards and panels at its meeting on 1st March 2023 to ensure it is meeting its requirements relating to political balance.

7. Financial and Procurement Advice and Implications

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

8. Legal Advice and Implications

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

9. Human Resources Advice and Implications

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

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 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.

11. Equalities and Human Rights Advice and Implications

- 11.1 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.

12. Implications for CO₂ Emissions and Climate Change

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

13. Implications for Partners

- 13.1 The appointment of councillors to serve on its committees, boards and panels is designed to have a positive impact on the Council's relationship with partners and stakeholders to enhance the relationship through the presence of accountable and elected representatives.

14. Risks and Mitigation

- 14.1 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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