

Committee Name and Date of Committee Meeting

Council – 24 May 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?

No

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 2 non-aligned councillors (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 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. 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.
2. That approval be given to the appointment of Members to committees, boards and panels, and the appointment of Chairs and Vice-Chairs, as detailed in the Mayor's Letter.
3. That approval be given to the appointment of Members to joint committees, as detailed in the Mayor's Letter.

List of Appendices Included

None

Background Papers

The Council's Constitution

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

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)

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 allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of the 149 seats to the four 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	Seat Entitlement
Labour	86
Conservative	43
Liberal Democrat	10
Rotherham Democratic	5
Non-Aligned	5
Total	149

3.2 The 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	Conservative	Liberal Democrat	Rotherham Democratic Party	Non-Aligned
Regulatory Committees/ Boards		86	43	10	5	5
Audit Committee	5	3	2	0	0	0
Licensing Board	21	12	6	2	0	1
Licensing Committee	15	9	4	1	0	1
Planning Board	15	9	4	1	1	0

Staffing Committee	5	3	2	0	0	0
Standards and Ethics	8	5	2	1	0	0
Overview and Scrutiny						
Overview and Scrutiny Management Board	12	7	3	1	1	0
Health Select Commission	18	10	5	1	1	1
Improving Lives Select Commission	18	10	5	1	1	1
Improving Places Select Commission	18	10	5	1	1	1
Other Bodies						
Corporate Parenting	5	3	2	0	0	0
Introductory Tenancy Review Panel	4	2	1	1	0	0
Joint Consultative Committee	5	3	2	0	0	0
Total	149					

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. 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, board and panels at its meeting on 24 May 2023.

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

4.1 At the annual meeting of the Council in 2016, the recommendations of the Governance Working Group were approved which 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 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
Labour	4	1
Conservative	0	2 (inc. Overview and Scrutiny Management Board)
Liberal Democrat	0	1
Rotherham Democratic Party	0	0
Non-Aligned	0	0

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 to appoint Chairs or Vice-Chairs according to the authority's political make up.

4.5 Political Groups are invited to submit their nominations for the positions, detailed in paragraphs 4.2 ahead of this meeting on 24 May 2023.

5. Appointments to Joint Bodies

5.1	Joint Committee	Seats
	South Yorkshire Mayoral Combined Authority	1 Member plus 1 substitute (Labour)
	South Yorkshire Mayoral Combined Authority Audit, Standards and Risk Committee	1 Member plus 1 substitute (Conservative)
	South Yorkshire Mayoral Combined Authority Overview and Scrutiny Committee	2 Members plus 2 substitutes 1 Member plus substitute (Labour) 1 Member plus 1 substitute (Conservative)
	SY Fire and Rescue	2 Members 1 Member (Labour) 1 Member (Conservative)
	SY Pensions Authority	2 Members 1 Member (Labour) 1 Member (Conservative)
	SY Police and Crime Panel	2 Members 1 Member (Labour) 1 Member (Conservative)
	YPO Joint Committee	1 Member plus 1 substitute (Labour)

5.2 The entitlement to seats for these bodies is calculated according to political balance across the four South Yorkshire local authorities. Nominations will be required from the two main political groups in operation on the Council in respect of the seats available.

5.3 The entitlement in respect of the political groups in operation in Rotherham is set out below:

Joint Committee	Membership	Entitlement
South Yorkshire Mayoral Combined Authority	1 Labour Member plus 1 Labour substitute	Leader of the Council (Deputy Leader of the Council – substitute member)

South Yorkshire Mayoral Combined Authority Board Rotational Member	1 Labour Member plus 1 Labour substitute	1 Labour Member plus 1 Labour substitute
South Yorkshire Mayoral Combined Authority Local Enterprise Partnership Board	1 Labour Member plus 1 Labour substitute	1 Labour Member plus 1 Labour substitute
South Yorkshire Mayoral Combined Authority Housing and Infrastructure Board	1 Labour Member plus 1 Labour substitute	1 Labour Member plus 1 Labour substitute
South Yorkshire Mayoral Combined Authority Transport and Environment Board	1 Labour Member plus 1 Labour substitute	1 Labour Member plus 1 Labour substitute
South Yorkshire Mayoral Combined Authority Education, Skills and Employability Board	1 Labour Member plus 1 Labour substitute	1 Labour Member plus 1 Labour substitute
South Yorkshire Mayoral Combined Authority Business Growth and Recovery Board	1 Labour Member plus 1 Labour substitute	1 Labour Member plus 1 Labour substitute
South Yorkshire Mayoral Combined Authority Audit, Standards and Risk Committee	1 Member plus 1 substitute (Conservative)	1 Member plus 1 substitute (Conservative)
South Yorkshire Mayoral Combined Authority Overview and Scrutiny Committee	2 Members plus 2 substitutes 1 Member plus substitute (Labour) 1 Member plus 1 substitute (Conservative)	2 Members plus 2 substitutes 1 Member plus substitute (Labour) 1 Member plus 1 substitute (Conservative)

6.0 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 Required
Adoption Panel	2 Members of the Council
Complaints Panel	Three non-Executive councillors
Education Consultative Committee	Cabinet Member 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 Representative of Improving Lives Select Commission
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	Cabinet Member for Children and Young Peoples Service, along with two councillors appointed within the 'Community Representative' category of the Forum's membership
Parish Councils - Liaison Meetings	Deputy Leader and Cabinet Member for Neighbourhood Working Other Cabinet Members depending on matters being discussed
Rotherham Schools Forum	Cabinet Member for Children and Young Peoples Service, along with one other Member
Standing Advisory Committee for Religious Education (SACRE)	Deputy Leader and Cabinet Member for Neighbourhood Working and two other Members
Transport Advisory Panel	Cabinet Member for Transport and Environment Attendance open to all Members of the Council

7. Consultation on 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 entitlement of the membership of the political groups be agreed and any entitlements be reflected in the Council's appointments to committees.

8. Timetable and Accountability for Implementing this Decision

8.1 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.

9. Financial and Procurement Advice and Implications

9.1 There is a requirement for the Council to make appointments to committees, boards and panels at its meeting on 24 May 2023 to ensure it is meeting its requirements relating to political balance.

10. Legal Advice and Implications

10.1 The legislative requirements are set out at paragraph 1.1 above.

11.1 Human Resources Advice and Implications

11.1 There are no Human Resource implications associated with this report.

12. Implications for Children and Young People and Vulnerable Adults

12.1 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.

13. Equalities and Human Rights Advice and Implications

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. Implications for CO₂ Emissions and Climate Change

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

15. Implications for Partners

15.1 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.

16. Risks and Mitigation

- 16.1 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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