



## SHEFFIELD CITY COUNCIL Report to Council

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**Report of:** Chief Executive

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**Date:** 5th September 2012

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**Subject:** Proportional Allocation of Seats on Council Committees – Update

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**Author of Report:** Paul Robinson – Head of Democratic Services (Council & Members)

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**Summary:**

This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats on Council Committees to political groups on a politically proportionate basis and provides an update on the position agreed at Annual Council on 16th May 2012.

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**Recommendations:**

That the Council:-

- (1) Notes the application of the political proportionality framework as set out in the report.
- (2) Agrees the adjustment of two seats from the Liberal Democrat Group to the Labour Group, as outlined in paragraph 5.5, in order to ensure that each group has the required number of seats overall in comparison to the total number of seats available on all Committees to reflect their composition on the Council as a whole.
- (3) Notes that the financial effect of the consequential changes to appointments to positions attracting Special Responsibility Allowances, outlined in section 6 of the report, is an additional cost to the Members' Allowances budget of approximately £1,650.

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**Background Papers:**

16/05/12 Report to Council - Proportional Allocation of Seats on Council Committees

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**Category of Report:** OPEN

## Statutory and Council Policy Checklist

<b>Financial implications</b>
YES Cleared by: Tricia Phillipson
<b>Legal implications</b>
YES Cleared by: Lynne Bird
<b>Equality of Opportunity implications</b>
NO
<b>Tackling Health Inequalities implications</b>
NO
<b>Human rights implications</b>
NO
<b>Environmental and Sustainability implications</b>
NO
<b>Economic impact</b>
NO
<b>Community safety implications</b>
NO
<b>Human resources implications</b>
NO
<b>Property implications</b>
NO
<b>Area(s) affected</b>
ALL
<b>Relevant Scrutiny Committee if decision called in</b>
N/A
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press release</b>
NO

# PROPORTIONAL ALLOCATION OF SEATS ON COUNCIL COMMITTEES

## 1. INTRODUCTION

- 1.1 This report outlines the requirements set out in the Local Government and Housing Act 1989 to allocate seats on Council Committees to political groups on a politically proportionate basis and provides an update on the position agreed at Annual Council on 16<sup>th</sup> May 2012.
- 1.2 The Council is asked to agree the adjustment of seats proposed in paragraph 5.5, to ensure that each group has the required number of seats overall in comparison to the total number of seats available on all Committees to reflect their composition on the Council as a whole.
- 1.3 Alternative arrangements in not applying strict political proportionality can be put in place provided Council gives unanimous support without any Member dissenting from that approach.

## 2. POLITICAL BALANCE

- 2.1 The political balance requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 apply on the whole with some limited exceptions to any committees and sub-committees established under the Constitution. They also apply to the Scrutiny and Policy Development Committees, which are treated as committees for the purposes of the Local Government Act 2000. The allocation of seats on committees must be in the same proportion as the number of members of the group bears to the membership of the Authority as a whole. The political balance rules do not apply to the Executive (Cabinet) or the Shadow Cabinet, and neither do they apply to the Licensing Committee, although past and existing practice has ensured that it is politically balanced. The Council, in establishing its new Standards Committee at its meeting on 4<sup>th</sup> July, 2012, agreed to disapply proportionality to that Committee. In addition, Community Assemblies are established as formal Area Committees under the Local Government Act 2000 and this is similarly exempted from the political balance rules.
- 2.2 The Council has a duty when allocating or reviewing the allocation of seats on committees to give effect so far as is reasonably practicable to the following four principles:-
  - (i) all the seats are not allocated to the same political group;
  - (ii) the majority of the seats go to the political group in the majority on the full Council;
  - (iii) subject to the above two principles, the total number of seats on the ordinary committees of the Authority are allocated to each political group in the same proportion as the group's representation on the full Council; and
  - (iv) subject to the above three principles, the number of seats on each

committee are allocated to each political group in the same proportion as the group's representation on the Council.

### **3. POSITION AGREED AT ANNUAL COUNCIL**

3.1 At its annual meeting on 16<sup>th</sup> May 2012, the Council agreed the following in respect of the proportional allocation of seats on Council Committees:-

*RESOLVED: On the Motion of Councillor Pat Midgley, seconded by Councillor Clive Skelton, that the City Council:-*

- (a) agrees that the current Council Committees, with their terms of reference set out in the Constitution, be re-established subject to the renaming of the Scrutiny Committees as Scrutiny and Policy Development Committees, and authority be given for the Constitution to be amended accordingly;*
- (b) notes the political proportionality framework and the illustrative example of how this might be applied, as set out in the report circulated with the agenda for this meeting;*
- (c) (i) approves the sizes of individual Committees to be subject to proportional balance and the initial allocation of seats to political groups on individual Committees before final adjustment, as set out in the report; (ii) agrees that, in order to ensure that each political group has the required number of seats overall in comparison to the total number of seats available on Committees to reflect their composition on the Council as a whole, the Liberal Democrat Group's adjustments of four seats be from (A) the Economic and Environmental Well-being Scrutiny and Policy Development Committee, the Licensing Committee and the Senior Officer Employment Committee, with those seats being allocated to the Green Group and (B) the Appeals and Collective Disputes Committee, with the seat being allocated to the Labour Group; and (iii) approves the appointment of Members to all Council Committees to reflect the arrangements now agreed and the wishes of the political groups, in accordance with the schedule circulated at the meeting (and including substitutes where appropriate), and, for the purposes of Council Procedure Rule 25.4, the consent of the Council be given in any case where a Member chooses not to be appointed to serve on any Scrutiny or Regulatory Committee;*
- (d) agrees to disapply proportionality to the Senior Officer Employment Sub-Committees and the Appeals and Collective Disputes Sub-Committees, for the reasons set out in paragraph 3.2.4 of the report;*
- (e) notes that the re-establishment of the current Council Committees has a neutral effect on the budget for Members Allowances;*
- (f) notes that a report will be submitted to the meeting of the Council on 13<sup>th</sup> June in relation to the standards arrangements to be adopted by the Authority from 1<sup>st</sup> July, and consequential changes required to be made to the Constitution of the Council and to political proportionality; and*
- (g) determines that political proportionality be reviewed in December each year to reflect any changes to the political composition of the Council occurring since the annual meeting of the Council.*

3.2 Full details of the sizes of individual committees subject to proportional balance and the proportional seat allocations to Political Groups and Independents agreed at the meeting (including the final adjustments which were required) can be found at **Appendix 1**.

#### **4. CHANGES SINCE ANNUAL COUNCIL**

4.1 Since the annual meeting of the Council, there has been one change which has impacted on political balance and therefore proportionality, this being one former Member of the Liberal Democrat Group joining the Labour Group with effect from 11<sup>th</sup> July, 2012. The Council continues to have three political groups and the Labour Group now has 60 seats, the Liberal Democrats now has 22 seats, and the Green Group remains on 2 seats. The total number of seats on the Council is 84.

4.2 This means that the percentage allocation is as follows:-

Labour:	$60 \div 84 \times 100$	=	71.43%
Liberal Democrat:	$22 \div 84 \times 100$	=	26.19%
Greens:	$2 \div 84 \times 100$	=	2.38%

#### **5. PROPORTIONAL SEAT ALLOCATIONS TO POLITICAL GROUPS**

5.1 The total number of seats across all politically proportionate Committees established by the Council at its annual meeting is 138. Applying each political group's percentage allocation (set out in paragraph 4.2) to the total number of seats, gives the following results:

Labour	$138 \times 71.43\% = 98.57$
Liberal Democrat	$138 \times 26.19\% = 36.14$
Greens	$138 \times 2.38\% = 3.28$

This shows that 137 whole seats are allocated, 98 to the Labour Group, 36 to the Liberal Democrats and 3 to the Green Group. One seat remains for allocation and is awarded on the highest part percentage claim, ie to the Labour Group (0.57).

5.2 The closest practical distribution to political groups (after rounding) is therefore 99:36:3 (Labour : Liberal Democrat : Green).

5.3 Appendix 1 also shows the new overall proportional seat allocations to the political groups (as set out in paragraph 5.2). A comparison with the allocation made at the annual meeting of the Council shows that a small adjustment of two seats is required to ensure political balance on the overall number of seats across all Committees available to each political group - the

Labour Group is under represented by two seats and the Liberal Democrat Group has an over allocation of two seats.

- 5.4 The number of main committee seats are allocated in the same proportion as the group's representation on the Council. The mathematical calculation on differing sized Committees, based on the percentage allocation set out in paragraph 4.2, is shown at **Appendix 2**. A comparison with the Committee sizes agreed at the annual meeting of the Council (as set out in Appendix 1) shows that the new percentage allocation does not have an impact on each group's entitlement on each individual Committee, as initially allocated at the annual meeting, prior to final adjustment.
- 5.5 As indicated in paragraph 5.3, in order to ensure political balance on the overall number of seats across all Committees, the Liberal Democrat Group is required to give up two seats, to be allocated to the Labour Group, from any two Committees other than (a) the Overview and Scrutiny Management Committee, as its membership comprises the Chairs and Deputies of the Scrutiny and Policy Development Committees, or (b) any of the four Committees which were subject to an adjustment at the annual meeting of the Council (i.e. the Economic and Environmental Well-being Scrutiny and Policy Development Committee, the Licensing Committee, the Senior Officer Employment Committee and the Appeals and Collective Disputes Committee), as any additional adjustment made to these Committees would be contrary to the fourth principle set out in paragraph 2.2.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications arising from the adjustments required to be made to the sizes of the Committees in order to comply with the political balance requirements. However, the Member of the Council referred to in paragraph 4.1 was a Shadow Cabinet Member and the Deputy Chair of the Licensing Committee. Both of these roles attract a Special Responsibility Allowance, but only the highest value Allowance is payable. It is now proposed that the position of Deputy Chair of the Licensing Committee is retained by that Member, and, as the Liberal Democrat Group will appoint a new Shadow Cabinet Member, this will reinstate the two separate allowances for the remainder of the Municipal Year.
- 6.2 This will represent an additional cost of approximately £1,650 (10 months of a Band C allowance of £3,028 per annum for the Deputy Chair of the Licensing Committee, i.e. payable from 11<sup>th</sup> July, 2012 rather than from the date of the Council Annual Meeting on 16<sup>th</sup> May, 2012, reduced by a saving of 2 months of a Band B2 allowance of £5,268 per annum for the Shadow Cabinet Member role covering the period 11<sup>th</sup> July, 2012 to 5<sup>th</sup> September, 2012, where the Shadow Cabinet Member position was vacant). The appointments made by the Council at its annual meeting to positions attracting Special Responsibility Allowances were cost neutral for the Members' Allowances budget, so this additional cost of approximately £1,650 also represents an increase on the 2011/12 Special Responsibility Allowance element of that budget.

- 6.3 Officers will work with Members to reduce other areas of spending on Members support and equipment, to ensure this small increase in the total spend on Allowances can be managed within the overall Members budget.

## **7. LEGAL IMPLICATIONS**

The legal implications are set out in the body of this report.

## **8. RECOMMENDATIONS**

That the Council:-

- (1) Notes the application of the political proportionality framework as set out in the report.
- (2) Agrees the adjustment of two seats from the Liberal Democrat Group to the Labour Group, as outlined in paragraph 5.5, in order to ensure that each group has the required number of seats overall in comparison to the total number of seats available on all Committees to reflect their composition on the Council as a whole.
- (3) Notes that the financial effect of the consequential changes to appointments to positions attracting Special Responsibility Allowances, outlined in section 6 of the report, is an additional cost to the Members' Allowances budget of approximately £1,650.

John Mothersole  
Chief Executive

**PROPORTIONAL SEAT ALLOCATIONS TO POLITICAL GROUPS** (as agreed at Council on 16<sup>th</sup> May 2012 - final adjustments shown in bold)

<b>Committee</b>	<b>Labour</b>	<b>Lib Dem</b>	<b>Green</b>	<b>Total</b>
CYP&FS Scrutiny Committee	9	4	0	13
E&EW Scrutiny Committee	9	<b>4</b> 3	0 1	13
HC&ASC Scrutiny Committee	9	4	0	13
S&SC Scrutiny Committee	9	4	0	13
Overview and Scrutiny Management Committee	4	4	0	8
Planning and Highways - City Centre, South & East	7	3	0	10
Planning and Highways - West & North	7	3	0	10
Licensing	11	<b>4</b> 3	0 1	15
Audit	4	2	0	6
Admissions	5	2	0	7
Senior Officer Employment	11	<b>4</b> 3	0 1	15
Appeals and Collective Disputes	<del>11</del> 12	<b>4</b> 3	0	15
Initial Allocation at the AGM	96	42	0	138
Total Allocation after adjustment at the AGM - and the Previous Political Balance Requirement (May 2012)	97	38	3	138
New Political Balance Requirement (July 2012)	99	36	3	138
Adjustments Required	+2	-2	n/a	



**CALCULATION OF PROPORTIONAL SEAT ALLOCATION OF COMMITTEES**

% Share of Council	71.43%	26.19%	2.38%
Number on Committee	Labour	Liberal Democrat	Green
3	2.14	0.79	0.07
4	2.86	1.05	0.10
5	3.57	1.31	0.12
6	4.29	1.57	0.14
7	5.00	1.83	0.17
8	5.71	2.10	0.19
9	6.43	2.36	0.21
10	7.14	2.62	0.24
11	7.86	2.88	0.26
12	8.57	3.14	0.29
13	9.29	3.40	0.31
14	10.00	3.67	0.33
15	10.71	3.93	0.36
16	11.43	4.19	0.38
17	12.14	4.45	0.40
18	12.86	4.71	0.43
19	13.57	4.98	0.45
20	14.29	5.24	0.48
21	15.00	5.50	0.50
22	15.71	5.76	0.52
23	16.43	6.02	0.55
24	17.14	6.29	0.57
25	17.86	6.55	0.60

	<u>Seats</u>	<u>%</u>
Labour	60	71.43
Liberal Democrat	22	26.19
Greens	<u>2</u>	<u>2.38</u>
	84	100%

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