



SHEFFIELD CITY COUNCIL Report to Council

Report of: Director of Policy and Democratic Engagement

Date: 1st November 2023

Subject: Review Of Allocations Of Seats On Council
Committees

Author of Report: Jason Dietsch, Head of Democratic Services

Purpose of Report:

This report provides details of a review of the allocation of seats on the Council's Committees following a change to the composition of the Council arising from the establishment, on 14th October 2023, of a new political group on the Council (the Sheffield Community Councillors Group).

Recommendations: That the Council:-

- (a) notes the information set out in the report on the review of the allocation of seats on the Council's Committees;
 - (b) notes the initial allocation of seats to political groups on individual committees before final adjustment, as set out in Appendix 1 of the report; and
 - (c) agrees (i) the final adjustments of seats 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, in accordance with the schedule to be circulated at the meeting and (ii) the appointment of Members to committees to reflect the wishes of the political groups, in accordance with the schedule to be circulated at the meeting and including substitutes where appropriate.
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Background Papers:

1. Constitution of Sheffield City Council.
 2. Establishment of Council Committees in 2023/24 and Appointment of Members to Serve on those Committees - Report submitted to the annual meeting of the Council on 17th May 2023.
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Category of Report: OPEN

Statutory and Council Policy Checklist

Financial & Commercial Implications
NO Cleared by: Matthew Ardern
Legal Implications
YES Cleared by: Petra Der Man
Equality of Opportunity Implications
NO Cleared by: Adele Robinson
Climate impact
NO
Tackling Health Inequalities Implications
NO
Human rights Implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
None
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

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. The Local Government (Committees and Political Groups) Regulations 1990 require local authorities to review the allocation of seats to political groups as soon as practicable after a change to the political groups, or a change of membership of a group, on the Authority.
- 1.2 The report provides details of the updated political composition of the Council resulting from the establishment, on 14th October 2023, of a new political group on the Council (the Sheffield Community Councillors Group), and contains a review of the allocation of seats on the Council's Committees in the light of that change to the composition of the Council and based on the Committees (and their sizes) which were approved at the annual meeting of the Council on 17th May 2023 for operation in the Municipal Year 2023-24. There are a total of 180 seats across all the Council's Committees that are subject to political proportionality.
- 1.3 The current Council Committees, their terms of reference, and the functions delegated to them, are set out in Part 3.3 of the Council's Constitution (Matters Delegated To Council Committees And Sub-Committees).

2. Political Balance

- 2.1 The political balance requirements of the Local Government and Housing Act 1989 ("the Act") and the Local Government (Committees and Political Groups) Regulations 1990 ("the Regulations") apply, with some limited exceptions, to any committees and sub-committees established under the Constitution. The allocation of seats on committees must be determined so that each political group gets the same proportion as the number of their members to the total membership of the Authority. The political balance statutory provisions do not apply to a statutory Licensing Committee established under the Licensing Act 2003, but the political balance rules do apply to a Licensing Committee when it is discharging other regulatory functions. In addition, the Regulations provide that the political balance rules do not apply to a Local Area Committee whose voting members are all Members of the Council elected for the electoral wards within the area of the committee and which discharges functions only in respect of that particular area. The Health and Wellbeing Board is also exempt from the requirement for political balance.
- 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) that not all the seats on the committee are allocated to the same political group;

(ii) that the majority of the seats on the committee is allocated to a particular political group, if the number of persons belonging to that group is a majority of the Authority's membership (no group on Sheffield City Council currently satisfies this criterion);

(iii) subject to the above two principles, that 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 membership of the Authority; 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 membership of the Authority.

2.3 Alternative arrangements which depart entirely from political proportionality could only be put in place provided the Council votes for this without any Member voting against such a Motion. In practice, arrangements will never be perfectly politically proportionate, due to the need to appoint whole people to committees. The legislation allows for this within the boundaries of what is 'reasonably practicable' without therefore requiring an unopposed vote.

2.4 Regulation 16 of the Regulations clarify the allocation and appointment duties for cases where some Members are members of political groups and others are not, and require that:-

- allocation of seats is determined so that each group gets the same proportion of the total number of seats as the proportion of their group members to the total number of members of the authority;
- appointment to 'spare' seats (not allocated by that determination) must be to non-grouped members.

There is no statutory requirement that all Members must have a proportionate number of, or indeed any, seats. However, Sheffield City Council does make provision (under Council Procedure Rule 25.6) for every Member of the Council to be appointed a member of at least one Policy Committee or Regulatory Committee, unless otherwise determined by the Council. Furthermore, the Council chooses to provide a proportionate number of seats to its non-grouped members (Councillors Lewis Chinchen and Sophie Wilson) by sharing the 'spare' seats equally between them.

3. Composition of the Council

3.1 Following the municipal elections held on 4th May, 2023, the composition of the Council remained unchanged from the position in 2022/23. The Council had 3 political groups - the Labour Group with 39 Members (which included 12 Labour and Co-operative Party Members); the Liberal Democrat Group with 29 Members; and the Green Group with 14 Members. There were also two Councillors who were not members of any group on the Council - Councillor Lewis Chinchen, a Conservative Party

candidate who was elected in May 2021 in the Stocksbridge and Upper Don Ward, and Councillor Sophie Wilson, representing the Park and Arbourthorne Ward, who serves as an independent Member.

3.2 On 4th October 2023, Councillors Tony Damms, Denise Fox, Terry Fox, Julie Grocutt, Dianne Hurst, Bryan Lodge and Garry Weatherall gave notice that they had resigned from the Labour Group on the Council with immediate effect. On 14th October 2023, those seven Elected Members formed a new political group on the Council (to be known as the Sheffield Community Councillors). On 20th October 2023, Councillor Paul Wood gave notice of his resignation from the Labour Group on the Council and that he had joined the Sheffield Community Councillors Group.

3.3 This means that the new composition of the Council, and percentage allocation, is as follows:-

Labour Group	$31 \div 84 \times 100$	=	36.91%
Liberal Democrat Group	$29 \div 84 \times 100$	=	34.52%
Green Group	$14 \div 84 \times 100$	=	16.67%
Sheffield Community Cllrs Group	$8 \div 84 \times 100$	=	9.52%
Cllr Lewis Chinchen	$1 \div 84 \times 100$	=	1.19%
Cllr Sophie Wilson	$1 \div 84 \times 100$	=	1.19%

3.4 This is the percentage allocation that has to be applied in order to address the requirements of the third and fourth principles set out in (iii) and (iv) of paragraph 2.2 above.

4. Allocation Of Seats On Committees To Political Groups

4.1 In order to address the political balance requirements in the correct priority order, it is necessary to determine the total number of seats to be included in the overall calculation. The percentage allocation set out in paragraph 3.3 is then applied to that total number of seats, resulting in total overall seat allocations being awarded to each political group and to any individual Councillors who are not a member of a group.

4.2 The arrangements approved by the Council at its annual meeting on 17th May 2023, provided a total of 180 seats across all the Council's Committees that are subject to political proportionality. The committees included in the overall proportionality calculations were the eight Policy Committees (and their two standing Sub-Committees – Health Scrutiny & Charity Trustee), the Finance Committee, the two Regulatory Committees (Planning & Highways Committee and the [Regulatory] Licensing Committee), Audit & Standards Committee, Governance Committee, Admissions Committee, Senior Officer Employment Committee and the Appeals and Collective Disputes Committee.

4.3 The previous entitlements to seats on those Committees were 84 (Labour), 62 (Liberal Democrat), 30 (Green), 2 (Cllr Chinchen) & 2 (Cllr Wilson).

4.4 Assuming that total number remains at 180 seats, the allocation based on the new composition is:-

Labour Group	180 x 36.91% = 66.44
Liberal Democrat Group	180 x 34.52% = 62.14
Green Group	180 x 16.67% = 30.01
Sheffield Community Councillors Group	180 x 9.52% = 17.13
Cllr Lewis Chinchen	180 x 1.19% = 2.14
Cllr Sophie Wilson	180 x 1.19% = 2.14

This gives 179 seats based on whole number allocation (66+62+30+17+2+2) so the Group with the highest part whole number gets an additional seat. That is the Labour Group (.44).

The new allocations are therefore 67 (Labour), 62 (Liberal Democrat), 30 (Green), 17 (Sheffield Community Councillors), 2 (Cllr Chinchen) and 2 (Cllr Wilson).

4.5 The entitlements of the Liberal Democrat Group, the Green Group and Cllrs Chinchen & Wilson are unaffected, based on retaining 180 seats in total. The 17 seats to be allocated to the Sheffield Community Councillors Group are from the Labour Group allocation, reducing that Group's entitlement from 84 seats to 67 seats.

4.6 In relation to the fourth political balance principle (the number of seats on each committee are allocated to each political group in the same proportion as the group's membership of the Authority), for each individual committee, the number of seats on the committee are initially allocated in the same proportion as the group's representation on the Council. For example, on a committee with 13 seats available for allocation this would be calculated as follows:-

Divide the number of seats available on the committee between the groups in the same proportion as the number of seats a group has on the Council:-

Labour Group	$31 \div 84 \times 13$	=	4.80
Liberal Democrat Group	$29 \div 84 \times 13$	=	4.49
Green Group	$14 \div 84 \times 13$	=	2.17
Sheffield Community Cllrs Group	$8 \div 84 \times 13$	=	1.24
Cllr Lewis Chinchen	$1 \div 84 \times 13$	=	0.15
Cllr Sophie Wilson	$1 \div 84 \times 13$	=	0.15

This shows that 11 seats are allocated based on whole number allocation - 4 to the Labour Group, 4 to the Liberal Democrat Group, 2 to the Green Group and 1 to the Sheffield Community Councillors Group. 2 seats remain for allocation and are awarded on the highest decimal part claim, i.e. to the Labour Group (.80) and to the Liberal Democrat Group (.49), giving an overall allocation of 5 : 5 : 2 : 1 : 0 : 0 seats (Labour : Liberal Democrat : Green : SCC : Chinchen : Wilson), being the total of 13 available for allocation.

- 4.7 Once the initial allocation of seats has been applied to each of the committees to be included in the overall proportionality calculations, the total number of seats allocated via this process to each political group and to any individual Councillors who are not a member of a group, is calculated. These total initial seat allocations are then compared with the total allocations awarded under the calculation made on the total number of seats (in relation to the third political balance principle), and appropriate adjustments made to the allocations on individual committees to ensure that the third principle is met (i.e. that 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 membership of the Authority).
- 4.8 Appendix 1 to this report (Initial Allocation Of Committee Seats) shows the initial allocation, in accordance with proportionality rules, of seats to each political group on each of the committees that are subject to political proportionality. This also shows that, in order to ensure that each political group has their correct entitlement of seats across all the committees, adjustments will need to be made to these initial allocations by the groups agreeing to give up/take on seats on particular committees.
- 4.9 To achieve the required overall proportionality, the following adjustments need to be made to the initial allocation:-
- Labour Group must gain 1 seat
 - Liberal Democrat Group must gain 1 seat
 - Green Group must lose 6 seats
 - Councillor Chinchon must gain 2 seats *
 - Councillor Wilson must gain 2 seats *
- * at least one of which needs to be on a Policy Committee or Regulatory Committee (in accordance with Council Procedure Rule 25.6), which states that "Every Member of the Council shall be appointed a member of at least one Policy Committee or Regulatory Committee, unless otherwise determined by the Council." Councillors Chinchon and Wilson can choose not to be appointed to serve on any Policy or Regulatory Committee, if they so wish.
- There are no adjustments required to be made in relation to the seats allocated to the Sheffield Community Councillors Group.
- 4.10 Those six adjustments of seats need to be on six separate Committees in order to give effect, so far as is reasonably practicable, to the fourth political balance principle (the number of seats on each committee are allocated to each political group in the same proportion as the group's membership of the Authority).
- 4.11 A schedule detailing the final seat allocations, incorporating the required adjustments, will be supplied at the Council meeting for approval, together with revised appointments of Councillors to give effect to the new seat allocations.

5. Risk Analysis and Implications of the Recommendations

5.1 Legal Implications

5.1.1 The legal implications for a review of the political composition of the membership of the Council's Committees are contained within the body of this report.

5.2 Financial and Commercial Implications

5.2.1 There are no financial or commercial implications. Under the Council's Members' Allowances Scheme, special responsibility allowances (SRAs) are paid for certain roles, such as being a Chair or Deputy Chair of a Policy or Regulatory Committee, but the review of seat allocations based on the Council's existing committee structure will not impact on those allowances.

5.3 Equality of Opportunity Implications

5.3.1 There are no equality of opportunity implications arising from the review of seat allocations on the Council's Committees.

6. ALTERNATIVE OPTIONS CONSIDERED

6.1 'Do nothing' is not an option for the Council. It is under a legal obligation to review the allocation of seats to political groups as soon as practicable after a change to the political groups, or a change of membership of a group, on the Authority.

6.2 Alternative arrangements which depart entirely from political proportionality could only be put in place provided the Council votes for this without any Member voting against. No such alternative arrangements are being proposed.

6.3 The six adjustments of seats that need to be made on six separate Committees, as mentioned in paragraph 4.9 and showing in Appendix 1, could be determined by identifying the largest variances within the initial allocations, i.e. the strict application of proportionality. However, an alternative proposal accommodating the preferences of the political groups as part of a politically proportionate scheme, would be acceptable, if it is able to be agreed by full Council, and the legislation allows for this within the boundaries of what is 'reasonably practicable' without requiring an unopposed vote.

6.4 The Council could decide to change the sizes of one or more of its Committees if it determined there was good reason to do so for political or practical expediency. This would necessitate a recalculation of the total and initial allocations of seats in light of the revised size/s.

7. REASONS FOR RECOMMENDATIONS

- 7.1 The recommendations in the report enable the Council to comply with 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.

James Henderson
Director of Policy and Democratic Engagement

Appendix 1

Initial Allocation Of Committee Seats, in accordance with proportionality rules (November 2023)

Group name -->		Labour		Liberal Democrat		Green		Lewis Chinchon (Con)		Sophie Wilson (Ind)		Sheffield Community Councillors		TOTAL
Seats on Council -->		31		29		14		1		1		8		84
Total entitlement to seats on politically proportionate committees	180	67		62		30		2		2		17		0
Overall allocation of seats on politically proportionate committees	180		66		61		36		0		0		17	0
Cttee name	Cttee size	exact entitlement on committee	proposed allocation on committee	exact entitlement on committee	proposed allocation on committee	exact entitlement on committee	proposed allocation on committee	exact entitlement on committee	proposed allocation on committee	exact entitlement on committee	proposed allocation on committee	exact entitlement on committee	proposed allocation on committee	Variation between number of seats available and number of seats allocated
Strategy & Resources Policy Committee	11	4.06	4	3.80	4	1.83	2	0.13	0	0.13	0	1.05	1	0
Adult Health & Social Care Policy Committee	9	3.32	3	3.11	3	1.50	2	0.11	0	0.11	0	0.86	1	0
Communities Parks & Leisure Policy Committee	9	3.32	3	3.11	3	1.50	2	0.11	0	0.11	0	0.86	1	0
Education, Children & Families Policy Committee	9	3.32	3	3.11	3	1.50	2	0.11	0	0.11	0	0.86	1	0
Economic Development & Skills Policy Committee	9	3.32	3	3.11	3	1.50	2	0.11	0	0.11	0	0.86	1	0
Housing Policy Committee	9	3.32	3	3.11	3	1.50	2	0.11	0	0.11	0	0.86	1	0
Transport, Regeneration & Climate Policy Committee	9	3.32	3	3.11	3	1.50	2	0.11	0	0.11	0	0.86	1	0
Waste & Streetscene Policy Committee	9	3.32	3	3.11	3	1.50	2	0.11	0	0.11	0	0.86	1	0
Finance Committee	9	3.32	3	3.11	3	1.50	2	0.11	0	0.11	0	0.86	1	0
Health Scrutiny Sub-Committee	9	3.32	3	3.11	3	1.50	2	0.11	0	0.11	0	0.86	1	0
Charitable Trusts Sub-Committee	5	1.85	2	1.73	2	0.83	1	0.06	0	0.06	0	0.48	0	0
Planning & Highways Committee	13	4.80	5	4.49	5	2.17	2	0.15	0	0.15	0	1.24	1	0
Licensing Committee	15	5.54	6	5.18	5	2.50	3	0.18	0	0.18	0	1.43	1	0
Audit & Standards Cttee	7	2.58	3	2.42	2	1.17	1	0.08	0	0.08	0	0.67	1	0
Governance Committee	11	4.06	4	3.80	4	1.83	2	0.13	0	0.13	0	1.05	1	0
Admissions Cttee	7	2.58	3	2.42	2	1.17	1	0.08	0	0.08	0	0.67	1	0
Senior Officer Employment Cttee	15	5.54	6	5.18	5	2.50	3	0.18	0	0.18	0	1.43	1	0
Appeals and Collective Disputes Cttee	15	5.54	6	5.18	5	2.50	3	0.18	0	0.18	0	1.43	1	0
Variance between rounded overall entitlement to seats and overall allocations of seats	0													0

Total entitlement to seats on politically proportionate committees - After rounding, Labour has largest part entitlement (of 0.43) to the final seat.

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