



SHEFFIELD CITY COUNCIL Report to Council

Report of: Deputy Chief Executive

Date: 18th May 2011

Subject: Proportional Allocation of Seats on Council Committees

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

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 asks Council to agree their terms of reference and appoint named Members to them to reflect the wishes of each of the political groups. 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.

Recommendations:

That the Council:-

- (1) Notes the political proportionality framework and the illustrative example of how this might be applied as set out in the report.
- (2) Considers how it wishes to allocate seats on Committees in light of this illustrative approach.
- (3) Determines whether or not 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.
- (4) Agrees:
 - (i) 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.

- (ii) 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.
 - (iii) 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.
- (5) Agrees that the existing terms of reference of all Committees be as set out in the Constitution, subject to the Scrutiny Committees' terms of reference being revised as described in paragraph 3.1.2 and Appendix 3 of the report, and authority be given to amend the Constitution accordingly.

Background Papers: NONE

Category of Report: OPEN

Statutory and Council Policy Checklist

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

Proportional Allocation of Seats on Council Committees

1. INTRODUCTION

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 asks Council to agree that the existing terms of reference of all Committees/Sub-Committees and other bodies as specified in the Council's Constitution remain unchanged except with regard to the Scrutiny Committees, where new Committees and terms of reference and remits are proposed. 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 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, nor the Licensing and Standards Committee or its Sub-Committees. In addition, Community Assemblies are established as formal Area Committees under the Local Government Act 2000 and this is similarly exempted.

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.

2.3 The Council currently has 3 political groups. The Labour Group has 49 seats, the Liberal Democrat Group has 32 seats, the Green Group has 2 seats and one member of the Council is not affiliated to any of the political groups, i.e. an Independent. The total number of seats on the Council is 84.

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

Labour:	$49 \div 84 \times 100 = 58.33\%$
Liberal Democrat:	$32 \div 84 \times 100 = 38.10\%$
Greens:	$2 \div 84 \times 100 = 2.38\%$

1.19% of seats after allocation to the political groups must then be allocated to any remaining members (Independent Members).

The number of main committee seats are 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	$49 \div 84 \times 13 = 7.58$
Liberal Democrat	$32 \div 84 \times 13 = 4.95$
Greens	$2 \div 84 \times 13 = 0.31$

This shows that 11 whole seats are allocated, 7 to the Labour Group and 4 to the Liberal Democrat Group. Two seats remain for allocation and are awarded on the highest part percentage claim, i.e. to the Liberal Democrat Group (0.95) and to the Labour Group (0.58), giving an overall allocation of 8 and 5 seats to the 2 largest groups, being the total of 13 available for allocation.

This approach is replicated for each individual Committee and Appendix 1 shows an illustrative example of the overall allocation across all Committees if Committee sizes were to remain as at present, other than in relation to the two Planning and Highways Committees where it is proposed to increase their sizes to 10 seats (from 9 seats in 2010/11).

This illustration also shows that the total number of seats across all politically proportionate Committees is 138. The sizes of any of the Committees is however at the discretion of the Council to vary should it so choose. The basis of the mathematical calculation on differing sized Committees is shown at Appendix 2.

2.5 The closest practical distribution to political groups (after rounding) is therefore 80 : 53 : 3 (Labour: Liberal Democrat : Green). The remaining (2) seats must then be allocated to the Independent Member.

2.6 There is no requirement for the Cabinet or any Cabinet Committee, Shadow Cabinet, Community Assemblies or the Standards Committee to be

politically balanced. Taking into account the allocation detailed in the table in Appendix 1, a small number of adjustments (5 seats) are required to ensure political balance on the overall number of seats across all Committees available to each political group. This illustrates that both the Labour Group and the Liberal Democrat Group have an over allocation of 3 seats and 2 seats respectively and the Greens are under represented by 3 seats and final adjustment is required. The remaining 2 seats are allocated to the Independent Member. A schedule of nominations from each of the political groups to occupy the requisite number of allocated seats, will be tabled at the meeting.

3. THE ESTABLISHMENT OF COMMITTEES/SUB-COMMITTEES UNDER THE CONSTITUTION

3.1 Scrutiny Committees

3.1.1 The Constitution provides for the appointment of Scrutiny Committees and they are subject to the rules on political proportionality. There were 5 Scrutiny Committees plus the Overview and Scrutiny Management Committee in 2010/11. The Scrutiny Committee for Children and Young People also includes 3 voting co-opted parent governors and 2 voting co-opted members nominated by each of the Sheffield and Hallam Diocesan Boards.

3.1.2 As part of budgetary reductions agreed by the Council on 4th March, 2011 and with a view to further enhancing the operation of the scrutiny function within the Council, it is proposed to reduce the number of Scrutiny Committees by one (to four Committees, plus the Management Committee). The proposed names and remits of these Committees are set out in Appendix 3 to this report. The terms of reference of the Scrutiny Committees are set out in Part 3 of the Council's Constitution, and therefore approval is sought for the Constitution to be updated to incorporate the new names and remits for the Committees.

3.2 Regulatory Committees

3.2.1 The Constitution allows for Council side functions to be delegated to Committees, with terms of reference set out in Part 3 of the Constitution, which deliver regulatory responsibilities:

Planning and Highways City Centre, South and East Committee	(10)
Planning and Highways West and North Committee	(10)
Licensing Committee	(15)
Audit Committee	(6) - drawn from any Non executive Member of the Council
Admissions Committee	(7)
Senior Officer Employment Committee	(15)

- 3.2.2 The Licensing Committee, set up under the Licensing Act 2003, can have a minimum of 10 and no more than 15 members under the legislation. Whilst technically this Committee is not required to be politically balanced, past practice has ensured that it is. It is proposed that this approach is continued, having a membership of 15.
- 3.2.3 The appointment of Licensing Sub-Committees to review cases under Section 10 of the Licensing Act 2003, is now a statutory function reserved by the Act to the statutory Licensing Committee. Accordingly, it is a matter for the Licensing Committee to appoint these Sub-Committees and the custom and practice has been for any 3 Members of the Committee to be called to hear individual cases. It is proposed that existing arrangements be continued.
- 3.2.4 The Senior Officer Employment Committee and the Appeals and Collective Disputes Committee, with terms of reference set out in Part 3 of the Constitution, are established as politically proportionate committees of 15 Members. However, built into the terms of reference of both Committees is the facility to establish Sub-Committees to undertake their functions. The custom has been to disapply proportionality to these Sub-Committees and for any 3 Members of the parent Committee to be called to hear individual matters. It is proposed that this approach be continued.

3.3 Standards Committee

- 3.3.1 In line with the Local Government Act 2000, the Council has established a Standards Committee comprising 5 elected Members (one of which should be the Cabinet Member whose remit includes ethical standards in the Council), 4 Independent Lay Members and 3 Parish Councillor representatives, to recommend the adoption of a code of conduct for Members and to provide advice and training in relation to ethical standards and in addition to consider any allegation of misconduct. The political balance rules do not apply to the Standards Committee. The terms of reference for the Committee are contained in Part 3 of the Council's Constitution.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

5. LEGAL IMPLICATIONS

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

6. RECOMMENDATIONS

That the Council:-

- (1) Notes the political proportionality framework and the illustrative example of how this might be applied as set out in the report.
- (2) Considers how it wishes to allocate seats on Committees in light of this illustrative approach.
- (3) Determines whether or not 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.
- (4) Agrees:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
- (5) Agrees that the existing terms of reference of all Committees be as set out in the Constitution, subject to the Scrutiny Committees' terms of reference being revised as described in paragraph 3.1.2 and Appendix 3 of the report, and authority be given to amend the Constitution accordingly.

Lee Adams
Deputy Chief Executive

**MEMBERSHIP OF NON POLITICALLY PROPORTIONATE
COUNCIL BODIES 2011/12
(Schedule of named Councillor appointees to be tabled at the meeting)**

Executive (Cabinet) (8)

Portfolios are at the Leader's discretion and could be subject to change.

The Leader

Executive Members and their Portfolios (7)

Finance
Business, Jobs and Growth
Children, Young People and Families
Homes and Regeneration
Health, Care and Independent Living
Environment and Transport
Communities

Cabinet Highways Committee

Comprises 4 Members of the Executive and remaining 6 Executive Members to act as substitutes.

Cabinet Advisers (11)

(To be notified)

Shadow Cabinet (10)

Portfolios are at the Opposition Leader's discretion and could be subject to change.

Leader
Deputy Leader
Children and Young People's Services
Finance
Independent and Healthy Living
Housing, Regeneration and Planning
Climate Change
Communities
Culture, Sport and Tourism
Business, Transport and Skills

Community Assemblies (12)

Ward Member appointments based per each Community Assembly geographical boundary.

Standards Committee (12)

Comprises 5 Elected Members; 4 Independent Lay members; and 3 Parish Council representatives.

Licensing Sub-Committees

Pool of 3 Members drawn from the Licensing Committee which is proportionally balanced.

Senior Officer Employment Sub-Committees

Pool of 3 Members drawn from the Senior Officer Employment Committee which is proportionally balanced.

Appeals and Collective Disputes Sub-Committees

Pools of 3 Members drawn from the Appeals and Collective Disputes Committee which is proportionally balanced.

**MEMBERSHIP OF POLITICALLY PROPORTIONATE COUNCIL BODIES
2011/12**

Scrutiny Committees

Children, Young People & Family Support Scrutiny Cttee (13)

Economic & Environmental Well-being Scrutiny Cttee (13)

Healthier Communities & Adult Social Care Scrutiny Cttee (13)

Safer & Stronger Communities Scrutiny Cttee (13)

Overview & Scrutiny Management Committee (8)

Pool of
Substitutes

Regulatory Committees

Planning and Highways - City Centre, South and East (10)

Planning and Highways - West and North (10)

Pool of Substitutes
(10 from each of
Labour and Lib Dems)

Licensing (15)

Audit (6)

Admissions Board (7)

Pool of Substitutes
(Drawn from any
member of the Council)

Senior Officer Employment Committee (15)

Appeals and Collective Disputes Panel (15)

Proportional Seat Allocations to Political Groups and Independents

Committee	Labour	Lib Dem	Green	Independent	Total
CYP&FS Scrutiny Committee	8	5	0	0	13
E&EW Scrutiny Committee	8	5	0	0	13
HC&ASC Scrutiny Committee	8	5	0	0	13
S&SC Scrutiny Committee	8	5	0	0	13
Overview and Scrutiny Management Committee	4	4	0	0	8
Planning and Highways - City Centre, South & East	6	4	0	0	10
Planning and Highways - West & North	6	4	0	0	10
Licensing	9	6	0	0	15
Audit	4	2	0	0	6
Admissions	4	3	0	0	7
Senior Officer Employment	9	6	0	0	15
Appeals and Collective Disputes	9	6	0	0	15
Total Initial Allocation	83	55	0	0	138
Overall Political Balance Requirement	80	53	3	2	138
Adjustments Required	-3	-2	+3	+2	

Adjustments Required Under this Illustrative Approach

1. It is suggested that the Labour Group adjustments of 3 seats be from any 3 Committees other than the Overview and Scrutiny Management Committee and the Admissions Committee, to ensure that proportionality is not skewed on any of the Committees.
2. The Liberal Democrat Group adjustment of 2 seats could be from any 2 Committees other than the Overview and Scrutiny Management Committee, as its membership comprises the Chairs and Deputies of the Scrutiny Committees.
3. Practically, it is necessary for 3 of the 5 required adjustments to come from either the Scrutiny Committees or the Planning or Licensing Committees and allocated to the 2 Green Group Councillors and the Independent Member to ensure that they either play a role in holding the Executive to account through the overview and scrutiny process, or participate in a regulatory function, and thereby be represented on committees that meet on a regular basis. This is also consistent with Council Procedure Rule 25.4 which specifies that every Member of the Council, except those appointed to the Cabinet, shall be appointed a member of at least one Scrutiny Committee or one Regulatory Committee.
4. Of the 5 seats selected under 1 and 2 above, 3 of these should firstly be allocated to the Green Group and the remaining 2 (one of which needs to be a Scrutiny or Regulatory Committee seat) are to be allocated to the Independent member who is not affiliated to any of the political groups.

**CALCULATION OF PROPORTIONAL SEAT ALLOCATION
OF COMMITTEES**

% Share of Council	58.33%	38.10%	2.38%	1.19%
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Number on Committee	Labour	Liberal Democrat	Green	Independent
3	1.75	1.14	0.07	0.04
4	2.33	1.52	0.10	0.05
5	2.92	1.91	0.12	0.06
6	3.50	2.29	0.14	0.07
7	4.08	2.67	0.17	0.08
8	4.67	3.05	0.19	0.10
9	5.25	3.43	0.21	0.11
10	5.83	3.81	0.24	0.12
11	6.42	4.19	0.26	0.13
12	7.00	4.57	0.29	0.14
13	7.58	4.95	0.31	0.15
14	8.17	5.33	0.33	0.17
15	8.75	5.72	0.36	0.18
16	9.33	6.10	0.38	0.19
17	9.92	6.48	0.40	0.20
18	10.50	6.86	0.43	0.21
19	11.08	7.24	0.45	0.23
20	11.67	7.62	0.48	0.24
21	12.25	8.00	0.50	0.25
22	12.83	8.38	0.52	0.26
23	13.42	8.76	0.55	0.27
24	14.00	9.14	0.57	0.29
25	14.58	9.53	0.60	0.30

	<u>Seats</u>	<u>%</u>
Labour	49	58.33
Liberal Democrat	32	38.10
Greens	2	2.38
Independent	<u>1</u>	<u>1.19</u>
	84	100%

PROPOSED SCRUTINY COMMITTEE STRUCTURE

Committee	Remit	
Children Young People and Family Support	<ul style="list-style-type: none"> • Early Years • Children's Social Care • Child safeguarding 	<ul style="list-style-type: none"> • Education • Family Support • Youth Services
Economic and Environmental Wellbeing	<ul style="list-style-type: none"> • Economic and Business Sector Development • Regeneration & Physical Development • Enterprise & Skills 	<ul style="list-style-type: none"> • Sustainable Development & Climate Change • Culture, Leisure & tourism • Transport
Healthier Communities & Adult Social Care	<ul style="list-style-type: none"> • Local NHS Services & Health Service Commissioning inc GP Consortia • Public Health 	<ul style="list-style-type: none"> • Health Inequalities • Adult Social Care & Support • Adult Safeguarding
Safer and Stronger Communities	<ul style="list-style-type: none"> • Housing • Community Safety & Crime • Community Cohesion 	<ul style="list-style-type: none"> • Social Inclusion • Locality Management & Community Assemblies
Overview & Scrutiny Management Committee	<ul style="list-style-type: none"> • Effective use of internal & external resources • Performance against Corporate Plan Priorities • Risk Management 	<ul style="list-style-type: none"> • Budget monitoring • Strategic management & development of the scrutiny programme and process • Identifying & co-ordinating cross scrutiny issues

