



SHEFFIELD CITY COUNCIL Report to Council

Report of: Deputy Chief Executive

Date: 16th May 2012

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 to continue 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.
- (6) Notes that a report will be submitted to the meeting of the Council on 13th June in relation to the standards arrangements to be adopted by the Authority from 1st July, and consequential changes required to be made to the Constitution of the Council and to political proportionality.

Background Papers: Constitution of Sheffield City Council

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial implications
NO
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
None
Relevant Scrutiny Committee 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

- 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. It 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 Standards Committee, where new arrangements will be required from 1st July, 2012 in the light of changes to the standards regime brought about by the Localism Act 2011. 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 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 Committee, nor, until 1st July, 2012, the Standards Committee or its Sub-Committees. In addition, Community Assemblies are established as formal Area Committees under the Local Government Act 2000 and these are 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 Following the Municipal Elections held on 3rd May, 2012, the Council has 3 political groups. The Labour Group has 59 seats, the Liberal Democrat Group has 23 seats and the Green Group has 2 seats. The total number of seats on the Council is 84.

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

Labour:	$59 \div 84 \times 100 = 70.24\%$
Liberal Democrat:	$23 \div 84 \times 100 = 27.38\%$
Greens:	$2 \div 84 \times 100 = 2.38\%$

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	$59 \div 84 \times 13 = 9.13$
Liberal Democrat	$23 \div 84 \times 13 = 3.56$
Greens	$2 \div 84 \times 13 = 0.31$

This shows that 12 whole seats are allocated, 9 to the Labour Group and 3 to the Liberal Democrat Group. One seat remains for allocation and is awarded on the highest part percentage claim, i.e. to the Liberal Democrat Group (0.56), giving an overall allocation of 9 and 4 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 politically proportionate Committees if Committee sizes were to remain as at present.

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 In applying each group's percentage allocation to the total number of seats on Committees (138), the closest practical distribution to political groups (after rounding) is 97 : 38 : 3 (Labour: Liberal Democrat : Green).

2.6 There is no requirement for the Cabinet or any Cabinet Committee, Shadow Cabinet, Community Assemblies or, until 1st July, 2012, the Standards Committee, to be politically balanced. Neither do the political balance rules apply to the Licensing Committee, but the Council chooses to apply the rules to this Committee. Taking into account the allocation detailed in the table in Appendix 1, a small number of adjustments (4 seats) are required to ensure political balance on the overall number of seats across all Committees available to each political group. This illustrates that the Liberal

Democrat Group has an over allocation of 4 seats and the Labour Group and the Green Group are under represented by one seat and 3 seats, respectively, and final adjustment is required. The practical arrangements for making the required adjustments are outlined at the end of Appendix 1. 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 4 Scrutiny Committees plus the Overview and Scrutiny Management Committee in 2011/12. 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 local Church of England and Roman Catholic Diocesan Boards.

3.1.2 The terms of reference and remits of the Scrutiny Committees are set out in Part 3 of the Council's Constitution. It is proposed that existing arrangements be continued.

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)
<i>(6 Non-Executive Members of the Council, plus 2 non-voting co-opted members each serving a 4-year term of office)</i>	
Admissions Committee	(7)
Senior Officer Employment Committee	(15)
Appeals and Collective Disputes 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. It is proposed that these arrangements be continued until 1st July, 2012, for the reasons outlined in the next paragraph of this report.
- 3.3.2 New arrangements will be required from 1st July, 2012 in the light of changes to the standards regime brought about by the Localism Act 2011. A separate report on the standards arrangements to be adopted by the Authority from 1st July, and consequential changes required to be made to the Constitution of the Council, will be submitted to the meeting of the Council to be held on 13th June. It is expected that the Council would wish to continue with a Standards Committee, to be established as a normal committee of the Council. However, at this stage, the proposed composition of the Committee and whether to disapply political proportionality to the Committee has yet to be discussed with the political groups on the Council. In the event that political proportionality is applied to the Committee, this will alter the position regarding the total number of seats across all the Council's politically proportionate committees and may require further adjustments to be made to ensure political balance on the overall number of seats across all committees available to each political group. This issue will be dealt with as part of the report to the Council meeting on 13th June.

4. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. It is proposed that all the current Committees are re-established by the Council, and this would not, therefore, impact on the number and cost of Special Responsibility Allowances paid to Chairs of certain Committees.

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 to continue 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.
- (6) Notes that a report will be submitted to the meeting of the Council on 13th June in relation to the standards arrangements to be adopted by the Authority from 1st July, and consequential changes required to be made to the Constitution of the Council and to political proportionality.

Lee Adams, Deputy Chief Executive

**MEMBERSHIP OF NON POLITICALLY PROPORTIONATE
COUNCIL BODIES 2012/13
(Schedule of named Councillor appointees to be tabled at the meeting)**

Executive (Cabinet) (8 in 2011/12)

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

The Leader

Executive Members and their Portfolios:

- 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 (4 in 2011/12)

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

Shadow Cabinet (8 in 2011/12)

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

- Leader
- Deputy Leader/Children and Young People's Services
- Finance
- Health, Care and Independent Living
- Homes and Regeneration
- Environment and Transport
- Business, Jobs and Growth
- Communities

Community Assemblies (12)

Ward Member appointments based per each Community Assembly geographical boundary.

Standards Committee (12 in 2011/12) (Arrangements to continue to 1st July, 2012)

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
2012/13**

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)	Pool of Scrutiny Committee Substitutes
Safer & Stronger Communities Scrutiny Cttee (13)	
Overview & Scrutiny Management Committee (8)	
<i>(Chairs and Deputy Chairs of the 4 Scrutiny Committees)</i>	

Regulatory Committees

Planning and Highways - City Centre, South and East (10)	Pool of Planning Committee Substitutes (10 from each of Labour and Lib Dems)
Planning and Highways - West and North (10)	
Licensing (15)	Pool of Admissions Committee Substitutes (Drawn from any member of the Council)
Audit (6)	
Admissions Committee (7)	
Senior Officer Employment Committee (15)	
Appeals and Collective Disputes Committee (15)	

Proportional Seat Allocations to Political Groups

Committee	Labour	Lib Dem	Green	Total
CYP&FS Scrutiny Committee	9	4	0	13
E&EW Scrutiny Committee	9	4	0	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	4	0	15
Audit	4	2	0	6
Admissions	5	2	0	7
Senior Officer Employment	11	4	0	15
Appeals and Collective Disputes	11	4	0	15
Total Initial Allocation	96	42	0	138
Overall Political Balance Requirement	97	38	3	138
Adjustments Required	+1	-4	+3	

Adjustments Required Under this Illustrative Approach

1. The Liberal Democrat Group is required to make 4 adjustments, of which one seat is to be allocated to the Labour Group and the other 3 seats are to be allocated to the Green Group.
2. The 4 adjustments could be from any 4 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 2 of the 4 required adjustments to come from either the Scrutiny Committees or the Planning or Licensing Committees and allocated to the 2 Green Group Councillors 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 remaining 2 seats selected under 2 and 3 above, one of these should firstly be allocated to the Labour Group and the remaining seat is to be allocated to the Green Group.

CALCULATION OF PROPORTIONAL SEAT ALLOCATION OF COMMITTEES

% Share of Council	70.24%	27.38%	2.38%
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Number on Committee	Labour	Liberal Democrat	Green
3	2.11	0.82	0.07
4	2.81	1.09	0.10
5	3.51	1.37	0.12
6	4.22	1.64	0.14
7	4.92	1.91	0.17
8	5.62	2.19	0.19
9	6.32	2.47	0.21
10	7.02	2.74	0.24
11	7.73	3.01	0.26
12	8.43	3.28	0.29
13	9.13	3.56	0.31
14	9.84	3.83	0.33
15	10.54	4.10	0.36
16	11.24	4.38	0.38
17	11.94	4.66	0.40
18	12.64	4.93	0.43
19	13.35	5.20	0.45
20	14.04	5.48	0.48
21	14.75	5.75	0.50
22	15.46	6.02	0.52
23	16.15	6.30	0.55
24	16.86	6.57	0.57
25	17.56	6.84	0.60

	<u>Seats</u>	<u>%</u>
Labour	59	70.24
Liberal Democrat	23	27.38
Greens	<u>2</u>	<u>2.38</u>
	84	100%

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