

**To the Chair and Members of the  
COUNCIL**

**LOCAL GOVERNMENT AND HOUSING ACT 1989 – 6 MONTH REVIEW OF  
THE PROPORTIONAL ALLOCATION OF SEATS ON COMMITTEES AND  
SUB-COMMITTEES**

**EXECUTIVE SUMMARY**

1. The purpose of this report is to advise Council on the mid-year review of the proportional allocation of seats on Committees and Sub-Committees appointed by Council as a consequence of changes to the Political composition of the Authority.
2. Members are asked to note that this report sets out the position on the proportional allocation of seats on the basis of the number of Elected Members in each Political Group. This report does not account for any further changes in the composition of Political Groups that may occur prior to this meeting of Council or any changes to the size of Committees that are detailed in this report.

**RECOMMENDATION**

3. It is recommended that:-
  - (i) in view of the Labour Group's over representation by 1 seat, the Council removes a Labour Group seat from 1 of the following Committees and have regard to the wishes of the Labour Group:-
    - Planning Committee
    - Elections & Democratic Structures Committee
  - (ii) as a consequence of recommendation (i) above, the seat removed from the Labour Group, be reallocated to the UKIP Group; and
  - (iii) approve the addition of a representative from the Doncaster Children's Services Trust to the membership of the Health & Wellbeing Board, for the reasons set out at paragraph 23 of the report.

**WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

4. The Council is committed to maintaining the highest standards of governance. By appointing to Committees in line with recommendations within this report, the Council satisfies its legal requirements for appointments to Committees.

## BACKGROUND

5. At the Annual Meeting of Council held on 13th June, 2014, it was reaffirmed that a mid-year review of the allocation of seats on Committees and Sub-Committees having regard to political balance in accordance with the provisions of the Local Government and Housing Act 1989, be undertaken if there were any changes to the composition of Political Groups.
6. Since the Annual Meeting in June, 2014, a bye-election was held on 24th July, 2014, following a casual vacancy that had arisen in the Edenthorpe, Kirk Sandall and Barnby Dun Ward Ward, which resulted in Councillor Paul Bissett being elected to the vacant seat.
7. In addition, Councillor Paul Coddington, who was an Independent Member, has now joined the UKIP Group. As a consequence of this, the political composition of the Council is as follows:-

<b>Political Group</b>	<b>Members</b>
Labour	48
Conservatives	9
UKIP	3

8. In undertaking this review, the assumption has been made that the size of Committees and Sub-Committees remain unchanged as shown below:-

<b>Committee/Sub-Committee</b>	<b>Size</b>
Planning Committee	11
Elections & Democratic Structures Committee	11
Chief Officer Appointments Committee	11
Awards, Grants and Transport (Appeals) Committee	7
Audit Committee	5
Chief Officer Appeals Committee	5
Employee Relations (Disputes Resolution) Committee	5
Investigatory Sub-Committee	5
<b>Total</b>	<b>60</b>

9. The calculations within this report are also based on:-
  - (i) proportionality will not apply to the Overview and Scrutiny Management Committee or the four Overview & Scrutiny Standing Panels in order to maximise cross-party representation;
  - (ii) Members of the Executive (Cabinet) cannot also be appointed to the OSMC or any of the Scrutiny Panels;

- (iii) the Licensing Committee, set up under the Licensing Act 2003, need not be politically proportionate; and
- (iv) Proportionality does not apply to the Health and Wellbeing Board in accordance with legislative requirements.

10. As a consequence, the political balance and entitlement to seats as at 27th November, 2014, compared to the Annual Council Meeting, is as follows:-

	<b><u>Political balance as at 13th June, 2014</u></b>	<b><u>Current political balance as at 27th November, 2014</u></b>
<b>Labour</b>	46 seats i.e. 48/63	45 seats i.e. 48/64
<b>Conservatives</b>	8 seats i.e. 9/63	8 seats i.e. 9/64
<b>UKIP</b>	Not constituted as a Political Group registered with the Council for the purposes of political proportionality under the provisions of the 1989 Act	3 seats i.e. 3/64
<b>Independent Members (not affiliated to any Political Group registered with the Council)</b>	6 seats i.e. 6/63	4 seats i.e. 4/64
<b>Total number of seats for proportional allocation</b>	<b><u>60</u></b>	<b><u>60</u></b>

11. The overall proportional implications are that the Labour Group is over represented by one seat. Members may recall that when seats were allocated at the Annual Council Meeting in June 2014, UKIP were not registered as a Political Group for the purposes of proportionality. Now that UKIP has qualified for seat entitlement on Council appointed Committees, it is necessary to allocate three seats to this Group. To achieve best proportional fit, the seat given up by the Labour Group should be given to the UKIP Group. The UKIP Group should also retain a seat on the Chief Officers Appointments Committee, Councillor Paul Coddington and the Investigatory Sub-Committee, Councillor Fred Gee. The UKIP Group can determine which of their members sit on these Committees. The seat entitlement to the Conservative Group remains unchanged.

## **Proportional Allocation of Seats on Licensing Committee**

12. Even though there has been a change to the political balance at the Authority, the seat entitlement of Political Groups on the Licensing Committee which has 14 seats, has not changed.

## **Allocation of Seats - How this is Done**

13. In general, seats are allocated by calculating the seating entitlement to each Political Group as a proportion of seats available to Groups on a particular Committee, subject to:-
  - (i) the majority party must have a majority on each Committee; and
  - (ii) retaining proportionality across the total number of seats allocated to each Group across all Committees.
14. In practical terms, this means a small number of minor adjustments being made which skews strict proportionality on one or two individual Committees to ensure that correct proportional allocation of seats to each Group in relation to the total number of 60 seats available across all Committees.
15. Having regard to the establishment of the UKIP Group, the Council needs to determine which Committee the Labour Group will lose 1 seat and for this seat to then be allocated to the UKIP Group.
16. To ensure the best proportionate fit across all Committees and Sub-Committees, the Council needs to remove 1 Labour Group Member from one of the following Committees and in doing so, should have regard to the wishes of that Political Group:-

Planning Committee  
Elections & Democratic Structures Committee
17. The Leader of the Labour Group has indicated that they would wish to lose a seat on the following Committee:-

Planning Committee (Councillor John Sheppard)
18. To assist Council in this process, the Labour Group representation on the respective Committees, is outlined in Appendix A to the report.
19. As part of this review, Political Groups may take the opportunity to revise their existing appointments on Committees and Sub-Committees of the Council. If this is the case, proposed changes to memberships will be reported orally at the meeting.

## **South Yorkshire Joint Authorities**

20. The changes in Political Group sizes does not affect current representation. Labour Group as the largest Political Group on the Council, have 2 seats and 1 seat is allocated to the Conservative Group as the second largest Political Group on the Council. Therefore, no re-calculation is required.

## **OTHER COMMITTEE APPOINTMENTS TO DISCHARGE COUNCIL FUNCTIONS**

### **Health and Wellbeing Board**

21. Under the Health and Social Care Act 2012, the Health and Wellbeing Board was established as a Statutory Committee of the Council from 1st April, 2013. The core membership of the Board is set out in statute and shown below in italics:-

- *Director of Public Health*
- *Director of Adults, Health and Wellbeing*
- *Director of Children and Young People's Service*
- *Chair of Healthwatch*
- *Chair of Doncaster Clinical Commissioning Group*
- *Portfolio Holder for Health and Adult Social Care*
- *Portfolio Holder for Children's Safeguarding and Services to Families*

22. In addition to the above, Council has agreed to the following Members:-

- Majority Opposition Group representative
- Rotherham, Doncaster and South Humber NHS Foundation Trust (RDaSH)
- Doncaster and Bassetlaw Hospitals NHS Foundation Trust
- South Yorkshire and Bassetlaw NHS England Area Team
- Chief Officer of the Clinical Commissioning Group
- District Commander for Doncaster – South Yorkshire Police
- Chief Executive St Leger Homes
- Chief Executive New Horizons
- Chief Executive Doncaster CVS

23. Upon its establishment on 1st October, 2014, the Doncaster Children's Services Trust became the single largest provider of social care services to children in the Borough and, as such, is a very important partner in the system. In view of the fact that prevention, a good start in life and early intervention are key parts of the Health and Wellbeing Board's approach, and to ensure that there is a fully inclusive approach in the contribution, development and delivery of strategy, it is proposed that the Board Membership should now include a representative from the Children's Services Trust.

The Council is therefore asked to approve the appointment of a Children's Services Trust representative on to the membership of the Health and Wellbeing Board (nominee to be determined and notified by the Trust).

### **OPTIONS CONSIDERED**

24. There is a duty to comply with the requirements of Sections 15, 16 and 17 of the Local Government and Housing Act 1989, in the allocation of seats to Political Groups to ensure political balance. Alternative arrangements can be put in place with the unanimous agreement of Council.

### **REASONS FOR RECOMMENDED OPTION**

25. As there has been a change in the political composition of the Council since the Annual Meeting on 13th June, 2014, the Authority has a statutory duty to make a determination as to the political representation in accordance with Sections 15, 16 and 17 of the Local Government and Housing Act, 1989, as soon as practicable after a review. The Council agreed on 13th June, 2014, to hold a mid-year review to reflect any changes in political composition of the Council.

### **IMPACT ON THE COUNCIL'S KEY PRIORITIES**

26. This report has no direct impact on the Council's Key Priorities. By appointing to Committees in line with recommendations within this report, the Council satisfies its legal requirements for appointments to Committees.

### **RISKS AND ASSUMPTIONS**

27. The assumptions made are set out at paragraphs 6 to 8 of this report. Failure to comply with the statutory requirements for seat allocations would adversely impact on the entitlement of Political Groups and Independent Members on Committees.

### **LEGAL IMPLICATIONS**

28. Sections 15, 16 and 17 of the Local Government and Housing Act 1989, sets out the duties of the Local Authority and the allocation of seats to Political Groups on Committees and Sub-Committees to ensure political balance.
29. The cumulative effect of these duties is to require "proportionality" across the formal activities of the Authority, representing the overall political composition of the Authority, so that there can, for example, be no one party Committees so far as they are constituted as formal Committees or Sub-Committees of the Council.

30. Section 15 provides that the Council is bound to review the representation of different Political Groups on Committees and Sub-Committees when:-
- (a) the Authority holds an Annual Meeting; and
  - (b) as soon as practicable after the Members of the Authority divide into different Political Groups.
31. The duty to make a determination as to political representation arises as soon as practicable after a review. The Authority has a statutory duty only to make allocations of seats on Committees and Sub-Committees according to the overriding principles that:-
- (a) all the seats on a Committee are not allocated to the same Political Group;
  - (b) the majority of the seats on a Committee go to the Political Group which has a majority on the Full Council;
  - (c) subject to the above two principles, that the number of seats on the Committees of the Authority allocated to each Political Group, bears the same proportion to the total of all the seats on the Committees of that Authority as is borne by the number of Members of that Group to the Membership of the Authority; and
  - (d) subject to (a) - (c) above, that the number of the seats on the Committee which are allocated to each Political Group, bears the same proportion to the number of all the seats on that Committee as is borne by the number of Members of that Group to the Membership of the Authority.
32. Section 16 provides that once the Council has carried out its review and determined the allocation of seats further to the principles by which it is bound listed above, the Council has a duty to exercise its powers to make appointments to Committees as to give effect to such wishes about who is to be appointed to the seats on that Committee which are allocated to a particular Political Group as are expressed by that Political Group. Section 16(2A) requires that where appointments fall to be made to seats on a Committee to which Section 15 applies otherwise than in accordance with a determination under that Section, it shall be the duty of the Council to exercise its power to make appointments so as to secure that the persons appointed to those seats are not Members of any Political Group.
33. Exceptions to these requirements of political balance may be made where arrangements are approved by the Council without any Member of the Council or a Committee, voting against them.

## **FINANCIAL IMPLICATIONS**

34. There are no specific financial implications associated with this report.

## **EQUALITY IMPLICATIONS**

35. There are no specific equality implications arising from this report.

## **CONSULTATION**

36. The Labour Group and UKIP Group Leaders have been consulted on the implications on the seat adjustment referred to at paragraph 3 above.

## **BACKGROUND PAPERS**

Report to Council – Local Government and Housing Act 1989 – Review of the Allocation of Seats on Committees and Sub-Committees – 13th June, 2014

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**Labour Group current representation on the following Committees:-**

**Planning Committee**

Councillor Chris McGuinness (Chair)  
Councillor Susan Bolton (Vice-Chair)  
Councillor Iris Beech  
Councillor Eva Hughes  
Councillor Frank Jackson  
Councillor Alan Jones  
Councillor Tracey Leyland-Jepson  
Councillor Dave Shaw  
Councillor John Sheppard

**Elections & Democratic Structures Committee**

Councillor Jane Nightingale (Chair)  
Councillor Phil Cole  
Councillor Charlie Hogarth  
Councillor Deborah Hutchinson  
Councillor Nuala Fennelly  
Councillor Hilary McNamee  
Councillor Kevin Rodgers  
Councillor Dave Shaw  
Councillor Sue Wilkinson