



# Doncaster Council

## Report

---

Date: 22nd November, 2018

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

### **LOCAL GOVERNMENT AND HOUSING ACT 1989 - 6 MONTH REVIEW OF THE 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.

#### **RECOMMENDATIONS**

3. It is recommended that Council:-
  - (1) note that there has been no change in the overall proportional implications with regard to the proportional allocation of seats on Committees and Sub-Committees appointed by Council since the Annual Meeting on 18th May, 2018;
  - (2) appoint Councillor John Gilliver as a Labour Group representative to replace Councillor Andrea Robinson to serve on the Standing Advisory Council for Religious Education (SACRE);

- (3) appoint Councillor Tosh McDonald as a Labour Group representative to replace Councillor Susan Durant to serve on the Communities and Environment Overview and Scrutiny Panel; and
- (4) determines the appointment of a new Chair of the Planning Committee.

## **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 18th May, 2018, 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 May, 2018, a bye-election was held on 14th June, 2018 following a casual vacancy that had arisen in the Town Ward, which resulted in Councillor Tosh McDonald being elected to the vacant seat.
7. Subsequently, the political composition of the Council is as follows:-

<b>Political Group</b>	<b>Members</b>
Labour	44
Conservatives	7
Mexborough First	3
Independent Members	2

8. As a consequence, the political balance and entitlement to seats as at 22nd November, 2018, compared to the Annual Council Meeting, is as follows:-

	<b><u>Political balance as at 18th May, 2018</u></b>	<b><u>Current political balance as at 22nd November, 2018</u></b>
<b>Labour</b>	47 seats i.e. 43/55	47 seats i.e. 44/56
<b>Conservatives</b>	8 seats i.e. 7/55	8 seats i.e. 7/56
<b>Mexborough First</b>	3 seats i.e. 3/55	3 seats i.e. 3/56
<b>Independent Members (not affiliated to any Political Group registered with the Council)</b>	2 seats i.e. 2/55	2 seats i.e. 2/56
<b>Total number of seats for proportional allocation</b>	<u>60</u>	<u>60</u>

9. It can be seen that the overall proportional implications with regard to the proportional allocation of seats on Committees and Sub-Committees appointed by Council, remain unchanged. Therefore, no re-calculation of proportionality is required.
10. However, as part of this review, the Labour Group has taken the opportunity to revise its existing allocated appointments on its Committees, Sub-Committees and Outside Bodies and is proposing the following changes:-
  - Councillor John Gilliver replace Councillor Andrea Robinson on the Standing Advisory Council for Religious Education; and
  - Councillor Tosh McDonald replace Councillor Susan Durant on the Communities and Environment Overview and Scrutiny Panel.

### **Planning Committee**

11. As Members are aware, the appointment of Chairs and Vice-Chairs to Committees and Sub-Committees of the Council were made at the Council's Annual Meeting on 18th May, 2018. Subsequently, Councillor Eva Hughes has advised of her resignation from the position of Chair of the Planning Committee.
12. Therefore, as a consequence of Councillor Eva Hughes' resignation, Council is requested to determine the appointment of a replacement Chair of the Committee for the remaining period of the current 2018/19 Municipal Year.

## **LEGAL IMPLICATIONS [Officer Initials SF Date 25.10.18]**

13. Sections 15, 16 and 17 of the Local Government and Housing Act 1989, set out the duties of the Local Authority and the allocation of seats to Political Groups on Committees to ensure political balance.
14. 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.
15. Section 15 provides for the Council 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.
16. The duty to make a determination as to political representation on Committees arises as soon as practicable after a review, 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.
17. 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.

18. Section 16(2A) requires that where appointments fail 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.
19. 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.

### **OPTIONS CONSIDERED**

20. 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**

21. As there has been no change in the overall proportional implications with regard to the proportional allocation of seats on Committees and Sub-Committees appointed by Council, no other options are considered appropriate.

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

22. Ensuring the membership of the Council's Committee's is in place to effectively discharge its responsibilities will ensure that the Council is able to contribute to the delivery of all of the Council's Key Outcomes. In particular, these arrangements will assist the Council in working with our partners to provide strong leadership and governance.

### **RISKS AND ASSUMPTIONS**

23. There are no risks identified or assumptions relevant to this report.

### **FINANCIAL IMPLICATIONS [Officer Initials AT Date 12.11.18]**

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

### **HUMAN RESOURCES IMPLICATIONS [Officer Initials RH Date 25.10.18]**

25. There are no HR implications associated with the contents of this report.

## **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 26.10.18 ]**

26. There are no specific technology implications in relation to this report. Governance and Members Services will be responsible for updating the changes in the modern.gov system, when agreed.

## **HEALTH IMPLICATIONS [Officer Initials RS Date 30.10.18]**

27. There are no direct health implications from this report. However, the individual Committees all contribute to improving the health and wellbeing of Doncaster people and reducing health inequalities. Committee members can seek further advice from the Director of Public Health if required.

## **EQUALITY IMPLICATIONS [Officer Initials DMT Date 22.10.18]**

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

## **CONSULTATION**

29. Group Leaders have been informed that, as there has been no change in the overall proportional allocation of seats on Committees and Sub-Committees, no recalculation of proportionality is required.

## **BACKGROUND PAPERS:**

Report to Council - 18th May, 2018 - Local Government & Housing Act 1989 - Review of Allocation of Seats on Committees & Sub-Committees.

## **REPORT AUTHOR**

David M. Taylor, Senior Governance Officer  
Tel: 01302 736712  
Email: [david.taylor@doncaster.gov.uk](mailto:david.taylor@doncaster.gov.uk)

**Jo Miller**  
**Chief Executive**