



City of Doncaster Council

Report

18th January, 2024

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 AND APPOINTMENTS TO OUTSIDE BODIES

EXECUTIVE SUMMARY

1. The purpose of this report is to advise Council:-
 - (i) 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;
 - (ii) On the position in relation to 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; and
 - (iii) Of named changes made by Political Groups to their memberships of Committees, Sub-Committees and Outside Bodies appointed by Council.

EXEMPT REPORT

2. This report is not exempt.

RECOMMENDATIONS

3. It is recommended that Council:-
 - (i) resolves before any adjustments are determined, that seats on Committees and Sub-Committees are allocated, as set out in the table at paragraph 15 of the report;
 - (ii) determines the appointment of Members to Committees and Sub-Committees in accordance with the wishes of Political Groups;
 - (iii) determines the necessary adjustments resulting from the Mexborough First Group losing 1 seat on a Committee/Sub-

Committee, as detailed within paragraphs 16 to 20 of the report

- (iv) as a consequence of (iii) above allocate 1 seat on Elections & Democratic Structures Committee to the Independent Member, Councillor Rob Reid;
- (vi) note the changes to the Licensing Committee as detailed in paragraph 21 of the report and confirm Councillor Chapman's appointment as a Labour Group Member to this Committee;
- (vii) as a consequence of revisions to seat entitlement, note the change that Councillor Reid is removed from the Chief Officer Appeals Committee and the Labour Group retain 4 seats on the Chief Officers Appeals Committee as detailed at paragraph 24 of the report and therefore a further nomination is required;
- (viii) notes that Councillor Ken Guest is Labour Group's nomination to replace the seats held by former Councillor Barry Johnson as a Labour Group Member, on the following for the remaining period of the current Municipal Year commencing from 27th November, 2023:-
 - Elections & Democratic Structures Committee; and
 - Communities and Environment Overview and Scrutiny Panel.
- (ix) to note the Outside Bodies appointments detailed in paragraph 25.

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 held on 19th May, 2023, Council determined 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 and also appointed the Chairs and Vice-Chairs of Committees and Sub-Committees.
- 6. Since the Annual Meeting on 19th May, 2023, a by-election was held on 16th November, 2023, following a casual vacancy that had arisen in the Rossington and Bawtry Ward, which resulted in Councillor Ken Guest being elected to the vacant seat. In addition, Councillor Bev Chapman resigned from the Mexborough First Group in November, 2023, and is now a Member of the Labour Party which is an affiliated Political Group registered with the Council for the purposes of political proportionality under the provisions of the 1989 Act.

7. As a consequence of these changes, the membership of Mexborough First Group has reduced by one Member and the membership of the Labour Group has increased by one Member.

The political composition of the Council is now as follows:-

Political Group	Members
Labour	42
Conservatives	11
Mexborough First	2
Independent Members	1

ALLOCATION OF SEATS ON COMMITTEES

8. The allocation of seats on Committees and Sub-Committees must be in accordance with the principles set out in the legal implications below. In summary, representation on Committees and Sub-Committees must, so far as possible, be proportional to the number of Members any Group has on the Council as a whole. This means that out of a total of 60 seats, 59 seats are allocated to the Political Groups on the following proportional basis:-

Labour	- 45 seats	i.e.	42/56
Conservatives	- 12 seats	i.e.	11/56
Mexborough First	- 2 seats	i.e.	2/56

9. This completes the allocation of seats to Political Groups. The remaining 1 seat is allocated to the 1 Member of the Council who is Independent who is not affiliated to any of the Political Groups registered with the Council for the purposes of political proportionality under the provisions of the 1989 Act. i.e. Councillor Rob Reid.

ALLOCATION OF SEATS - HOW THIS IS DONE

10. 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.
11. 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.

PROPORTIONAL ALLOCATION OF SEATS

12. The seat entitlement of Political Groups on Committees and Sub-Committees of 11, 7 and 5, is calculated by dividing 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, e.g. on a Committee of 11 for the Labour Group $42 \div 56 \times 11 = 8.25$ seats. The table below shows the allocation for all Groups on the Council:-

	5	7	11
Labour	3.75	5.25	8.25
Conservatives	0.98	1.38	2.16
Mexborough First	0.18	0.25	0.39

13. A Political Group's seat allocation can then be calculated as follows. By way of example, set out below is how seats are initially allocated on a Committee of 11 seats before adjustments.

Firstly, consider 'whole' seat entitlement.

Labour	8
Conservatives	2

This completes the whole seat allocation to Political Groups.

14. Secondly, the remaining 1 seat is allocated to the remaining Group with the best proportional fit, indicated by the remaining "part" figure i.e. 1 seat to the Mexborough First Group (0.39 entitlement). The same approach is applied to the remaining Committees having regard to the size of each Committee. This completes the allocation of seats to Political Groups.

PROPOSED SEAT ALLOCATIONS

15. Group Leaders have been advised of their respective seat allocations on Committee and Sub-Committee sizes to reflect a best proportionate fit, as detailed in the following table:-

	LABOUR	CONSERVATIVES	MEXBOROUGH FIRST	
COMMITTEE	Seats Allocated	Seats Allocated	Seats Allocated	Total No. of Seats on Committee
PLANNING	8	2	1	11
ELECTIONS & DEMOCRATIC STRUCTURES	8	2	1	11
CHIEF OFFICERS APPOINTMENTS	8	2	1	11
AWARDS, GRANTS & TRANSPORT (APPEALS)	5	2	0	7
AUDIT	4	1	0	5
CHIEF OFFICERS APPEALS	4	1	0	5
EMPLOYEE RELATIONS DISPUTES RESOLUTION	4	1	0	5
CHIEF OFFICERS INVESTIGATORY SUB	4	1	0	5
TOTAL ALLOCATED	45	12	3	60
Required Seat Allocation	45	12	2	59
Adjustments Required	0	0	-1	-1

16. It can be seen that this initial allocation to provide proportionality on individual Committees and Sub-Committees, results in the Mexborough First Group being over represented by 1 seat.
17. To achieve the best proportional fit, adjustments are therefore required and the Council must decide:-
 - (i) to remove 1 Mexborough First Group seat on a Committee from the list shown below:-

Planning Committee
Elections and Democratic Structures Committee
Chief Officers Appointments Committee
 - (ii) following the adjustments chosen under (i) above, determine the allocation of the 1 seat to the Independent Member, Councillor Rob Reid.
18. The Mexborough First Group have been asked to express a view on which Committee they would prefer to have reduced representation to assist the Council in determining where adjustments should be made.
19. The Leader of the Mexborough First Group has indicated that the Group would wish to lose 1 seat on the Elections & Democratic Structures Committee. Council is therefore requested to approve the allocation of the vacated seat on Elections & Democratic Structures Committee to Councillor Rob Reid.
20. These allocations give effect so far as reasonably practicable to the requirements of the Act. It remains open to Members to agree a different allocation, but only if no Member votes against such proposals. If such agreement cannot be reached, the Council has no alternative but to act in accordance with the principles set out in the legal implications in paragraphs 29 to 36 of this report.

Allocation of Seats on Licensing Committee/Sub Committee

21. Licensing Committee is cross party and not proportional in terms of seat entitlement however, seats are allocated in proportion to the overall composition on the Council. Councillor Bev Chapman previously sat on this Committee/sub committee as a Mexborough First representative. Following the change to political group make up this seat could now be deemed either a Labour or Mexborough First seat as both have the same part seat entitlement. Following consultation with the Labour Group and Mexborough First to determine the appointment to this seat, it is recommended that Councillor Bev Chapman retain her seat on this Committee as a Labour Group Member. Councillor Chapman has already undertaken her mandatory Licensing training and is therefore able to take up this position immediately.



Changes to Group Representation on Committees and Outside Bodies







22. As part of this review, Political Groups were given the opportunity to revise their appointments on Committees, Sub-Committees and Outside Bodies.
23. As a consequence of the casual vacancy which had arisen in the Rossington and Bawtry Ward there were 2 vacant seats allocated to the Labour Group on the Election and Democratic Structures Committee and the Communities and Environment Overview and Scrutiny Panel. In accordance with Council Procedure Rule 7.1 the Monitoring Officer was informed by the Labour Group that the newly elected Member Councillor Guest would take up these vacated Labour Group seats with effect from 27th November, 2023. Council is asked to note this change in membership.
24. In May 2023, the Labour Group gave up 1 seat on Chief Officers Appeals Committee to the Independent Member, Councillor Rob Reid. Due to changes to seat entitlement, the Labour Group now retains 4 seats on the Committee and the Independent Member is removed. The Labour Group Leader has been consulted and asked to nominate a member to sit on the Committee. Council will be advised of this nomination in due course.
25. With regard to outside bodies, the following in-year changes to appointments have been approved by the Monitoring Officer under his delegated authority granted by Full Council, in consultation with the relevant group leaders:-
 - Police and Crime Panel – Councillor James Church
 - South Yorkshire Fire and Rescue Authority – Councillor Cynthia Ransome



OPTIONS CONSIDERED AND REASONS FOR RECOMMENDED OPTION

26. The Council has a statutory duty to review the allocation of seats to Political Groups at its Annual Meeting in accordance with the provisions of Sections 15, 16 and 17 of the Local Government and Housing Act, 1989.
27. When determining the allocation of seats, Council must follow the wishes expressed by Political Groups. Therefore, no other options are considered relevant or appropriate.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

28. Whilst there is no direct impact on the Council's Key Outcomes, the Council is committed to maintaining the highest standards of Governance to allow for the proper discharge of the Council's functions, ensuring openness and transparency.

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change				✓
Comments:				
 Developing the skills to thrive in life and in work				✓
Comments:				
 Making Doncaster the best place to do business and create good jobs				✓
Comments:				
 Building opportunities for healthier, happier and longer lives for all				✓
Comments:				
 Creating safer, stronger, greener and cleaner communities where everyone belongs				✓
Comments:				
 Nurturing a child and				✓

family-friendly borough				
Comments:				
 Building Transport and digital connections fit for the future				✓
Comments:				
 Promoting the borough and its cultural, sporting, and heritage opportunities				✓
Comments:				
Fair & Inclusive				✓
Comments:				

LEGAL IMPLICATIONS [Officer Initials SRF Date 14.12.23]

29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. 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.
35. 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.
36. The Licensing Committee is a dual function Committee. It is constituted under Section 101 of the Local Government Act 1972, to undertake various licensing functions and also under the Licensing Act, 2003, to exercise all the functions of the Licensing Authority.

RISKS AND ASSUMPTIONS

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

FINANCIAL IMPLICATIONS [Officer Initials PH Date 13.12.23]

38. There are no specific financial implications associated with this report. There are no new positions being proposed and so the existing Members Ward Office budget is expected to be sufficient.

HUMAN RESOURCES IMPLICATIONS [Officer Initials SH Date 13.12.23]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 13.12.23]

40. 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.

CONSULTATION

41. Consultation has taken place with the Mayor, Group Leaders and Independent Members in respect of this report.

BACKGROUND PAPERS:

Report to Council – 19th May, 2023 - Local Government & Housing Act 1989 - Review of Allocation of Seats on Committees & Sub-Committees.

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