

24th November, 2016

**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 Council:-
 - (i) notes the existing proportionate allocation of seats on Committees and Sub-Committees, as set out in paragraph 7 of the report, remains unchanged from the position reported at the Annual Council Meeting on 13th May, 2016;
 - (ii) approves the appointment of the Labour Group nominations to serve on the following Committees:-
 - Planning Committee (Councillor John McHale);
 - Audit Committee (Councillor Iris Beech); and
 - Chief Officers Appointments Committee as a Substitute Member (Councillor Sue McGuinness)
 - (iii) notes any revisions to Committee and Sub-Committee memberships advised by Political Group Leaders.

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 May, 2016, 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, would be undertaken if there were any changes to the composition of Political Groups.
6. Since the Annual Meeting in May, 2016, a casual vacancy has arisen in the Norton and Askern Ward, and as a Bye-election has not been held, a vacant seat remains.
7. Subsequently, the political composition of the Council is as follows:-

Political Group	Members
Labour	41
Conservatives	8
Mexborough First	3
UKIP	2

8. As a consequence, the political balance and entitlement to seats as at 24th November, 2016, compared to the Annual Council Meeting, is as follows:-

	Political balance as at <u>13th May, 2016</u>	Current political balance as at <u>24th November, 2016</u>
Labour	45 seats i.e. 42/56	45 seats i.e. 41/56
Conservatives	9 seats i.e. 8/56	9 seats i.e. 8/56
Mexborough First	3 seats i.e. 3/56	3 seats i.e. 3/56
UKIP	2 seats i.e. 2/56	2 seats i.e. 2/56
Independent Members (not affiliated to any Political Group registered with the Council)	1 seat i.e. 1/56	1 seat i.e. 1/56
Total number of seats for proportional allocation	<u>60</u>	<u>60</u>

9. As can be seen in the table above, 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 a consequence of the casual vacancy in the Norton and Askern Ward, there are 3 seats allocated to the Labour Group which are vacant. Therefore, Council is requested to approve the following replacement nominations from the Labour Group, to serve on the following Committees for the remaining period of the current Municipal Year:-

- Planning Committee (Councillor John McHale);
- Audit Committee (Councillor Iris Beech); and
- Chief Officers Appointments Committee as a Substitute Member (Councillor Sue McGuinness)

Proportional Allocation of Seats on Licensing Committee

11. Even though there has been a change to the political balance at the Authority, the overall proportional implications with regard to the proportional allocation of seats on the Licensing Committee which has 14 seats, remains the same.

OPTIONS CONSIDERED

12. 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

13. 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

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

RISKS AND ASSUMPTIONS

15. Failure to comply with the statutory requirements for seat allocations would impact on the entitlement of Political Groups and Independent Members on Committees, and potentially lead to reputational issues.

LEGAL IMPLICATIONS

16. 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.
17. 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.
18. 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.
19. 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.

20. 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.
21. 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

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

HUMAN RESOURCES IMPLICATIONS

23. There are no specific human resources implications associated with this report.

TECHNOLOGY IMPLICATIONS

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

EQUALITY IMPLICATIONS

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

CONSULTATION

26. 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 – Local Government and Housing Act 1989 – Review of the Allocation of Seats on Committees and Sub-Committees – 13th May, 2016

REPORT AUTHOR

David M. Taylor, Senior Governance Officer
Tel: 01302 736712
Email: david.taylor@doncaster.gov.uk

CONTRIBUTOR

Andrew Sercombe, Governance & Members Services Manager
Tel: 01302 734354
Email: [andrew.sercombe@ doncaster.gov.uk](mailto:andrew.sercombe@doncaster.gov.uk)

Jo Miller
Chief Executive