

<b>REPORT TO:</b>	<b>ANNUAL COUNCIL</b>
<b>DATE:</b>	<b>4 MAY 2021</b>
<b>SUBJECT:</b>	<b>POLITICAL BALANCE OF THE COUNCIL AND COMPOSITION OF COMMITTEES</b>
<b>LEAD OFFICER:</b>	<b>ASMAT HUSSAIN EXECUTIVE DIRECTOR OF RESOURCES AND DEPUTY MONITORING OFFICER (INTERIM)</b>
<b>WARDS:</b>	<b>ALL</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>	
<p>The Council is required under the Local Government and Housing Act 1989 to keep under review the representation of the different political groups on bodies appointed by the Council. Section 2 of Part 4.A read with Article 4.1(f) of the Constitution empowers the Council to appoint to non-executive Committees at its Annual Meeting.</p>	
<b>FINANCIAL SUMMARY:</b>	
<p>There are no financial issues arising from the recommendations in this report.</p>	
<b>1. RECOMMENDATIONS</b>	
<p>Council is recommended to:</p>	
<p>1.1 Confirm that there are 38 Labour Group Members and 27 Conservative Group Members (as set out in Para 3.1);</p>	
<p>1.2 Confirm that there are 5 vacant positions, to be elected to on 6 May 2021;</p>	
<p>1.3 Approve the appointment and composition of Committees as set out in paragraph 4.8; and</p>	
<p>1.4 Note that, as previously agreed by Council at its meeting on 25 January 2021, Cabinet Member Advisory Committees will only be implemented following identification of appropriate resources and capacity in the council budget 2021/22.</p>	

## **2. INTRODUCTION**

- 2.1 The Local Government and Housing Act 1989 established the principle of the proportional allocation of committee and sub-committee seats.
- 2.2 The Council is also required under Section 15(1) of the Local Government and Housing Act 1989, to keep under review the representation of the different political groups on bodies appointed by the Council.

- 2.3 This report:
- i) Details the annual review of the political balance of the Council; and
  - ii) Recommends the appointment and composition of Committees for the 2021/22 Municipal Year.

### **3. POLITICAL GROUPS**

- 3.1 In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990, the under-mentioned Councillors have given notice to the Chief Executive of their wish to be regarded as members of the political groups as set out below:

#### **Labour Political Party**

1. Hamida Ali
2. Muhammad Ali
3. Jamie Audsley
4. Leila Ben-Hassel
5. Alison Butler
6. Janet Campbell
7. Robert Canning
8. Sherwan Chowdhury
9. Chris Clark
10. Pat Clouder
11. Stuart Collins
12. Mary Croos
13. Patsy Cummings
14. Nina Degrads
15. Jerry Fitzpatrick
16. Sean Fitzsimons
17. Alisa Flemming
18. Felicity Flynn
19. Clive Fraser
20. Patricia Hay-Justice
21. Maddie Henson
22. Karen Jewitt
23. Humayun Kabir
24. Bernadette Khan
25. Shafi Khan
26. Stuart King
27. Toni Letts
28. Oliver Lewis
29. Stephen Mann
30. Andrew Pelling
31. Joy Prince
32. Pat Ryan
33. Paul Scott
34. Manju Shahul-Hameed
35. Caragh Skipper
36. David Wood
37. Louisa Woodley
38. Callton Young

#### **Conservative Political Party**

1. Jeet Bains
2. Sue Bennett
3. Margaret Bird
4. Simon Brew
5. Jan Buttinger
6. Richard Chatterjee
7. Luke Clancy
8. Mario Creatura
9. Jason Cummings
10. Maria Gatland
11. Lynne Hale
12. Simon Hoar
13. Steve Hollands
14. Yvette Hopley
15. Stuart Millson
16. Michael Neal
17. Oni Ovir
18. Ian Parker
19. Jason Perry
20. Helen Pollard
21. Tim Pollard
22. Badsha Quadir
23. Helen Redfern
24. Scott Roche
25. Andy Stranack
26. Gareth Streeter
27. Robert Ward

#### 4. Proportionality

4.1 Section 15 of the Local Government and Housing Act 1989 (Duty to Allocate Seats to Political Groups) sets out the requirements as to political proportionality on Council bodies and requires the Council, in allocating seats on committees and sub-committees of the Council to political groups, to give effect, so far as practicable, to the following rules:

- (i) that not all seats on the committee/sub-committee are allocated to the same political group;
- (ii) that the political group having a majority of seats on the Council should have a majority on each committee and sub-committee;
- (iii) that, subject to (i) and (ii) above, the number of seats on the Council's committees and sub-committees allocated to each political group, bears the same proportion to the total number of such committee/sub-committee seats as the number of members of that group bears to the membership of the full Council, and
- (iv) that, subject to (i) to (iii) above, that the number of the seats on the Council's committees and sub-committees which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

4.2 The Council's overriding duty to comply with (i) and (ii) above takes precedence over achieving a mathematically balanced distribution of Committee seats as described in (iii) and (iv). Applying those rules the table below sets out the allocation of the 136 voting seats available to the two political groups.

	<b>Political Composition- percentage seats out of 65</b>	<b>Proposed allocation of actual seats out of 136 Council Member seats</b>	<b>Percentage outcome of allocation of 136 voting seats*</b>
Labour Group	58.5%	82	60.3%
Conservative Group	41.5%	54	39.7%
	100%	136	100%

NB: The proposed percentage allocation only includes those seats to which elected Members can be appointed, and does not include seats allocated to co-opted members.

4.3 Following the introduction of the Localism Act 2011, the requirement for the Ethics Committee to be excluded from the requirements of the 1989 Act was removed such that the political balance requirements of the 1989 Act do apply to the Ethics Committee unless the whole Council votes in favour of disapplying the proportionality rules for this Committee. The Ethics Committee is constituted of six Councillors and five non-elected Independent Persons.

- 4.4 Under the Licensing Act 2003, Sub-Committees of the Licensing Committee are constituted separately. There is no statutory requirement for political balance or for it to be included in the Council's political balance calculations, but it is the practice of the authority to ensure that, as far as reasonably practicable, such Sub-Committees are constituted in accordance with the Council's scheme of proportionality.
- 4.5 The Health & Wellbeing Board is separately constituted under the Health and Social Care Act 2012. Regulations made under the Health and Social Act 2012 provide that Section 15 of the Local Government and Housing Act 1989 (Duty to Allocate Seats to Political Groups) need not apply to the composition of this Board.
- 4.6 The Local Pension Board is constituted under the Public Service Pensions Act 2013 and the Local Government Pensions Scheme (Amendment) Regulations 2015. The proportionality rules do not apply to the Board which has three employer representatives and three employee representatives and an Independent non-voting Chair. One of the Employer representatives is a Councillor. The other employer representatives are employers who are Admitted Bodies.
- 4.7 In accordance with Article 4.1(f) of the Constitution, the Council is required to decide on the composition of Non-Executive Committees and make appointments to them. Where committees include voting co-opted members, the allocation has to take into account the need for the Majority party to have a majority of seats over both Minority party members **and** co-opted members.
- 4.8 It is therefore recommended that Council appoints Committees and agrees their composition as follows:

	Majority seats	Minority seats	Co-optees <sup>1</sup>	Total seats
Appointments Committee	4	2	2	8
Ethics Committee	4	2	5	11
General Purposes & Audit Committee	6	4	2	12
Mayoralty & Honorary Freeman Selection Sub-Committee	3	2	0	5
General Purposes & Audit Committee: Urgency Sub-Committee	2	1	0	3
Licensing Committee	7	5	0	12
Licensing Sub-Committee*	2	1	0	3
Pension Committee	5	3	3	11
Planning Committee	6	4	0	10
Planning Sub-Committee	3	2	0	5
Traffic Management Advisory Committee	4	2	0	6
Scrutiny and Overview Committee	4	2	1	7
Children and Young People Scrutiny Sub-Committee	5	3	5	13
Health & Social Care Scrutiny Sub-Committee	4	2	1	7
Streets, Environment & Homes Scrutiny Sub-Committee	4	3	0	7
Health, Social Care and Community Cabinet Member Advisory Committee	5	4	0	9
Regeneration, Housing and Environment Cabinet Member Advisory Committee	6	5	0	11
Resources and Economy Cabinet Member Advisory Committee	5	4	0	9
Young People Services and Leisure Cabinet Member Advisory Committee	5	4	0	9
	84	55	19	158

\* subject to paragraph 4.4 above

<sup>1</sup> Co-opted members are non-voting except for four of the five co-optees on the Children & Young People Scrutiny Sub-Committee in respect of issues relating to the Council as a Local Education Authority; one Pensioner Side co-opted Member on the Pension Committee; and the two Independent Persons, on the Appointments Committee, for specified purposes, as detailed in paragraph 1.4, Part 4E and paragraph 2, Part 3 of the Council Constitution respectively.

## 5. CABINET MEMBER ADVISORY COMMITTEES

5.1 While this report asks Council to formally establish the four new Cabinet Member Advisory Committees in paragraph 4.8, and agenda item 6 seeks to appoint members to them, this is done in the context of the report agreed by Council at its

meeting on 25 January 2021, regarding the implementation of Governance Review recommendations.

- 5.2 At that meeting, Council noted that all funding for the implementation of Governance Review recommendations had been withdrawn as part of the development of the Council's medium term financial strategy in response to the council's financial position.
- 5.3 Members further noted that the implementation of Governance Review recommendations, including the introduction of Cabinet Member Advisory Committees, would need to be on a cost-neutral basis.
- 5.4 To that end, Council is asked to note that the introduction of Cabinet Member Advisory Committees will be subject to the identification of equivalent savings and the capacity required to facilitate their implementation.

## **6. LEGAL IMPLICATIONS**

- 6.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance and Deputy Monitoring Officer that the recommendations contained within this report are compliant with Council's duties under the Local Government and Housing Act 1989, Local Government (Committees and Political Groups) Regulations 1990, the Local Government Act 2000, the Licensing Act 2003, the Health and Social Care Act 2012, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, and the Council's Constitution.
- 6.2 The requirement in the Local Government and Housing Act 1989 is also to keep under review the representation of the different political groups on bodies appointed by the Council and a further review will be required following the election of five new councillors at the upcoming by-elections.

*Approved by:* Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer

## **7. FINANCIAL AND RISK ASSESSMENT CONSIDERAITONS**

- 7.1. There are no direct financial implications arising from this report.

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### **APPENDICES:**

None

### **BACKGROUND DOCUMENTS:**

None