

Member Report

Review of Proportionality and Distribution of Seats



Report to: Borough Council

Report from: Managing Director (Head of Paid Services)

Portfolio: Resources

Report Date: 25 May 2023

Decision Type: Committee

Council Priority: All Priorities

HEADLINE POSITION

1.0 Summary of report

1.1 This report seeks confirmation of the proposed distribution of seats reflecting the political balance of the Council following the Borough Elections.

2.0 Recommendation

2.2 It is recommended that Council confirms the distribution of seats to the different political groups as set out herein so that the appointments of Members to Committees and other bodies can be subsequently made.

DETAILED PROPOSALS

3.0 What are the objectives of the report and how do they link to the Council's priorities

3.1 The Local Government and Housing Act 1989 ('the Act') requires the Council to periodically review its political composition and how this is applied to appointments to committees and sub-committees of the Council.

3.2 This review is required as a result of a change in the political balance of the Council following the recent borough elections.

3.3 The rules for securing political balance on committees and sub-committees appointed by local authorities are contained in sections 15 and 16 of the Act and the Local Government (Committees and Political Groups) Regulations 1990.

3.4 The Council is under a duty to:

(a) Ensure that the membership of those committees and sub-committees covered by the rules reflect the political composition of the Council, as far as practicable;

(b) Review the allocation of seats to political groups at specified times for

example, as a result of changes in political balance or an increase in the number of committees established;

- (c) Allocate seats on the committees to the political groups in proportion to their numerical strength on the Council, as far as practicable;
- (d) Accept nominations made by the groups for the filling of seats allocated to them.

3.5 In determining the allocation of seats, the Council must also apply the following four principles, as far as reasonably practicable:

- (a) Not all seats to be allocated to the same political group;
- (b) If a political group has a majority on the Council, it must have a majority of seats on committees;
- (c) Subject to (a) and (b) above, the total of all seats on ordinary committees be allocated to the groups in proportion to their respective strengths on the Council and
- (d) Subject to (a) to (c) above the number of seats on ordinary committees or sub-committees to be allocated to each political group in proportion to the number of all the seats on the committee or sub-committee in proportion to their respective strengths on the Council.

3.6 Since the application of these rules individually can produce slightly different results, the figures have to be reconciled by applying the rules in descending order of importance.

3.7 Any seats left unallocated after the application of these rules go by default to any members who are not members of any political group.

3.8 The legislation provides that the Council may make alternative arrangements to the proportionality principles but only by a vote in a meeting of the Borough Council and only where there are no votes cast against such a proposal. However, a political group may decide to offer a seat to another political group. This does not affect the proportionality principles as it remains within the gift of the political group to determine how it wishes to exercise that discretion, if at all.

3.9 As a result of the changes outlined in paragraph 3.2, the overall political composition of the Council, and associated % share of seats is as follows:

Group	Seats	% of Seats
Conservatives	12	20.34%
Independent Group	8	13.56%
Labour	23	38.98%
Liberal Democrats	11	18.64%
Ungrouped Independents	5	8.47%
Total	59	100.00%

3.10 Not every seat available is required to be filled in accordance with political balance rules. Certain Committees and Boards are exempt as they are established under separate legislation, whereas some positions may be reserved for particular members by virtue of the position or responsibility. These are listed in the table at paragraph 3.15 of the report. It has generally remained the case, however, that insofar as is reasonably possible, the principles of political balance are still applied in determining the distribution of seats.

3.11 The tables in the report set out the proposed distribution of seats following the application of the political balance rules. There is inevitably a small degree of variation in some cases due to rounding, whilst still achieving the closest possible allocations to groups in proportion to their respective strengths on the Council.

3.12 Where appointments are being made to outside organisations who are also subject to proportionality requirements, then it is for those organisations to allocate and seek appointments accordingly, taking into account the overall political make-up of all the relevant authorities who are asked to identify members. Therefore, there may, in some cases, be some disparity between our own proportionality and that of these external bodies.

3.13 In relation to Committees to which political balance rules apply, there are a total of 140 places to be allocated in the following proportions.

Group	Committee places
Conservatives	29
Independent Group	19
Labour	55
Liberal Democrats	26
Ungrouped Independents	11
Total	140

3.14 The proposed distribution of seats for Committees where political balance rules apply is as follows:

Committee	Places	Cons	Ind Group	Labour	Lib Dem	ungrouped Inds
Governance	11	2	1	5	2	1
Employment Health and Safety	13	3	2	5	2	1
Regulatory	13	3	2	5	2	1
Resources & Governance Scrutiny & Improvement	15	3	2	6	3	1
Children and Families Scrutiny & Improvement	13	2	2	5	3	1
Adults, Health and Wellbeing Scrutiny & Improvement	13	2	2	5	3	1
Growth Scrutiny & Improvement	13	2	2	6	2	1
Climate and Environment Scrutiny & Improvement	13	3	2	5	2	1
Cleveland Fire Authority	4	1	1	1	1	0
Police and Crime Panel ¹	3	0	1	1	1	0
TVCA Overview and Scrutiny ²	3	1	0	1	1	0
TVCA Audit and Governance ²	1	1	0	0	0	0
Tees Valley Joint Health Scrutiny	3	1	0	1	0	1
South Tees Joint Health Scrutiny	5	1	1	2	1	0
Durham, Darlington and Teesside, Hambleton, Richmondshire and Whitby Joint Health Scrutiny Cttee	3	1	0	1	0	1
Shared Appointments Panel with Middlesbrough	4	1	0	2	1	0
Appointments Panel	7	1	1	3	1	1
Shareholder Board (*to include Cabinet Member for Resources, Chair of Resources Scrutiny and Chair of Governance if possible)	3	1	0	1	1	0
Totals	140	29	19	55	26	11

¹ Proportionality calculated on a Cleveland Force-wide basis

² Proportionality calculated on a Tees Valley-wide basis by TVCA

3.15 In relation to Committees to which political balance rules do not strictly apply, there are a total of 28 places to be allocated. As outlined in para 3.10, it has generally remained the case that the principles of political balance have determined the distribution of seats. That being the case, the distribution of seats for these Committees is as follows:

Committee	Places	Con	Ind Group	Labour	Lib Dem	ungrouped Inds
North York Moors National Park Authority	2	1	0	1	0	0
River Tees Port Health Authority	5	1	1	2	1	0
Freedom of the Borough Advisory Committee	9	2	1	3	2	1
Corporate Parenting Board	12	2	2	5	2	1
Totals	28	6	4	11	5	2

4.0 What options have been considered

- 4.1 The rules for securing political balance on committees and sub-committees appointed by local authorities are contained in sections 15 and 16 of the Act and the Local Government (Committees and Political Groups) Regulations 1990. The requirements and considerations are set out in section 3 of the report.
- 4.2 The legislation provides that the Council may make alternative arrangements to the proportionality principles but only by a vote in a meeting of the Borough Council and only where there are no votes cast against such a proposal. However, a political group may decide to offer a seat to another political group. This does not affect the proportionality principles as it remains within the gift of the political group to determine how it wishes to exercise that discretion, if at all.

5.0 Impact Assessment

- 5.1 **Climate Emergency** - There is no direct impact on the climate emergency associated with the recommendations within this report.
- 5.2 **Health and Safety** - There are no direct health and safety implications associated with the recommendations within this report.
- 5.3 **Social Value** - There is no direct impact on social value associated with the recommendations within this report.
- 5.4 **Legal** - The Local Government and Housing Act 1989 requires the Council to periodically review its political composition of the Council, and how this is applied to appointments to committees and sub-committees of the Council.
- 5.5 **Financial** – There are no direct financial implications associated with the recommendations within this report.
- 5.6 **Human Resources** - There are no direct human resources implications associated with the recommendations within this report.
- 5.7 **Equality and Diversity** – The recommendations within this report will not adversely affect any protected group. Members are elected by local residents to represent their views. The application of political balance rules supports the representation of population as a whole.

6.0 Implementation Plan

- 6.1 **Timetable for Implementing Decision** - Following confirmation of the revised distribution of seats, committee memberships will be updated.
- 6.2 **Lead Officer** - Governance Director
- 6.3 **Reporting Progress** - N/A
- 6.4 **Communications Plan** - Details of committee memberships are published on the Council's website. Where changes relate to joint Committees or Outside Bodies, Democratic Services will inform the relevant parties of the

changes to membership.

7.0 Consultation and Engagement

7.1 The Council is required to determine the constitution and political balance of the Committees and Boards that have been set up for discharging its functions. The allocations have been determined through the careful application of the political balance principles as set out in paragraph 3.4 and 3.5 of the report by the Monitoring Officer in consultation with the Managing Director.

8.0 Appendices and Background Papers

8.1 There are no appendices and no background papers other than published works were used in writing this report.

9.0 Contact Officer

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