

<b>Report of:</b>	Executive Member for Finance and Governance and Director of Legal and Governance Services
<b>Submitted to:</b>	Council
<b>Date:</b>	25 May 2022
<b>Title:</b>	Political Balance Allocation of Places 2022
<b>Report for:</b>	Decision
<b>Status:</b>	Public
<b>Strategic priority:</b>	All
<b>Key decision:</b>	No
<b>Why:</b>	Not applicable
<b>Urgent:</b>	No
<b>Why:</b>	Not applicable

**Executive summary**

The Local Government and Housing Act 1989 requires that the Council periodically reviews the political composition of the Council, and how this is applied to appointments to committees and sub-committees of the Council.

The report outlines the rules with regard to political balance and provides details of the total number of places on committees and how those places will be allocated in a manner that reflects the overall political balance of the Council.

**Purpose**

1. To recommend the allocation of places on committees and sub-committees for 2022 in accordance with the political balance of the Council.

**Background and relevant information**

2. The Local Government and Housing Act 1989 requires that the Council periodically

reviews the political composition of the Council, and how this is applied to appointments to committees and sub-committees of the Council.

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.
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 or as soon as practical after the Annual Council meeting and at certain other 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.
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.
6. As per the Local Government (Committees and Political Groups) regulations 1990, appointments are made in accordance with the wishes of a political group, then, as long as that person's seat continues to be allocated to that group, the authority or committee which made the appointment shall act in accordance with the wishes of that group in determining whether and when to terminate the appointment. If a group fails to express its wishes within a period of three weeks of being notified of the allocation or vacancy, the Council may make such appointment as it thinks fit.

7. Where a Group chooses not to take up their full allocation, according to political balance, those vacant places will become available for all groups to take up. Once the seat has been reallocated at Council, this appointment will remain in place for the whole of the Municipal year.
8. Independent Members who have not formed a political group in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations, are to be allocated in accordance with section 16 (3) of the Regulations: i.e. any seats not allocated according to the requirements in section 15 and 16 of the Act, to be allocated to members who are not members of any political group.
9. Certain committees of the Council are exempt from the requirements relating to political balance as they are established under separate legislation. For this reason the following committees are not covered by the recommendations of this report. Where places are not reserved for particular members for example by virtue of their title or position, those remaining places have been allocated in accordance with the numbers shown in Table 3. These committees include:
  - The Executive
  - All Executive committees, sub-committees, working groups
  - Live Well South Tees Board
  - Licensing Sub-Committees with the exception of the Licensing Sub-Committee (General) when dealing with licences under the Scrap Metal Dealers Act 2013.
10. Additionally, where meetings are (a) advisory in nature or (b) where the Council has determined otherwise, and no Member has voted against, the political balance requirements need not apply. However on the assumption that there has not been a will to waive political balance in respect of any of the Council Committees in the past few years, the report has been prepared assuming that political balance will not be waived. The figures for seats on Committees have therefore been calculated on the basis that political balance will not be waived.
11. The total number of places on committees is therefore **173** places and these will be allocated in a manner that reflects the overall political balance of the Council.
12. The calculations relating to the allocation of the **173** places on those committees to be subject to political balance rules are attached at Appendix 1.
13. As will be seen from Table 4 in Appendix 1, the outcome of applying the required method of calculation would result in the following:

Name of Group/Unallocated	No. of Seats
Conservative	11
Labour	75
Middlesbrough Independent Councillors Association (MICA)	38
Middlesbrough Independent Group (MIG)	34
Unallocated/Vacancy	15

## Method to Calculate Places

14. The principles in paragraph 6 are applied as below:

- I. Calculate the total number of seats with votes on all the committees subject to Political Balance.
- II. Calculate the proportion that each political group forms of the total membership of the Authority. Reserve an appropriate number of seats for ungrouped members.
- III. Apply those proportions to the total number of ordinary seats to give the aggregate entitlement of each group; the requirement to apply the proportions “so far as reasonably practicable” are met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
- IV. Apply the proportions to the number of councillors on each committee to give provisional entitlement to seats on that committee.
- V. Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) (thus applying principle (c) in paragraph 11). Where calculations identify additional seats (not allocated) the largest group followed by the next largest group etc., will have their choice of which committee places they wish to take their allocation from in the un-allocated/independent /vacant columns.
- VI. Unallocated spaces will be available to any independent members (who are not members of a group) – where more than one independent member is nominated for a seat then the seat is allocated at the discretion of Full Council

15. In line with usual practice, it is recommended that the Monitoring Officer be authorised to amend memberships of committees following resignations received from members and to appoint to vacancies in accordance with group preferences or, where not in a group, in accordance with individual Member’s wishes. However, where more than one person (non- group members) applies for the same place, they should decide amongst themselves how those places should be allocated. If agreement cannot be reached between the individual Members, the Council will make that determination.

16. In order to avoid the need to completely recalculate all committee memberships in the case of an ad hoc (or other) committees being established prior to the next review, it is proposed that any committees or sub-committees be appointed on the basis of the places shown in Table 3 attached.

## What decision(s) are being recommended?

17. That the Council:

Approve the allocation of seats on committees that are subject to the rules relating to political balance.

## Rationale for the recommended decision(s)

18. The report is necessary so that places on committees are allocated in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

## Other potential decision(s) and why these have not been recommended

19. Do Nothing. The Council must ensure that places on committees are allocated in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

## Impact(s) of the recommended decision(s)

### *Legal*

20. The Council must adhere to the Local Government (Committees and Political Groups) Regulations 1990.

### *Strategic priorities and risks*

21. The relevant risks this decision would influence are cited below, with an explanation as to why they are relevant and how it would affect each risk.

<b>Risk No</b>	<b>Risk Description</b>	<b>Impact</b>
O8-055	If the Council doesn't respond effectively and efficiently to legislative it could be in breach of statutory duties in relation to service delivery and fail to make the most of opportunities.	The Council are obliged to comply with any legislation or statutory guidance to ensure that the Council is fulfilling its statutory duties.

### *Human Rights, Equality and Data Protection*

22. The subject of this report is not a policy, strategy, function or service that is new or being revised. It is considered that an equality impact assessment is not required.

### *Financial*

23. There are no financial implications or impact on any budgets or the Medium Term Financial Plan (MTFP) arising from the content of this report.

## **Actions to be taken to implement the recommended decision(s)**

<b>Action</b>	<b>Responsible Officer</b>	<b>Deadline</b>
Allocate places on committees according to the Political Balance	Bernie Carr	25 May 2022

## **Appendices**

<b>1</b>	<b>Appendix 1 - Step 1 - Total places on those committees subject to rules of proportionality</b>
<b>2</b>	<b>Appendix 2 - Step 2 - Calculate overall proportionality for all eligible committees</b>
<b>3</b>	<b>Appendix 3 - Step 3 - Political balance according to size of committee</b>
<b>4</b>	<b>Appendix 4 - Step 4 – Application of figures in Table 3 to each committee</b>

## **Background papers**

<b>Body</b>	<b>Report title</b>	<b>Date</b>

**Contact: Charlotte Benjamin**

**Email: [charlotte\\_benjamin@middlesbrough.gov.uk](mailto:charlotte_benjamin@middlesbrough.gov.uk)**

**Step 1 - Total places on those committees subject to rules of proportionality**

Table 1

<b>Name of Committee</b>	<b>Places</b>
Corporate Affairs & Audit Committee	7
Licensing Committee	14
Overview & Scrutiny Board	7
Ad-Hoc Scrutiny Panel	9
Adult Social Care and Services Scrutiny Panel	9
Children & Young People's Learning Scrutiny Panel	9
Children & Young People's Social Care Services Scrutiny Panel	9
Culture and Communities Scrutiny Panel	9
Economic Development, Environment & Infrastructure Scrutiny Panel	9
Health Scrutiny Panel	9
Planning & Development Committee	10
Staff Appeals Committee	9
Standards Committee	9
Teesside Pension Fund Committee	9
Chief Officer Appointments Committee	7
Corporate Health and Safety Steering Group	10
Works Council	10
Constitution and Members' Development Committee	9
Corporate Parenting Board	9
<b>Total</b>	<b>173</b>

## Appendix 2

### Step 2 - Calculate overall proportionality for all eligible committees

#### (i.e. politically balanced)

Total Places:

Formula: (Number in Group x Number of Committee Places) ÷ Total number of members:

**Table 2**

<b><u>Group</u></b>	<b><u>Number in group</u></b>	<b><u>Allocation of places</u></b>	<b><u>Number of places (rounded)</u></b>
Labour	20	75.22	75
Conservative	3	11.28	11
Middlesbrough Independent Councillors Association	10	37.61	38
Middlesbrough Independent Group	9	33.85	34
<b><i>Unallocated* Independent and vacant</i></b>	4	15.04	15
<b>Total</b>	<b>46</b>		<b>173</b>

\* Do not count as a group

mayor not counted



## Appendix 3

### Step 3 - Political balance according to size of committee

Formula: (Number in group x number on committee) ÷ number of members:

**Table 3**

Size of committee	Labour Group		Conservative Group		Middlesbrough Independent Councillors Association		Middlesbrough Independent Group		Unallocated
	20		3		10		9		
1	0	0.43	0	0.07	0	0.22	0	0.20	1
3	1	1.30	0	0.20	1	0.65	1	0.59	0
4	2	1.74	0	0.26	1	0.87	1	0.78	0
5	2	2.17	0	0.33	1	1.09	1	0.98	1
6	3	2.61	0	0.39	1	1.30	1	1.17	1
7	3	3.04	0	0.46	2	1.52	1	1.37	1
8	3	3.48	1	0.52	2	1.74	2	1.57	0
9	4	3.91	1	0.59	2	1.96	2	1.76	0
10	4	4.35	1	0.65	2	2.17	2	1.96	1
11	5	4.78	1	0.72	2	2.39	2	2.15	1
12	5	5.22	1	0.78	3	2.61	2	2.35	1
13	6	5.65	1	0.85	3	2.83	3	2.54	0
14	6	6.09	1	0.91	3	3.04	3	2.74	1
15	7	6.52	1	0.98	3	3.26	3	2.93	1
16	7	6.96	1	1.04	3	3.48	3	3.13	2

## Appendix 4

<b>Step 4 - Apply figures in Table 3 to each committee</b>						
<b>Table 4</b>						
Name of Committee	Total	Lab	Cons	MICA	MIG	Unallocated
Corporate Affairs & Audit Committee	7	3	0	2	1	1
Licensing Committee	14	6	1	3	3	1
Overview & Scrutiny Board	7	3	0	2	1	1
Ad-Hoc Scrutiny Panel	9	4	1	2	2	0
Adult Social Care and Services Scrutiny Panel	9	4	1	2	2	0
Children and Young People's Learning Scrutiny Panel	9	4	1	2	2	0
Children & Young People's Social Care Services Scrutiny Panel	9	4	1	2	2	0
Culture and Communities Scrutiny Panel	9	4	1	2	2	0
Economic Development, Environment & Infrastructure Scrutiny Panel	9	4	1	2	2	0
Health Scrutiny Panel	9	4	1	2	2	0
Planning & Development Committee	10	4	1	2	2	1
Staff Appeals Committee	9	4	1	2	2	0
Standards Committee	9	4	1	2	2	0
Teesside Pension Fund Committee	9	4	1	2	2	0
Chief Officer Appointments Committee	7	3	0	2	1	1
Corporate Health & Safety Steering Group	10	4	1	2	2	1
Works Council	10	4	1	2	2	1
Constitution and Members' Development Committee	9	4	1	2	2	0
Corporate Parenting Board	9	4	1	2	2	0
<b>Totals</b>	<b>173</b>	<b>75</b>	<b>16</b>	<b>39</b>	<b>36</b>	<b>7</b>
Total Allocation Allowed (as per Step 2 above)		<b>75</b>	<b>11</b>	<b>38</b>	<b>34</b>	<b>15</b>
ADJUSTMENT REQUIRED		0	-5	-1	-2	8