

Report to Council

21 May 2024

Subject:	Political Balance and Appointment to Committees, Boards and Other Fora 2024-2025
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1 Recommendations

For the reasons set out in the report, it is recommended that Full Council

- 1.1 Confirm the political composition of the Council and approve the allocations of seats on committees, boards and other fora for 2024-25, as set out in Appendix A to the report submitted.
- 1.2 Approve the methods, calculations and conventions used in determining political group proportions and allocations and the allocation of places to Committees.
- 1.3 Accept and approve nominations from political groups to seats on Committees as set out in Appendix B to the report submitted.









- 1.4 Determines and approves the allocation of any remaining seats to non-aligned independent members (if applicable) and co-opted members to the positions, committees, boards and other fora established by the Council, as set out in Appendix B to the report submitted.
- 1.5 Approve the appointments of Chairs and Deputy Chairs as set out in Appendix B to the report submitted.
- 1.6 To invite and appoint, in accordance with the provisions of the Localism Act 2011, one nomination from each of the Church of England Diocese and Roman Catholic Archdiocese and two nominations for Parent Governor representatives to serve as non-elected members on the Children’s Services and Education Scrutiny Board, with voting rights conferred only on any matter with regard to education, whether in respect of schools or wider educational issues.
- 1.7 Approve the schedule of meetings for the 2024-25 municipal year, as set out in Appendix C to the report submitted.

2 Reasons for Recommendations

2.1 This report confirms the political composition of the Council following the local elections of 2 May and makes arrangements for the establishment of Committees and how seats on those Committees are allocated to political groups. It also makes provision for the appointment of Committee Chairs and Vice Chairs, Committee memberships and the appointment of external membership on Council bodies. Council is also required to consider and approve an annual calendar of meetings.

3 How does this deliver objectives of the Corporate Plan?

		The Council’s decision-making structures are designed to support the delivery of Sandwell’s Corporate Plan/Vision 2030.
		
		



4 Context and Key Issues

- 4.1 The Council must allocate seats on Committees and other prescribed bodies to reflect the political balance of the authority following the elections. The rules for the allocation of seats are set out in ss.15 and 16 of the Local Government and Housing Act 1989 (the 1989 Act) and the Local Government (Committees and Political Groups) Regulations 1990.
- 4.2 S.15(4) of the 1989 Act sets out 4 rules and requires authorities to apply them in descending order of priority as follows -
- 4.2.1 Where some, or all Members of an authority have formed into two or more political groups, then no Committee may comprise just Members from one political group. (Note this rule does not require that every political group is represented on each Committee or Sub-Committee).
- 4.2.2 Where a majority of Members are Members of one political group, that political group must have a majority of seats on each Committee.
- 4.2.3 Without being inconsistent with the first two rules, the number of seats allocated to each political group on all Committees taken together be as near as possible proportionate to their representation on the Council. This rule does not apply to Sub-Committees, Joint Committees, or outside bodies, or to Overview and Scrutiny Boards.
- 4.2.4 The fourth rule provides that, so far as is consistent with rules 1 to 3, each political party must be allocated that number of seats on each Committee taken individually as is proportionate to their strength on Council.
- 4.2.5 Any seats left unallocated go by default to any Members who are not Members of any political group (relating to treatment of non-aligned independent members). A political group must comprise at least 2 Members.
- 4.3 The Council can only depart from these rules by passing a resolution to adopt a different scheme with no Member voting against the resolution.



4.4 The Monitoring Officer has received notification of the establishment of two groups –

Labour	65
Conservative	5
**Independent	_2
	72

**The two independent Cllrs are not part of a political group and therefore are not entitled to be allocated any seats under proportionality rules. Should either the Labour or Conservative Group wish to allocate a seat(s) to one or both independents on a specific member body, that may be done by a decision of Full Council by a suspension to proportionality rules subject to their being no dissent at vote.

The seats on committees have been allocated according to proportionality rules (as set out in Appendix A).

4.5 The rules apply to the committees established by Full Council to discharge its functions under s.101 of the Local Government Act 1972 (the 1972 Act). These are known as ordinary Committees and are listed at Appendix A with the proposed allocation of seats reflecting the political balance rules for approval.

4.6 Political balance does not apply to the Cabinet or its Committees. The Leader must appoint 2 to 9 Councillors to the Cabinet.

4.7 The political balance rules apply to Overview and Scrutiny Committees (Scrutiny Boards) under s.9FA of the Local Government Act 2000 (the 2000 Act) with the exception of the third rule which only applies to ordinary Committees. Each Scrutiny Board must be politically balanced, and the proposed allocations are set out in Appendix A. Budget and Corporate Scrutiny Management Board has been removed from the calculation of seats as the board is made up of a Chair and Chairs/Vice Chairs of Scrutiny Boards. As previously, approved, there are two opposition members appointed to this body (in total).

Mechanism to disapply political balance rules

4.8 The Council can disapply the political balance rules in whole or in part, but only where no Member of the authority votes against this (s.17 (1) (a))



of the 1989 Act refers). Moreover, the Council would be required to pass a fresh resolution to this effect each time the allocation of seats was reviewed (for example following a byelection or a member deciding to leave a political group).

Joint Committees

- 4.9 The political balance rules apply to Joint Committees established under section 101(5) of the Local Government Act 1972 with the exception of rule 3. The allocation of seats on Joint Committees is therefore on an individual basis by each Committee.

Voting Rights of Persons who are not members of the Council

- 4.10 S.13 of the Local Government and Housing Act 1989 provides that a person co-opted to serve on committees and sub-committees appointed under Subsection (1) of S.102 of the Local Government Act 1972 and who is not an elected member of the Council, cannot have voting rights. However, nothing in the Act prevents a person who is not an elected member from being appointed to any committee or sub-committee established under those provisions as non-voting members.
- 4.11 The exceptions to this are the Health and Wellbeing Board, whose members do have voting rights extended to them by Section 194 of the Health and Social Care Act 2012; and faith and parent governor representatives on the relevant overview and scrutiny committee who have the right to vote on education matters in pursuance of the relevant provisions of the Local Government Act 2000.

Appointment of Co-opted Members

- 4.12 In line with the Council's established practice and with the exceptions detailed below, it is proposed not to appoint co-opted members to scrutiny boards, but rather to secure the involvement of people as independent advisors in specific reviews appropriate to their expertise or area of interest.

Co-opted Representation on Committees dealing with Educational Matters

- 4.13 Guidance in relation to the implementation of the Local Government Act 2000 and Localism Act 2011 advises that Church and Parent Governor representatives must be appointed to the relevant overview and scrutiny committee(s) where education matters are being discussed. The Council's Constitution provides that the Children's Services and



Education Scrutiny Board shall include in its membership the following voting representatives:-

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic Archdiocese representative;
- (c) 2 Parent Governor representatives.

4.14 If the scrutiny board deals with matters other than education functions that are the responsibility of the executive, these representatives shall not vote on those matters, although they may stay in the meeting and speak.

4.15 In view of the limitation on voting rights and as more schools have moved away from local authority control, which has resulted in difficulties in making appointments because of the diminished benefits for certain of the interest groups and the diminished input into the work of scrutiny, it is not considered necessary to have a wider range of co-opted members than is required by law.

Schedule of Meetings 2024-2025

4.16 4.14 The schedule of meetings for the 2024-2025 Municipal Year has been prepared, based on the constitution of the committees and other bodies established by Council. The schedule is attached as Appendix C and is recommended to Council for approval.

5 Alternative Options

5.1 There is no alternative option. The allocation of seats reflecting the political composition of the Council is a statutory requirement under the Local Government and Housing Act 1989 and underpinning regulations.

6 Implications

Resources:	There are no direct resource implications arising from the approval of the decision-making structures for 2024-25 or the appointment of members to positions within the structure. Where appointments attract a special responsibility allowance, these are met from within existing budgets.
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Legal and Governance:	The allocation of seats reflecting the political composition of the Council is a statutory requirement under the Local Government and Housing Act 1989. The proposed allocations will ensure the Council's governance and decision-making processes are compliant with relevant legislation.
Risk:	There are no risks arising directly from this report.
Equality:	The allocation of seats in accordance with the Local Government and Housing Act 1989 and Regulations made pursuant to that Act ensures that all groups receive their correct entitlement of seats on committees and other prescribed bodies.
Health and Wellbeing:	There are no health and wellbeing implications arising directly from this report.
Social Value	There are no social value implications arising directly from this report.
Climate Change:	There are no climate change implications arising directly from this report.
Corporate Parenting:	There are no corporate parenting implications arising directly from this report.

7. Appendices

Appendix A – Political Balance

Appendix B – Appointments to Committees and Fora of the Council

Appendix C – Programme of Meetings

8. Background Papers

Council's Constitution.

