

# Birmingham City Council

## Council Business Management Committee

28 May 2020



**Subject:** **Proportionality**

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Interim City Solicitor and Monitoring Officer

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Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

### 1 Executive Summary

- 1.1 To remind the Committee of the requirements and application of the proportionality provisions of the Local Government and Housing Act 1989.
- 1.2 To recommend a change in Membership of the Health and Social Care O&S Committee in order to meet the aggregate proportionality for 2020/2021.

### 2 Recommendations

- 2.1 The report be noted.
- 2.2 The Membership of the Health and Social Care Overview and Scrutiny Committee be amended so that the Labour Group give up one seat to the Conservative Group in order to meet the aggregate proportionality for 2020/2021.

### 3 Background

- 3.1 The Committee is reminded of the Requirements of the 1989 Act as follows-
  1. The Local Government and Housing Act 1989 requires the City Council to review the representation of Party Groups on committees at every Annual Council Meeting and to keep it under review to ensure proportionality through

the year. In the same way, each committee is then under a similar duty to consider and keep under review the representation of Party groups on any sub-committees which it appoints.

2. The Council must determine the allocation of seats on committees to the various Party Groups so as to give effect as far as reasonably practicable to the following proportionality principles which are contained in the 1989 Act –
  - (a) not all seats on a committee are allocated to one Group;
  - (b) the Group with an overall majority on the City Council as a whole has a majority of seats on each committee;
  - (c) subject to (a) and (b) above, the aggregate number of seats on all committees allocated to a Group is in proportion to that Group's representation on the City Council as a whole (aggregate proportionality); and
  - (d) subject to (a), (b) and (c) above, the number of seats on each individual committee allocated to a Group is in proportion to that Group's representation on the City Council as a whole.
3. Once the allocation of seats has been determined, the Council must appoint members to Committees as nominated by each Party Group.
4. If there are members of the City Council who are not members of any Party Group, the application of the proportionality principles will result in there being some committee seats left over after all the allocations to Groups have been made. These remaining seats must be allocated to the members who are not members of any Party Group. However, it is up to the Council to decide which seats should be occupied by which of these members. In other words, there is no equivalent to the nomination procedure which applies to seats allocated to a Group.
5. These principles also apply to the appointment of sub-committees except that committees are not required to have regard to the aggregate number of seats on all the sub-committees which they appoint.
6. Under the Council's current Constitution, the only bodies or appointments to which the proportionality provisions apply are –
  - the Overview and Scrutiny Committees;
  - the Regulatory Committees (Planning, Licensing and Public Protection);
  - the Council Business Management Committee;
  - the Trusts and Charities Committee
  - the Audit Committee;
  - City Council Members on the Standards Committee;
  - Sub-Committees appointed by any of the above; and
  - Appointments to Outside bodies made by City Council

7. Council may agree not to apply proportionality principles in respect of a particular body provided that notice of such a proposal is given in the papers for the relevant meeting and no member votes against the proposal.
8. For the recent Municipal Year (2019/20), the Council opted out of proportionality in respect of the Council Business Management Committee and for City Council Members on the Standards Committee. For 2020/2021 it is suggested that the Council Business Management Committee and the City Council Members on the Standards Committee continue to be excluded from proportionality.

#### **4 Arrangements for 2020/2021**

- 4.1 In light of the two current vacancies on the City Council, resulting from the resignation of Councillor John Clancy and the death of Councillor Keith Linnekor, proportionality has been reviewed. The Appendix to the report shows the number of seats that need to be allocated to each Party Group, on bodies with between 3 and 30 seats, in order to reflect the strength of each Party Group on the Council as a whole, which has not changed.
- 4.2 The Appendix also shows Aggregate Proportionality in table 2 which has changed in that the Conservative Group does not have to give up a seat on a Committee and Labour Group has one less seat on Committees from 3 to 2. compared to the 2019/2020 Municipal Year.
- 4.3 Last year the Conservative Group had to give up one seat on a Committee and they chose the Health and Social Care Overview and Scrutiny Committee with the seat going to the Labour Group. To conform with Aggregate Proportionality this year the Labour Group has to give up one seat and it is suggested that, to avoid wholesale changes, the Labour Group give up the seat on the Health and Social Care Overview and Scrutiny Committee which would go to the Conservative Group.