

# Birmingham City Council

## Council Business Management Committee

7 May 2024



**Subject:** Proportionality  
**Report of:** Marie Rosenthal, Interim City Solicitor and Monitoring Officer  
**Report author:** Ben Patel-Sadler  
Senior Committee Manager  
[Ben.Patel-Sadler@birmingham.gov.uk](mailto:Ben.Patel-Sadler@birmingham.gov.uk)

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 assist the Committee in applying those provisions to the membership of various bodies which are due to be appointed at the Annual Council Meeting on Tuesday, 21 May 2024.
- 1.3 Following the resignation of Councillor Brigid Jones, there was a vacancy in the Bournbrook and Selly Park ward. A by election to fill this vacancy was held on Thursday 2 May 2024.
- 1.4 Following the resignation of Councillor Rick Payne, there is now a vacancy in the Kingstanding ward. A by election to fill this vacancy is to be arranged but will not have taken place until after the Annual City Council meeting on 21 May 2024.
- 1.5 Due to the Bournbrook and Selly Park by election result now being known (Jamie Christopher Scott (LAB)), the appendix to the report to reflect proportionality calculations has been updated and is now available to view (**Appendix 1**).

- 1.6 Proportionality calculations will be undertaken for a final time when the result of the Kingstanding by election is known. This will be after the Annual City Council meeting on 21 May.
- 1.7 For the purpose of proportionality calculations, officers have used a figure of 100 Councillors in total. Further proportionality calculations will then be undertaken following the Kingstanding by election where the full complement of 101 Councillors will be confirmed.

## **2 Recommendation(s)**

That the Committee:

- 2.1 Notes the report.
- 2.2 Considers the information set out at section 8 of the report and confirms which Committees (if any) not to apply proportionality principles to.
- 2.3 Approves **Appendix 1** to the report (Proportionality Calculations for 2024-25).

## **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

\*See paragraph 8 below.

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 Municipal Year (2023/24), the Council opted out of proportionality in respect of the Council Business Management Committee and for City Council Members on the Standards Committee.
9. On the 10 May 2005, the Council Business Management Committee took the decision that the Committee should not confirm to proportionality principles and specifically that the Committee should comprise the 3 Group Leaders, 3 Deputy Group Leaders, 3 Group Secretaries and the Chairperson of the Co-ordinating Overview and Scrutiny Committee. This arrangement has been amended over time, with the current Committee comprising the Labour Group Leader, Deputy Leader, Group Secretary and Chair of Co-Ordinating O&S

Committee. The Conservative Group Leader and Group Secretary and the Liberal Democrat Group Leader or Group Secretary.

10. The Standards Committee does not apply proportionality principles due to it having a full complement of Lay Members. The Council Business Management Committee subsequently agreed that a political split of x2 Labour Members, x2 Conservative Members and x2 Liberal Democrat Members was appropriate. This arrangement has now been in place for several years.

11. For 2024/2025 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 2024/25**

4.1 **Appendix 1** 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 together with the aggregate proportionality.

#### **5 Legal Implications**

5.1 The legal implications are detailed within the report at 3.1.

#### **6 Financial Implications**

6.1 There are no immediate financial implications arising from this report.

#### **7 Public Sector Equality Duty**

7.1 There are no immediate equality implications arising from this report.

#### **8 Other Implications**

8.1 None.

#### **9 Background Papers**

9.1 Birmingham City Council Constitution.

#### **10 Appendices**

10.1 **Appendix 1** – Proportionality Calculations