

# Birmingham City Council

## Report to Full Council

5 November 2024



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<b>Title:</b>	<b>UPDATE ON PROPORTIONALITY CALCULATIONS</b>
<b>Lead Member:</b>	Not Applicable
<b>Relevant Overview and Scrutiny Committee:</b>	Not Applicable
<b>Has this report been shared with the relevant Overview and Scrutiny Committee Chair?</b>	Not Applicable
<b>Report Author:</b>	Christian Scade Head of Scrutiny and Committee Services, Legal and Governance 07517 550013 <a href="mailto:Christian.Scade@birmingham.gov.uk">Christian.Scade@birmingham.gov.uk</a>
<b>Authorised by:</b>	Marie Rosenthal Interim City Solicitor and Monitoring Officer
<b>Is this a Key Decision?</b>	Not Applicable
<b>Reason(s) why not included on the Forward Plan and confirm who has authorised it to be considered:</b>	Not Applicable
<b>Is this a Late Report?</b>	No
<b>Reason(s) why Late and confirm who has authorised it to be considered:</b>	Not Applicable
<b>Is this decision eligible for 'call in?'</b>	Not Applicable
<b>If 'call-in' has been dis-applied, please provide reason(s) and confirm who has authorised:</b>	Not Applicable
<b>Wards:</b>	All
<b>Does this report contain exempt or confidential information?</b>	No

## 1 EXECUTIVE SUMMARY

- 1.1 To consider how Councillor Shabina Bano's decision to join the Liberal Democrat political group affects the political proportionality rules introduced by the Local Government and Housing Act 1989.

## 2 COMMISSIONERS' REVIEW

- 2.1 Commissioners approve recommendations.

## 3 RECOMMENDATIONS

- 3.1 That the updated proportionality calculations, including changes to aggregate entitlement, set out in **Appendix 1**, be noted.
- 3.2 That the appointments made to committees on 21 May 2024, updated by Full Council on 18 June 2024, 9 July 2024 and 17 September 2024, set out in **Appendix 2**, be noted.
- 3.3 That, in view of the changes to aggregate entitlement, the following amendment to committee appointments be made: Labour to give up a seat to the Liberal Democrats on Licensing and Public Protection Committee.

## 4 KEY INFORMATION

### Context

- 4.1 Following Councillor Shabina Bano's decision to join the Liberal Democrat political group, the Council is obliged to review the representation of political groups on the Committees which it appoints.
- 4.2 The Local Government (Committees and Political Groups) Regulations 1990 highlights that a political group shall be treated as constituted when there is delivered to the proper officer a notice in writing.
- 4.3 As of 28 October 2024, the date of Full Council agenda despatch, the overall political balance of the Council is set out in the table below and is based on the 101 Members currently in office. The information **in red / brackets** highlights the position at the 9 July 2024 Council meeting, when proportionality calculations were last updated.
- 4.4 For clarity, other than Councillor Shabina Bano joining the Liberal Democrat political group, the proper officer has not been made aware in writing of any other changes to political group memberships.

<b>Party Group</b>	<b>Seats on the Council</b>	<b>Percentage</b>	<b>Aggregate Entitlement</b>	<b>Change in Aggregate Entitlement since July</b>
Labour	64 (65)	63.366% (64.356%)	71 (72)	-1
Conservatives	22 (22)	21.782% (21.782%)	25 (25)	0
Lib Dems	13 (12)	12.871% (11.881%)	14 (13)	+1
Greens	2 (2)	1.980% (1.989%)	2 (2)	0
Total	101 (101)	100% (100%)	112 (112)	N/A

4.5 The implications of Councillor Shabina Bano joining the Liberal Democrat political group has had the following impact on the aggregate entitlement:

- Labour now have an aggregate entitlement of 71, rather than 72, seats.
- The Lib Dems now have an aggregate entitlement of 14, rather than 13, seats.
- The Conservatives aggregate entitlement, of 25 seats, remains the same.
- The Greens aggregate entitlement, of 2 seats, remains the same.

4.6 As a result, the following adjustment now needs to be made: Labour need to give up one seat to the Liberal Democrats on Licensing and Public Protection Committee. This is the seat Labour had gained from the Liberal Democrats in July 2024.

## **5 IMPACT AND IMPLICATIONS**

### **Finance and Best Value**

5.1 There are no direct financial implications arising from this report.

### **Legal**

5.2 By law, seats on committees must be allocated in proportion to the political composition of the Council. An authority can only decide that it wishes to adopt an arrangement other than a proportional one if no Member votes against it. This is known as a “nem con” vote.

5.3 The Local Government and Housing Act 1989 requires that as far as reasonably practicable, the following principles must be adhered to when determining the allocation of seats on committees to political groups:

- (a) The seats on a committee cannot be allocated to members of one political group.
- (b) The largest group on the council must be allocated the majority of seats on any committee.
- (c) Subject to (a) and (b) the total number of committee seats allocated to each political group must reflect the proportion of total members of the authority from each political group.
- (d) Subject to (a) to (c) above, the number of the seats on a committee which are allocated to each political group bears the same proportion to the number of all the seats on the committee as is borne by the number of members of that group to the membership of the authority.

5.4 The Local Government and Housing Act 1989 requires local authorities to review committee membership and political representation annually and when notice is received of a change in the size of the political groups.

5.5 In determining the allocation of seats on ordinary committees, the proportion that each political group forms of the total membership of the Council is applied to the total number of elected Member seats on each committee.

5.6 Generally, fractional entitlements of less than one half are rounded down and entitlements of one half or more are rounded up. So that this process of rounding does not result in advantage to one political group, the aggregate membership of all the ordinary committees must also be in line with the proportions on the Council.

### **Equalities**

5.7 There are no direct equalities implications arising from this report.

## **6 APPENDICES**

Appendix 1 – Updated Proportionality Calculations

Appendix 2 – City Council Appointments – updated 17 September 2024

## **7 BACKGROUND PAPERS**

None.