

Birmingham City Council

Council Business Management Committee

9 May 2023



Subject: Proportionality
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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 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, 23 May 2023.

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 2023-34).

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 (2022/23), the Council opted out of proportionality in respect of the Council Business Management Committee and for City Council Members on the Standards Committee. For 2023/2024 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 2023/24

- 4.1 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 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.