COUNCIL

Allocation of Seats to Political Groups
16 May 2022
Report of the Head of Democratic Services

PURPOSE OF REPORT
To advise Council of the calculations relating to the allocation of seats in accordance with the Local Government and Housing Act 1989 to allow Council to appoint to Committees as required at the annual meeting, as set out in Part 3, Section 1, Paragraph 1 (h) of the Constitution.
This report is public.

RECOMMENDATIONS

1) **That in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990, the City Council approves the calculations and allocation of seats set out in this report, including the adjustments set out in paragraph 5.**

1.0   Introduction

1.1   A calculation of political composition is undertaken at each annual council meeting to determine the political balance on the council's committees. Re-calculations are made as and when the political make-up of the council changes.

2.0   Composition of the Council

2.1   The current make-up of the Council is:-

Labour	16
Conservative	10
Green	10
Morecambe Bay Independents (MBI)	10
Independent Group	5
Eco-Socialist	4
Liberal Democrat	4
	59

There is one vacant seat in Ellel ward, to be filled shortly via a by-election.

3.0   Seats Across Committees

3.1 Calculating each committee separately and individually, as shown in 3.2 below, would give an overall total out of the 78 seats of:-

Labour	$4+3+4+5$	=	21
Conservative	$(2\frac{2}{3})+2+(2\frac{2}{3})+5$	=	$12\frac{1}{3}$
Green	as above	=	$12\frac{1}{3}$
MBI	as above	=	$12\frac{1}{3}$
Independent Group	$1+1+2+5$	=	9
Eco-Socialist	$1+0+2+(2\frac{1}{2})$	=	$(5\frac{1}{2})$
Lib Dem	as above	=	$(5\frac{1}{2})$
			$\underline{78}$

3.2 <u>15 Member Committee (Planning Regulatory)</u>

Labour	$16/59\times15 = 4.0677$	(4)
Conservative	$10/59\times15= 2.5423$	$(2\frac{2}{3})$
Green	$10/59\times15= 2.5423$	$(2\frac{2}{3})$
MBI	$10/59\times15= 2.5423$	$(2\frac{2}{3})$
Independent Group	$5/59\times15= 1.2711$	(1)
Eco-Socialist	$4/59\times15= 1.0169$	(1)
Lib Dem	$4/59\times15= \underline{1.0169}$	$\underline{(1)}$
		(15)

There are only 15 seats, so the Conservative, Green and MBI groups, having the same residuals, tie for the last seats on the Planning Committee.

<u>10 Member Committee (Licensing Regulatory)</u>

Labour	$16/59\times10= 2.7118$	(3)
Conservative	$10/59\times10= 1.6949$	(2)
Green	$10/59\times10= 1.6949$	(2)
MBI	$10/59\times10= 1.6949$	(2)
Independent Group	$5/59\times10= 0.8474$	(1)
Eco-Socialist	$4/59\times10= 0.6779$	(0)
Lib Dem	$4/59\times10= \underline{0.6779}$	$\underline{(0)}$
		(10)

There are only 10 seats, so the Eco-Socialist and Liberal Democratic groups, having the lowest residuals, are rounded down.

<u>9 Member Committees x 2 (Overview and Scrutiny, Budget and Performance)</u>

Labour	$16/59\times9= 2.4406$	(2)
Conservative	$10/59\times9= 1.5254$	$(1\frac{1}{3})$
Green	$10/59\times9= 1.5254$	$(1\frac{1}{3})$
MBI	$10/59\times9= 1.5254$	$(1\frac{1}{3})$
Independent Group	$5/59\times9= 0.7627$	(1)
Eco-Socialist	$4/59\times9= 0.6101$	(1)
Lib Dem	$4/59\times9= \underline{0.6101}$	$\underline{(1)}$
		(9)

There are only 9 seats, so the Conservative, Green and MBI groups have one seat each and a three-way tie for the 9th seat.

7 Member Committees x 5 (Personnel, Audit, CBC, Appeals, Standards)

Labour	16/59x7=	1.8983	(2)
Conservative	10/59x7=	1.1864	(1)
Green	10/59x7=	1.1864	(1)
MBI	10/59x7=	1.1864	(1)
Independent Group	5/59x7=	0.5932	(1)
Eco-Socialist	4/59x7=	0.4745	$(\frac{1}{2})$
Lib Dem	4/59x7=	0.4745	$(\frac{1}{2})$
			(7)

There are only 7 seats, so there is a tie for the last seat between the Eco-Socialist and Liberal Democratic groups.

3.3   However, the calculation of the 78 committee places on all standing committees cannot be calculated separately and individually. It **must** be undertaken using rules A-E, set out in s. 15(5) of the Local Government and Housing Act 1989. Those rules are explained in ***Appendix A*** and the aggregate calculation is show below:-

4.0   Aggregate Calculation (RULE C)

Political Group	Number in each group/total number of Cllrs in political groups (59) X total number of committee seats (78)	Actual	Rounded
Labour	16/59x78	21.1525	**21**
Conservative	10/59x78	13.2203	**13**
Green	10/59x78	13.2203	**13**
MBI	10/59x78	13.2203	**13**
Independent Group	5/59x78	6.6101	**7**
Eco-Socialist	4/59x78	5.2881	**5$(\frac{1}{2})$**
Liberal Democrat	4/59x78	5.2881	**5$(\frac{1}{2})$**
			(78)

4.1   There are 78 seats, so there is a tie for the last seat on committees between the Eco-Socialist and Liberal Democratic groups. They should agree between themselves which group gets that final place. Failing that, lots could be drawn, under supervision of the Mayor, at the meeting.

5.0   Adjustments to be made

5.1   As stated in para 4.1, the Eco-Socialist and Liberal Democrat groups need to agree which of their groups gets six seats overall and which group gets five seats overall. A list has been circulated to all Group Administrators showing the ideal spread of places each committee should have

6.0 Committee System Working Group

6.1 Council established a nine member task and finish Working Group, politically balanced, in December 2019 with the following remit:

    (1) To investigate the best way to introduce a committee system of governance, taking into account the experiences of other councils.

    (2) To produce a detailed, legally and constitutionally sound proposal, setting out a programme for implementation of any change to the system of governance for presentation to Council in September 2020 *(date has slipped due to COVID pandemic)*

6.2 The Group currently has 2 Labour, 2 Conservative, 2 Green, 1 MBI and 1 Independent Group and 1 Eco Socialist members. This will change under the new calculation to 2 Labour, 1 Conservative, 1 Green, 1 MBI, 1 Independent, 1 Eco-Socialist Independent, 1 Liberal Democrat and a tie for the last seat between the Conservative, Green, MBI groups. These groups can agree between themselves which group gets that final seat. If agreement cannot be reached, lots could be drawn, under supervision of the Mayor, at the meeting.

7.0 Conclusion

7.1 Members are requested to agree the new calculation so that appointments can be made to Committees.

CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)
There are no direct implications as a result of this report.

FINANCIAL IMPLICATIONS
There are no financial implications as a direct result of this report.

SECTION 151 OFFICER'S COMMENTS
The Section 151 Officer has been consulted and has no comments

LEGAL IMPLICATIONS
This report has been prepared in accordance with the provisions of Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations 1990.

MONITORING OFFICER'S COMMENTS
The Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS	Contact Officer: Debbie Chambers
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THE RULES

The main rules are set out in s. 15(5) LGHA, and they are to be applied sequentially. So Rule B cannot override Rule A; Rule C cannot override Rules A and B; and Rule D cannot override Rules A, B or C. An additional rule is set out in s. 16.

Rule A: all the seats on a committee or sub-committee may not be allocated to members of the same political Group. Note that this does not require that each political Group needs to represented on each committee or sub-committee.

Rule B: where a majority of the members of Council are members of the same political Group, a majority of the seats on each committee and sub-committee must be allocated to that political Group. So, where there is a majority Group, it must be allocated a minimum of 2 seats on each committee or sub-committee of 3 members, 3 seats on each committee or sub-committee of 4 members, and so on. This means that, where a political Group enjoys a narrow majority on Council, that majority Group will be allocated significantly more seats than would result from simple proportionality. Incidentally, the combination of Rules A and B reinforce the point that the minimum size of a committee or sub-committee ought to be 3.

Rule C: deals with the aggregate of seats on all committees, taken together. [It does not apply to sub-committees, joint committees or outside bodies (see later)]. It provides that, subject to Rules A and B, the relationship between the total number of committee seats allocated to each Group and the total number of seats on all committees must, as near as possible, be the same as the relationship between the number of members of the Group as a proportion of the total number of members of Council. This is subject to Rules A and B.

Rule D: Having worked out how many committee seats are to be allocated to each political Group, Rule D then determines which committees those seats relate to. Rule D now says that, taking each committee separately, the seats on that committee must allocated as close to proportionately as possible, without offending Rules A, B or C

There is also a "**Rule E**", inserted into s.16 by reg. 16(3), which provides that, where appointments to seats are to be made other than in accordance with Rules A to D (i.e. to seats which are not allocated to a political Group) then the Council or the committee must appoint members to those seats who are not members of a political Group. The exact wording is:

"(2A) Where appointments fall to be made to seats on a body to which section 15 applies otherwise than in accordance with a determination under that section, it shall be the duty of the authority or the committee, as the case may be, so to exercise their power to make appointments as to secure that the persons appointed to those seats are not members of any political Group."