



Allocation of Seats to Political Groups

28 September 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 following a change to the political composition of the Council.

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 the table in 2.3 of the report.

1.0 Introduction.

- 1.1 There have been changes since the calculation was agreed at the July Council meeting as a result of the sad passing of Councillor Merv Evans, the resignation of Councillor Whearty on 1 September 2022 and a recent by-election.
- 1.2 The by-election for Warton Ward of the City Council was held on 8 September 2022. Councillor Sue Tyldesley was elected for the Green Party and joins the Green and Independent Group on the Council.

2.0 Change in Composition of the Council

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

Labour	16
Green and Independent Group	15
Conservative	9
MBIs	6
Independent Group	4
Liberal Democrats	4
Bay Independent Group	4
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	58

There are also two vacant seats; one in Westgate Ward, the other in University and Scotforth Rural Ward.

- 2.2 The table below shows the changes required across all 78 committee seats based upon the revised political composition of the Council.

2.3 The figures for the July Council meeting were based upon a pro rata share of 78 seats across 58 Councillors using roundings (due to the vacant seat in Warton Ward and one non-aligned independent Councillors). The figures for this meeting are based on a pro rata share of 78 seats across 58 councillors using roundings (due to two vacant seats).

3.0 Political Balance on Committees

3.1 If political balance was calculated separately on each committee the figure would be as set out below for each size of committee:-

$\frac{2}{3}$
3.2 15 Member Committee (Planning Regulatory)

Labour	16/58x15	4.1379	4
Green and Independents	15/58x15	3.8793	4
Conservatives	9/58x15	2.3276	2
MBIs	6/58x15	1.5517	2
Independent Group	4/58x15	1.0345	1
Liberal Democrats	4/58x15	1.0345	1
Bay Independents	4/58x15	1.0345	1
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10 Member Committee (Licensing)

Labour	16/58x10	2.7586	3
Green and Independents	15/58x10	2.5862	2*
Conservatives	9/58x10	1.5517	1*
MBIs	6/58x10	1.0345	1
Independent Group	4/58x10	0.6897	1
Liberal Democrats	4/58x10	0.6897	1
Bay Independents	4/58x10	0.6897	1
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*Rounding up would result in 11 seats and there are only 10 available. As the groups with the lowest residual, the Conservative and Green and Independent groups are rounded down instead of up.

9 Member Committees x 2 (Overview and Scrutiny, Budget and Performance)

Labour	16/58x9	2.4828	2
Green and Independents	15/58x9	2.3276	2
Conservatives	9/58x9	1.3966	1
MBIs	6/58x9	0.9310	1
Independent Group	4/58x9	0.6207	1
Liberal Democrats	4/58x9	0.6207	1
Bay Independents	4/58x9	0.6207	1
			9

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

Labour	16/58x7	1.9310	2
Green and Independents	15/58x7	1.8103	2
Conservatives	9/58x7	1.0862	1
MBIs	6/58x7	0.7241	1
Independent Group	4/58x7	0.4828	$\frac{1^*}{3}$
Liberal Democrats	4/58x7	0.4828	$\frac{1^*}{3}$
Bay Independents	4/58x7	0.4828	$\frac{1^*}{3}$

*Rounding up would result in 6 seats and there 7 seats to fill. As the groups with the highest residuals, the Independent/Lib Dem and Bay Independents tie for the last seat.

3.3 If all the Committees could be calculated individually, as shown above, the result for the 78 places would be:

Labour	21
Green and Independents	20
Conservatives	10
MBIs	10
Independent Group	$5\frac{2}{3}$
Liberal Democrats	$5\frac{2}{3}$
Bay Independents	$5\frac{2}{3}$
TOTAL	78

3.4 However, the individual committee calculations are a guide only to the balanced composition of each committee. The calculation of the 78 committee places on all standing committees **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 as shown on the table below under the column "September 2022". The necessary adjustments are shown in the highlighted right-hand column of that same table.

	July 2022	Rounded	Sept 2022	Actual	Rounded	Change
Labour	16/58x78	22	16/58x78	21.5172	22	-
Green and Independent	14/58x78	19	15/58x78	20.1724	20	+1
Conservative	9/58x78	12	9/58x78	12.1034	12	-
MBIs	6/58x78	8	6/58x78	8.0690	8	-
Independent Group	5/58x78	7	4/58x78	5.3793	5	$-1\frac{2}{3}$
Liberal Democrats	4/58x78	5	4/58x78	5.3793	5	$+\frac{1}{3}$
Bay Independents	4/58x78	5	4/58x78	5.3793	5	$+\frac{1}{3}$
	TOTAL	78	TOTAL		78*	

**When rounded, the number of places totals 77, so the groups with the largest residuals have been rounded up (the Independent, Liberal Democrat and Bay Independent Groups) to receive the last place.*

4.0 Conclusion

- 4.1 Members are requested to agree the new calculation so that the appropriate adjustments can be made – the Independent Group passing one seat to the Green and Independent Group and there being a tie for a seat currently held by the Independent Group between the Independent, Liberal Democrat and Bay Independent Groups – following a change to the political composition of the Council.
- 4.2 **NB:** *Democratic Services have been informed by the Independent Group Leader that, should the calculation shown above be accepted, their group would give up a seat on the Personnel Committee to the Green and Independent Group. Also, the Liberal Democrat and Bay Independent Group Leaders have advised that they would not seek to draw lots for the last seat, allowing that last seat to stay with the Independent Group. The necessary changes will be made later in the agenda under the Item “Changes to Committee Memberships”.*

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

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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 be 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 reinforces 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 be 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.”