

Allocation of Seats to Political Groups

16 December 2020

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.**
- 2) **That the necessary adjustments to effect the new calculation be agreed.**

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. This was done at the Council meeting on 18 May 2020 on the full council number of 60 Councillors. It is a requirement that re-calculations are made as and when the political make-up of the Council changes.
- 1.2 On 18 November 2020, Councillors Frea, O'Dwyer-Henry, Penny, Sinclair and Whearty recently resigned from the Labour group and formed a new group – the Eco-Socialist Independent Group. On 19 November 2020, both of the Council's non-aligned Independent Members, Councillors Goodwin and Reynolds, joined the Independent Group. These changes affect the political balance on the Council, which is currently 59 Members due to the vacancy at Kellet Ward. This report therefore recalculates political balance on the current composition of 59 Councillors, all of whom are now aligned to a political grouping.

2.0 Change in Composition of the Council

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

Labour	14
Conservatives	12
Green	10
Morecambe Bay Independents (MBI)	9
Independent Group	7
Eco-Socialist Independents	5
Liberal Democrats	2

- 2.2 The calculation was last undertaken on 30 September 2020. 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 September were based upon a pro rata share of 78 seats across 57 Councillors using roundings (2 were non-aligned at that time, and not included in the calculation, plus on vacant seat in Kellet Ward). The figures for December are based on a pro rata share of 78 seats across 59 councillors using roundings (the two non-aligned Councillors have joined groups however there is still a vacant seat in Kellet Ward).

	Sept 2020	Dec 2020	Sept 2020	Dec 2020	Change
Labour	19/57	14/59x78	26	18	-8
Conservatives	12/57	12/59x78	16	16	
Green	10/57	10/59x78	14	13	-1
MBI	9/57	9/59x78	12	12	
Independent Group	5/57	7/59x78	7	9	+2
Eco-Socialist Inde	N/A	5/59x78	0	7	+7
Liberal Democrats	2/57	2/59x78	3	3	
			78	78	

- 2.4 Group leaders and administrators were informed of the new calculation on 3 December and were asked to liaise regarding the changes necessary. The Head of Democratic Services hopes to circulate a new seating arrangement, which has been informally agreed by all groups, prior to the meeting for formal approval.

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:-

3.2 15 Member Committee (Planning Regulatory)

Labour	3.5143	(4)
Conservative	3.0122	(3)
Green	2.5102	(3)
MBI	2.2592	(2)
Independent Group	1.7571	(2)
Eco-Socialist Independents	1.2551	(1)
Liberal Democrats	0.5020	(0)

(Liberal Democrats should have a seat when rounded, but they have been rounded down, as the group with the smallest residual, to give the total of 15)

10 Member Committee (Licensing)

Labour	2.1964	(2)
Conservative	1.8826	(2)
Green	1.5689	(2)
MBI	1.4120	(2)
Independent Group	1.0982	(1)
Eco-Socialist Independents	0.7844	(1)
Liberal Democrats	0.3138	(0)

(MBIs should have one seat when rounded, but they have been rounded up to two, as the group with the largest residual, to give the total of 10)

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

Labour	2.1964	(2)
Conservative	1.8826	(2)
Green	1.5689	(2)
MBI	1.4120	(1)
Independent Group	1.0982	(1)
Eco-Socialist Independents	0.7844	(1)
Liberal Democrats	0.3138	(0)

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

Labour	1.7083	(2)
Conservative	1.4643	(1)
Green	1.2202	(1)
MBI	1.0982	(1)
Independent Group	0.8542	(1)
Eco-Socialist Independents	0.6101	(1)
Liberal Democrats	0.2440	(0)

3.3 Using these calculations would give an overall total out of the 78 seats of:-

Labour	20
Conservative	14
Green	14
MBI	11
Independent Group	10
Eco-Socialist Independents	9
Liberal Democrats	0

3.4 However, 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 at 2.3 under the column "Dec 2020". The necessary adjustments are shown in the highlighted right-hand column of that same table.

4.0 Conclusion

4.1 Members are requested to agree the new calculation so that the appropriate adjustment can be made following a change to the political composition of the Council.

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
Telephone: 01524 582057
E-mail: dchambers@lancaster.gov.uk

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."