

**Allocation of Seats to Political Groups
17 May 2021
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 make-up of the Council following the recent by-elections in Kellet and Bulk wards is:-

Labour	14
Conservative	13
Green	10
Morecambe Bay Independents (MBI)	9
Independent Group	7
Eco-Socialist	5
Liberal Democrat	2
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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	19.5
Conservative	14
Green	13.5
MBI	11
Independent Group	10
Eco-Socialist	9
Lib Dem	<u>1</u>
	<u>78</u>

3.2 15 Member Committee (Planning Regulatory)

Labour	3.5000	(4)
Conservative	3.2500	(3)
Green	2.5000	(3)
MBI	2.2500	(2)
Independent Group	1.7500	(2)
Eco-Socialist	1.2500	(1)
Lib Dem	<u>0.5000</u>	(1)
		(16)

The figures in brackets are rounded. Rounding produces 16 seats in total, however there are actually 15 seats on the Planning Committee. Normally the group with the lowest residual would be rounded down. However, there are three groups with the same lowest residual of .5 (being the Labour, Green and Lib Dem Groups). An agreement will need to be reached between the Labour and Green groups to allocate a seat on this committee to the Liberal Democrat group, as this provides the most reasonable balance.

10 Member Committee (Licensing Regulatory)

Labour	2.3333	(2)
Conservative	2.1667	(2)
Green	1.6667	(2)
MBI	1.5000	(2)
Independent Group	1.1667	(1)
Eco-Socialist	0.8333	(1)
Lib Dem	<u>0.3333</u>	(0)
		(10)

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

Labour	2.1000	(2)
Conservative	1.9500	(2)
Green	1.5000	(2)
MBI	1.3500	(1)
Independent Group	1.0500	(1)
Eco-Socialist	0.7500	(1)
Lib Dem	<u>0.3000</u>	(0)
		(9)

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

Labour	1.6333	(2)
Conservative	1.5167	(2)
Green	1.1667	(1)
MBI	1.0500	(1)
Independent Group	0.8167	(1)
Eco-Socialist	0.5833	(1)
Lib Dem	<u>0.2333</u>	(0)
		(8)

The figures in brackets are rounded. Rounding produces 8 seats in total, however there are only 7 seats on each of these Committees. Therefore the group with the lowest residual (being the Conservative Group) has been rounded down to give that group 1 seat on each committee.

- 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:-

Political Group	Number in each group/total number of Cllrs in political groups (56) X total number of committee seats (78)	Actual	Rounded
Labour	14/60x78	18.2000	18
Conservative	13/60x78	16.9000	17
Green	10/60x78	13.0000	13
MBI	9/60x78	11.7000	12
Independent Group	7/60x78	9.1000	9
Eco-Socialist	5/60x78	6.5000	6
Liberal Democrat	2/60x78	2.6000	3
			(78)

4.0 Aggregate Calculation (RULE C)

- 4.1 As can be seen in the table above, rounding would produce 79 seats in total, however there are only 78 seats to fill. Therefore the group with the lowest residual (being the Eco-Socialist Group) has been rounded down, not up, to give 78 seats.

5.0 Adjustments to be made

- 5.1 Bearing in mind the aggregate calculation in paragraph 4 above, and the calculation for the Planning Regulatory Committee which leaves three groups with one third of a seat each, the committee seats shown at 3.1 need to be adjusted. The Labour Group should have 18 seats not 19.5; the Conservative Group should have 17 seats, not 14; the Green Group should have 13 seats not 13.5; the MBI Group should have 12 seats not 11; the Independent Group should have 9 seats, not 10, the Eco-Socialist Independents should have 6 seats not 9 and the Liberal Democrat group should have 3 seats, not 1. Group leaders and administrators are asked to agree the necessary adjustments before the meeting, if possible, and pass the information to Democratic

Services. The passing and receiving of seats must be achieved by keeping as closely as possible to the political balance of each committee, shown at 3.2 above.

6.0 Chief Executive Recruitment Committee

6.1 Whilst it is not a standing committee of Council to be included in the calculation, for information purposes, Council may wish to note that the Chief Executive Recruitment Committee comprises 9 Members on political balance. That balance will be 2 Labour, 2 Conservative, 2 Green, 1 MBI, 1 Independent Group and 1 Eco-Socialist.

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 Telephone: 01524 582057 E-mail: dchambers@lancaster.gov.uk
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Affiliation to Political Groups file.

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.”