

Wiltshire Council

Full Council

20 October 2020

Review of Proportionality and Allocation of Seats on Committees to Political Groups

Introduction

1. Following changes in the number of seats held by individual groups on the Council, a request has been received from the Leader of the Independent Group for a review of the allocation of seats to political groups, due to an additional member joining the group, from the Conservative Group.
2. This report guides the Council through the legal requirements in allocating seats to the political groups.

Review of Allocation of Seats to Political Groups

Legal Position

3. Under the Local Government & Housing Act 1989 (“the Act”) and subsequent Regulations, (“the Regulations”), the Council must review the representation of the different political groups on committees when requested to do so by a leader of a political group where changes have occurred in the size of political groups.
4. It is open to the Council when carrying out a review to adopt some arrangement other than that prescribed by the Act and the Regulations. Notice of such a proposal would have to be given in the Summons, and a decision would need to be made with no one voting against it. The remainder of this report assumes that the Council will not want an alternative arrangement to that prescribed by law.

Political Groups

5. There are currently 4 political groups on the Council. The respective strengths of those Groups following these changes are as follows:

Name of Group	Number of councillors
Conservative	62*
Liberal Democrat	21
Independent	11
Labour	3

* The ByBrook division is currently vacant. Whilst it is usual practice not to re-balance committees until a by-election has taken place, since an election will now not take place until May 2021, in fairness to all political groups, Group Leaders have agreed to calculate political balance over 97 members, instead of 98.

6. Under the regulations, two or more councillors may form and register a group.
7. This report has been prepared on the basis of the strengths of the various political groups set out in paragraph 5.

Principles

8. The Act sets out four principles which must be followed so far as reasonably practicable. They are:
 - (a) *Preventing domination by a single group:* All the seats on a committee should not be allocated to the same political group.
 - (b) *Ensuring a majority group enjoys a majority on all committees:* If one political group has a majority in the full Council, that political group should have a majority on each committee.
 - (c) *Aggregating all committee places and allocating fair shares:* Subject to the above two principles, the total number of seats on all the committees of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.
 - (d) *Ensuring as far as practicable fairness on each committee:* Subject to the above three principles, the number of seats on each committee of the Authority allocated to each political group should be in the same proportion as that political group's seats on the full Council.

Application of Principles

9. The Council must review the establishment of its committees in accordance with the principles laid down in the Act. Immediately after this is done, each political group should state the names of the councillors it wishes to take its allocated places on committees, including substitutes, and when those wishes are known, the Council is under a duty to make the appointment of those councillors as soon as practicable. It is a legal requirement however that the Council formally approves the appointment of councillors to committees and therefore it is essential that each political group notifies Democratic Services of their nominated councillors to serve on committees, preferably before the Council meeting. Group Leaders may also wish to bear in mind the advantages of achieving a geographical spread of appointees.

Councillors not in a Political Group

10. In the case of councillors who are not members of a political group, a proportion of seats on committees equal to the proportion of Council members who do not belong to a political group has to be reserved, with appointments to these seats being made by the Council at its discretion. There are no ungrouped councillors at this time.

Joint Committees

11. The Police and Crime Panel constituted under the Police and Social Responsibility Act 2011 is a committee of Swindon and Wiltshire and the two councils are required to meet a “balanced appointment objective” whereby members reflects both the geographical and political nature of the two councils plus the skills and experiences required to fulfil the Panel’s functions. Wiltshire’s PCP comprises 11 councillors, plus two independent members, with the ratio of councillors 7:4 in favour of Wiltshire.
12. The membership of the PCP must reflect the political proportionality of the two councils when taken together.
13. Swindon’s current political composition is as follows:

Conservative: 30

Lib Dem: 2

Labour: 22

Independent Tories: 2

14. When taken with the political composition of Wiltshire the breakdown is as follows:

Conservative	92	6 seats (6.614)
Lib Dem	23	2 seats (1.654)
Labour	25	2 seats (1.797)
Independent	11	1 seats (0.791)
Independent Tories	2	0 seats (0.144)

Swindon is entitled to appoint 2 Conservatives and 2 Labour councillors, leaving Wiltshire to appoint 4 Conservatives, 2 Lib Dems and 1 Independent. The Conservative Group therefore lose one seat to the Liberal Democrat Group. In the overall scheme of committee places the Liberal Democrat Group is not entitled to an additional seat, therefore the group will give up a seat on the Standards Committee to gain one on the PCP.

15. The Wiltshire Pension Fund Committee must also reflect the proportionality of both Wiltshire and Swindon Borough Council when taken together. The Committee is constituted of 5 Wiltshire Councillors, 2 Swindon councillors, 2 voting and 2 non-voting representatives.
16. When taken with the political composition of Wiltshire the breakdown is as follows:

Conservative	92	4 seats (4.209)
Lib Dem	23	1 seats (1.052)
Labour	25	1 seats (1.144)
Independent	11	1 seats (0.503)
Independent Tories	2	0 seats (0.092)

Swindon is entitled to appoint 1 Conservative and 1 Labour councillors, leaving Wiltshire to appoint 3 Conservatives, 1 Lib Dem and 1 Independent member. There is therefore no change to the proportionality of this committee.

Method to Calculate Places

17. The principles in paragraph 8 can be applied in the following sequence:
 - (i) Calculate the total number of seats with votes on all the ordinary committees and any Joint Committees.
 - (ii) Calculate the proportion that each political group forms of the total membership of the Authority. Reserve an appropriate number of seats for ungrouped members.
 - (iii) Apply those proportions to the total number of ordinary committee seats to give the aggregate entitlement of each group; the requirement to apply the proportions “so far as reasonably practicable” can be met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.
 - (iv) Apply the proportions to the number of councillors on each ordinary committee to give provisional entitlement to seats on that committee.
 - (v) If the provisional entitlement gives only one group seats on the committee, adjust the entitlement so that the next largest group has a seat (thus applying principle (a) in paragraph 8).
 - (vi) Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the results reached at steps (iv) and (v) (thus applying principle (c) in paragraph 8).
18. The Council is free to adopt any aggregate number of places on ordinary committees so long as it follows the principles in paragraph 8 and the sequence in paragraph 17.
19. Attached to this report at Appendix A is a numerical guide to proportional representation on Committees based on the respective strengths of the political groups set out in paragraph 5.
20. This indicates that the net effect of the change in political group sizes is that the Independent Group gain two seats from the Conservative Group. A draft scheme of committee places (Appendix B) is proposed.
21. The allocation of seats to political groups on the Fire Authority is not affected.

Matters for Decision

22. The Council is asked:
- (a) To note this report and the legal requirements.
 - (b) To confirm the aggregate number and the draft scheme of committee places available to members of the Council as set out in Appendix B.
 - (c) To make those changes to the appointment of councillors and substitutes to serve on those committees in accordance with the revised scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.

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Unpublished documents relied upon in the production of this report: NONE

Appendices

Appendix A – Numerical Guide to political proportionality

Appendix B – Draft Scheme of Committee Places