

Wiltshire Council

Council

12 November 2013

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

Introduction

1. Following changes in the number of seats held by individual political 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.
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	No. of Councillors in Group
Conservative	58
Liberal Democrat	24
Independent	10
Labour	4
Ungrouped Member	1
Vacancy	1

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 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 the Head of 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.

Method to Calculate Places

11. 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).
12. 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 11.
13. Attached to this report at Appendix 1 is a numerical guide to proportional representation on Committees based on the respective strengths of the political groups set out in paragraph 5.
14. This indicates that the net effect of the change in political group sizes is that the Conservative Group lose 2 seats (as a result of the vacancy), the Liberal Democrat Group lose 4 seats and the Independent Group gain 4 seats. A draft scheme of committee places (Appendix 2) will be discussed with Group Leaders and will be submitted to Council in due course.
15. The changes to the political composition of this Council taken together with the political composition of Swindon Borough Council, results in no change to the allocation of seats to political groups on the Police and Crime Panel.

15. The changes do however mean that the Council's appointments to the Fire Authority change with the Labour Group gaining a seat and the Liberal Democrat Group losing a seat. This is because with the Liberal Democrat Group losing a seat, the group with the next highest entitlement to a seat is the Labour Group.

Matters for Decision

15. 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 2 (to follow).
 - (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.
 - (d) To make those changes to the revised membership of the Wiltshire and Swindon Fire Authority for 2013/14.

Ian Gibbons

Associate Director, Legal and Governance and Monitoring Officer

Report Author: Yamina Rhouati, Democratic Governance Manager

Unpublished documents relied upon in the production of this report: NONE

Environmental impact of the recommendations contained in this report: NONE

Appendices

Appendix 1 – Numerical Guide to political proportionality

Appendix 2 – Draft Scheme of Committee Places (To Follow)