

Wiltshire Council

Council

26 FEBRUARY 2013

Review of Proportionality and Allocation of Seats on Committees

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 5 political groups on the Council. The respective strengths of those Groups at this time are as follows:-

Name of Group	No. of Councillors in Group
Conservative	61
Liberal Democrat	22
Labour	2
Independent	10
Devizes Guardians	3

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.

Committees of the Council

11. The Council's Constitution has in the past provided for the appointment of the following committees:-

Strategic Planning
Area Planning – East, North, South and West
Licensing
Standards
Overview and Scrutiny Management
Children's Services Select
Health and Adult Social Care Select
Environment Select
Audit
Appeals
Staffing Policy
Officer Appointments
Pension Fund
Police and Crime Panel

12. Outside the scope of this report are the Cabinet as the political proportionality rules continue to not apply to this body.

Method to Calculate Places

13. 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).
14. 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 13.
15. Attached to this report at Appendix 1 is a numerical guide to proportional representation on Committees. A draft scheme of committee places (Appendix 2) will be discussed with Group Leaders and will be submitted to Council in due course.

Matters for Decision

16. The Council is asked:
- (a) To note this report and the legal requirements.
 - (b) To determine an aggregate number of committee places available to members of the Council.
 - (c) To appoint councillors and substitutes to serve on those committees in accordance with the agreed scheme of committee places, until the next occasion membership is reviewed under the provisions of the Local Government & Housing Act 1989.

Ian Gibbons
Solicitor to the Council and Monitoring Officer

Report Author: John Quinton, Head of Democratic Services

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*)