

**Open Report on behalf of Andrew Crookham - Executive Director
responsible for Democratic Services**

Report to:	County Council
Date:	18 September 2020
Subject:	Political Proportionality and Allocation of seats to Committees and Sub-committees

Summary:

A councillor has informed the Council that she has ceased her membership of the Labour Group on the County Council. This decision has triggered a review of the political proportionality and allocation of seats on committees and sub-committees. This report invites the Council to consider the impact of the change and decide on the allocation of seats.

Recommendation(s):

That the Council notes the change in membership of the political groups on the County Council and agrees the allocation of seats illustrated in the proportionality spreadsheet to be circulated prior to the meeting.

1. Background

1.1 The Council is required by the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 (as amended) to review the allocation of places to political groups on committees and sub-committees. Under the Council's Constitution the composition of committees and sub-committees is the responsibility of the full Council. This was last reviewed at the annual meeting of Council on 26 June 2020.

1.2 On 20 August 2020 Cllr Sarah Parkin notified the Council that she had ceased her membership of the Labour Group on the County Council.

1.3 Unless and until Councillor Parkin joins another political group on the Council she will be an independent unaligned councillor.

1.4 Councillor Parkin leaving the Labour Group automatically triggers a review of political proportionality on the Council.

1.5 In achieving political proportionality as far as reasonably practicable the 1989 Act requires the Council to apply certain principles in order as follows:

- Not all the seats on the committee are allocated to the same group
- The majority of seats on the committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership.
- The number of seats allocated to a political group on the committees of the Council bears the same proportion to all the seats on such committees as the membership of that group bears to the membership of the Council as a whole and
- The number of seats allocated to a political group on an individual committee bears the same proportion to the number of all the seats on that committee as the membership of that group bears to the membership of the Council as a whole.

1.6 For the purposes of the last two bullet points in paragraph 1.5 the membership of each group must be compared to the membership of the Council to establish the correct proportion to be used in the allocation of seats. Under Schedule 1 of the 1989 Act membership means the number of persons who are members for the time being of the authority. The number of members at the time of this decision is therefore 69 and it is this number that has been used in the calculation of the proportion to be used in deciding on allocation.

1.7 Under Regulation 16 of the 1990 Regulations, where some of the members of the relevant authority are members of one or more political groups and the others are not, the Council's obligations are as follows:

- To determine the proportion of the total membership of the Council who are members of one or more political groups and ensure that the same proportion of the total number of seats to be filled is allocated to each of the political groups in the proportion that the number of members of that group bears to the membership of the authority; and
- To secure that persons appointed to any seats that do not fall to be allocated to a political group under the above requirement are not a member of a political group.

A political group must have at least two members – i.e. there cannot be a group of one.

1.8 The impact of the current membership referred to above is shown in the table below (the references to Lincolnshire Independents and Liberal Democrats in the table below and in Appendix A are references to the member's political party and not a reference to a political group):

	26 June 2020 (Council)		18 September 2020 (Now)	
	Members	%	Members	%
Conservative	55	79.71%	55	79.71%
Labour	6	8.70%	5	7.25%
Independents	5	7.25%	5	7.25%
Lincolnshire Independents	1		1	

Liberal Democrats	1		1	
Independent unaligned	1		2	
Vacancy	1		1	

1.9 There are 127 seats that fall to be filled by the Council. The table below sets out the political groups, the number of councillors and the proportion of the total membership of the authority that belong to that group assuming that Councillor Parkin remains unaligned. Using that percentage, the final row of the table shows the number of seats that the Council can allocate to each of the political groups.

	Conservative	Labour	Independent
Members	55	5	5
Percentage	79.71%	7.25%	7.25%
Seats	101	9	9

1.10 The remaining seats (eight in number) cannot be allocated to the political groups and would have to be allocated to the members who are not members of a political group.

1.11 Six of those seats are currently occupied by three of the members, who are not members of a political group, Councillors M Overton, M Boles and R Foulkes occupy two seats each.

1.12 To satisfy the requirement for the seventh and eighth seats to be allocated to a councillor who is not a member of a political group Cllr S Parkin would be allocated those two seats.

1.13 This was the position at the time of writing this report. However were the position in relation to Councillor Parkin's unaligned status change prior to the meeting the Council would be in danger of making a decision on a flawed basis. Therefore in order to facilitate any changes to the position between the date of the Report and the meeting it is recommended that Council agree the proportionality spreadsheet illustrating the allocation of seats which will be circulated nearer to the meeting.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

There are not considered to be any equalities impacts arising out of considering and approving the allocation of seats on committees and sub-committees to political groups on the Council.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

There are no implications for the JSNA or JHWS in relation to the allocation of seats on committees and sub-committees to political groups on the Council.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting

the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

There are no implications in relation to Crime and Disorder arising from the allocation of seats on committees and sub - committees to political groups on the Council.

3. Conclusion

It is a matter for the Council to allocate seats on committees and sub-committees to the political groups on the Council, which it must do in accordance with the law relating to proportionality.

4. Legal Comments:

Council is required to allocate seats on the Committees of the Council to political groups in accordance with the law relating to proportionality as set out in the report.

The decision is within the remit of the Council.

5. Resource Comments:

There are no material financial implications from acceptance of the recommendations in this report.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

There were no risks identified as a result of the recommendations in this report.

7. Appendices

To be circulated prior to the meeting	
Appendix A	Allocation of seats to committees and sub-committees.

8. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report

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