



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

Report to:	<b>County Council</b>
Date:	<b>11 December 2020</b>
Subject:	<b>Political Proportionality and Allocation of seats to Committees and Sub-committees</b>

**Summary:**

A councillor has informed the Council that he has ceased his membership of the Conservative Group on the County Council and has requested that he be treated as a member of the Independent Group. 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 approve the allocation of seats.

The change referred to above means that the Independent Group has the second largest number of seats on the Council and the Report invites the Council to confirm the Independents as the Opposition Group on the Council

**Recommendation(s):**

That the Council:

- 1) Notes the change in membership of the political groups on the County Council and agrees the allocation of seats illustrated in the proportionality spread sheet set out in Appendix A to this report.
- 2) Confirms the Independent Group as the Opposition Group on the Council.

## **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 meeting of Council on 18 September 2020.

1.2 On 10 November 2020 Councillor Bill Aron notified the Council that he had ceased his membership of the Conservative Group on the County Council.

1.3 On 17 November 2020 the Council received notice that he wished to be treated as a member of the Independent Group on the Council.

1.4 Councillor Aron's decisions automatically trigger a review of the Council's political proportionality and allocation of seats on the Council's committees and sub-committees.

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:

- i) 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
- ii) 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 allocated to a person who is 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):

	18 September 2020		11 December 2020	
	Members	%	Members	%
Conservative	55	79.71%	54	78.26
Independent	5	7.25%	6	8.70
Labour	5	7.25%	5	7.25
Lincolnshire Independents	1		1	
Liberal Democrats	1		1	
Independent unaligned	2		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. 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	Independent	Labour
Members	54	6	5
Percentage	78.26%	8.70%	7.25%
Seats	101	11	9

1.10 The remaining seats (six 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 Applying the principles set out in paragraph 1.5 produces the allocation of seats set out in Appendix A.

1.11 The changes notified by Councillor Aron also mean the Independent Group becomes the second largest political group on the Council with six members.

1.12 Article 3.05 of the Constitution states that the Opposition Group will usually be the political group with the second greatest number of seats on the Council. The leader of this political group will be the Leader of the Opposition.

1.13 The Leader of the Opposition may appoint members of his or her political group to shadow the areas of responsibility of Executive Councillors. If so, such members of the Opposition Group will be known individually as Shadow Executive Councillors and collectively as the Shadow Executive.

1.14 As the Independent Group is the second largest political group on the Council and there is no basis for them not becoming the Opposition Group as would usually be the case Members are invited to confirm the Independent Group as the Opposition Group on the Council.

## 2. 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.

### 3. 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.

Article 3.05 of the Constitution states that the Opposition Group will usually be the political group with the second greatest number of seats on the Council.

The decisions are within the remit of the Council.

### 4. Resource Comments:

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

## 5. Consultation

### a) Has Local Member Been Consulted?

n/a

### b) Has Executive Councillor Been Consulted?

n/a

### c) Scrutiny Comments

n/a

### d) Risks and Impact Analysis

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

## 6. Appendices

These are listed below and attached at the back of the report

Appendix A	Allocation of seats to committees and sub-committees
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## **7. 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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