



Committee report

Committee	COUNCIL
Date	15 JULY 2020
Title	REVIEW OF POLITICAL PROPORTIONALITY AND ALLOCATION OF SEATS ON COMMITTEES

Report of **MONITORING OFFICER**

EXECUTIVE SUMMARY

1. The Local Government and Housing Act 1989 requires the council to review the representation of different political groups on committees and sub-committees at, or as soon as practicable after, the annual meeting of the council; and as soon as practicable after a change to the council's political composition.
2. This report therefore gives notice of changes since the last review of the council's political composition in February 2020, and seeks approval of the committee sizes, the scheme of proportionality and the revised allocation of seats on council committees arising from those changes, as set out in **Appendix 1**.

BACKGROUND

3. The Local Government and Housing Act 1989 requires local authorities to review committee membership and political representation annually and following any change to the political composition of the council.
4. Following the last report to Full Council in February 2020, Councillor Lilley resigned from the 1957 Group (on 5 March) and joined the Island Independent Group. As a result, the 1957 Group ceased to be constituted (as the number of members of that group became less than two) and Councillor Brodie consequently resigned from the committee seats previously allocated to the 1957 Group.
5. On 10 June, Councillor Brodie and Councillor Stephens gave notice that they wished to form a new political group to be known as the 'Group formed of the lone Island Independent Network and the lone Independent

Labour councillors purely to get a voice in IW Council consultations and committees’.

6. The political composition of the council is therefore now as follows:

Group	Members	Percentage
Conservative Group	25	62.5
Island Independent Group	8	20.0
Independent Members Group	2	5.0
Liberal Democrat Group	2	5.0
Group formed of the lone Island Independent Network and the lone Independent Labour councillors purely to get a voice in IW Council consultations and committees	2	5.0
Ungrouped (Cllr Perks)	1	2.5
Total	40	100.0

7. By law, seats on committees must be allocated in proportion to the political composition of the council, so far as is reasonably practicable. In addition, the total number of seats across all the committees must reflect the overall political balance of the council.
8. The council can only decide that it wishes to adopt an arrangement other than a politically proportionate one if no member votes against the resolution at a meeting of the council.
9. In determining the allocation of seats on ordinary committees, the proportion that each political group forms of the total membership of the council is applied to the total number of elected member seats on each committee, so far as is reasonably practicable. Fractional entitlements are rounded appropriately to ensure this process of rounding does not result in advantage to one political group. The aggregate membership of all the ordinary committees must also be in line with the proportions on the council.

PROPORTIONALITY CALCULATION

10. The rules for the allocation of seats are set out in sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990. Section 15(4)-(5) sets out a number of principles and requires the council to apply them in descending order of priority, so far as reasonably practicable.
11. The principles mentioned above, in relation to the seats on any body which fall to be filled by appointments made by the council, are:
- (a) that not all the seats on the body are allocated to the same political group;
 - (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority’s membership;
 - (c) subject to paragraphs (a) and (b) above, that the total number of seats on the ordinary committees of the council which are allocated to each political group bears the same proportion to the total of all

the seats on the ordinary committees of the council as is borne by the number of members of that group to the membership of the council (for example where a political group has x% of the seats on the council it should, so far as is reasonably practicable be allocated x% of the total available places on committees); and

- (d) subject to paragraphs (a) to (c) above, that the number of the seats each body/committee which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority (for example, where a political group has x% of the seats on the council it should, so far as is reasonably practicable, be allocated x% of the all the places on each individual committee).
- (e) In the case of councillors who are not members of a group, a proportion of seats on committees equal to the proportion of council members who do not belong to a political group are reserved, with appointments to these seats being made by the council at its discretion.

12. The method of calculating places on committees is therefore as follows:

- (a) The total number of seats, with votes, on all the ordinary committees are calculated.
- (b) The proportion that each political group forms of the total membership of the authority is calculated. An appropriate number of seats is reserved for ungrouped members.
- (c) Those proportions are applied 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 are rounded in the other direction until entitlements balance the available seats.
- (d) The proportions are applied to the number of councillors on each ordinary committee to give provisional entitlement to seats on that committee.
- (e) The seats are finally adjusted on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement while preserving the principle in (b) above.

13. Cabinet is excluded by law from the calculations. Where the council chooses to disregard the rules of political proportionality for a particular committee then that committee is also excluded from the calculations.

14. **Appendix 1** sets out the allocation of places to the council's committees, calculated in a manner that is consistent with the legislation. The current allocation of places to political groups (as determined by Full Council in February 2020) is set out in **Appendix 2** for information. **Appendix 3** sets out the spreadsheet showing the detailed calculations on which the proposed allocations were based.

15. Places on committees will be filled in accordance with the wishes of

political group leaders as notified to the Monitoring Officer.

STRATEGIC CONTEXT

16. Good governance arrangements and effective decision-making processes are essential to the delivery of the council's services and support meeting the objectives set out in the council's Corporate Plan.
17. Approval of the Scheme of Political Proportionality will (unless there are further changes in the meantime) enable the council to appoint members to committees for the remainder of the municipal year in accordance with the wishes of political groups.

FINANCIAL/BUDGET IMPLICATIONS

18. There are no financial implications arising from the recommendations in this paper.

LEGAL IMPLICATIONS

19. The annual review of the council's scheme of political proportionality is a statutory requirement under the Local Government and Housing Act 1989. It is also a requirement to review proportionality following an election or where the political composition of the council changes.
20. The council may only choose to depart from political proportionality in appointing members to any of its committees if no member votes against the resolution at the meeting. Every effort has been taken to ensure that proportionality has been applied accurately and in accordance with the statutory formula.
21. It is open to the council when carrying out a review to adopt some arrangement other than that prescribed by the Act and 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.

EQUALITY AND DIVERSITY

22. The rules regarding political proportionality ensure that the council's decision making structure reflects the overall political composition of the democratically elected representatives of the Island's voting population.
23. The proposals contained in this report do not have an adverse impact on any of the protected characteristics in the Equalities Act 2010.

RISK MANAGEMENT AND EVALUATION

24. The recommendations ensure that the council complies with its statutory requirements and constitution, meets its corporate governance requirements and responds to changing circumstances.
25. An effective governance system for the council is essential to enable business to be transacted openly and in a timely manner. The appointment of the various committees and the implementation of the supporting processes seeks to do this.

26. The technical allocation of seats on a committee to a particular group takes no account of the individual performance, skills and experience of any member serving on a committee. Therefore, any movement of individual members between committees should not be seen as a statement of their abilities or contribution to the work of the committee. The need to apply political proportionality in accordance with the requirements of the legislation is the key driver behind for the impact on an individual member.
27. The recommendations:
- (a) lessen the risk arising from any legal challenge to the decision-making process by way of judicial review or other remedy
 - (b) reduce the risk of damage to the council's reputation due to a perception of unfairness
 - (c) help minimise the risk of committees being inquorate and the associated issues this raises, such as delays to decision making, the authority being unable to implement decisions in a timely manner and the cost of convening additional meetings.

OPTIONS

28. The options available are:
- (a) To accept the calculations determining the aggregate number of committee places and their allocations on a political proportionate basis for all committees, and to appoint members to all committees on the basis of political proportionality as set out in **Appendix 1**.
 - (b) To accept the calculations determining the aggregate number of committee places and their allocations on a political proportionate basis for all committees, and to appoint members to all committees on the basis of political proportionality, but to suggest amendments to the allocation of places between political groups shown in **Appendix 1**, provided that the aggregate number of places across all committees remains politically proportionate.
 - (c) To consider a proposed arrangement other than that prescribed by the Act and regulations, provided notice of such a proposal has been given in the summons, and subject to no member voting against.

RECOMMENDATION

Option (a) is recommended and that council agrees to accept the calculations determining the aggregate number of committee places and their allocations on a political proportionate basis for all committees, and to appoint members to all committees on the basis of political proportionality as set out in **Appendix 1**.

APPENDICES

Appendix 1: Reallocation of Places to Committees based on Committee Size and Political Proportionality.

Appendix 2: Current Allocation of Places to Committees based on Committee Size and Political Proportionality

Appendix 3: Spreadsheet showing the detailed calculations on which the allocations were based

Contact Point: Simon Wiggins, Members Support Manager, ☎ 821000 e-mail simon.wiggins@iow.gov.uk

GEOFF WILD
Monitoring Officer

APPENDIX 1

Reallocation of Places to Committees based on Committee Size and Political Proportionality

Proposed size of committees and proportionate calculation of seats (based on 40 elected members and current committee sizes)

Committee	Conservative Group	Island Independent Group	Independent Members Group	Liberal Democrat Group	Group formed of the lone Island Independent Network and the lone Independent Labour councillors purely to get a voice in IW Council consultations and committees	Ungrouped	Total
TOTAL NO. OF COUNCILLORS	25	8	2	2	2	1	40
Appeals Committee	6	2	1	1	0	0	10
Appointments Panel	4	1	0	0	1	0	6
Audit Committee	5	1	0	1	0	0	7
Corporate Scrutiny Committee	5	2	0	1	0	0	8
Harbours Committee	5	1	1	0	0	0	7
Licensing Committee	6	2	1	0	1	0	10
Pension Fund Committee	4	1	0	1	0	1	7
Planning Committee	8	2	1	0	1	0	12
Policy & Scrutiny Committee for Children Services, Education & Skills	4	2	1	0	0	0	7
Policy & Scrutiny Committee for Health & Social Care	4	2	0	1	0	0	7
Policy & Scrutiny Committee for Neighbourhoods & Regeneration	4	2	0	0	1	0	7
TOTAL NO. OF SEATS	55	18	5	5	4	1	88
Proportion (%)	62.5	20.4	5.7	5.7	4.5	1.1	100

APPENDIX 2

Current allocation of Places to Committees based on Committee Size and Political Proportionality

Current size of committees and proportionate calculation of seats (based on 40 elected members and current committee sizes)

Committee	Conservative Group	Island Independent Group	Liberal Democrat Group	Independent Members Group	1957 Group	Ungrouped	Total
TOTAL NO. OF COUNCILLORS	25	7	2	2	2	2	40
Appeals Committee	6	1	0	1	1	1	10
Appointments Panel	4	1	0	0	1	0	6
Audit Committee	5	0	1	0	0	1	7
Licensing Committee	6	2	0	1	0	1	10
Newport Harbour Committee	5	1	1	0	0	0	7
Pension Fund Committee	5	1	1	0	0	0	7
Planning Committee	7	2	1	1	1	0	12
Corporate Scrutiny Committee	5	2	1	0	0	0	8
Policy & Scrutiny Committee for Health & Social Care	4	2	0	0	1	0	7
Policy & Scrutiny Committee for Children Services, Education & Skills	4	2	0	1	0	0	7
Policy & Scrutiny Committee for Neighbourhoods & Regeneration	4	1	0	1	1	0	7
TOTAL NO. OF SEATS	55	15	5	5	5	3	88
Proportion (%)	62.5	17.0	5.7	5.7	5.7	3.4	100

Spreadsheet showing the detailed calculations on which the proposed allocations were based

HINTS

- Enter the actual number of seats in the green section.
- The number will flag yellow if it is different from the proportion
- You can use the Numbers based on proportion as a guide.
- Check the totals in the Totals Check section and adjust the tolerance as necessary.
- If the Proportion total does not equal 100% there may be an error
- To refresh the data go to 'Data' on the Ribbon, then click Refresh All

	10	6	7	8	7	10	7	12	7	7	7	7
	Appeals Committee	Appointments Panel	Audit Committee	Corporate Scrutiny Committee	Harbour Committee	Licensing Committee	Pension Fund Committee	Planning Committee	Policy and Scrutiny Committee for Children Services, Education and Skills	Policy and Scrutiny Committee for Health and Social Care	Policy and Scrutiny Committee for Neighbourhoods and Regeneration	

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Guide: Numbers Based on Proportion

Guide: Numbers Based on Proportion

Group Name	Num of Members	Proportion	Num of Seats									
Not in a group	1	2.5%	2.20		0.25	0.15	0.18	0.20	0.18	0.25	0.18	0.18
Conservative	25	62.5%	55.00		6.25	3.75	4.38	5.00	4.38	6.25	4.38	4.38
Independent					0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Independent Members Group	2	5.0%	4.40		0.50	0.30	0.35	0.40	0.35	0.50	0.35	0.35
Liberal Democrat	2	5.0%	4.40		0.50	0.30	0.35	0.40	0.35	0.50	0.35	0.35
Island Independent Group	8	20.0%	17.60		2.00	1.20	1.40	1.60	1.40	2.00	1.40	1.40
IL & IIN Group	2	5.0%	4.40		0.50	0.30	0.35	0.40	0.35	0.50	0.35	0.35
Total	40	100.0%	88.00		10.00	6.00	7.00	8.00	7.00	10.00	7.00	7.00