

Allocation of Seats and Committee Proportionality

What is political proportionality?

The requirements as to political proportionality in the membership of committees are embodied in the Local Government and Housing Act 1989, Section 15.

It is a statutory requirement that where a relevant authority has a membership divided into different political groups then every decision making body on the council must be proportional to the overall make-up of the council.

Majority party groups cannot abide these rules and will often try to subvert them. Councillors must constantly be aware and insist on their fair entitlement.

What is a group?

A group consist of two or more people. They do not necessarily have to come from the same political party or even be committed to working together. To create group members must all sign a letter addressed to the Chief Executive and other council Leaders agreeing to be described as a group.

My council refuse to give me any seats on committees. Can they do this?

No. Council seat proportionality must incorporate 100% of the members on your authority irrespective of whether they are in a group, non-aligned or single party councillors. Every decision-making body of a council must be proportional to the overall make-up of the council. These include (a) an ordinary committee or sub committee of the authority (b) an advisory committee and any sub-committee appointed by an advisory committee.

What are the rules?

- ❑ No committee is allowed to be made up entirely of one political group
- ❑ That a political group with an overall council majority gets a majority of the seats
- ❑ No political group can have more than they are entitled to
- ❑ The proportion of seats on each committee should be in proportion to strengths on the council
- ❑ When proportionality has been agreed, the group nominates the person to fill the seat. The other political groups cannot interfere in the nomination process.
- ❑ The wishes of a properly constituted group for this purpose are taken to be those expressed to the proper officer either orally or in writing by the Leader.

What exceptions are there?

Exceptions to the rules include seats on the Executive Committee, area-based committees or any alternative arrangement that is unanimously passed by all members on the council

How do I go about calculating proportionality?

A registered group must be allocated the same proportion of committee places that they have seats on the council (eg for a group with 10 councillors on a 50 member Council, 10 committee places must be allocated in every 50).

To start with add up the total of all committee places. If the total was say 150 seats, then a Group consisting of 10 councillors on a 50 council seat authority is entitled to 30 seats ($150 \times 10/50$ ths).

Groups are unlikely to have the same number on every committee. If Committees are the same size there has to be some negotiating between the group spokespeople on where the additional places should be.

When should the council implement the rules?

The council will be expected to make changes to committee places 'as soon as is practicable'. This can be following an annual election, casual vacancy being filled or defection. Groups have three weeks from the time the proportionality calculations have been made to make their nominations otherwise the appointments will be made for you.

Can a single group occupy all seats on a committee?

Where a large group occupies all but one or two seats on the council, the first rule prohibiting single party committees takes precedence, and they must make one place available for the other councillors on every committee. This can result in a single councillor being massively over represented. However that councillor does still have the option to agree to forego some places

Do the rules apply to parish councils?

The Local Government and Housing Act applies to principal councils in England and Wales and not Parish councils.

What if there are no groups on the council?

If there are no registered groups at all then the Local Government and Housing Act 1989 does not apply, and the council can distribute Committee places and other places as it wishes. Only a small handful of councils continue to operate in this manner.

What if I am not in a group?

If some but not all councillors are in a registered political group or groups, then the council must give those groups the places to which they are entitled. The groups will then nominate people to fill those places. The remaining places are filled by the council, nominating from those councillors who are not in any Group, but with all councillors voting.

The LGA Independent Group has taken the view that in the true spirit of the Act, that morally or democratically, non-grouped councillors are entitled to fair representation. Groups are **NOT** entitled to have more than their share. Thus they cannot exclude councillors that are not grouped ie single party councillors or non-aligned Independent councillors. For example in an authority of 50 councillors with one non-grouped councillor, the council must make 1/50 of the places available.

The main disadvantage of not being in a group is the weakness of your negotiating position. You may not be able to negotiate the choicest committees to sit on.

Who is responsible for calculating proportionality?

The Monitoring Officer has a statutory responsibility for ensuring the council implements proportionality correctly. In our experience, some officers are prone to interpret the rules in a way favourable to the largest political group, and are quite ignorant of the responsibility they have to councillors not belonging to a political group.

For more advice please feel free to contact the LGA Independent Group on 02076643206 or via email at independent.group@lga.gov.uk