

Political Proportionality at Council Meetings

With a growing number of Independent and smaller party members sitting on councils, and more authorities moving towards the committee system of governance, there is a question of entitlement in committee seat allocation.

Duty to allocate seats to political groups

The relevant legislation regarding the allocation of seats is Section 15 of the Local Government and Housing Act 1989. The Act states that you can agree allocations outside the usual proportionality requirements provided no member votes against them.

Allocation of seats by a Council must give effect to the following principles set out in the Act (1989). The principles have to be applied in priority order as follows:

- (a) that not all the seats are allocated to the same political group;*
- (b) that the majority of seats are allocated to a particular political group if the number of persons belonging to that group are a majority of the authority's membership;*
- c) subject to (a) and (b) above, that the total number of all seats of the ordinary committees allocated to each particular political group reflects the group's proportion to the membership of the authority;*
- (d) subject to (a) – (c) above, that the number of seats allocated to a particular political group reflects that group's proportion of the membership of the authority.*

A point of ambiguity in the legislation is that it only refers to 'political groups'. It has often been interpreted to imply that solo Independent councillors and councillors who do not sit in groups (eg a solo Conservative Councillor) should be excluded from committee proportionality calculations and are not entitled to any seats. However choosing to exclude members that are not in a group can alter the political balance of council committees, therefore many Councils will opt to offer committee seats to Councillors that do not sit in a group.

The most common way to calculate proportionality is to take the approach of offering each councillor $1/X$ seats on committees across all committees, where X = the number of Councillors on the Council. It is up to groups to decide how to share out their seats amongst themselves. This way, individual members would usually be entitled to a proportional seat (or two) on a committee.

For example, if there were 40 Councillors at an authority made up of two parties and a solo Independent Councillor, and there were 10 seats on 8 committees (80 seats) then the Independent councillor could be offered 1/40 of the seats - a seat on two of the committees. The decision of which committees those seats are on falls with the majority group.

If a council insists that the legislation refers to 'groups' members may choose to join up with others in a similar position and form a group, even if purely for the purposes of committee places.

What if a member changes political affiliation?

A member should have formally resigned from their party, and their change of party doesn't need Council consent. A councillor 'crossing the floor' can affect political proportionality on the committee(s) they sit on and will likely lead to a review of the allocation of seats. However, unless the council constitution states otherwise, they remain a member of the committee(s) until committee seat allocation is reviewed by Council or parent committee.