



## **Review into the way that seats on Cheshire Fire Authority are allocated to the Constituent Authorities**

**Louise Taylor**  
**Solicitor/Monitoring Officer**  
**Derbyshire Fire & Rescue**  
Joint Headquarters, Butterley Hall  
Ripley, Derbyshire

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email: [enquiries@derbys-fire.gov.uk](mailto:enquiries@derbys-fire.gov.uk)  
[www.derbys-fire.gov.uk](http://www.derbys-fire.gov.uk)

Chief Fire Officer/Chief Executive  
Gavin Tomlinson MBA MIFireE



## 1. THE LEGISLATIVE POSITION

- 1.1 Cheshire Fire Authority is a Combined Fire Authority created by [The Cheshire Fire Services \(Combination Scheme\) Order 1997](#) (the Scheme).
- 1.2 Members of the Cheshire Fire Authority are appointed by the following Councils which are referred to as 'constituent authorities':
  - Cheshire East Borough Council (CEBC)
  - Cheshire West and Chester Borough Council (CWACBC)
  - Halton Borough Council (HBC)
  - Warrington Borough Council (WBC)
- 1.3 Since a local government reorganisation in 2009, the number of seats for members on the Cheshire Fire Authority has been 23.
- 1.4 Under Part III, Paragraph 11, the Scheme restricts the number of Cheshire Fire Authority members to 25 unless a greater number results from the operation of Paragraph 12 of the Scheme which states that *"Each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas."*
- 1.5 The Secretary of State may amend the Scheme but consideration of amendments to the Scheme for Cheshire Fire Authority is outside the scope of this review and I have not therefore explored this further.

### **How does this compare with other Combined Fire Authorities?**

- 1.6 These same provisions are contained in the Combination Schemes for all other Combined Fire Authorities in England except for Dorset and Wiltshire Fire and Rescue Authority which is restricted to 18 members (rather than 25).
- 1.7 As with the Scheme for Cheshire Fire Authority, the Combination Schemes do not say that the number of members must always remain the same. Each Combined Fire Authority therefore has discretion to determine the number of seats for their Fire Authority members and [so far as is practicable] these are allocated as is proportionate to the number of local government electors.
- 1.8 The number of seats for Fire Authority members tends to remain the same each year, with a change only likely when there is a substantial change in the number of local government electors in an area or where there are changes in the number of roles or the meeting structures in the Fire Authority.
- 1.9 In England the number of seats available on Combined Fire Authorities currently ranges from between 10 to 26 seats (see Appendix A) although three Combined Fire Authorities now have a Police, Fire and Crime Commissioner holding the role of Fire Authority.

1.10 Members are appointed to represent communities in all areas covered by the Fire Authority, not just a particular borough or district.

**Can the number of seats for Cheshire Fire Authority members be changed?**

1.11 Cheshire Fire Authority can change the number of seats for Fire Authority members and this could mean either an increase or a decrease in seats having regard to:

- So far as is practicable, the proportions of local government electors in each constituent authority’s area; and
- The need to have sufficient number of members to operate effectively; and
- Costs.

1.12 There will always be some inequality between the number of local government electors in each area and the number of seats allocated to the constituent authorities. It is for the Cheshire Fire Authority to determine the number of seats for Fire Authority members.

1.13 Whilst it is possible to have more than 25 seats the cost of having more seats has to be weighed against the Best Value duty to “...*make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.*”

1.14 In recent years, many Combined Fire Authorities have reduced the number of seats to reduce costs and the current model for fire governance involving Police and Crime Commissioners is being reviewed.

**2. EXISTING METHOD FOR AND APPROACH TO THE ALLOCATION OF SEATS**

2.1 Since local government reorganisation in 2009, there have been 23 seats on the Cheshire Fire Authority for members. Taking account of the proportions for the number of local government electors, the ratios for the allocation of the 23 seats has changed on four occasions, with the variations affecting CWACBC and WBC:

Year	CEBC	CWACBC	HBC	WBC	Total
2009-10	8	8	3	4	23
2010-11	8	8	3	4	23
2011-12	8	7	3	5	23
2012-13	8	7	3	5	23
2013-14	8	7	3	5	23
2014-15	8	7	3	5	23
2015-16	8	7	3	5	23
2016-17	8	7	3	5	23
2017-18	8	7	3	5	23
2018-19	8	8	3	4	23
2019-20	8	7	3	5	23
2020-21	8	8	3	4	23

## Existing method and approach

- 2.2 The method used by Cheshire Fire Authority is the same as used by other Combined Fire Authorities; the method clearly shows the proportions and is a rational and objective approach to the allocation of seats. However, slight changes in the number of electors can impact allocation of seats as shown in paragraph 2.6 below.
- 2.3 The method and approach is:
- 1) Each of the constituent authorities is asked to confirm the number of local government electors in its area.
  - 2) These figures are used to determine the allocation of the 23 seats on the Cheshire Fire Authority by:
    - (a) Working out the percentage of electors in each constituent authority's area;
    - (b) Applying that percentage to the 23 seats available to give a proportion of seats;
    - (c) Rounding up or down the figure for the proportion of seats to give the whole number of seats to be allocated to the constituent authorities.

### Example calculation

Using the figures provided for the allocation of seats in 2020/21 (see Table 1 below) this is a breakdown of the calculation for allocation of seats to Cheshire East Council.

- (a) The percentage of electors in the constituent authority's area is calculated as follows:

$$\frac{\text{Electors in CEC area}}{\text{Total number of electors}} \times 100 = \text{Percentage}$$

$\frac{304,821}{843,368} \times 100 = 36.14329688\%$

The percentage could be rounded down to 36% but leaving figures with several decimal places provides greater accuracy in the calculation of proportions.

- (b) The percentage is then applied to the total number of seats:

$$\text{Percentage} \times \text{23 seats} = \text{Proportion of seats}$$

$36.14329688\% \times 23 = 8.312958282$

- (c) This gives a figure for the proportion of the seats but the figure is rounded to give the number of seats to be allocated to CEC, in this case the figure of 8.312958282 is rounded down to give 8 seats.

- 2.4 If there are changes in the allocation of the 23 seats available, then the constituent authorities that are impacted are notified and given an opportunity to comment on the calculation and the outcome.
- 2.5 In rounding up or down we are looking at the figures after the decimal point and, usually, anything less than .5 is rounded down, anything .5 and above is rounded up.
- 2.6 This is an objective and rational approach but, with 23 seats, slight differences in the number of electors for CWACBC and WBC has meant the loss or gain of a seat when rounding. When this results in an allocation of 4 seats to WBC this seems disproportionate to the 3 seats allocated to HBC (compared to the number of electors they have in their area) but that is the outcome of the calculation based on the figures for that year and the number of seats to be allocated.
- 2.7 Sometimes a rounding up is required to allocate the 23rd seat. This is sometimes to the advantage of WBC: the proportions as shown in Table 1 below meant that WBC's proportion of 4.485 was marginally better than CWACBC's proportion of 7.474 so this resulted in WBC's proportion being rounded up from 4.485 to 5 seats and CWACBC's proportion being rounded down from 7.474 to 7 seats:

**Table 1: Allocation of seats in 2019/20**

<b>Number of Electors Proportion of seats 2019/20 Allocation of 23 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	306203	36.71124646	8.44358668	8
Cheshire West and Chester BC	271030	32.49429015	7.47368673	7
Halton Borough Council	94207	11.29465222	2.59777001	3
Warrington Borough Council	162645	19.49981117	4.48495657	5*
<b>Total</b>	<b>834085</b>	<b>100</b>	<b>23</b>	<b>23</b>
			*rounded up	

- 2.8 Whereas, for 2020/21, the changes in the number of electors changed the proportions so CWACBC the figures were rounded up from 7.56 to 8 seats and WBC rounded down from 4.47 to 4 seats as shown in Table 2:

**Table 2: Allocation of seats in 2020/21**

<b>Number of Electors Proportion of seats 2020/21 Allocation of 23 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	304821	36.14329688	8.312958282	8
Cheshire West and Chester BC	277319	32.88232420	7.562934567	8
Halton Borough Council	97051	11.50755068	2.646736656	3
Warrington Borough Council	164177	19.46682824	4.477370495	4
<b>Total</b>	<b>843368</b>	<b>100</b>	<b>23</b>	<b>23</b>

### **3. GUIDANCE**

#### **Is there an alternative method which could deliver a better result?**

- 3.1 It is not possible to advise on a 'better' result as each constituent authority will have their own opinion on what 'better' means.
- 3.2 Under the Scheme, the only determining factors (variables) in calculating the proportions and allocation of seats are:
  - The proportions of local government electors; and
  - The number of seats available.
- 3.3 The method used to work out percentage and proportions is a rational and objective approach and already shows the year on year changes.
- 3.4 A change in the number of local government electors in an area may (but not necessarily will) affect the allocation of seats. With 23 seats to be allocated, changes in the number of local government electors in an area has had an impact on the allocation of seats to CWACBC and WBC.
- 3.5 A change in the number of seats may (but not necessarily will) reduce the inequalities in the allocation of seats.

### **4. OPTIONS AS TO THE NUMBER OF SEATS**

- 4.1 For some consistency from year to year, some Combined Fire Authorities have opted for as low as 10 seats because, with fewer seats, the allocation broadly reflects the local government elector figures and only a substantial change in the number of electors in an area would impact on the allocation of seats. This almost guarantees the same number of seats being allocated to each constituent authority each year.
- 4.2 Looking at the Cheshire Fire Authority figures for the last two years the calculations in Appendix B show that with, say, 16 seats, the allocation of seats would broadly reflect the local government elector figures each year and this almost guarantees the same allocation each year.
- 4.3 Several Combined Fire Authorities have opted for more than 23 seats which can reduce inequalities because the proportions are closer to the local government elector figures. However, the rounding of figures can impact on the allocation of seats so this does not necessarily reduce inequalities and even with relatively small changes in the number of electors there is more likelihood of the allocation of seats to each constituent authority being different from year to year.
- 4.4 Looking at the Cheshire Fire Authority figures for the last two years the calculations in Appendix B show that with 24 seats WBC is still rounded down to 4 seats. An additional seat has not reduced the inequality. In fact, WBC would only have got an extra seat if the overall number of seats had been increased to 25 and this would have meant an extra seat for Cheshire East Council too.

## **5. CONCLUSIONS**

- 5.1 Cheshire Fire Authority could change the number of seats for Fire Authority members and this could mean either an increase or a decrease in seats having regard to:
- So far as is practicable, the proportions of local government electors in each constituent authority's area; and
  - The need to have sufficient number of members to operate effectively; and
  - Costs.
- 5.2 Under the Scheme, the requirement is to work out 'so far as is practicable' the allocation of seats. Since there will always be some level of inequality (between the number of local government electors in each area and the number of seats allocated) the Cheshire Fire Authority is not bound to change the number of seats from 23 but it may wish to consider doing so in light of comments raised. Ideally, there should be some agreement between the constituent authorities as to how many seats there should be for Fire Authority members.
- 5.3 It is a matter for the Cheshire Fire Authority to decide whether or not it wishes to change the number of seats on the Fire Authority.
- 5.4 It is a matter for the Cheshire Fire Authority to decide when or how often it reviews the number of seats available for Fire Authority members.

## **6. RECOMMENDATIONS**

- 6.1 To provide some consistency from year to year, the Cheshire Fire Authority may want to consider having fewer seats. Inequalities can be reduced by having fewer seats - the lower the total number of seats the less likely it is that a change in the number of local electors will have an impact on the seat allocations to the constituent authorities. However, the Cheshire Fire Authority should only consider reviewing the total number of seats on the Fire Authority where there is a meaningful change in the various posts, groups and committees that the Fire Authority requires in order to operate effectively.
- 6.2 That the Cheshire Fire Authority determine:
- (1) Whether or not the current provision of 23 seats for Cheshire Fire Authority members should be changed.
  - (2) If there is to be a change, whether this can be agreed in time for allocation of seats in 2021/22 or whether the Fire Authority stays with the current provision of 23 seats for 2021/22 but commits to a change of seat numbers for 2022/23?
  - (3) If there is to be a change:
    - (a) Determine the minimum number of Fire Authority members needed to operate effectively;

- (b) From 23 seats, consider an increase or decrease in the number of seats;
  - (c) Determine the number of seats required on the Fire Authority.
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**Louise Taylor**  
**Solicitor/Monitoring Officer**  
**Derbyshire Fire & Rescue**

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# APPENDIX A

<b>Combined Fire and Rescue Authority</b>	<b>Number of constituent authorities</b>	<b>Number of Fire Authority seats in 2020/21</b>
Avon	4	20
Bedfordshire	3	12
Royal Berkshire	6	20
Buckinghamshire and Milton Keynes	2	17
Cambridgeshire	2	16
Cheshire	4	23
Cleveland	4	16
County Durham and Darlington	2	24
Derbyshire	2	16
Devon and Somerset	4	26
Dorset and Wiltshire	4	18
East Sussex	2	18
Essex	2	1 (PFCC)
Hampshire	3	10
Hereford and Worcester	2	25
Humberside	4	22
Kent	2	25
Lancashire	3	25
Leicestershire	3	17
North Yorkshire	2	1 (PFCC)
Nottinghamshire	2	18
Shropshire	2	15
Staffordshire	2	1 (PFCC)

## APPENDIX B

<b>ALLOCATION OF SEATS 2020/21 FOR 16-19 SEATS</b>				
<b>Number of Electors Proportion of seats 2020/21 Allocation of 16 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	304821	36.14329688	5.7829275	6
Cheshire West and Chester BC	277319	32.88232420	5.261171873	5
Halton Borough Council	97051	11.50755068	1.841208108	2
Warrington Borough Council	164177	19.46682824	3.114692519	3
<b>Total</b>	<b>843368</b>	<b>100</b>	<b>16</b>	<b>16</b>
<b>Number of Electors Proportion of seats 2020/21 Allocation of 17 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	304821	36.14329688	6.144360469	6
Cheshire West and Chester BC	277319	32.88232420	5.589995115	6
Halton Borough Council	97051	11.50755068	1.956283615	2
Warrington Borough Council	164177	19.46682824	3.309360801	3
<b>Total</b>	<b>843368</b>	<b>100</b>	<b>17</b>	<b>17</b>
<b>Number of Electors Proportion of seats 2020/21 Allocation of 18 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	304821	36.14329688	6.505793438	7
Cheshire West and Chester BC	277319	32.88232420	5.918818357	6
Halton Borough Council	97051	11.50755068	2.071359122	2
Warrington Borough Council	164177	19.46682824	3.504029083	3*
<b>Total</b>	<b>843368</b>	<b>100</b>	<b>18</b>	<b>18</b>
			*rounded down	
<b>Number of Electors Proportion of seats 2020/21 Allocation of 19 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	304821	36.14329688	6.867226407	7
Cheshire West and Chester BC	277319	32.88232420	6.247641599	6
Halton Borough Council	97051	11.50755068	2.186434629	2
Warrington Borough Council	164177	19.46682824	3.698697366	4
<b>Total</b>	<b>843368</b>	<b>100</b>	<b>19</b>	<b>19</b>

<b>ALLOCATION OF SEATS 2019/20 FOR 16-19 SEATS</b>				
<b>Number of Electors Proportion of seats 2019/20 Allocation of 16 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	306203	36.71124646	5.873799433	6
Cheshire West and Chester BC	271030	32.49429015	5.199086424	5
Halton Borough Council	94207	11.29465222	1.807144356	2
Warrington Borough Council	162645	19.49981117	3.119969787	3
<b>Total</b>	<b>834085</b>	<b>100</b>	<b>16</b>	<b>16</b>
<b>Number of Electors Proportion of seats 2019/20 Allocation of 17 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	306203	36.71124646	6.240911897	6
Cheshire West and Chester BC	271030	32.49429015	5.524029326	6
Halton Borough Council	94207	11.29465222	1.920090878	2
Warrington Borough Council	162645	19.49981117	3.314967899	3
<b>Total</b>	<b>834085</b>	<b>100</b>	<b>17</b>	<b>17</b>
<b>Number of Electors Proportion of seats 2019/20 Allocation of 18 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	306203	36.71124646	6.608024362	7
Cheshire West and Chester BC	271030	32.49429015	5.848972227	6
Halton Borough Council	94207	11.29465222	2.0330374	2
Warrington Borough Council	162645	19.49981117	3.509966011	3*
<b>Total</b>	<b>834085</b>	<b>100</b>	<b>18</b>	<b>18</b>
			*rounded down	
<b>Number of Electors Proportion of seats 2019/20 Allocation of 19 seats</b>	<b>Local Government Electors</b>	<b>Percentage</b>	<b>Proportions</b>	<b>Seats</b>
Cheshire East Council	306203	36.71124646	6.975136827	7
Cheshire West and Chester BC	271030	32.49429015	6.173915129	6
Halton Borough Council	94207	11.29465222	2.145983923	2
Warrington Borough Council	162645	19.49981117	3.704964122	4
<b>Total</b>	<b>834085</b>	<b>100</b>	<b>19</b>	<b>19</b>

## APPENDIX B

<b>ALLOCATION OF SEATS 2020/21 FOR 20-22 SEATS</b>				
Number of Electors Proportion of seats 2020/21 Allocation of 20 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	7.228659375	7
Cheshire West and Chester BC	277319	32.88232420	6.576464841	7
Halton Borough Council	97051	11.50755068	2.301510136	2
Warrington Borough Council	164177	19.46682824	3.893365648	4
<b>Total</b>	843368	100	20	20
Number of Electors Proportion of seats 2020/21 Allocation of 21 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	7.590092344	8
Cheshire West and Chester BC	277319	32.88232420	6.905288083	7
Halton Borough Council	97051	11.50755068	2.416585642	2
Warrington Borough Council	164177	19.46682824	4.088033931	4
<b>Total</b>	843368	100	21	21
Number of Electors Proportion of seats 2020/21 Allocation of 22 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	304821	36.14329688	7.951525313	8
Cheshire West and Chester BC	277319	32.88232420	7.234111325	7
Halton Borough Council	97051	11.50755068	2.531661149	3
Warrington Borough Council	164177	19.46682824	4.282702213	4
<b>Total</b>	843368	100	22	22

<b>ALLOCATION OF SEATS 2019/20 FOR 20-22 SEATS</b>				
Number of Electors Proportion of seats 2019/20 Allocation of 20 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	7.342249291	7
Cheshire West and Chester BC	271030	32.49429015	6.49885803	7*
Halton Borough Council	94207	11.29465222	2.258930445	2
Warrington Borough Council	162645	19.49981117	3.899962234	4
<b>Total</b>	834085	100	20	20
*rounded up				
Number of Electors Proportion of seats 2019/20 Allocation of 21 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	7.709361756	8
Cheshire West and Chester BC	271030	32.49429015	6.823800932	7
Halton Borough Council	94207	11.29465222	2.371876967	2
Warrington Borough Council	162645	19.49981117	4.094960346	4
<b>Total</b>	834085	100	21	21
Number of Electors Proportion of seats 2019/20 Allocation of 22 seats	Local Government Electors	Percentage	Proportions	Seats
Cheshire East Council	306203	36.71124646	8.07647422	8
Cheshire West and Chester BC	271030	32.49429015	7.148743833	7
Halton Borough Council	94207	11.29465222	2.484823489	3*
Warrington Borough Council	162645	19.49981117	4.289958457	4
<b>Total</b>	834085	100	22	22
*rounded up				

## APPENDIX B

<b>ALLOCATION OF SEATS 2020/21 FOR 23-26 SEATS</b>				
Number of Electors Proportion of seats 2020/21	Local Government Electors	Percentage	Proportions	Seats
<b>Allocation of 23 seats</b>				
Cheshire East Council	304821	36.14329688	8.312958282	8
Cheshire West and Chester BC	277319	32.88232420	7.562934567	8
Halton Borough Council	97051	11.50755068	2.646736656	3
Warrington Borough Council	164177	19.46682824	4.477370495	4
<b>Total</b>	843368	100	23	23
Number of Electors Proportion of seats 2020/21	Local Government Electors	Percentage	Proportions	Seats
<b>Allocation of 24 seats</b>				
Cheshire East Council	304821	36.14329688	8.67439125	9
Cheshire West and Chester BC	277319	32.88232420	7.891757809	8
Halton Borough Council	97051	11.50755068	2.761812163	3
Warrington Borough Council	164177	19.46682824	4.672038778	4*
<b>Total</b>	843368	100	24	24
			*rounded down	
Number of Electors Proportion of seats 2020/21	Local Government Electors	Percentage	Proportions	Seats
<b>Allocation of 25 seats</b>				
Cheshire East Council	304821	36.14329688	9.035824219	9
Cheshire West and Chester BC	277319	32.88232420	8.220581051	8
Halton Borough Council	97051	11.50755068	2.876887669	3
Warrington Borough Council	164177	19.46682824	4.86670706	5
<b>Total</b>	843368	100	25	25
Number of Electors Proportion of seats 2020/21	Local Government Electors	Percentage	Proportions	Seats
<b>Allocation of 26 seats</b>				
Cheshire East Council	304821	36.14329688	9.397257188	9
Cheshire West and Chester BC	277319	32.88232420	8.549404293	9
Halton Borough Council	97051	11.50755068	2.991963176	3
Warrington Borough Council	164177	19.46682824	5.061375343	5
<b>Total</b>	843368	100	26	26

<b>ALLOCATION OF SEATS 2019/20 FOR 23-26 SEATS</b>					
Number of Electors Proportion of seats 2019/20	Proportion	Local Government Electors	Percentage	Proportions	Seats
<b>Allocation of 23 seats</b>					
Cheshire East Council		306203	36.71124646	8.443586685	8
Cheshire West and Chester BC		271030	32.49429015	7.473686735	7
Halton Borough Council		94207	11.29465222	2.597770011	3
Warrington Borough Council		162645	19.49981117	4.484956569	5*
<b>Total</b>		834085	100	23	23
				*rounded up	
Number of Electors Proportion of seats 2019/20	Proportion	Local Government Electors	Percentage	Proportions	Seats
<b>Allocation of 24 seats</b>					
Cheshire East Council		306203	36.71124646	8.810699149	9
Cheshire West and Chester BC		271030	32.49429015	7.798629636	8
Halton Borough Council		94207	11.29465222	2.710716534	3
Warrington Borough Council		162645	19.49981117	4.679954681	4*
<b>Total</b>		834085	100	24	24
				*rounded down	
Number of Electors Proportion of seats 2019/20	Proportion	Local Government Electors	Percentage	Proportions	Seats
<b>Allocation of 25 seats</b>					
Cheshire East Council		306203	36.71124646	9.177811614	9
Cheshire West and Chester BC		271030	32.49429015	8.123572538	8
Halton Borough Council		94207	11.29465222	2.823663056	3
Warrington Borough Council		162645	19.49981117	4.874952793	5
<b>Total</b>		834085	100	25	25
Number of Electors Proportion of seats 2019/20	Proportion	Local Government Electors	Percentage	Proportions	Seats
<b>Allocation of 26 seats</b>					
Cheshire East Council		306203	36.71124646	9.544924078	10
Cheshire West and Chester BC		271030	32.49429015	8.448515439	8
Halton Borough Council		94207	11.29465222	2.936609578	3
Warrington Borough Council		162645	19.49981117	5.069950904	5
<b>Total</b>		834085	100	26	26