

CABINET - 9TH FEBRUARY, 2005

MEMBERSHIP OF COMMITTEES

REPORT OF THE CHIEF EXECUTIVE

1.0 **PURPOSE**

To consider making a recommendation to the Council on the action to be taken as a consequence of Councillor M Davis no longer being a member of the Liberal Democrat Group.

2.0 **BACKGROUND**

2.1 In December, 2004, the Director of Law and Property was notified that Councillor M Davis was no longer a member of the Liberal Democrat Group on the Council. Subsequently, on 21st January, 2005, Councillor Davis notified the Director of Law and Property of his wish to register a political interest with the United Kingdom Independence Party.

2.2 At the date of the Annual Council on 24th June, 2004, there were three political groups formally represented on the Council as follows:-

Conservative (40 seats)
Labour (25 seats)
Liberal Democrat (7 seats)

Seats were allocated on Committees in accordance with the proportion of seats the groups held on the Council, as required under Sections 15 and 16 of the Local Government and Housing Act 1989. Subsequently, at the meeting of the Council on 19th July, 2004, six additional members were appointed to serve on the Licensing and Safety Committee. The political balance on Committees is therefore currently as follows:-

<u>COMMITTEE</u>	<u>NUMBER OF SEATS</u>			
	<u>Total</u>	<u>Conserv- ative</u>	<u>Labour</u>	<u>Liberal Democrat</u>
Select Committee on Community Safety	11	6	4	1

Select Committee on Culture and Recreation	9	5	3	1
Select Committee on Economic Regeneration	11	6	4	1
Select Committee on Environment	9	5	3	1
Select Committee on Good Health	11	6	4	1
Select Committee on Lifelong Learning	11	6	4	1
Appointments	9	5	3	1
Audit	9	5	3	1
Development Control	9	5	3	1
Disciplinary/Dismissal/Grading Appeals	9	5	3	1
Licensing and Safety	15	8	5	2
Social Services (Appeals)	5	3	2	0
Taxis	9	5	3	1
Tree Preservation Orders	9	5	4	0
TOTAL NUMBER OF SEATS	136	75	48	13

(NB: Area Committees and the Standards Committee are not subject to the proportionality rules of the Local Government and Housing Act 1989).

- 2.3 The political balance rules provide that political groups are entitled to be allocated seats on Committees in accordance with the proportion of seats they hold on the Council. A political group is constituted where two or more members of the Council give notice that they wish to be treated as a political group. Councillor M Davis will, therefore, relinquish the seats on Committees and other bodies on which he served as a representative of the Liberal Democrat Group.

2.4 Based on the information available to me, there are now three political groups formally represented on the Council as follows:-

Conservative (40 seats)
Labour (25 seats)
Liberal Democrat (6 seats)

2.5 Under the revised proportionality arrangements, the entitlement of the Liberal Democrat Group to seats on Committees will be reduced by 2 to a total of 11 committee seats. The entitlement of the Conservative Group will increase by two seats to a total of 138. The Labour Group's entitlement to 48 seats will remain unaffected.

3.0 **PROPOSAL**

That the Cabinet consider the duty to review proportionality, as outlined in this report, and make an appropriate recommendation to the Council.

4.0 **FINANCE**

There are no financial implications arising from this report.

5.0 **LAW**

5.1 Seats on Committees must be allocated to political groups on a proportionality basis in accordance with Sections 15 and 16 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. However, if it so wishes, the Council may resolve not to apply the proportionality rules in respect of one or more committees, but such a resolution must be passed with no member of the Council voting against it (Section 17 of the 1989 Act).

5.2 The rules on proportionality do not apply to area committees because the voting members of these committees are ward councillors who will be discharging functions or advising the Council in respect of matters that apply to their area.

5.3 The rules do not apply to the Standards Committee by virtue of Section 53(10) of the Local Government Act 2000.

5.4 The duty under Section 15 of the Local Government and Housing Act 1989 to allocate seats on a politically proportional basis does not apply to a Licensing Committee or to Sub-Committees established under the statutory requirements of the Licensing Act 2003. However, the duty to apply proportionality does apply to the Licensing and Safety Committee in discharging other licensing functions not covered by the 2003 Act. At the

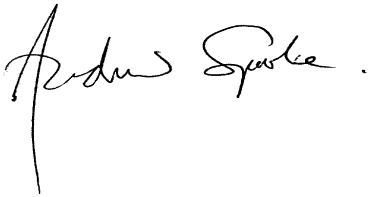
meeting of the Council on 6th December, 2004, the Council resolved that the proportionality requirements of Section 15 of the Local Government and Housing Act 1989 should not apply to the Sub-Committees established by the Licensing and Safety Committee, to enable them to deal with all licensing business requiring member determination with effect from February, 2005. It is recommended that the Council affirm this decision.

6.0 **EQUAL OPPORTUNITIES**

This report has no direct implications affecting the Council's commitment to equal opportunities.

7.0 **RECOMMENDATION**

That the Cabinet make a recommendation to the Council at its meeting on 28th February, 2005.



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CHIEF EXECUTIVE

BACKGROUND PAPERS

The Council's Constitution.

Reports to the Council on 24th June and 25th July, 2004.