

**Allocation of Seats to Political Groups
18th May 2009**

Report of Chief Executive

PURPOSE OF REPORT

To enable Council to confirm or amend the calculations relating to the allocation of seats in accordance with the Local Government and Housing Act 1989 and the Council's agreed protocol.

This report is public

RECOMMENDATIONS

- (1) That consideration be given to the future size of the Licensing Regulatory Committee as set out in paragraph 2 of the report.
- (2) That in undertaking the PR calculations on the Council's Cabinet and Committees the Council's agreed protocol be confirmed or amended, utilising the following groupings, or calculating each separately as set out in paragraph 3.7 of the report:
 - Cabinet (if PR agreed) (1 x 10)
 - Overview and Scrutiny (2 x 9)
 - Regulatory and timetabled Committees of Council (1 x 20 (Planning), 1 x 15 (Licensing Act)(subject to decision in (1) above) and 3 x 7 (Personnel, Audit and Licensing Regulatory)
 - Remaining Standing and Joint Committees to be calculated separately and individually.
- (3) That it be noted that the PR calculations undertaken on the basis of the agreed protocol result in the allocations set out in Appendix A.
- (4) That in accordance with Section 15 of the Local Government and Housing Act, 1989, the City Council allocates the seats on Overview & Scrutiny, Regulatory, Standing and Joint Committees in accordance with the calculations set out in Appendix B or alternatives set out in Appendix C subject to the decision in (1) and/or (2) above.
- (5) That Council notes that the allocation of seats referred to in (3) and (4) above is subject to review from time to time in accordance with Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations, 1990.

1.0 Introduction

1.1 At the Annual Meeting of Council on 20th May 2008 the following protocol and grouping arrangements were confirmed for the calculation of proportional representation (PR) on the Council's Cabinet, Overview & Scrutiny and Committees:

- (i) the calculation be undertaken using 4 decimal places;
- (ii) the allocation of a final seat to a Group with the same residual be to the largest under-represented Group provided that this does not result in the largest over-representation; and
- (iii) In the event that the foregoing rules do not resolve the situation, either because of a tie, or because the allocation would result in the largest over-representation, the seat be allocated by drawing lots under the supervision of the Mayor.
- (iv) the calculation should be undertaken in relation to the following groupings:
 - Cabinet (if PR agreed) (1 x 10)
 - Overview and Scrutiny (2 x 9)
 - Regulatory and other timetabled Committees (1 x 20(Planning), 1 x 15 (Licensing Act) and 3 x 7(Personnel, Audit and Licensing Regulatory))
 - Remaining Standing and Joint Committees to be calculated separately and individually.

1.2 In accordance with the decision of Council Business Committee in September 2007 this has now been included in Part 6, Section 3 of the Constitution.

1.3 This method of calculation has been used to produce the PR calculations set out in Appendix A and the allocation of seats set out in Appendix B.

2.0 Licensing Regulatory Committee

2.1 A request has been received from the Chairman of Licensing Regulatory Committee that Council consider increasing the size of that Committee in order to ensure that the Committee remains quorate, taking into account in particular the need for Councillors to declare an interest in relation to any applicants known to them personally.

2.2 A survey of the past year's meetings has shown that attendance was 6 Members for 4 meetings and 7 for 4 meetings. Whilst there was only one declaration of interest requiring a Member to leave, there were 4 other occasions when Members were not present for the entire meeting. Only one of the 8 meetings was attended by 7 Members for the entire meeting and for one application only 5 were present.

2.3 The reverse view is that a large Committee can be intimidating for applicants who are required to appear before the Committee.

2.4 Council is requested to consider this request and determine the future size of the Licensing Regulatory Committee prior to agreeing the PR allocation and allocation of seats for 2009/10.

2.5 The options are:

2.5.1 Option 1 – to retain the present size of the Committee (7 members) in which case the groupings and PR calculations remain as currently in place as set out in Appendix B.

2.5.2 Option 2 – to increase the present size of the Committee – sample alternative seat allocations for the affected grouping are set out in Appendix C. If Members determine an alternative size for inclusion in the grouping arrangement the calculation required to allocate the seats will be undertaken at the meeting.

2.6 The Head of Legal and HR's preferred option would be to maintain the present size of the Committee. Much of the Committee's work involves hearing applications for taxi drivers' licences and applicants are often required to provide personal information relating to criminal convictions and domestic circumstances. Applicants are rarely represented, and it is an extremely daunting situation for them in any event, and the more so if they are faced with a large number of members, all of whom may ask questions. It was for this very reason that the size of the Committee was reduced from thirteen to seven in May 2005. It should be noted that, whilst the Council's Licensing Act Committee (which deals with premises licensed for the supply of alcohol and regulated entertainment) comprises fifteen members, any hearing of an individual application is, by law, required to be dealt with by a sub-committee of three members. This reflects the good practice of having a small tribunal or committee to deal with individual applications, thus ensuring that the decision making process is undertaken efficiently. The Council's rules relating to substitutes apply to the Licensing Regulatory Committee, and it is therefore possible for a member to arrange for a substitute to attend in the event of an interest becoming apparent when the agenda is published. It is rare for a member to attend a meeting and then find that an applicant is known to them, and in the last four years there have been no situations where a meeting has become inquorate.

3.0 Political Groups

3.1 Political Groups on the Council are formed in accordance with the Local Government (Committees and Political Groups) Regulations 1990 when 2 or more councillors notify the Chief Executive of their wish to be treated as a group.

3.2 Members will be aware that during 2009/10, a new group, the Free Independents, was formed and PR re-calculated accordingly.

3.3 Since the purpose of the groupings of Committees agreed in paragraph 1.1 (iv) was primarily to ensure that independent members on the Council have the opportunity to have a seat on a Committee of the Council which would otherwise be denied them, Council may wish to consider whether it wishes to continue with the grouping arrangement.

3.4 If the grouping arrangement is discontinued, seat allocation on individual Committees will be according to the size of the Committee as set out in Appendix A.

3.5 It should be noted that members of the Free Independent Group will be allocated seats only on Committees with numbers greater than 11 – currently the Planning and Highways Regulatory Committee and the Licensing Act Committee, and, subject to the decision on 2.4 above, possibly Licensing Regulatory Committee.

3.6 The Liberal Democrat Group, the next smallest group will be represented on any Committee with 5 or more members.

3.7 Options are:

3.7.1 Option 1 – to confirm the current grouping as set out in paragraph 1.1 (iv) and seat allocations in Appendix B (or alternatives in Appendix C should the size of the Licensing Regulatory Committee be amended.)

3.7.2 Option 2 – to calculate PR separately for each Committee and allocate seats in accordance with Appendix A.

4.0 Vacancy

4.1 It should be noted that due to the current vacancy in Castle Ward, the calculations presented to Council in this report have been undertaken in respect of a total of 59 Members. The effect of this is to require the following changes should the grouping of committees be retained in 3.7 above:

4.2 The allocation on the Overview and Scrutiny Grouping will change from 5:4:4:3:1:1 to 5:4:3:3:2:1, requiring the Green Group to pass one seat on Budget & Performance Panel to the Liberal Democrat Group.

4.3 The allocation on the Committee Grouping remains unchanged at 15:12:11:10:5:3.

4.4 The PR will be re-calculated on the basis of 60 Members following the election on 4th June 2009.

5.0 Conclusion

5.1 Members are requested to consider the options in paragraphs 2.5 and 3.7 and to confirm or amend the calculations, and to note the effects of the reduction to 59 Members on the allocation of seats as set out in paragraph 4 in order to enable appointments to be made to Cabinet (subject to approval as PR), Overview & Scrutiny and Committees of Council as set out in the remainder of the Agenda.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>There are no direct implications as a result of this report.</p>
<p>FINANCIAL IMPLICATIONS</p> <p>There are no financial implications as a direct result of this report.</p>
<p>SECTION 151 OFFICER'S COMMENTS</p> <p>The S151 Officer has been consulted and has no further comments.</p>
<p>LEGAL IMPLICATIONS</p> <p>This report has been prepared in accordance with the provisions of Section 15 of the Local Government and Housing Act, 1989 and Part 4 of the Local Government (Committees and Political Groups) Regulations 1990.</p>

MONITORING OFFICER'S COMMENTS

The Monitoring Officer's comments in her capacity as the Service Head responsible for Licensing are set out within the report, and she has no further comments to add.

BACKGROUND PAPERS

Proportional Representation calculation file.
Affiliation to Political Groups file.

Contact Officer: Gillian Noall
Telephone: 01524 582060
E-mail: gnoall@lancaster.gov.uk

P.R. LIST

		Ind	Labour	Green	Cons	Lib Dem	Free Ind
1	=	1	0	0	0	0	0
2	=	1	1	0	0	0	0
3	=	1	1	1#	0#	0	0
4	=	1	1	1	1	0	0
5	=	1	1	1	1	1	0
6	=	2	1	1	1	1	0
7	=	2	2	1	1	1	0
8	=	2	2	2#	1#	1	0
9	=	2	2	2	2	1	0
10	=	3	2	2	2	1	0
11	=	3	2	2	2	1	1
12	=	3	3	2	2	1	1
*13	=	4	3	2	2	1	1
*14	=	4	3	2#	3#	1	1
15	=	4	3	3	3	1	1
16	=	4	4	3	3	1	1
17	=	5	4	3	3	1	1
*18	=	5	4	3	3	2	1
19	=	5	4	4#	3#	2	1
20	=	5	4	4	4	2	1

*change in allocation since the last calculation was carried out

additional seat decided by drawing lots supervised by the Mayor

Independent	16
Labour	13
Green	11
Conservative	11
Liberal Democrats	5
Free Independents	3
TOTAL	59

APPENDIX B

ALLOCATION OF SEATS TO POLITICAL GROUPS

COMMITTEE	IND	LAB	GREEN	CONS	LIB DEM	FREE IND
Cabinet (10)	3	2	2	2	1	0
Overview & Scrutiny Grouping: 5:4:3:3:2:1						
Overview & Scrutiny (9)	2	2	2	2	1	0
Budget & Performance Panel (9)	3	2	1	1	1	1
Committee Grouping: 15:12:11#:10#:5:3 # decided by drawing lots						
Planning & Highways Regulatory Committee (20)	5	4	4	4	2	1
Licensing Act Committee (15)	4	2	3	4	1	1
Licensing Regulatory Committee (7)	2	2	1	1	1	0
Personnel Committee (7)	2	2	1	1	1	0
Audit Committee (7)	2	2	1	1	0	1
Stand Alone Committees						
Appeals Committee (7)	2	2	1	1	1	0
Appraisal Committee (7)	2	2	1	1	1	0
Standards Committee (7)	2	2	1	1	1	0
Council Business Committee (7)	2	2	1	1	1	0
Lancashire Local Joint Committee (10)	3	2	2	2	1	0

APPENDIX C

EFFECT ON GROUPING ARRANGEMENTS OF ALTERNATIVE SIZES FOR LICENSING REGULATORY COMMITTEE

PR on current Grouping is 15:12:11:10:5:3

Licensing Regulatory Committee of 9 members

Will increase the grouping to 58 = 0.9831 seats per member across the grouped committees

i.e. 16:13:11:10:5:3

2 extra seats on the Licensing Regulatory Committee will go to Independent and Labour

Licensing Regulatory Committee of 10 members

Will increase the grouping to 59 = 1 seat per member across the grouped committees

i.e. 16:13:11:11:5:3

3 extra seats on the Licensing Regulatory Committee will go to Independent, Labour and Conservative

Licensing Regulatory Committee of 12 members

Will increase the grouping to 61 = 1.0338 seats per member across the grouped committees

i.e. 17:14:11:11:5:3

5 extra seats on the Licensing Regulatory Committee will go to Independent (2), Labour (2) and Conservative (1)

Licensing Regulatory Committee of 15 members

Will increase the grouping to 64 = 1.0847 seats per member across the grouped committees

i.e. 17:14:12:12:6:3

8 extra seats on the Licensing Regulatory Committee will go to Independent (2), Labour (2), Green (1), Conservative (2) and Liberal Democrat (1).

The relevant line in the table in Appendix B should be amended as follows:

COMMITTEE	IND	LAB	GREEN	CONS	LIB DEM	FREE IND
Licensing Regulatory Committee (7)	2	2	1	1	1	0
Licensing Regulatory Committee (9)	3	3	1	1	1	0
Licensing Regulatory Committee (10)	3	3	2	1	1	0
Licensing Regulatory Committee (12)	4	4	2	1	1	0
Licensing Regulatory Committee (15)	4	4	3	2	2	0