

## LICENSING AND SAFETY COMMITTEE

29 JANUARY 2019

### MEMBERSHIP OF THE LICENSING AND SAFETY COMMITTEE AND ITS SUB-COMMITTEES

Report from: Neil Davies, Chief Executive

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#### Summary

This report sets out the position regarding the allocation of seats on the Licensing and Safety Committee and its Sub-Committees following receipt of notice from a current member of the Committee that they no longer wish to be a member of a political group.

This was one of three such notices and, following consultation with Group Leaders and Group Whips, the allocation of seats on certain Committees, including the Licensing and Safety Committee, will be formally reviewed by Full Council on 24 January 2019, after the despatch of the agenda for this meeting.

The Committee is requested to review the membership of two of its Sub-Committees in light of Full Council's decision, which will be reported to the Committee.

#### 1. Budget and Policy Framework

- 1.1 The establishment of committees, the allocation of seats to political groups and the appointment of Members to serve on committees and outside bodies is a matter for decision by the Council. Sub-Committee memberships is a matter for the relevant parent Committee.
- 1.2 The Local Government and Housing Act 1989 places a duty on local authorities to allocate committee seats to political groups. The circumstances in which a review of the allocation of Committee seats must take place is prescribed in Section 17 of The Local Government (Committees and Political Groups) Regulations 1990. The resignation of a Councillor from a political group (or the cessation of the existence of political group) does not trigger a legal requirement to review the allocation of Committee seats. However, there is the option to do so.

#### 2. Background

- 2.1 At the Annual Council meeting on 16 May 2018 the Council agreed to establish Committees and allocate seats between political groups. In the case of the

Licensing and Safety Committee, it was agreed that there would be 8 Conservative members; 3 Labour members; and one UKIP member.

- 2.2 In October and November 2018 three Councillors gave notice that they no longer wish be regarded as members of political groups. Councillor Pendergast resigned from the UKIP Group which means the UKIP Group no longer exists. In addition there was one resignation from the Conservative Group and one from the Labour Group.

### **3 Review of allocation of Committee seats**

- 3.1 The Local Government and Housing Act 1989 and associated regulations requires the Council to allocate seats on committees to political groups in accordance with the size of each group on the Council as a whole, unless alternative arrangements are notified to all Members of the Council and agreed without any Councillor voting against them. The Council is required to observe the following principles so far as is reasonably practicable:-
- (a) that not all the seats on the body are allocated to the same political group;
  - (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority;
  - (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.
- 3.2 Principles (a), (b) and (d) apply to all appointments to the authority's own bodies and to certain outside bodies. However, principle (c) only relates to appointments to the 'ordinary committees' of the council.
- 3.3 Once Committee seats have been allocated to any formally constituted political groups (which must be done after a local election and/or at Annual Council each year) there are prescribed circumstances in which there is a duty to review the allocation of committee seats. For example after a by-election if a newly elected Councillor joins a political group. The resignation of a Councillor from a political group (or the cessation of the existence of political group) does not trigger a legal requirement to review the allocation of Committee seats. However, there is the option to do so.
- 3.4 There are 130 committee seats overall, of which 9 cannot be allocated to a political group. The options open to Full Council at its meeting on 24 January 2019, following the resignation of three Councillors from three separate political groups, are either:-

- a) to decide not to undertake a review of allocation of seats in which case the current allocation will continue and Councillor Pendergast would remain a member of the Licensing and Safety Committee;
- b) to decide to undertake a review of Committee seats and allocate them in line with the law on political balance. In this case, the Council could, but does not have to, appoint Councillor Pendergast to any of the nine seats to which the political groups have no entitlement; or
- c) to agree to review the allocation of Committee seats and agree an arrangement which does not comply with the rules on political balance.

3.5 Group Leaders and Group Whips discussed the matter and recommended that Full Council should review and agree an allocation of Committee seats which reflects the law on political balance (option b). It will be recommended to Full Council that the nine Committee seats to which the political groups are not entitled should remain unallocated until the next review.

#### **4. Implications for the Licensing and Safety Committee and its Sub-Committees**

- 4.1 The decision of Full Council on 24 January 2019 will be reported to the Committee. If the decision is in line with the recommendation, to give effect to the revised allocation of seats, Councillor Pendergast would be removed from the Licensing and Safety Committee and the seat allocated to the former UKIP Group would be re-designated as a vacant seat to which the political groups are not entitled. Membership of the Committee would therefore be 8 seats for Conservative Members; 3 seats for Labour Members; and one vacancy.
- 4.2 A vacancy on the Licensing and Safety Committee would generate a gap in the membership of two of the Committee's Sub-Committees known as the Licensing Hearing Panel and the Licensing 1982 Act Hearing Panel, as the membership of these Panels is made up of members of the Licensing and Safety Committee.
- 4.3 The Committee is invited to review the position as Sub-Committee memberships are a matter for each parent Committee rather than Full Council. Specifically, the removal of Councillor Pendergast from the Committee would leave a vacancy on Panel A of the Licensing Hearing Panel and Licensing 1982 Act Hearing Panel. The options for the Committee are:-
  - a) to appoint a member of the Committee to the vacancy on Panel A of these Sub-Committees; or
  - b) to agree that the vacancy on Panel A be filled by members of the Committee in turn, selected on an alphabetical basis as required, subject to availability and any Ward Councillor conflicts. This process is currently used to select the fourth member of a Panel to be on standby in case a member of the Panel is unable to take part.

4.4 In line with established practice, on 16 May 2018 the Joint Meeting of Committees waived the requirement of political balance in relation to Licensing Hearing Panels and Licensing 1982 Act Hearing Panels.

## **5. Financial, legal and risk management implications**

5.1 There are no financial implications arising from this report.

5.2 The law relating to the size of committees and the allocation of seats is set out in paragraph 3 of this report.

5.3 There are no risk management implications arising from this report

## **6. Recommendations**

6.1 The Committee is requested:

- (i) to note the allocation of seats on the Licensing and Safety Committee for the remainder of the 2018/19 municipal year, as agreed by Full Council on 24 January 2019 (to be reported), following receipt of notice from Councillor Pendergast that he no longer wishes to be a member of a political group; and
- (ii) subject to the decision of Full Council on 24 January 2019, to consider the options set out in paragraph 4.3 of this report and determine how to fill the vacancy on Panel A of the Licensing Hearing Panel and Licensing 1982 Act Hearing Panel for the remainder of the 2018/19 municipal year.

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### **Appendices**

None

### **Background papers**

None