

Agenda Item No: **Report No:**
Report Title: **Change in Composition of the Liberal Democrat Group**
Report To: **Council** **Date:** **26 September 2007**
Lead Councillor: **Councillor A De Vecchi**
Wards Affected: **All**
Report By: **Head of Democratic Services**
Contact Officer: **Alan Batty**

Purpose of Report:

To report a change in the composition of the Liberal Democrat Group and the Council's legal duties under the Local Government (Committees and Political Groups) Regulations 1990.

Recommendations:

- 1 To note that notice has been received from a majority of the members of the Liberal Democrat Group stating that they no longer wish Councillor Bob Sinclair to be treated as a member of that Group.
- 2 To note that a review of the political proportionality of the allocation of places on committees will not take place until the occurrence of one of the events set out in paragraph 4 of this report.
- 3 In accordance with the Local Government (Committees and Political Groups) Regulations 1990, to confirm that Councillor David Rogers be appointed in place of Councillor Sinclair on the Scrutiny Committee and that no change be made to Councillor Sinclair's membership of the Licensing and Standards Committees.

Reason for Recommendations:

- 1 To comply with the Council's legal duties under the Local Government (Committees and Political Groups) Regulations 1990.

Information

- 2 The Regulations made under the Local Government and Housing Act 1989 provide as follows:

"A person is to be treated as having ceased to be a member of a political group when –

....

- (d) there is delivered to the proper officer a notice in writing signed by the majority of members of the group stating that they no longer wish him to be treated as a member of it."

- 3 The Chief Executive (who is the “proper officer” for this purpose) has received written notice from a majority of the members of the Liberal Democrat Group stating that they no longer wish Councillor Sinclair to be treated as a member of that Group.
- 4 Receipt of this notice does not trigger a review of the Council’s political balance on committees. The 1989 Act and associated regulations make it clear that there is a duty to review political balance every year at the annual Council meeting. Apart from this, reviews are only to be carried out at such other times as are prescribed by regulations. The practical effect of the regulations is that reviews are to be carried out when the proper officer is given notice
 - (a) that a new political group has been formed; or
 - (b) that a member wishes to join an existing political group, and that group requests a review of the Council’s political balance.
- 5 Neither of these events has occurred.
- 6 What happens between now and any review of the Council’s political balance?
- 7 The effect of the 1989 Act is that until such time as there is a review, then the seats occupied by Councillor Sinclair on the Licensing, Scrutiny and Standards Committees continue to be seats which are allocated to the Liberal Democrat Group. The Liberal Democrat Group can, if it wishes, choose to remove Councillor Sinclair from one or more of these positions. The Act states that –

“the authority which made the appointment shall act in accordance with the wishes of that group in determining whether and when to terminate the appointment”.
- 8 Therefore the Council is obliged to implement the Liberal Democrat Group’s wishes in this matter until there is a review of political balance triggered by one of the events in paragraph 4. The Council has no discretion to do otherwise.
- 9 If the Liberal Democrat Group chooses to remove Councillor Sinclair from one or more of these positions, so creating one or more vacancies, then it is the duty of the Council, as soon as practicable after the occurrence of those vacancies, to give effect to the wishes of the Liberal Democrat Group in filling them.
- 10 The Liberal Democrat Group has indicated that it wishes to appoint Councillor David Rogers in place of Councillor Sinclair on the Scrutiny Committee and to make no change to Councillor Sinclair’s membership of the Licensing and Standards Committees.
- 11 The political composition of the Council is now as follows:

Liberal Democrat Group	-	22
Conservative Group	-	17
Independent	-	2

Financial Appraisal

12 There are no financial implications.

Environmental Implications

13 I have completed the Environmental Implications Questionnaire and there are no significant effects as a result of these recommendations.

Risk Assessment Implications

14 I have completed the Risk Management questionnaire and this report does not require a risk assessment because the issues covered by the recommendations are not significant in terms of risk.

Background Papers

15 Notice received from members of the Liberal Democrat Group.

Appendices

16 None.