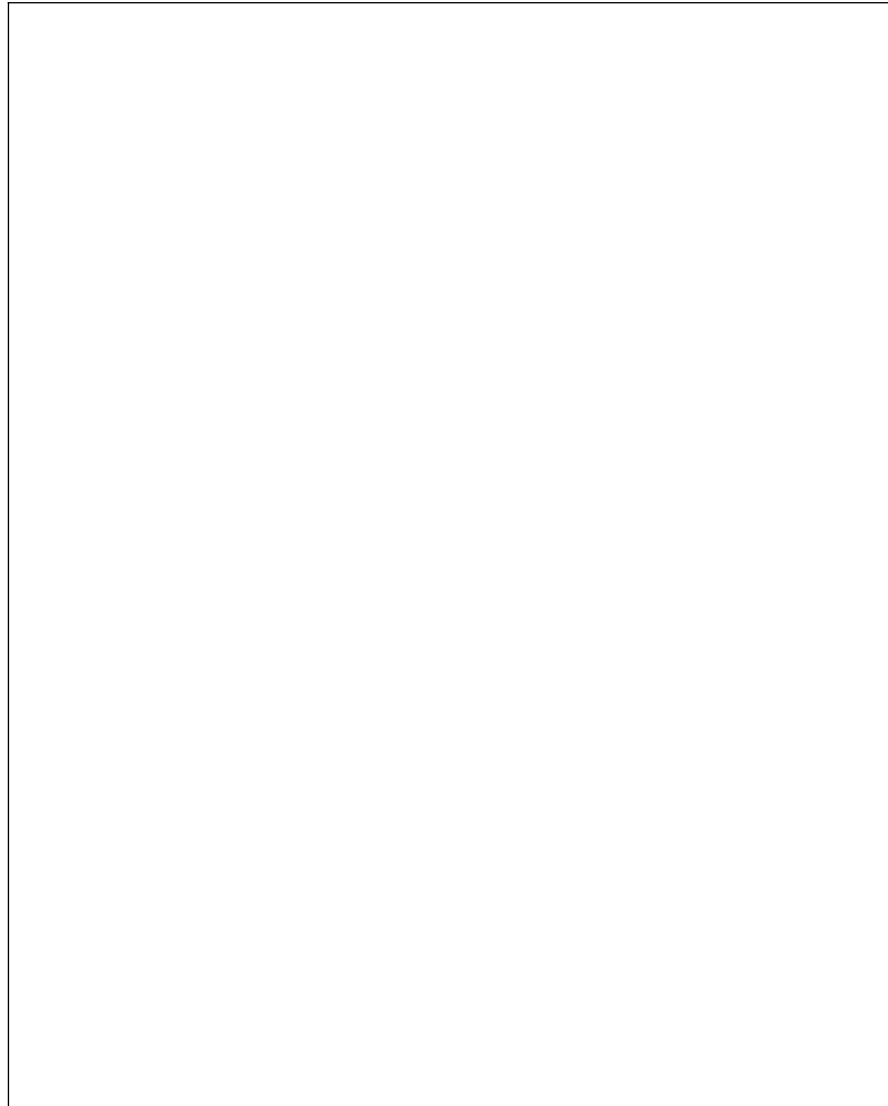
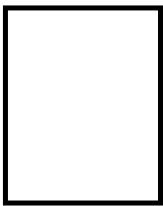
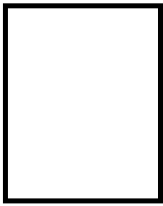
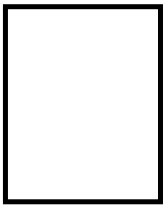


REPORT OF: Director of Legal Services

TO: Council Forum

ON: 1st March 2010



SUBJECT: COUNCIL PROPORTIONALITY

1. PURPOSE OF THE REPORT

1. To review the political balance allocation of seats following the resignation of Councillor Waghat from the Partnership, the deselection of Councillor Yusuf Sidat and the election of Councillor Mustafa Desai.

2. RECOMMENDATIONS

Recommendations are set out in paragraph 3.1 of this report.

3. REVIEW OF POLITICAL BALANCE

The Council is required under the Local Government (Committees and Political Groups) Regulations 1990 to review the allocation of seats on committees whenever there is a change in the size of a political group represented on the Council.

Such a review became necessary following the resignation of Councillor Arif Waghat from the Partnership (Councillor Waghat is now an Independent Member). At the meeting of the Council Forum on 5th November Council resolved to defer the review until the next meeting of Council, however, in the meantime Councillor Yusuf Sidat, who failed to attend the meeting of Policy Council on 3rd December disqualified himself from the Council due to non attendance.

On 9th December Councillor Sidat was expelled from the Liberal Democrat Group, and on 24th December was formally removed as an elected Member of Blackburn with Darwen Borough Council, triggering a By-Election held on 4th February 2010: Councillor Mustafa Desai being the successful candidate for the Labour Party.

The Council is required, under the Local Government & Housing Act 1989 (ss. 15-17) and the Political Balance Regulations made under that Act, to ensure that the allocation of seats on 'Ordinary' Committees (i.e. those appointed under Sections 101 and 102 of the Local Government Act 1972), comply with the political balance rules. 4.2. Under the Rules, the total number of seats available must be allocated in proportion to the strength of each recognised political group and in line with the following principles: -

- a) That not all seats on a body are allocated to the same political group.
- b) That the majority of seats on the body are allocated to a political group, which has a majority of the Council's membership.
- c) That, subject to principles a) and b) above, the total number of seats on all Committees that are allocated to each political group shall bear the same proportion as their relative strength on the Council as a whole.
- d) That, subject to principles a) to c) above, the number of seats on any individual body allocated to each political group bears the same proportion as to their relative strength on the Council (as far as practicable in relation to the size of the body).

The political balance of the authority until Councillor Waghat's resignation from the Partnership was as follows (n.b. Councillor Sidat did not hold any Committee positions):

PARTY	NO. SEATS HELD	%
Labour	27	42.19%
Partnership	36	56.25 %
Independent	1	1.56%
Total	64	100%

The entitlement to seats prior to Councillor Waghat's resignation and Councillor Sidat's deselection was as follows:

Committee	Places	Lab	Partnership	IND
Policy & Review Committee	17	7.17 (7)	9.56 (10)	0.26 (0)
Corporate	9	3.79 (4)	5.06 (5)	0.14 (0)

Resources OSC				
Sustainable Neighbourhoods OSC	9	3.79 (4)	5.06 (5)	0.14 (0)
Regeneration & Technical OSC	9	3.79 (4)	5.06 (5)	0.14 (0)
Childrens Services OSC	9	3.79 (4)	5.06 (5)	0.14 (0)
Health & Social Care OSC	11	4.64 (5)	6.18 (6)	0.17 (0)
Planning Committee	15	6.32 (6)	8.43 (9)	0.23 (0)
Licensing Committee	13	5.48 (5)	7.31 (7)	0.20 (1)
Children In Our Care Committee	9	3.79 (4)	5.06 (5)	0.14 (0)
Member Engagement Advisory Committee	5	2.10 (2)	2.81 (3)	0.07 (0)
Audit Committee	6	2.53 (3)	3.38 (3)	0.09 (0)
Total	112	47.19 (48)	62.97 (63)	1.72(1)

Councillor Waghat held seats on Planning and Highways and Policy and Review Scrutiny Committee. N.B. councillor Sidat did not hold any Committee places.

Political Party	Seats on the Council	% seats on the Council	Committee places entitled to (out of 112)	Places to be allocated – after rounding up
Labour	27	42.19%	47.19	48
Partnership	36	56.25 %	62.97	63
Independent	1	1.56%	1.72	1
Total	64	100%	111.88	112

The overall allocation of seats as of February 2010 recalculated following the election of Councillor Mustafa Desai (Labour Party) is as follows:

PARTY	NO. SEATS HELD	%
Labour	28	43.75%
Partnership	34	53.13 %
Independent	2	3.13%
Total	64	100%

Committee	Places	Lab	Partnership	IND
Policy & Review Committee	17	7.44 (7)	9.03 (9) {-1}	0.53 (1) {+1}
Corporate Resources OSC	9	3.94 (4)	4.78 (5)	0.28 (0)
Sustainable Neighbourhoods OSC	9	3.94 (4)	4.78 (5)	0.28 (0)

Regeneration & Technical OSC	9	3.94 (4)	4.78 (5)	0.28 (0)
Children's Services OSC	9	3.94 (4)	4.78 (5)	0.28 (0)
Health & Social Care OSC	11	4.81 (5)	5.84 (6)	0.34 (0)
Planning Committee	15	6.56 (7) {+1}	7.97 (8) {-1}	0.47 (0)
Licensing Committee	13	5.69 (6) {+1}	6.91 (7)	0.41 (0) {-1}
Children In Our Care Committee	9	3.94 (4)	4.78 (5)	0.28 (0)
Member Engagement Advisory Committee	5	2.19 (2)	2.66 (3)	0.16 (0)
Audit Committee	6	2.63 (3)	3.19 (3)	0.19 (0)
Total	112	49.02 (50)	59.50 (61)	3.50 (1)

Summary

Political Party	Seats on the Council	% seats on the Council	Committee places entitled to (out of 112)	Places to be allocated – after rounding up
Labour	28	43.75%	49.00	50
Partnership	34	53.13 %	59.50	61
Independent	2	3.13%	3.50	1
Total	64	100%	112.00	112

The Chief Executive and the Monitoring Officer are satisfied that the first two principles are met in that seats are shared between the Partnership and the Labour Group and that as the Partnership has the majority, they therefore have the majority of seats on each Committee.

In respect of Principle c) the summary clearly indicates that both the Partnership and the Labour Group have exceeded the total allocation of seats in proportion as their relative strength on the Council as a whole. Both Groups have been rounded up. It could be argued that the Partnership and the Labour Group should each offer up seats to give the Independents 4 seats (rounded up from 3.50). However to reduce the total allocation of Labour and Partnership seats to accommodate this would not satisfy principle c) because both Groups would have a resultant allocation of seats less than their relative strength on the Council as a whole. As Independent Members have no formal standing under these regulations and Political Groups take precedence, the total seats are rounded up for both Groups. I am therefore satisfied that this principle is also met.

The final principle does relate to individual Committees and is as follows

d) That, subject to principles a to c above, the number of seats on any individual body allocated to each political group bears the same proportion as to their relative strength on the Council (as far as practicable in relation to the size of the body). In order to ensure that principles a) to c) can be satisfied instances can arise that make it necessary for an individual Committees political make up to not be exactly the same as its proportion overall hence the statement as far as practicable in relation to the size of the body.

I am satisfied that the proposed allocation of seats on the Planning and Highways Committee is reasonable because the overall total number of seats on all Committees are allocated to each political group in the same proportion as their relative strength on the Council as a whole.

3.1 Recommendation

Council is asked to note the revised political allocation as a result of the political balance changes, i.e. Three appointments; one to Planning and Highways Committee and one to Licensing Committee for the Labour Group, and one to Policy and Review Committee for the Independent Members. In the event that names are not agreed at the meeting,

Council is asked to delegate the decision to the Leader in conjunction with the Chief Executive.

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Date: 1st March 2010

Background Papers: None