



Brent

SUPPLEMENTARY (REVISED) POLITICAL GROUPS

Wednesday 4 June 2014 at 7.00 pm

Grand Hall - Brent Civic Centre, Engineers Way,
Wembley, HA9 0FJ

To the Mayor and Councillors of the London Borough of Brent and to each and every one of them.

I hereby summon you to attend the MEETING OF THE COUNCIL of this Borough.

CHRISTINE GILBERT
Chief Executive

Dated: Sunday 25 May 2014

For further information contact: Peter Goss, Democratic Services Manager
020 8937 1353, peter.goss@brent.gov.uk

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democracy.brent.gov.uk

The press and public are welcome to attend this meeting

Agenda

Item	Page
8 Representation of political groups on committees and political assistants	1 - 16

This report deals with rules to be applied on the allocation to political groups of seats on committees established by the Council and the position regarding political assistants following the outcome of the elections.

Ward Affected: All Wards

Contact Officer: Fiona Ledden,
Director of Legal and Procurement


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- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.

SUMMONS ITEM 8

 Brent	<p style="text-align: center;">Full Council</p> <p style="text-align: center;">4 June 2014</p> <p style="text-align: center;">Report from the Director of Legal and Procurement</p>
<p>For Action Wards Affected: ALL</p>	
<p style="text-align: center;">Supplementary Report on Representation of Political Groups on Committees and Political Assistants</p>	

1.0 Summary

- 1.1 This supplementary report is required following a very recent change in the number of political parties within the Council, and the impact that this has upon the political balance of the Council, the allocation of seats on committees and the allocation of political assistants. There is now the Labour Group (56), the Conservative Group (3), the Brondesbury Park Conservatives (3), and a Liberal Democrat (1). The previous report of the same title on the agenda before Members should now be disregarded.

2.0 Recommendations

- 2.1 That the Council:
- (i) note the size of each committee
 - (ii) agrees (where the rules of political balance apply) the allocation of seats on committees to each of the political groups as set out in paragraph 3.10
 - (iii) note that the political balance on sub-committees will be reviewed at the first meetings of the General Purposes Committee and the Alcohol and Entertainment Licensing Committee.
 - (iv) agree the Labour Group and the group comprising the Conservative Group and the Brondesbury Park Conservatives be allocated political

assistants and that the Constitution be amended in accordance with Appendix 1.

- (v) agree the Constitution be amended in accordance with changes shown in Appendix 2.

3.0 Detail

Political Balance of Committees

- 3.1 The Council is required to review and determine the representation of the political groups on committees and allocate committee places to political groups accordingly at, or as soon as practicable after, its Annual Meeting. The allocation is determined by applying the “political balance rules” under the Local Government and Housing Act 1989. These are designed to ensure that the political composition of the Council’s decision making and deliberative committees as far as possible replicates the political composition of the full Council. Committees are subsequently required to carry out a similar process in relation to any sub-committees they may have.
- 3.2 The original report before members set out the position on the basis of there being two political groups; the Labour Group and the Conservative Group, and one Liberal Democrat. This is no longer the case; three members have submitted a request to be regarded as the Conservative Group and three members have requested to be regarded as the Brondesbury Park Conservatives. This has resulted in changes to the allocation of seats on committees and the need for further consideration of the position regarding political assistants.
- 3.3 In accordance with the Local Government (Committee and Political Groups) Regulations 1990 a political group for this purpose is a group of two or more members. The sole Liberal Democrat councillor is not therefore part of a group.
- 3.4 The Regulations also provide that Members are treated as being from the same political group for the purpose of paragraph 3.5(a) below (Political Balance on Committee rules) and Political Assistants, where at the election more than half of the members in each political group were shown on the election nomination forms to be in the same party, in this case Conservative.
- 3.5 The rules are that seats must be allocated so far as reasonably practicable in accordance with 4 overriding principles:
 - (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 each political group is allocated the same proportion of the total seats across all the ordinary committees of the Council as the proportion of the members of the authority that belong to that group; and
- (d) subject to paragraph (a) and (c) above, that each political group is allocated the same proportion of the seats on each relevant body as the proportion of the members of the authority that belong to that group.

3.6 Principle (c) refers to “ordinary committees” which under the Act means those appointed under S102 of the Local Government Act 1972, namely General Purposes Committee, Audit Committee, Standards Committee, Corporate Parenting Committee and Planning Committee.

Principle (d) applies to a “body” to which the Council makes appointments. The Act provides that the bodies to which this principle applies include ordinary committees (as defined above) and ordinary sub committees, advisory committees and sub-committees, and joint committees where at least 3 seats are allocated. By virtue of the Local Government Act 2000 principle (d) also applies to the Scrutiny Committee.

3.7 Accordingly under principle (c) above the General Purposes Committee, Audit Committee, Standards Committee, Corporate Parenting Committee and Planning Committee first have to be taken together to determine the number of seats that should be allocated to each group. Then, in accordance with paragraph (d) above, the political balance rules have to be applied to each of those committees individually.

In relation to the Scrutiny committee, only principle (d) applies; the additional requirement in c), namely consideration of the combined impact of seat allocation, does not apply.

3.8 The political balance principles do not apply to the London Councils Joint Committees or the Joint Health Overview and Scrutiny Committee because only one appointment is made to each.

3.9 The current membership of the authority is 63 consisting of 56 Labour Group councillors, 6 councillors all nominated for election as belonging to the same political group) but which now comprise two parties of 3 members, and 1 Liberal Democrat councillor.

3.10 The table below sets out the required allocation of seats on the ordinary committees and other committees of the Council according to the Political Balance rules described above having regard to the rules relating to political groups. In order to give effect to the principles as set out in 3.5, seats are allocated to the opposition groups, having regard to the fact that the two groups are of equal size. These figures are reached by “rounding out” fractions of seats so as to produce the minimum achievable deviation from the principles set out at paragraph 3.5 above.

Ordinary Committees	Size	Labour 56 88.88%	Liberal Democrats 1 1.58%	Conservative Party 3 4.76%	Brondesbury Park Conservatives 3 4.76%
General Purposes Committee	8	7	0	1	
Planning Committee	8	7	0	1	
Audit Committee	5	4	0		1
Standards Committee	5	4	0		1
Corporate Parenting Committee	5	5	0		
Total in accordance with principle (c) above the balance across these three committees taken together:	31	27	0	2	2
Other Committees	Size	Labour 56 88.88%	Liberal Democrats 1 1.58%	Conservative 3 4.76%	Brondesbury Park Conservatives 3 4.76%
Scrutiny Committee	8 (plus 4 voting co-opted members and 2 non-voting co-opted members)	7	0	1	0

3.11 In addition, the Council has two committees which are not required by law to be subject to the political balance rules described above but to which appointments fall to be made at this meeting. Under the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 the above provisions of the 1989 Act are disapplied in relation to the Health and Wellbeing Board. It has been previously agreed that this Board comprise 4 members from the Cabinet and one member from the opposition. Nor do the political balance rules apply to the Alcohol and Entertainment Licensing Committee. It is agreed that the political balance rules will as a matter of policy (not law), be applied to the Alcohol and Entertainment Licensing Committee. The effect of this is that the allocation of seats on this committee is as follows:

Committee	Size	Labour 56 88.88%	Liberal Democrats 1 1.58%	Conservative Party 3 4.76%	Brondesbury Park Conservatives 3 4.76%
Alcohol and Entertainment Licensing Committee	15	13		1	1

3.12 It will be for committees to review the political balance of sub-committees. The review and a determination of the allocation of seats on sub-committees must be carried out as soon as practicable after any occasion on which the members of the committee are changed in consequence of a determination under the 1989 Act and may be carried out on other occasions. It is proposed that such a review take place at the first meeting of the General Purposes Committee which is the only committee to have sub-committees to which the political balance rules apply. Due to the balance of seats held by the political parties the political balance rules do not readily apply to the Alcohol and Entertainment Licensing sub-committees of 3 and accordingly the sub-committees will not always be politically balanced.

Political Assistants

3.13 Section 9 of the Local Government and Housing Act 1989 provides for the appointment of political assistants. Where a council decides to make such appointments, specific rules apply which vary depending on the size and number of the political parties. Following the elections in May 2014 there is only one party which has one tenth or more of the membership of the Council and in those circumstances the following rules apply:

Where the members of a relevant authority are divided into political groups only one of which has a membership that comprises one-tenth or more of the membership of the authority—

- (a) the groups qualifying for a post shall be that group and one other group; and*
- (b) the other group shall be the one with the next largest membership or, in a case in which there is more than one group with the next largest*

membership, such one of those groups as may be determined by the authority;

For the purposes of Section 9 the Conservative Party and the Brondesbury Park Conservatives are to be treated as members of the same political group. Accordingly a political assistant is allocated to that combined group and will be appointed to according to their wishes.

Members are advised to agree to the changes to the Constitution shown as track changes in Appendix 1

- 3.14 In accordance with the changes made above, Standing Order 40 and Standing Order 45 be amended as shown in Appendix 2 and that the report before members on Constitutional changes be superseded by the changes set out herein.

4.0 Financial Implications

- 4.1 There are none arising directly from this report.

5.0 Legal Implications

- 5.1 These are addressed in the body of the report.

6.0 Diversity Implications

- 6.1 This report has been screened by officers and there are not considered to be any diversity implications arising from it.

Background Papers

The Brent Constitution
Local Government and Housing Act 1989

Contact Officers

Kathy Robinson, Senior Solicitor, Borough Solicitor's Office at the Town Hall Annexe, Town Hall, Wembley. Tel: 020 8937 1368.

Fiona Ledden
Director of Legal and Procurement

Appendix 1

- (i) the name of the person whom it is intended to dismiss;
 - (ii) any other particulars relevant to the dismissal which have been notified to the Operational Director Human Resources; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader of the Executive on behalf of the Executive to the Operational Director Human Resources.
- (c) The Leader shall within the period specified in the notice from the Operational Director Human Resources notify the person or body proposing the dismissal and the Operational Director Human Resources of any objection which the Leader or any other member of the Executive has to the proposed dismissal.
- (d) If no such objection is received by the Operational Director Human Resources or the person proposing the dismissal the Operational Director Human Resources may proceed to give notice of the dismissal to the employee. If an objection is made the person or body proposing the dismissal shall consider whether to proceed with the dismissal. If satisfied that the objection is not material or is not well founded then the Operational Director Human Resources may proceed to give notice of the dismissal to the employee.
- (e) In the case of the dismissal of the Chief Executive the proposed dismissal must be approved at a meeting of Full Council before notice of dismissal is given.

80. Staff Appeals Against Dismissal

Appeals by members of staff against dismissal for misconduct shall be heard by the Staff Appeals Sub-Committees.

81. Political Assistants

An appointment of an assistant to a political group pursuant to section 9 of the Local Government and Housing Act 1989 shall be made in accordance with the wishes of that political group and in accordance with the provisions of that Act and any other applicable legislative provision.

The provisions include:

(i) No appointment shall be made to any post allocated to a political group until the Council has allocated a post to each group which qualifies for one

(ii) There shall be no more than one political assistant for each group that qualifies.

~~(i)(iii) Where a group does not qualify the group is prohibited from being allocated a political assistant.~~

~~(ii) Parties must have at least 10% of the membership of the authority to qualify for a political assistant.~~

~~(iii) On application of the rules the Labour Group and Liberal Democratic Group are allocated political assistants.~~

(iv) Where only one group has a membership of one tenth or more of the

membership of the authority the groups qualifying shall be that group and the group with the next largest membership .

(v) On application of the rules the Labour Group and Conservative Group are allocated political assistants. On application of these rules the Labour Group and the Group comprising the Conservative Party and the Brondesbury Park Conservatives are each allocated political assistant posts. Appointment to each of these posts will be made only upon confirmation of the wishes of the relevant group given to the Head of Executive and Member Services by the leader of the group, or by a written statement signed by a majority of the members of the group given to Head of Executive and Member Services.

81A. **Appointment and Dismissal of the Director of Public Health**

- (a) The arrangements for the appointment of the Director of Public Health are set out in the National Health Service Act 2006 Section 73A (as amended by the Health and Social Care Act 2012). The Council must have regard to the statutory guidance issued concerning the recruitment and appointment processes
- (b) The Local Authority must act jointly with the Secretary of State in the appointment of a Director of Public Health
- (c) Before terminating the appointment of the Director of Public Health the Local Authority must consult the Secretary of State

Appendix 2

(c) Any person wishing to make a deputation shall give written notice to the Director of Legal and Procurement of the title and summary of the content of the deputation not less than 5 days before the date of the meeting.

(d) If more than three deputations are received a ballot will take place three days before the Council meeting to select the deputations to be presented before the Council.

3940. Questions from the Opposition and Non Executive-Cabinet Members

(a) ~~Not in use~~A period of not more than 45~~30 minutes shall be allowed to ask and respond to questions raised under this item.~~

(b) Non executive-Cabinet members (except the Mayor and Deputy Mayor) will be permitted to put a maximum of 10-9 questions to the Executive-Cabinet on any matter which is the responsibility of the Executive-Cabinet. Each non-executive-Cabinet member may only put one matter to the Executive-Cabinet in any one question time session. The 10-9 questions are to be divided as follows; 5-3-1 from each of the main opposition groups, 1 from the minority opposition group and 4-6 from the administration. Such questions to be provided to Head of Executive and Member Services not less than 5 days before the date of the meeting.

(c) The party groups shall decide which of their members shall put the questions to the Executive-Cabinet.

(d) Each non executive-Cabinet member shall have up to 1 minute within which to put their question.

(e) A member of the Executive-Cabinet shall have up to 2 minutes to respond to the question.

~~(f) The non executive member shall be permitted to comment further for a maximum of 2 minutes. These follow up comments must relate to the subject matter of their original question and must not involve further or supplementary questions.~~

40. Debate on key issues affecting the borough

~~(a) With agreement of all Group Leaders a speaker shall be invited to attend and speak on an issue pertinent to the London Borough of Brent. The speech shall not exceed 10 minutes.~~

~~(b) The lead executive member will be permitted to speak for 5 minutes on the topic addressed by the speaker within which time they will propose a motion for debate.~~

~~(c) The debate by members will not exceed 45 minutes. Questions or comments by members shall not exceed 2 minutes.~~

41. Report from the Chairs of the Overview and Scrutiny Committee

(a) The Chairs of not more than two Overview and Scrutiny Committees may present reports on any matter in respect of which the committees have has been consulted or which it has they have been reviewing or considering and each shall be permitted to speak for up to 5 minutes thereon.

~~be allowed for this item.~~

- (b) A maximum of ~~32~~ 3 motions will be put to Council at any one meeting (one per party group) which will be debated.
- (c) Each group must give notice in writing of their motion to the Head of Executive and Member Services ~~Democratic Services Manager~~ not less than 5 days before the date of the meeting. This shall include a copy of the Motion they are intending to move at the meeting. A copy of the motion shall be circulated to all members at least 2 days before the date of the meeting.
- ~~(d) The time allowed to debate and vote on each of the 3 motions shall not exceed 15 minutes~~
- ~~(e)~~(d) The debate shall commence with the proposer being invited to speak for up to 3 minutes during which time they shall move the Motion notified to the Head of Executive and Member Services ~~Democratic Services Manager~~. Further speakers shall then be called by the Mayor.
- ~~(f)~~(e) Up to ~~6~~ 43 speakers shall be allowed for each motion (~~2~~ 1 from each group), each limited to 2 minutes
- ~~(g) The matter shall be put to the vote at the end of the debate 15 minutes permitted for each of the three Motions.~~
- ~~(h)~~(f) Any amendments to the motions can be accepted provided they are set out in writing to the Mayor prior to a vote taking place

46. Rules Of Debate For Meetings of Full Council

- (a)* *Any motion or amendment to a motion may be moved without notice but must relate to an item of business specified in the summons for the meeting.*
- (b) Each amendment shall relate to the subject matter of the motion and shall not have the effect of negating the motion.
- (c) Motions or amendments to motions shall not be open to debate until formally moved.
- (d) Motions and amendments to motions which have not been circulated in advance of the meeting shall be read aloud before they are open to debate, and the Mayor will require that the motion or an amendment to a motion is written down and handed to him/her.
- (e) Procedural motions shall be put to the vote without discussion, provided that the Mayor may, in his or her absolute discretion, allow or require the proposer to give (for such brief period as the Mayor may allow) reasons for proposing the motion.
- (f) A member shall stand when speaking and shall address the Mayor. If two or more members rise the Mayor shall call on one to speak.
- (g) Speeches shall be directed to the matter under discussion or to a personal explanation or to a point of order.
- (h) No speech shall exceed three minutes except where otherwise provided in these Standing Orders or by the consent of Full Council and except for a Chair or the Leader replying to a debate whose speech shall not exceed five minutes. Any

Appendix 2

- (c) Any person wishing to make a deputation shall give written notice to the Director of Legal and Procurement of the title and summary of the content of the deputation not less than 5 days before the date of the meeting.
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