



**COUNCIL MEETING**  
**23 November 2009**  
and  
**OVERVIEW AND SCRUTINY**  
**COMMITTEE**  
**8 December 2009**

**Report from the Borough Solicitor**

Wards Affected:  
None

**Review of representation of political groups on committees**

**1.0 Summary**

- 1.1 This report updates members on the impact of the change in membership of the political groups on the political balance of committees and sub committees and advises on the need to consider changes to the allocation of seats on committees.

**2.0 Recommendations**

2.1 That the Council:

- (i) Agrees the allocation of seats on ordinary committees to each of the political groups as set out in bold in Table C
- (ii) agrees the allocation of seats on the Overview and Scrutiny Committee and Children and Families Overview and Scrutiny Committee as shown in bold in Table E of this report
- (iii) agrees changes to Standing Orders in relation to motions to change the size of committee and allocation of seats in accordance with paragraph 3.19 of this report

2.2 That the Overview and Scrutiny Committee agrees the allocation of seats on its sub-committees as shown in bold in Table E.

**3.0 Detail**

- 3.1 Under the Local Government and Housing Act 1989 s15 (the "Act") and Regulations made under s15(1) (e) of that Act, the Council is required to review and determine the representation of political groups on committees and sub committees and allocate places to political groups accordingly.

- 3.2 The allocation of places is determined by applying the political balance principles set out in the Act. These are designed to ensure that the political composition of the Council's decision making and deliberative committees as far as possible reflects 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.
- 3.3 The Act provides 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 (this rule does not apply to the Council as no party currently has an overall majority of seats);
  - (c) subject to paragraph (a) above (and to (b) above if it had been applicable), 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.
- 3.4 Principle (c) refers to "ordinary committees" which under the Act means those appointed under S102 Local Government Act 1972, namely General Purposes Committee, Audit Committee and Planning Committee.
- 3.5 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. By virtue of the Local Government Act 2000 principle (d) also applies to Overview and Scrutiny Committee and its sub-committees.
- 3.6 Accordingly under principle (c) above the General Purposes Committee, the Audit Committee and the Planning Committee first have to be taken together to determining the number of seats that should be allocated to each group. Then, in accordance with paragraph (d) above, the political balance principles have to be applied to each of those committees individually. However, principle (c) takes precedence and accordingly some adjustment may be needed to the final allocation of ordinary committee seats.
- 3.7 In relation to Overview and Scrutiny committee and the sub committees only principle (d) applies namely that each individual committee must be considered in relation to the political balance principles.
- 3.8 The current membership of the authority is 63 councillors. Prior to end of September 2009 this consisted of 27 Liberal Democratic members, 20 Labour members, 14 Conservative members and 2 Democratic Conservative Group members. However, upon Councillor Eniola joining the Conservative Group in October 2009 the Labour Group reduced to 19, and the Conservative Group increased to 15. This has affected the percentage of the Council seats held by each group and therefore potentially the number of seats allocated on each committee.

3.9 **Table A** below sets out the required allocation of seats on the ordinary committees of the Council according to the political balance principles described above in light of the change in group membership. It shows the exact percentage of seats (in faint type and in brackets) and the whole number of seats (in bold type). The seat numbers are calculated by allocating seats according to whole numbers first. Where that does not fill all the available seats, remaining seats are allocated to the group with the highest fraction of a seat until all the seats are allocated. Members will note that the duty on the council is to allocate seats in accordance with the principles as far as is reasonably practicable.

**Table A – Number of seats required to be allocated across all Ordinary Committees**

Group	Size	Liberal Democrats	Labour	Conservative	Democratic Conservative
<b>Number of council seats</b>		<b>27</b>	<b>19</b>	<b>15</b>	<b>2</b>
<b>Percentage of seats on the Council</b>		<b>42.857%</b>	<b>30.158%</b>	<b>23.809%</b>	<b>3.174%</b>
The number of seats on all ordinary committees	<b>25</b>	<b>11</b> (10.714)	<b>7</b> (7.539)	<b>6</b> (5.952)	<b>1</b> (0.793)

3.10 **Table B** below shows the number of seats that would be allocated on each individual Ordinary Committee if seats were allocated purely by reference to the percentage of seats a group holds on the council but without any reference to principle (c). Seats are allocated to whole numbers first. Where that does not fill all the available seats, remaining seats are allocated to the group with the highest fraction of a seat until all the seats are allocated.

**Table B – Allocation of seats across individual Ordinary Committee**

Group	Size	Liberal Democrats	Labour	Conservative	Democratic Conservative
<b>Number of council seats</b>		<b>27</b>	<b>19</b>	<b>15</b>	<b>2</b>
<b>Percentage of seats on the Council</b>		<b>42.857%</b>	<b>30.158%</b>	<b>23.809%</b>	<b>3.174%</b>
General Purposes Committee	<b>10</b>	<b>4</b> (4.285)	<b>3</b> (3.015)	<b>3</b> (2.380)	<b>0</b> (0.317)
Planning Committee	<b>12</b>	<b>5</b> (5.142)	<b>4</b> (3.618)	<b>3</b> (2.857)	<b>0</b> (0.380)
Audit Committee	<b>3</b>	<b>1</b> (1.285)	<b>1</b> (0.904)	<b>1</b> (0.714)	<b>0</b> (0.095)
Total number of ordinary committee seats to be allocated in accordance with principles (d)	<b>25</b>	<b>10</b>	<b>8</b>	<b>7</b>	<b>0</b>

3.11 Members will note from the above **Table B** that this produces a result (10,8,7,0) which conflicts with the result required by principle (c) (11,7,6,1) shown in **Table A** above. An adjustment therefore has to be made to the number of seats allocated to each committee in order to achieve the overriding principle (c). The required adjustment needs to be made reasonably. The least disturbance to political balance would be achieved by the transfer of one seat of the Conservative Group on the General Purposes Committee to the Democratic Conservative Group, and one seat of the Labour Group to the Liberal Democratic Group on the Planning Committee. This adjustment is calculated firstly by deciding which changes are needed (namely transfer of seats from the Conservative and Labour Groups to the Liberal Democratic Group and Democratic Conservative Group); Secondly, by identifying the seats on the individual committees that have been allocated based on fractions; Thirdly, by identifying the smallest adjustment necessary in order to achieve compliance with principle (c). **Table C** below shows the ordinary committees with the recommended adjustments made in bold to achieve compliance with principle (c).

**Table C - Adjusted allocated of seats across individual Ordinary Committees**

<b>Group</b>	<b>Size</b>	<b>Liberal Democrats</b>	<b>Labour</b>	<b>Conservative</b>	<b>Democratic Conservative</b>
<b>Number of council seats</b>		<b>27</b>	<b>19</b>	<b>15</b>	<b>2</b>
<b>Percentage of seats on the Council</b>		<b>42.857%</b>	<b>30.158%</b>	<b>23.809%</b>	<b>3.174%</b>
<b>Number of seats across all ordinary committees</b>	<b>25</b>	<b>11</b>	<b>7</b>	<b>6</b>	<b>1</b>
General Purposes Committee	10	(4 ) <b>4</b>	(3 ) <b>3</b>	(3 ) <b>2</b>	(0 ) <b>1</b>
Planning Committee	12	(5 ) <b>6</b>	(4 ) <b>3</b>	(3 ) <b>3</b>	(0 ) <b>0</b>
Audit Committee	3	(1 ) <b>1</b>	(1 ) <b>1</b>	(1 ) <b>1</b>	(0 ) <b>0</b>
Total number of ordinary committee seats to be allocated in accordance with principles (d)	25	(10) <b>11</b>	(8) <b>7</b>	(7) <b>6</b>	(0 ) <b>1</b>

3.12 For ease of reference members will note that this calculation requires a change to the current allocation of seats on the Ordinary Committees as shown below in **Table D** below (with the current allocation shown in feint and in brackets and the new allocation shown in bold type).

**Table D - Proposed changes to seats allocated.**

<b>Group</b>	<b>Size</b>	<b>Liberal Democrats</b>	<b>Labour</b>	<b>Conservative</b>	<b>Democratic Conservative</b>
<b>Number of council seats</b>		(27) <b>27</b>	(20) <b>19</b>	(14) <b>15</b>	(2) <b>2</b>
General Purposes Committee	10	(4) <b>4</b>	(3) <b>3</b>	(2) <b>2</b>	(1) <b>1</b>
Planning Committee	12	(5 ) <b>6</b>	(4) <b>3</b>	(3) <b>3</b>	(0) <b>0</b>
Audit Committee	3	(1 ) <b>1</b>	(1 ) <b>1</b>	(1) <b>1</b>	(0 ) <b>0</b>
Total number of ordinary committee seats to be allocated in accordance with principles (d)	25	(10) <b>11</b>	(8 ) <b>7</b>	(6) <b>6</b>	(1) <b>1</b>

- 3.13 In relation to the Overview and Scrutiny Committees and the sub committees, only those Committees and Sub-Committees that have 8 members are affected by the change in political group members. These are Overview and Scrutiny, Children and Families Overview and Scrutiny, Forward Plan Select and Health Overview. The Council needs to decide the allocation of seats on the two main committees namely Overview and Scrutiny and Children and Families Overview. The Overview and Scrutiny Committee must decide the allocation of seats on the sub-committees. The allocation of seats is shown in **Table E** below. The current allocation is shown in feint and in brackets, and the new allocation shown in bold type.

**Table E - Other Committees of the Council**

<b>Other Committees</b>	<b>Size</b>	<b>Liberal Democrats</b>	<b>Labour</b>	<b>Conservative</b>	<b>Democratic Conservative</b>
		<b>27</b>	<b>19</b>	<b>14</b>	<b>2</b>
Overview and Scrutiny Committee	8	(3) <b>4</b>	(3 ) <b>2</b>	(2) <b>2</b>	(0) 0
Children and Families Overview and Scrutiny,	8	(3) <b>4</b>	(3) <b>2</b>	(2) <b>2</b>	(0) 0
Forward Plan Select	8	(3) <b>4</b>	(3) <b>2</b>	(2) <b>2</b>	(0) 0
Health Overview	8	(3) <b>4</b>	(3) <b>2</b>	(2) <b>2</b>	(0) 0
P and F Select Committee	8	(3) <b>4</b>	(3) <b>2</b>	(2) <b>2</b>	(0) 0

- 3.14 The Council has two committees which are not required by law to be subject to the political balance principles described. These are the Standards Committee and the

Alcohol and Entertainment Licensing Committee. These are not affected by these proposals.

- 3.15 A proposal has been submitted by the leader of the Conservative Group to reduce the size of the Planning Committee from 12 to 11 seats. If this change were to be agreed by the Council the allocation of seats would change as shown in **Table F** below. The allocation of seats based on the current size of committee is shown in faint type and in brackets and the proposed allocation is shown in bold type. It is open to the Council to change the size of its committees, but it is not required to change the size of the committees in order to comply with the Act. As such, this recommendation is not necessarily recommended by officers but it is open to the Council to make the change should it so wish.

**Table F - Proposal by Leader of the Conservative Group**

Ordinary Committees	Size		Liberal Democrats		Labour		Conservative		Democratic Conservative	
			27 (42.857%)		19 (30.158%)		15 (23.809%)		2 (3.174%)	
<b>Total number of ordinary committee seats allocated in accordance with principles ( c) and (d)</b>	(25)	<b>24</b>	(10)	<b>10</b>	(8)	<b>7</b>	(6)	<b>6</b>	(1)	<b>1</b>
General Purposes Committee	(10)	<b>10</b>	(4)	<b>4</b>	(3)	<b>3</b>	(2)	<b>2</b>	(1)	<b>1</b>
Planning Committee	(12)	<b>11</b>	(6)	<b>5</b>	(3)	<b>3</b>	(3)	<b>3</b>	(0)	<b>0</b>
Audit Committee	(3)	<b>3</b>	(1)	<b>1</b>	(1)	<b>1</b>	(1)	<b>1</b>	(0)	<b>0</b>

- 3.16 It is recommended that the Standing Orders be amended so that any motion to change the size of committees, or sub committees, or to change allocated seats on committees, or sub committees, can only be moved if written notice of the motion has been given to all group leaders and the Borough Solicitor at least 5 working days in advance of the meeting at which the motion is to be moved. This recommended change to Standing Orders is designed to ensure that both members and officers have adequate opportunity, prior to the relevant meeting, to consider the implications of the proposed change(s) to the allocation of seats to members of all groups and for advice to be given.

#### **4.0 Financial Implications**

- 4.1 There are none arising directly from this report.

#### **5.0 Legal Implications**

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**

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