



COUNCIL MEETING

26 May 2010

Report from the Borough Solicitor

For Action

Wards Affected:
ALL

Representation of political groups on committees

1.0 Summary

- 1.1 This report deals with rules to be applied on the allocation to political groups of seats on committees established by the Council.

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, the Alcohol and Entertainment Licensing Committee and the Overview and Scrutiny Committee.

3.0 Detail

- 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.
- 3.2 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.

- 3.3 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.
- 3.4 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, and joint committees where at least 3 seats are allocated. 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 rules have to be applied to each of those committees individually.
- 3.7 In relation to Overview and Scrutiny committees 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 political balance principles do not apply to the London Councils Joint Committees because only one appointment is made to each

3.9 The current membership of the authority is 63 consisting of 40 Labour Group, 17 Liberal Democratic Group, 6 Conservative Group.

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. 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 3.3 above.

Ordinary Committees	Size	Labour 40 63.49%	Liberal Democrats 17 26.98%	Conservative 6 9.52%
General Purposes Committee	10	6	3	1
Planning Committee	11	7	3	1
Audit Committee	3	2	1	0
Total in accordance with principle (c) above the balance across these three committees taken together:	24	15	7	2

Other Committees	Size	Labour 40 63.49%	Liberal Democrats 17 26.98%	Conservative 6 9.52%
Overview and Scrutiny Committee	8	5	2	1
Children and Families Overview and Scrutiny Committee	8 (plus 4 voting co-opted members and 2 non-voting co-opted members)	5	2	1

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. These are the Standards Committee and the Alcohol and Entertainment Licensing Committee. Although not a statutory requirement the Council agreed some time ago that the Standards Committee would have 3 members in addition to the Independent Members, one from each party group. It was also agreed that the political balance rules would 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 those committees is as follows:

Committee	Size	Labour	Liberal Democrats	Conservative
		40 63.49%	17 26.98%	6 9.52%
Alcohol and Entertainment Licensing Committee	15	10	4	1
Standards Committee	3	1	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 and the Overview and Scrutiny Committee, which are the only committees to have sub-committees to which the political balance rules apply. It is proposed that a similar review take place at the first meeting of the Alcohol and Entertainment Licensing Committee, although this is not a legal requirement

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
Borough Solicitor