


## SUMMONS ITEM 8

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

<b>Ordinary Committees</b>	<b>Size</b>	<b>Labour 56 88.88%</b>	<b>Liberal Democrats 1 1.58%</b>	<b>Conservative Party 3 4.76%</b>	<b>Bromdesbury Park Conservative s 4.76% 3</b>
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		
<b>Total</b> in accordance with principle (c) above the balance across these three committees taken together:	<b>31</b>	<b>27</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Other Committees</b>	<b>Size</b>	<b>Labour 56 88.88%</b>	<b>Liberal Democrats 1 1.58%</b>	<b>Conservative 3 4.76%</b>	<b>Bromdesbury Park Conservative s 4.76%</b>
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:

<b>Committee</b>	<b>Size</b>	<b>Labour</b> <b>56</b> <b>88.88%</b>	<b>Liberal Democrats</b> <b>1</b> <b>1.58%</b>	<b>Conservative Party</b> <b>3</b> <b>4.76%</b>	<b>Brondesbury Park Conservatives</b> <b>3</b> <b>4.76%</b>
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**

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