

 <b>Brent</b>	<p align="center"><b>Full Council</b></p> <p align="center">22 June 2015</p> <p align="center"><b>Report from the Chief Legal Officer</b></p>
For Action	Wards Affected: ALL
<b>Representation of Opposition Political Groups on Committees</b>	

## **1.0 Summary**

- 1.1 Further to the Council's review of the representation of different political groups on committees at its annual meeting and the allocation and appointment of seats to the majority group, this report discharges the Council's duty to allocate seats to the opposition groups and to make appointments.

## **2.0 Recommendations**

- 2.1 That the Council:
- (i) agree the allocation of seats on committees to the opposition political groups as set out in paragraphs 3.6 to 3.9.
  - (ii) make appointments to the committees giving effect to the wishes of the political group concerned.

## **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 At its Annual Meeting on 20 May 2015, the Council discharged its duty to review political balance and allocated seats on relevant committees. For this purpose, seats were allocated on committees on the basis of there being two political groups: (1) the Labour Group, and (2) the Conservative and the Brondesbury Park Conservative (now known as Brent Conservative) Groups combined.
- 3.3 Members were advised that the Local Government (Committees and Political Groups) Regulations 1990 (the 1990 Regulations) provide that Members are treated as being from the same political group for the purpose of political balance rules, 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.
- 3.4 It is now appreciated, however, that the 1990 Regulations require two or more political groups to be treated as one combined group in limited circumstances only. Namely, to avoid all the seats on a committee being allocated to Members who when elected were members of the same group. As the size of the combined opposition group (i.e. 6 Members) mean that there is no question of that happening, the rule about treating the groups as one combined group is not relevant.
- 3.5 Having already allocated seats to the Labour Group in accordance with the political balance rules (which are set out in Appendix 1 to this report) and made appointments giving effect to the wishes of that group, the Council now needs to allocate seats separately to the two opposition groups. In practical terms, this makes little or no difference for two reasons. First, the number of seats each group is entitled to remains the same i.e. each group will be allocated 1 seat on 3 ordinary committees. Second, the decision to allocate seats and to make appointments on committees is still made by full Council.
- 3.6 Accordingly, the table below lists the 6 ordinary committees of the Council subject to the political balance rules and confirms the size of each committee and the number of seats already allocated to the Labour Group. Members therefore need to allocate the one remaining seat on each committee to either the Conservative Group or the Brent Conservative Group so that each group is allocated a total number of 3 seats.

<b>Ordinary Committees</b>	<b>Size</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Brent Conservative Group</b>	<b>Liberal Democrats</b>
		<b>56 88.88%</b>	<b>3 4.76%</b>	<b>3 4.76%</b>	<b>1 1.59%</b>
General Purposes Committee	8	7	?	?	0
Planning Committee	8	7	?	?	0
Audit Committee	5	4	?	?	0
Standards Committee	5	4	?	?	0
Corporate Parenting Committee	5	4	?	?	0
Equalities Committee	5	4	?	?	0
<b>Total seats</b>	<b>36</b>	<b>30</b>	<b>3</b>	<b>3</b>	<b>0</b>

- 3.7 The only other committee which the political balance rules apply to is the Scrutiny Committee. The table below confirms the size and make-up of the Committee and it is for Members to decide which opposition group the one remaining seat should be allocated to.

<b>Other Committees</b>	<b>Size</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Brent Conservative Group</b>	<b>Liberal Democrats</b>
		<b>56</b> <b>88.88%</b>	<b>3</b> <b>4.76%</b>	<b>3</b> <b>4.76%</b>	<b>1</b> <b>1.59%</b>
Scrutiny Committee	8 (plus 4 voting co-opted members and 2 non-voting co-opted members)	7	?	?	0

3.8 The political balance rules do not apply to the Health and Well-being Board but it has been previously agreed that this Board comprise 4 Cabinet Members and one opposition group Member. The 4 Cabinet Member appointments have already been made to the Board and Members therefore need to make the final opposition group Member appointment.

3.9 Nor do the political balance rules formally apply to the Alcohol and Entertainment Licensing Committee but are applied as a matter of policy (not law). As set out below, each opposition group is entitled to be allocated one seat on this Committee.

<b>Committees</b>	<b>Size</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Brent Conservative Group</b>	<b>Liberal Democrats</b>
		<b>56</b> <b>88.88%</b>	<b>3</b> <b>4.76%</b>	<b>3</b> <b>4.76%</b>	<b>1</b> <b>1.59%</b>
<i>Alcohol and Entertainment Licensing Committee</i>	15	13	1	1	0

- 3.10 Subsequent to allocating seats, Members have to *appoint* named Members to the committees and bodies mentioned in this report giving effect to the wishes of the relevant group.
- 3.11 For Members' information, on 27 May 2015, the General Purposes Committee (the only committee of the council which is subject to political balance rules and which has appointed sub-committees), allocated seats on its three sub-committees to the two opposition groups separately and made appointments accordingly. The political balance rules do not apply to the sub-committees of the Alcohol and Entertainment Licensing Committee and these three Member sub-committees will not be politically balanced.

#### **4.0 Financial Implications**

- 4.1 These can be met from within existing budgets.

#### **5.0 Legal Implications**

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

#### **6.0 Diversity Implications**

- 6.1 None.

#### **Background Papers**

None

#### **Contact Officers**

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## Appendix 1

### **The political balance rules under the Local Government and Housing Act 1989 ('the Act') and the Local Government (Committees and Political Groups) Regulations 1990 ('the 1990 Regulations')**

1. The rules are that seats must be allocated so far as reasonably practicable in accordance with four 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 paragraphs (a) to (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.
2. Principle (c) refers to "ordinary committees" which under the Act means those appointed under section 102(1) of the Local Government Act 1972, namely General Purposes Committee, Audit Committee, Standards Committee, Corporate Parenting Committee, Planning Committee and the Equalities Committee.
3. 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.
4. Accordingly under principle (c) above, the General Purposes Committee, Audit Committee, Standards Committee, Corporate Parenting Committee, Planning Committee and the Equalities 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.

5. 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.
6. 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.
7. The current membership of the authority is 63 consisting of 56 Labour Group councillors; 3 Conservative Group councillors; 3 Brent Conservative Group councillors and 1 Liberal Democrat councillor. A political group for the purposes of the 1990 Regulations is a group of two or more Members. The sole Liberal Democrat councillor is not therefore part of a group.