



Full Council

7 September 2015

Report from the Chief Legal Officer

For Action

Wards Affected:
ALL

Outstanding Committee Appointments

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 Labour Group and Conservative Group, this report gives Full Council the opportunity to make appointments to the seats allocated to the Brent Conservative Group.

2.0 Recommendation

- 2.1 That the Council make the outstanding committee appointments reflecting political proportionality.

3.0 Detail

- 3.1 The Council is required to review and determine the representation of the political groups on committees and allocate committee seats 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 (the 1989 Act) and the Local Government (Committees and Political Groups) Regulations 1990 (the 1990 Regulations). 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 This function was discharged by the Council at its Annual Meeting on 20 May 2015 and at its last meeting on 22 June 2015. At these meetings, the Council

also made appointments to all the committee seats allocated to the Labour and Conservative groups giving effect to the wishes expressed by those groups.

- 3.3 At the Council's last meeting, in accordance with section 15 of 1989 Act, the Brent Conservative Group was allocated a single seat on the following ordinary committees of the Council: Audit, Standards and Corporate Parenting.
- 3.4 The Brent Conservative Group was also allocated the single opposition group seat on the Health and Well-being Board and one of the two opposition group seats on the Alcohol and Entertainment Licensing Committee.
- 3.5 In accordance with that Group's wishes, an appointment to the Alcohol and Entertainment Licensing Committee was made. The Group, however, did not express any wishes in respect of any of the other committee seats it was allocated.
- 3.6 Following the last meeting of Full Council, the Head of Executive and Member Services notified the Leader of the Brent Conservative Group, in writing, of the opportunity to nominate a Member of the Group to the remaining seats the Group had been allocated by 15 July 2015.
- 3.7 In response, the Group leader expressed two wishes: *"1. Not to appoint from my group to our allocated committees, 2. To appoint from outside my group."* Having been advised that only members of the Brent Conservative Group can be nominated, the Group further expressed the wish that, apart from the Alcohol and Entertainment Licensing Committee, the seats on the committees remain vacant.
- 3.8 According to the 1990 Regulations, if a political group has failed to express its wishes in relation to the appointment of a committee seat within a period of three weeks, "the authority.....may make such appointment to that seat as they think fit."
- 3.9 Full Council's default power is therefore discretionary: the outstanding appointments "may" be made but there is no requirement to do so. Further, the power to appoint has to be interpreted in its statutory context and, in particular, the requirement for political balance. Members are advised that where a political group has been allocated a seat on a committee, Full Council can exercise its power of appointment to that seat only by appointing a member of the political group in question. Accordingly, only a Member of the Brent Conservative Group may be appointed to the seat allocated to it on the Audit, Standards and Corporate Parenting Committees.
- 3.10 To remind Members, 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 allocated to each political group.

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

3.11 The political balance rules do not apply to the Health and Well-being Board. This appointment therefore is not limited to a Member of the Brent Conservative Group.

3.12 A change is being proposed to the composition of the Board (see the report on Changes to the Constitution which is also on the agenda for this meeting of Full Council), which, if approved, will mean that as well as a Member of either opposition group (namely, the Conservative Group or the Brent Conservative Group), the single Liberal Democrat councillor is also eligible for appointment. As four Cabinet Members have already been appointed to the Health and Well-being Board, Members are requested to make the final opposition Member appointment.

4.0 Financial Implications

4.1 Members of the Audit, Standards and Corporate Parenting Committees and the Health and Well-being Board do not receive a special responsibility allowance.

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

Fiona Alderman, Chief Legal Officer, Chief Operating Officer's Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 4101

Looqman Desai, Senior Solicitor (Governance), Chief Operating Officer's Department, Brent Council, Brent Civic Centre, Engineers Way, Wembley HA9 0FTJ

Tel: 020 8937 1366