



Full Council

18 May 2016

Report from the Chief Legal Officer

For Action

Wards Affected:
ALL

Review and Determination of Representation of Political Groups on Committees

1.0 Summary

- 1.1 This report fulfils the Council's duty to review and determine the representation of different political groups on certain committees at its annual meeting or as soon as practicable thereafter. Subsequently, the Council has a duty to make appointments to those committees giving effect to the wishes of the political group allocated the seats.

2.0 Recommendations

- 2.1 That Full Council:
- (i) agree the size of each committee;
 - (ii) agree (where the rules of political balance apply) the allocation of seats on committees to each of the Council's political groups as set out in paragraph 3.6;
 - (iii) make appointments to those committees giving effect to the wishes of the political group allocated the seats;
 - (iv) note that the political balance on sub-committees will be reviewed at the first meeting of the General Purposes Committee; and
 - (v) review which opposition group is designated the Principal Opposition Group for the purposes of the Members' Allowance Scheme.

3.0 Detail

- 3.1 The Council is required to **review** the representation of different political groups on certain committees at, or as soon as practicable after, its annual meeting. As soon as practicable after the review, the Council has a duty to

determine the allocation to the different political groups all the seats on the relevant committees. The allocation is determined by applying the “political balance rules” prescribed by the Local Government and Housing Act 1989 and supplemented by the Local Government (Committees and Political Groups) Regulations 1990. These rules are set out in Appendix 1 to this report and 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 Full Council. Subsequently, the Council has a duty to make **appointments** to those committees giving effect to the wishes of the political group allocated the seats.

- 3.2 The Committees that the political balance rules apply to have similar duties in relation to any sub-committees they may have.
- 3.3 The current membership of the Council is 63 persons and there are three different political groups: 56 Labour Group councillors (i.e. 88.88%); 3 Conservative Group councillors (4.76%) and 3 Brent Conservative Group councillors (4.76%). According to the political balance rules 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 table below sets out the 6 ordinary committees of the Council which the political balance rules apply to; the size of each committee (excluding any non-voting co-opted committee members in accordance with the political balance rules); the total number of seats required to be allocated; the number of seats each political group is strictly entitled to based on the number of group members and any adjustments required by the political balance rules.
- 3.5 For example, there are a total of 36 ordinary committee seats. As the 56 members of the Labour Group constitute 88.88% of the total membership of the Council, the proportion of seats the group is strictly entitled to is 32. However, as the political balance rules do not allow all the seats on a committee to be allocated to the same political group, at least 6 seats have to be allocated to the other political groups. Resulting in a final allocation of 30 seats to the Labour Group.
- 3.6 Conversely, as both opposition groups have 3 members each (i.e. 4.76% of the total membership of the Council), each group is strictly entitled to an allocation of 2 seats. However, as the Labour Group can only be allocated 30 and not 32 seats, the two remaining seats also have to be allocated to the other political groups. In the past this has been done on an equal basis. It is, however, for Full Council to determine the allocation of seats on committee and members are requested to make such a determination.

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			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
Total seats	36				
Strict Entitlement (based on a proportion of total members)		32	2	2	0
Final Allocation (based on the political balance rules)		30 (-2)	3 (+1)	3 (+1)	0

- 3.7 The only other committees which the political balance rules apply to are the Scrutiny Committees. As members will recall, the new two scrutiny committee structure agreed by Full Council at its last meeting will be implemented on 19 May 2016. The table below confirms the size and make-up of the Committees (i.e. a total of 8 councillors on each Scrutiny Committee notwithstanding the requirement to appoint 4 education co-opted members with voting rights on

the Community and Well-being Scrutiny Committee) and it is for Members to determine the allocation of the two remaining seats to the opposition groups.

Other Committees	Size	Labour Group	Conservative Group	Brent Conservative Group	Liberal Democrats
		56 88.88%	3 4.76%	3 4.76%	1 1.59%
Community and Well-being Scrutiny Committee	8 (plus 4 voting co-opted members and 2 non-voting co-opted members)	7			0
Resources and Public Realm Scrutiny Committee	8	7			0

- 3.8 Subsequent to allocating seats, the Council has a duty to make appointments to the specified committees giving effect to the wishes of the political group allocated the seats.
- 3.9 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 Member. Members are asked to make the appointments to the Health and Well-being Board too.
- 3.10 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). The proportionate entitlement to the available seats is set out below and Members are asked to make the appointments.

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

3.11 Finally, having allocated seats on committees to the opposition groups and given the obvious linkages and knock-on effects, Members are invited to review which group is designated the Principal Opposition Group for the purposes of the Council's Members' Allowance Scheme.

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

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Appendix 1

The political balance rules prescribed by 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 on relevant committees must be allocated to different political groups so far as reasonably practicable in accordance with the following four 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 Council'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 Council 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 Council 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, principles (a), (b) and (d) also apply 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 number of seats each political group is entitled to has to be allocated proportionately to individual committees so far as possible.

5. The political balance principles do not apply to the London Councils' Joint Committees or the Joint Health Overview and Scrutiny Committee because only one seat on each Committee is allocated by the Council.