



## Full Council

21 November 2016

### Report from the Chief Legal Officer

For Action

Wards Affected:  
ALL

## Review of Political Groups on Committees

### Notice of proposed urgent item

Pursuant to s100B(4)(b) of the Local Government Act 1972 for the following reason there are special circumstances requiring this report to be considered at the meeting as a matter of urgency.

On 21 November 2016 the Council was notified of a change in the membership of the Conservative and Brent Conservative Groups and a request for a review of the representation of political groups on committees. Full Council has a statutory duty to conduct such a review as soon as practicable. However, the next scheduled meeting of Full Council is not until 23 January 2017.

### 1.0 Summary

1.1 On 21 November 2016, Councillor Davidson notified the Council that he has joined the Conservative Group. This has also been confirmed by the Group's Leader, Councillor Colwill. As a consequence, but subject to the agreement of the Mayor, it is proposed that at this meeting the Council fulfils its duty to review and determine the representation of different political groups. Subsequently, the Council has a duty to make appointments to those committees giving effect to the wishes of the political groups allocated the seats.

1.2 The impact of the exercise of the review, allocation and appointment functions set out in this report are limited to the Conservative Group and the Brent Conservative Group. The existing allocations made to the majority Labour Group and the appointment of its members on committees are not affected.

### 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 the opposition groups of the Council;
- (iii) make appointments to those committees giving effect to the wishes of the political group allocated the seats; and
- (iv) note that, if necessary, the political balance on sub-committees will be reviewed at the first meeting of the General Purposes Committee.

### 3.0 Detail

- 3.1 The Council is required **to review** the representation of different political groups on certain committees, as soon as practicable, in specified circumstances. These circumstances include notification of change of membership of political groups.
- 3.2 On 21 November 2016, Councillor Davidson notified the Council that he has joined the Conservative Group with immediate effect and this has also been confirmed by Councillor Colwill, the Group's Leader. In accordance with the statutory rules, the notice also requested a review of the representation of political groups on committees. This review has to be undertaken by Full Council as soon as practicable. Given that the next scheduled meeting of Full Council is not until 23 January 2017, there are special circumstances why this report should be considered at this meeting as a matter of urgency.
- 3.3 The impact of the review is limited to the Conservative and the Brent Conservative Groups as the change in membership of a single opposition member does not affect the Labour Group's allocation of seats. For the avoidance of doubt, the Labour Group's appointments are also unaffected.
- 3.4 As soon as practicable after the review, the Council has a duty to **determine the allocation** to the Conservative and Brent Conservative Groups 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.
- 3.5 The Committees that the political balance rules apply to have similar duties in relation to any sub-committees they may have.
- 3.6 The current membership of the Council is 63 members and there are three different political groups. Following today's change in membership, the composition of the Council is as follows: 56 Labour Group councillors (i.e.

88.88%); 4 Conservative Group councillors (6.35%) and 2 Brent Conservative Group councillors (3.17%). According to the political balance rules a political group for this purpose is a group of two or more members. Councillor Carr is the only councillor who is not a member of a political group. Councillor Carr who previously sat as a Liberal Democrat councillor gave notice to the Council on 21 November 2016 that she will be sitting as an independent member.

- 3.7 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.
- 3.8 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.
- 3.9 Conversely, as the Conservative Group now has 4 members (i.e. 6.35% of the total membership of the Council), the group is strictly entitled to an allocation of 2 seats (rounded down from 2.29). Similarly, as the Brent Conservative Group now has 2 members (i.e. 3.17% of the total membership of the Council), the group is strictly entitled to 1 seat (rounded down from 1.14). However, as the Labour Group can only be allocated 30 and not 32 seats, the three remaining seats also have to be allocated to one of the opposition groups. Over and above each group's strict entitlement, it is a matter for Full Council to decide which opposition group is allocated the remaining seats.

<b>Ordinary Committees</b>	<b>Size</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Brent Conservative Group</b>	<b>Independent Member</b>
		<b>56 88.88%</b>	<b>4 6.35%</b>	<b>2 3.17%</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>Strict Entitlement (based on a proportion of total members)</b>		<b>32</b>	<b>2</b>	<b>1</b>	<b>0</b>
<b>Final Allocation (based on the political balance rules)</b>		<b>30 (-2)</b>			<b>0</b>

3.10 The only other committees which the political balance rules apply to are the Scrutiny Committees. 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). With an entitlement of 0.5% of seats (which is rounded up to 1), compared

with the Brent Conservative Group's entitlement to 0.25% of seats (which is rounded down to 0), the Conservative Group is now entitled to be allocated a seat on both Scrutiny Committees.

<b>Other Committees</b>	<b>Size</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Brent Conservative Group</b>	<b>Independent Member</b>
		<b>56</b> <b>88.88%</b>	<b>4</b> <b>6.35%</b>	<b>2</b> <b>3.17%</b>	<b>1</b> <b>1.59%</b>
Community and Well-being Scrutiny Committee	8 (plus 4 voting co-opted members and 2 non-voting co-opted members)	7	1	0	0
Resources and Public Realm Scrutiny Committee	8	7	1	0	0

- 3.11 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.
- 3.12 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. Currently, Councillor Colwill is appointed to the Health and Well-being Board.
- 3.13 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.

<b>Committees</b>	<b>Size</b>	<b>Labour Group</b>	<b>Conservative Group</b>	<b>Brent Conservative Group</b>	<b>Independent Member</b>
		<b>56 88.88%</b>	<b>4 6.35%</b>	<b>2 3.17%</b>	<b>1 1.59%</b>
<i>Alcohol and Entertainment Licensing Committee</i>	15	13	1	1	0

3.14 Finally, and for completeness, it is mentioned that the Conservative 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

#### **Contact Officers**

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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 Committees.
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.