



Full Council

18 September 2017

Report from the Chief Legal Officer

For Action

Wards Affected:
ALL

Representation 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 Monday 18 September 2017 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 22 January 2018.

1.0 Summary

- 1.1 On Monday 18 September 2017 notification was received about a change in membership involving the Conservative and Brent Conservative Groups which has resulted in the need for a review of the representation of political groups on Committees. The change involves Councillors Davidson and Maurice joining the Brent Conservative Group. This has been confirmed by the Group's Leader, Councillor Warren. 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 change outlined above will mean that the status of the Brent Conservative Group changes to that of the Principal Opposition Group on the Council.
- 1.3 Given the change in membership, Council is now required to review and determine the representation of different political groups on certain committees. Having undertaken the review, the Council then has a duty to

make appointments to those committees giving effect to the wishes of the political group allocated the seats. It should be noted that the impact of the exercise of the review, allocation and appointment functions set out in this report are limited to the Brent Conservative Group and the 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 each of the Council's political groups as set out in the report; and
- (iii) make appointments to those committees giving effect to the wishes of the political group allocated the seats; and
- (iv) note that the political balance on sub-committees will be reviewed at the next 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 at, or as soon as practicable, in specified circumstances. These circumstances include notification of change of membership of political groups.

3.2 On Monday 18 September 2017 the Chief Executive was notified that two members of the Conservative Group would be joining the Brent Conservative Group making them the single largest opposition group on the Council. 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 22 January 2018, there are special circumstances why this report should be considered at this meeting as a matter of urgency.

3.3 As soon as practicable after the review, the Council has a duty to **determine the allocation** to the newly formed political group 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.

- 3.4 The Committees that the political balance rules apply to have similar duties in relation to any sub-committees they may have.
- 3.5 The current membership of the Council is 63 members and there are three different political groups. As a result of the change outlined above, the composition of the Council is now as follows: 56 Labour Group councillors (i.e. 88.88%); 4 Brent Conservative Group councillors (6.35%) and 2 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 (serving as an independent member) is the only councillor who is not a member of a political group.
- 3.6 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.
- 3.7 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.
- 3.8 Conversely, as the Brent Conservative Group now has 4 members (i.e. 6.35% of the total membership of the Council), they become the Principal Opposition Group for the purposes of the Members' Allowance Scheme and are strictly entitled to an allocation of 2 seats (rounded down from 2.29). Similarly, as the 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 the opposition groups. An allocation of two further seats to the Brent Conservative Group, and the remaining seat to the Conservative Group, would result in a proportionate allocation (based on the number of members in each group) of the available seats to the opposition groups.

Ordinary Committees	Size	Labour Group	Brent Conservative Group	Conservative Group	Independent Member
		56 88.88%	4 6.35%	2 3.17%	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	1	0
Final Allocation (based on the political balance rules)		30 (-2)	4 (+2)	2 (+1)	0

3.9 There are other committees which the political balance rules apply to but only principles (a), (b) and (d) (see Appendix 1, paragraph 3). Namely, the existing Scrutiny Committees and the Audit Advisory Committee.

3.10 The table below confirms the size and make-up of the Committees. With double the number of members, compared with the Conservative Group, the Brent Conservative Group is entitled to be allocated the single opposition group seat on all four Committees.

Other Committees	Size	Labour Group	Brent Conservative Group	Conservative Group	Independent Member
		56 88.88%	4 6.35%	2 3.17%	1 1.59%
Community and Wellbeing 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
Housing Scrutiny Committee	8	7	1	0	0
Audit Advisory Committee	5	4	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. The appointments to committees being made by Brent Conservative Group to reflect the change in composition of the Council and political balance requirements will be circulated for approval at the meeting as

part of the agenda item on Committee Appointments (see separate agenda item).

- 3.12 The political balance rules do not apply to the Health and Wellbeing Board but it has been previously agreed that this Board comprise 4 Cabinet Members and one opposition Member. Members are therefore also asked to make the appointment to the Health and Wellbeing Board.
- 3.13 Nor do the political balance rules formally apply to the Alcohol and Entertainment Licensing Committee but these 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	Brent Conservative Group	Conservative Group	Independent Member
		56 88.88%	4 6.35%	2 3.17%	1 1.59%
<i>Alcohol and Entertainment Licensing Committee</i>	15	13	1	1	0

4.0 Financial Implications

4.1 None.

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)(a) 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 filled by appointments made by the Council. By virtue of the Local Government Act 2000, principles (a), (b) and (d) also apply to the Scrutiny Committees. Those same principles also apply to the Audit Advisory Committee (if established).
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 appointment on each Committee is made by the Council.