



Full Council

9 July 2018

Report from the Director of Legal and HR Services

For Action

Representation of Political Groups on Committees

Wards Affected:	All
Key or Non-Key Decision:	Non-key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	1
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	James Kinsella, Governance Manager, Executive & Members Services email: james.kinsella@brent.gov.uk or Tel: 020 8937 2063

1.0 Summary

- 1.1 As a result of the countermanded election in Willesden Green on 21 June 2018 there is now a requirement for the Council to undertake a further review and determine the representation of different political groups on certain committees as a result of the membership and political balance on the Council having changed following the election.
- 1.2 Whilst an annual review of the representation of political groups was undertaken at the Annual Council meeting on 14 May 2018 this was based on a Council membership of 60 Members as the countermanded poll for Willesden Green had not been held. Following the outcome of the Willesden Green election the membership of the Council now stands at 63 Members, which has also resulted in a change on political balance on the Council triggering the need for a further review of the representation of different political groups on certain committees. Having undertaken the review, the Council then has a duty to make appointments (where necessary) to those committees giving effect to the wishes of the political group allocated the seats.

2.0 Recommendations

2.1 On the basis of the review, Full Council:

- (i) agree the size of each committee remains unchanged;
- (ii) confirm (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;
- (iii) make appointments, where required, to those committees giving effect to the wishes of the political group allocated the seats;
- (iv) note that the political balance on sub-committees for the General Purposes Committee and the Licensing Committees will be reviewed at the first available meeting of the bodies.

3.0 Detail

Representation of Political Groups

- 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 a change in Council membership and the balance of political groups.
- 3.2 As soon as practicable after the review, the Council then has a duty to determine the allocation to the different political groups of all 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.
- 3.3 The Committees that the political balance rules apply to have similar duties in relation to any sub-committees they may have.
- 3.4 Following the countermanded election in Willesden Green, the membership of the Council now stands at 63 councillors with the composition of political groups as follows:
 - 60 Labour Group councillors (95.24%) and 3 Conservative Group councillors (4.76%).
- 3.5 The table below sets out the 5 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.

3.6 There are a total of **36** ordinary committee seats to which the political balance requirements will formally apply. Whilst the 60 members of the Labour Group now constitute 95.24% of the total membership of the Council, the proportion of seats the group is strictly entitled to remains (as with the review undertaken at the Annual Council in May) **34**. 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 **5** seats have to be allocated to the other political group. This will result, as before, in a final allocation of **31** seats to the Labour Group.

3.9 The Conservative Group are strictly entitled (based on the size of the group) to an allocation of **2** seats. However, as the Labour Group can only be allocated **31** and not 34 seats, the **3** remaining seats (as with the previous review undertaken in May) have to be allocated to the opposition group.

Ordinary Committees	Size	Labour Group	Conservative Group
		60 95.24%	3 4.76%
General Purposes Committee	8	7	1
Planning Committee	8	7	1
Audit & Standards Committee	5	4	1
Corporate Parenting Committee	5	4	1
Licensing Committee	10	9	1
Total seats	36		
Strict Entitlement (based on a proportion of total members)		34	2
Final Allocation (based on the political balance rules)		31 (-3)	5 (+3)

3.10 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 & Standards Advisory Committee

3.11 The table below confirms the size and make-up of these Committees. As with the annual review undertaken in May the Conservative Group is entitled to be allocated the single opposition group seat on all four Committees.

Other Committees	Size	Labour Group	Conservative Group
		60 95.24%	3 4.76%
Community and Wellbeing Scrutiny Committee	8 (plus 4 voting co-opted members and 2 non-voting co-opted members)	7	1
Resources and Public Realm Scrutiny Committee	8	7	1
Housing Scrutiny Committee	8 (2 non voting co-opted members)	7	1
Audit & Standards Advisory Committee	5 (plus up to 5 voting co-opted members)	4	1

3.12 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. Whilst this review has not resulted in any change to the overall allocation of seats on Committees, should the political groups be minded to change their membership on any of the committees these will be

detailed under the item on Committee Appointments elsewhere on the agenda.

- 3.13 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 and this will continue following this review.

4.0 Financial Implications

- 4.1 None specifically arising from this review..

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.

Report sign off:

Debra Norman
Director of Legal & HR Services

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 & Standards Committee, Corporate Parenting Committee, Planning Committee and Licensing Committee.
3. Principles (a), (b) and (d) apply 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.
4. Principles (a), (b) and (d) therefore apply to the Audit and Standards Advisory Committee. Strictly speaking, according to principle (b), the Labour Group is entitled to a majority of the seats on the Committee. However, to maintain the current size of the Committee, Full Council can depart from the rules provided no member votes against the proposal.
5. By virtue of the Local Government Act 2000, principles (a), (b) and (d) also apply to the Scrutiny Committees.
6. According to principle (c) above, the General Purposes Committee, Audit & Standards Committee, Corporate Parenting Committee, Planning Committee and Licensing 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.
7. 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.