

<p>LONDON BOROUGH OF BRENT</p> <p>COUNCIL MEETING</p> <p>16th MAY 2005</p> <p>Report from the Borough Solicitor</p>	
For action	Wards affected: All

Report Title: **REVIEW OF REPRESENTATION OF POLITICAL GROUPS ON COMMITTEES**

1.0 SUMMARY

1.1 This report deals with rules to be applied on the allocation to political groups of seats on committees established by the Council.

2.0 RECOMMENDATIONS

2.1 That the Council:

- (i) determine the size of each committee
- (ii) determine the allocation of seats on committees and the Northwick Park Joint Overview and Scrutiny Committee to each of the political groups;
- (iii) note that the political balance on sub-committees will be reviewed at the first meetings of the General Purposes, Scrutiny, Overview and Alcohol and Entertainment Licensing Committees.

DETAIL

5.0 REPRESENTATION OF POLITICAL GROUPS ON COMMITTEES AND SUB-COMMITTEES

- 5.1 The Council is required to review and determine the representation of the political groups on committees and allocate committee places to political groups accordingly at, or as soon as practicable after, its annual meeting.
- 5.2 The allocation is determined by applying the “political balance rules” under the Local Government and Housing Act 1989. 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 Council. Committees are subsequently required to carry out a similar process in relation to any sub-committees they may have.
- 5.3 The rules are that seats must be allocated so far as reasonably practicable in accordance with 4 overriding 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 authority’s membership;
 - (c) subject to paragraph (a) and (b) above, that the number of the seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
 - (d) subject to paragraph (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all seats on that body as is borne by the number of members of that group to the membership of the authority.

Principles (a), (b) and (d) refer to a “body” which under the rules means ordinary council committees and sub-committees, overview and scrutiny committees and sub-committees and advisory committees and sub-committees. Principle (c) refers to “committees” which under the rules means only the ordinary committees. If the Constitution is adopted as proposed in the report concerning the Constitution

elsewhere on the agenda ("the Constitution Report"), this will be General Purposes and Planning.

This means that the General Purposes Committee and the Planning Committee have an extra criterion to satisfy and have to be taken together in determining the number of seats that should be allocated to each group, but all other committees are considered individually. The current membership of the authority is 61 consisting of Labour group 34, Conservative group 17, Liberal Democrat group 10.

- 5.3 If the Constitution is adopted as proposed in the Constitution Report the Council will establish the following committees which will be subject to the provisions of the 1989 Act described earlier and the table below sets out the political balance position as it applies to those committees.

Committee	Size	Labour 55.7%	Conservative 27.9%	Liberal Democrats 16.4%
Overview Committee and Scrutiny Committee	17 (plus 4 voting co-opted members and 2 non-voting co-opted members)	11	4	2

Committee	Size	Labour 55.7%	Conservative 27.9%	Liberal Democrats 16.4%
General Purposes Committee	11	6	3	2
Planning Committee	10	6	3	1
Total for the purposes of principle (c)	21	12	6	3

- 5.4 The political balance on the Overview and Scrutiny Committees is out of line with the percentages because in order to comply with principle (b) the majority group has to have enough seats to have an overall majority of votes on the committees after allowing for the co-opted members with voting rights.

- 5.5 The Northwick Park Joint Overview and Scrutiny Committee is also subject to the political balance rules. Appointments are made to two seats on that joint committee by the Council and the allocation of these seats under the political balance rules is as follows:

Size of committee	Labour	Conservative	Liberal Democrat
2	1	1	0

- 5.6 In addition, the Council has two committees which are not required by law to be subject to the political balance rules described above but to which appointments fall to be made at this meeting. These are the Standards Committee and the Licensing Committee. The Constitution as proposed on tonight's agenda provides that the Standards Committee shall have 3 members in addition to the Independent Members, one from each party group. The Constitution as proposed on tonight's agenda provides that the political balance rules will be applied to the Alcohol and Entertainment Licensing Committee as has been the case in the past. The effect of this is that the allocation of seats on that committee is as follows:

Committee	Size	Labour	Conservative	Liberal Democrats
Alcohol and Entertainment Licensing Committee	15	8	4	3

- 5.7 If any member wishes to put forward an alternative proposal to the above they are invited to submit their proposals to the Borough Solicitor who will check them for legality before they are proposed at the Annual Meeting. As the mathematics can prove quite complex, it would be helpful if details could be provided at the earliest opportunity.
- 5.8 It will be for committees to review the political balance of sub-committees. The review and a determination of the allocation of seats on sub-committees must be carried out as soon as practicable after any occasion on which the members of the committee are changed in consequence of a determination under the 1989 Act and may be carried out on other occasions. It is proposed that such a review take place at the first meeting of each of the General Purposes Committee, Scrutiny Committee and the Overview Committee which are the committees covered by the requirements under the 1989 Act which

have sub-committees under the proposed new Constitution. It is proposed that a similar review take place at the first meeting of the Alcohol and Entertainment Licensing Committee although this is not a legal requirement.

6.0 Financial Implications

None

7.0 Legal Implications

These are set out in the body of the report.

8.0 Diversity Implications

The report has been screened by officers and there are not considered to be any diversity implications arising from it.

BACKGROUND INFORMATION

Constitution

Any person wishing to inspect the above or seeking further information concerning this report should contact Terry Osborne, Borough Solicitor or Debra Norman, Deputy Borough Solicitor, at the Town Hall Annexe, Town Hall, Wembley Tel: 020 8937 1322.

**Terry Osborne
Borough Solicitor**