



Full Council
21st May 2007

Report from the Borough Solicitor

For Action

Wards Affected:
None

Review of Representation of Political Groups on Committees and Appointments to 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) appoint the chair and vice-chair of the General Purposes, Audit, Alcohol and Entertainment Licensing, Planning committees and the Overview and Scrutiny Committee and the Children and Families Overview and Scrutiny Committee and alternates and members to all committees and joint committees; and
- (iv) note that the political balance on sub-committees will be reviewed at the first meetings of the General Purposes Committee, the Alcohol and Entertainment Licensing Committee and the Overview and Scrutiny Committee.

3.0 Detail

- 3.1 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.
- 3.2 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 full Council. Committees are subsequently required to carry out a similar process in relation to any sub-committees they may have.
- 3.3 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 (this rule does not apply to the Council as no party currently has an overall majority of seats);
 - (c) subject to paragraph (a) above (and to (b) above if it had been applicable), that the 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 authority that belong to that group; and
 - (d) subject to paragraph (a) and (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 authority that belong to that group.

Principles (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, Audit and Planning.

The effect of the rules is that the political balance on each body will be the same as far as possible as that on full council, subject to ensuring that there is always more than one party represented, the majority party (if there is one) has the majority of seats and that the allocation of seats across the “ordinary committees” is the same as on full council.

3.4 This means that the General Purposes Committee, the Audit 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.

3.5 The current membership of the authority is 63 consisting of 26 Liberal Democratic Group, 21 Labour Group , 15 Conservative Group and 1 vacancy.

3.5 The table below sets out the political balance position as it applies to the committees set out in the Constitution.

Committee	Size	Liberal Democrats 41.94%	Labour 33.87%	Conservative 24.19%
Overview and Scrutiny Committee	8 (plus 4 voting co-opted members and 2 non-voting co-opted members)	3	3	2
Children and Families Overview and Scrutiny Committee				
General Purposes Committee	11	5	4	2
Planning Committee	10	4	3	3
Audit Committee	3	1	1	1
TOTAL	24			
In accordance with principle (c) above the balance across these two committee taken together:	24	10	8	6

3.6 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:

Seats to be allocated	Liberal Democrat	Labour	Conservative
2	1	1	0

3.7 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 Alcohol and Entertainment Licensing Committee. It was previously agreed that the Standards Committee would have 3 members in addition to the Independent Members, one from each party group. It was also agreed that the political balance rules would be applied to the Alcohol and Entertainment Licensing Committee. The effect of this is that the allocation of seats on that committee is as follows:

Committee	Size	Liberal Democrat 42.86%	Labour 33.33%	Conservative 23.81%
Alcohol and Entertainment Licensing Committee	15	6	5	4

3.8 The political balance rules do not apply to the London Councils Joint Committees to which the Council is required to make appointments because only one appointment is made to each.

3.9 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 Council meeting. As the mathematics can prove quite complex, it would be helpful if details could be provided at the earliest opportunity.

3.10 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 the General Purposes Committee and the Overview and Scrutiny Committee, which are the only committees to have sub-committees under the proposed new Constitution to which the political balance rules apply. 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

3.11 In view of the current vacancy on the Council these calculations have been carried out on the basis of a council membership of 62. Following the by-election it will be possible for the newly elected member to serve notice on the Democratic Services Manager informing him of the group (if any) to which the new member belongs and at the same time to serve notice requesting that a political balance review be carried out. The Borough Solicitor will be able to advise the new member of whether a fresh political balance calculation would affect the allocation of seats as set out in this report.

4.0 Financial Implications

4.1 There are none arising directly from this report.

5.0 Legal Implications

5.1 These are addressed in the body of the report.

6.0 Diversity Implications

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

Background Papers

The Brent Constitution May 2007

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