



## Annual Council Meeting

14 May 2018

### Report from the Chief Executive

For Action

## Representation of Political Groups on Committees

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

### 1.0 Summary

- 1.1 This report fulfils the Council's duty to review and determine the representation of different political groups on certain committees at its Annual Meeting or as soon as practicable thereafter. 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 report also considers the position regarding Political Assistants following the outcome of the local elections.
- 1.3 As a result of the original poll for Willesden Green ward being countermanded Members are asked to note that the review detailed within this report has been based on a temporary Council membership of 60 as opposed to 63 councillors. Once the election in that ward has been held, a further review by Full Council will need to be undertaken to confirm the final representation of political groups on the Council and allocation of seats on committees. The outcome of that review will be reported to the next full Council meeting.

- 1.4 Members are also asked to note that the allocation of seats on committees reflects the proposed changes to the Constitution being recommended to Annual Council under Agenda Item 8 “Changes to the Constitution”.

## **2.0 Recommendations**

### **2.1 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;
- (iii) make appointments to those committees giving effect to the wishes of the political group allocated the seats;
- (iv) note that the political balance on sub-committees will be reviewed at the first meeting of the General Purposes Committee and the Licensing Committee; and
- (v) agree the Labour Group and Conservative Group be allocated political assistants as detailed within the report.

## **3.0 Detail**

### *Representation of Political Groups*

- 3.1 The Council is required to review and determine the representation of different political groups on certain committees at, or as soon as practicable, after its Annual Meeting.
- 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 Given that the poll due to have been undertaken in Willesden Green ward on 3 May 2018 has been countermanded and the election for that ward is still to be held, the current membership of the Council is 60 members. According to the political balance rules, a political group for this purpose, is a group of two or more members. In accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 formal notification has

been received about the formation of members into two political groups on the Council: the Labour Group and the Conservative Group.

3.5 The composition of the Council is therefore currently as follows:

57 Labour Group councillors (95%) and 3 Conservative Group councillors (5%).

3.6 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. The table reflects the proposed changes in committee structure detailed within the Changes to the Constitution report listed as Agenda Item 8 on the summons to the Annual meeting.

3.7 Previously the remit of the Alcohol and Entertainment Licensing Committee has meant that the political balance rules have not formally applied, however the Council has chosen to apply them as a matter of policy (not law). The change in remit for the newly constituted Licensing Committee, with it now being established as an ordinary committee of the Council carrying out other non-executive licensing and registration functions as well as acting as the Council's statutory licensing committee carrying out alcohol, entertainment and gambling functions, means the political balance rules now formally apply.

3.8 Subject to the changes in committee structure being approved, there are a total of 36 ordinary committee seats to which the political balance requirements will formally apply. As the 57 members of the Labour Group constitute 95% of the total membership of the Council, the proportion of seats the group is strictly entitled to is 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 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 have to be allocated to the opposition group.

<b>Ordinary Committees</b>	<b>Size</b>	<b>Labour Group</b>	<b>Conservative Group</b>
		<b>57 95%</b>	<b>3 5%</b>
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
<b>Total seats</b>	<b>36</b>		
<b>Strict Entitlement (based on a proportion of total members)</b>		<b>34</b>	<b>2</b>
<b>Final Allocation (based on the political balance rules)</b>		<b>31 (-3)</b>	<b>5 (+3)</b>

- 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. The Conservative Group is entitled to be allocated the single opposition group seat on all four Committees.

Other Committees	Size	Labour Group	Conservative Group
		57 95%	3 5%
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	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. The appointments to committees being made by each political group have been detailed within the report on appointments to be considered as Agenda Item 10 on the Council summons).

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. Members are therefore also asked to make the appointments to the Health and Wellbeing Board.

#### *Political Assistants*

3.14 Section 9 of the Local Government and Housing Act 1989 provides for the appointment of political assistants.

3.15 Where a council decides to make such appointments specific rules apply which vary depending on the size and number of the political parties. Following the local elections in May 2018 there is only one party which has

one tenth or more of the membership of the Council and in those circumstances the following rules apply:

*Where the members of a relevant authority are divided into political groups only one of which has a membership that comprises one-tenth or more of the membership of the authority —*

- (a) the groups qualifying for a post shall be that group and one other group; and*
- (b) the other group shall be the one with the next largest membership or, in a case in which there is more than one group with the next largest membership, such one of those groups as may be determined by the authority;*

- 3.16 On application of these rules, both the Labour Group and the Conservative Group will each qualify for a political assistant.

#### **4.0 Financial Implications**

- 4.1 The funding of the political assistant posts will be met from within existing resources. There are no other financial implications 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 None.

#### **Background Papers**

None.

Report sign off:

Peter Gadsdon  
Director of Policy, Performance and  
Partnership

## 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.