

<u>Meeting</u>
Council
<u>Date and time</u>
Tuesday 27th February, 2024
At 7.00 pm
<u>Venue</u>
Hendon Town Hall, The Burroughs, London NW4 4BQ

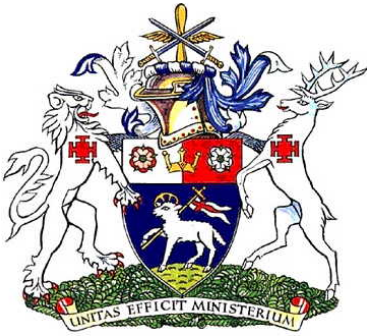
Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
11.4	Report of the Head of Governance - Calculation of Political Balance (Proportionality)	3 - 12

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Council**27 February 2024**

Title	Political Proportionality
Report of	Head of Governance
Wards	All Wards
Status	Public
Urgent	No
Key	No
Enclosures	Appendix A – Calculation of Political Balance
Officer Contact Details	Andrew Charlwood, Head of Governance, andrew.charlwood@barnet.gov.uk 020 8359 2014

Summary

Detailed elsewhere on the agenda are recommended Constitution amendments one of which proposes an increase in the number of seats on the Employment Sub-Committee from 3 seats to 6 seats which will increase the overall seat total by 3. This change requires a recalculation of political balance.

Officers Recommendations**1. That Council note the political balance of the Council is:**

- **40 Members of the Labour Group**
- **21 Members of the Conservative Group**
- **2 Independent Members**

2. Council agree the allocation of seats as set out in the tables in Appendix A in order to comply with the political balance regulations requiring seats to be allocated proportionately to the political groups on Council.

1. WHY THIS REPORT IS NEEDED

- 1.1 Detailed elsewhere on the agenda are recommended Constitution amendments one of which proposes an increase in the number of seats on the Employment Sub-Committee from 3 seats to 6 seats which will increase the overall seat total by 3. This change requires a recalculation of political balance.

2. REASONS FOR RECOMMENDATIONS

- 2.1 A recalculation of political balance is required for the reasons set out in section 1.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 None.

4. POST DECISION IMPLEMENTATION

- 4.1 There will be an addition of 3 seats on the Employment Sub-Committee (2 Labour and 1 Conservative). The Political Groups will need to nominate new Members to sit on the Sub-Committee with appointments being made by Council.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 N/A

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 There are no resource implications.

5.3 Social Value

- 5.3.1 N/A

5.4 Legal and Constitutional References

- 5.4.1 As set out in Appendix A.

5.5 Risk Management

- 5.5.1 N/A

5.6 Equalities and Diversity

- 5.6.1 N/A

5.7 **Corporate Parenting**

5.7.1 N/A

5.8 **Consultation and Engagement**

5.8.1 N/A

5.9 **Insight**

5.9.1 N/A

6. **BACKGROUND PAPERS**

6.1 None

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Calculation of Political Balance (Proportionality)

The Council must allocate seats on Committees and other prescribed bodies to give effect to the political balance rules. The rules for the allocation of seats are set out in Sections 15 and 16 of the Local Government and Housing Act 1989 and Local Government Regulations 1990.

Section 15(5) of the Local Government and Housing Act 1989 sets out the principles as follows:

- 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 paragraphs (a) and (b) above, that the number of 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 paragraphs (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 the seats on that body as is borne by the number of members of that group to the membership of the authority.

For political balance, a group is required to have at least two members in order to be formally constituted as a political group.

The Council can only depart from these rules by passing a resolution with no member voting against the resolution.

The political proportionality rules also apply to those outside bodies dealing with local government matters to which the Council appoints representatives.

This proportionality report is based on the principles described above. This report is requested to be agreed by Council to ensure the seats are allocated using the appropriate principles as based in law.

When calculating political balance, to comply with sections (c) and (d) of Section 15(5) of the Local Government and Housing Act 1989 it is usual practice to round up the seat allocation when the strict allocation comes above 0.5 and round down when the strict allocation comes below 0.5.

The political composition of the Council is as follows:

	Council	Labour	Conservative	Independent
Members	63	40	21	2
Percentage	100%	63.49%	33.33%	3.17%

Non-Politically Proportionate Bodies

Bodies to which proportionality does not or need not apply:

- Health and Wellbeing Boards – Section 15 of the Local Government and Housing Act 1989 (and Section 16 and Schedule 1), namely the duty to allocate seats on committees on a proportional basis to political groups, does not apply to Health and Wellbeing Boards under regulation 7 Part

2 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny Regulations 2013 SI 2013/218.

- Consultative bodies established for consultation with staff are not regarded as council committees subject to the political balance rules. Each has a special composition.
- The Council appoints or nominates Members to a variety of special statutory bodies, or informal or consultative bodies that are not council committees of the Council. The political balance rules do not apply to these bodies.

Regulation 16A Local Government (Committees and Political Groups) Regulations 1990 SI 1553/1990 provides an exception from the political balance requirements where a committee is established to discharge functions of the authority or to advise the authority or another committee of the authority in respect of any part of the area of the authority, and –

- (i) the authority is a county, district or London borough council; and
- (ii) the voting members of the committee consist solely of persons who are elected for electoral divisions or wards which are wholly or partly within that part; and
- (iii) the area of that part does not exceed two-fifths of the total area of the authority; or
- (iv) the population of that part, as estimated by the authority, does not exceed two-fifths of the total population of the area of the authority as so estimated.

This allows the Area Committees to be constituted on a Ward Member basis.

Achieving Political Balance:

An allocation of seats is set out in the table below. The number of Members, and any specific requirements of membership, are taken from the Council's Constitution, Part 2B – Terms of Reference and Delegation of Duties to Committees and Sub-Committees:

Seat Allocations on Politically Proportional Bodies

COMMITTEE	NUMBER OF SEATS	LABOUR	CONSERVATIVE	INDEPENDENT
Appeals Committee	3	2 (1.90)	1 (1.00)	0 (0.10)
Governance, Audit, Risk Management and Standards Committee*	6	4 (3.81)	2 (2.00)	0 (0.19)
Licensing & General Purposes Committee	12	8 (7.62)	4 (4.00)	0 (0.38)
Employment Sub-Committee ¹	6	4 (3.81)	2 (2.00)	0 (0.19)
Overview & Scrutiny Committee*	11	7 (6.98)	4 (3.66)	0 (0.35)
Children & Education Overview & Scrutiny Sub-Committee*	8	5 (5.08)	3 (2.67)	0 (0.25)
Adults & Health Overview & Scrutiny Sub-Committee*	8	5 (5.08)	3 (2.67)	0 (0.25)
Call-in Overview & Scrutiny Sub-Committee*	3	2 (1.90)	1 (1.00)	0 (0.10)
Pension Fund Committee	6	4 (3.81)	2 (2.00)	0 (0.19)
Strategic Planning Committee*	9	6 (5.71)	3 (3.00)	0 (0.32)
Planning Committee A	6	4 (3.81)	2 (2.00)	0 (0.19)
Planning Committee B	6	4 (3.81)	2 (2.00)	0 (0.19)
Total	84	55	29	0
Percentages	100%	65.48%	34.12%	0%

¹ Membership must include at least one Cabinet Member

*Cabinet Members cannot sit on these committees and sub-committees

Seat Allocations on Non-Politically Proportional Bodies

Area Based Committees

Committee	Membership	Seat Allocations	
		Lab	Cons
North	8	5	3
East	8	5	3
West	8	6	2

Special statutory bodies or informal or consultative bodies or committees where proportionality requirements do not apply. Membership requirements as detailed terms of reference of committees.

Committee	Membership	Seat Allocations	
		Lab	Con
Standards Sub-Committee	4 Councillor Appointments Other Members as detailed in terms of reference of committees	2	2
Health & Wellbeing Board	3 Councillor Appointments Other Members as detailed in terms of reference of committees	3	0
Local Pension Board	1 Councillor Appointment Other Members as detailed in terms of reference of committees	1	0
Local Strategic Partnership (Barnet Partnership Board)	1 Councillor Appointment (Leader) Other Members as detailed in terms of reference of committees	1	0
Barnet Children's Partnership Board	1 Councillor Appointment (Lead Member for Children's Services) Other Members as detailed in terms of reference of committees	1	0
Safer Communities Partnership Board	1 Councillor Appointment Other Members as detailed in terms of reference of committees	1	0

RECOMMEND that:

- 1. Council note the political balance of the Council is:**
 - **40 Members of the Labour Group;**
 - **21 Members of the Conservative Group**
 - **2 Independent Members**

2. Council agree the allocation of seats as set out in the tables above in order to comply with the political balance regulations requiring seats to be allocated proportionately to the political groups on Council.

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