

Council
2 June 2014

REPORT OF THE HEAD OF GOVERNANCE

1. APPOINTMENT OF STANDING COMMITTEES (WITH CHAIMEN AND VICE-CHAIRMEN) AND POLITICAL PROPORTIONALITY

BACKGROUND

The Council must allocate seats on committees and other prescribed bodies so as to give effect to the political balance rules under the Local Government and Housing Act 1989 and Local Government Committee and Political Group Regulations 1990.

The political balance rules require the Council to ensure that the political groups represented on Council have proportionate representation on the committees of the Council. Political Groups have to constitute two or more Members and be actively constituted as a group in accordance with the above Regulations.

Councils can allocate seats on committees to Members not aligned to a Group, but are under no statutory obligation to do so. As a result of the 2014 election there is one such Member (Cllr J Cohen-Childs Hill).

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

The report to Annual Council on 21 May 2013 set out in some detail which committees were covered by the requirements for political balance, and where there were specific exceptions.

As a result of the 2014 election the political composition of the groups is as follows. Please note that these will change after Colindale by-election on 26 June and a further report made to Annual Council on 15 July.

	Conservative	Labour
SEATS	32	27
PERCENTAGE	54.24	45.76

Bodies to which proportionality does not or need not apply

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

committees or sub-committees of the Council. The political balance rules do not apply to these bodies.

(iii) Council agreed on 16 April 2013 the recommendations of the Constitution Ethics and Probity Committee in respect of the Health and Well Being Board, including using the provisions of the Local Authority (Public Health, Health and Well Being Board and Health Scrutiny Regulations 2013 (Si 218) to waive the requirements under the 1972 Local Government Act for political balance. (For more details, refer to this link-

<http://barnet.moderngov.co.uk/documents/b22452/Report%20of%20the%20Constitution%20Ethics%20and%20Probity%20Committee%20-%2028%20March%202013%20and%2010%20April%202013%2016th-Apr.pdf?T=9>

For the purposes of this exercise it has been assumed this will still apply, , unless Council votes otherwise. (Note; if included this would add three seats to below table).

(iv) The Regulations provide an exception from the political balance requirements where a committee is established to discharge functions in part of an authority's area, and

- (a) Consists entirely of Members elected for wards which comprise the area, and
- (b) Either the area or its population does not exceed two-fifths of the total for the authority.

This allows the Area Sub-Committees to be constituted on a ward Member basis.

The East and West Area Planning Sub-Committees **are** subject to the political balance regulations and appointments to these Planning Sub-Committees are made on a one Member per ward basis.

(v) There was a convention in Barnet that certain committees could be excluded from the proportionality calculation provided no Member voted against. Prior to 2013 these were Remuneration Committee, Group Leaders Committee and Pension Fund Committee. However at Annual Council 2013 there was not unanimity and therefore they were included within the table below of Committees included in the calculation of political balance. A similar argument could be advanced, should Council wish, in respect of the Urgency Committee, given that its composition is very specific. (Note: if Council should agree these be excluded total seats in above table reduces by 20 to 164).

Achieving Political Balance

The procedure that has been followed in the Council to date has been;

- (a) Determine the percentage split between the political groups represented on the Council.

- (b) Allocate the total number of seats on ‘ordinary committees’ directly covered by the proportionality rules in the proportions that the political groups have to the membership of the Council.
- (c) Allocate seats on each committee to match the totals in (b), endeavouring to ensure that each individual committee’s composition is as close as possible to balance identified in (a) but giving precedence to the need to get as close as possible to overall proportionality.

The political proportionality requirements apply to a total of committees with a total membership of 184 (the control total). Insofar as possible, giving precedence to the need to get as close as possible to overall proportionality, seats on these committees and sub-committees are allocated proportionately.

On this basis a provisional allocation is set out in the table below. The number of Members, and any specific requirements of membership, are taken from the Responsibility for Functions section of the Constitution agreed by Council on 8 April 2014.

COMMITTEE	NUMBER OF MEMBERS	Conservative	Labour
Policy and Resources	12	7	5
Performance and Contract Management	10	6	4
Children Education Libraries and Safeguarding	10	6	4
Environment	10	5	5
Assets Regeneration and Growth	10	5	5
Adults and Safeguarding	10	5	5
Housing	10	5	5
Community Leadership	10	5	5
Licensing Committee	10	5	5
East Area Planning Sub-Committee	10	3	7
Audit Committee	7	4	3
Planning Committee	10	6	4
General Functions Committee	7	4	3
Health Overview and Scrutiny Committee	10	5	5
West Area Planning Sub-Committee ¹	10	8	2

¹ One vacancy for Colindale ward

Constitution, Ethics and Probity Committee	8	4	4
Remuneration Committee (must include Leader, Deputy, GFC Chair and all Group Leaders)	5	3	2
Appeals Committee	10	5	5
Pensions Fund Committee	7	4	3
Group Leaders Panel (must include each Group Leader)	5	3	2
Urgency Committee (must include Leader, Deputy and Opposition Leader)	3	2	1
Total	184	100	84
%ages	100%	54.35	45.65

Appointments should also be made to the following committees not included within the schedule. Members for Area Sub-Committees/Welsh Harp JCC should represent wards to the appropriate area concerned. The Corporate Parenting Advisory Board is not subject to proportionality rules but it would be good practice to follow them.

Seat allocations on non-politically proportional bodies

Committee	Membership	Seat Allocation		
		Con	Lab	L/D
Finchley and Golders Green Area Sub-Committee	7	4	3	
Chipping Barnet Area Sub-Committee	7	3	4	
Hendon Area Sub-Committee ²	7	4	2	
Welsh Harp Joint Consultative Committee	4	1	3	
Corporate Parenting Advisory Board	8	4	4	
Remuneration Committee*	5	3	2	
Pensions Fund Committee*	7	4	3	
Leader's Panel*	5	3	2	
Urgency Committee	3	2	1	

² One vacancy for Colindale ward

*- if Council agrees that the political balance rules should **not** apply to these bodies.

RECOMMEND:

1. That Council note the political balance of the Council is 32 Members of the Conservative Group; 27 Members of the Labour Group; 1 Liberal Democrat, with 3 vacancies.
2. That Council agree the allocation of seats as set out in the table to this report in order to comply with the political balance regulations requiring seats to be allocated proportionately to the political groups represented on Council;
3. That Council determine whether it wishes to allocate a seat(s) to the member not part of a political group on such Committee as Council may determine.
4. That Council determine whether it wishes to continue to use the power in the Local Authority (Public Health, Health and Well-Being Board and Health Scrutiny) Regulations 2013 to exempt the Health and Well Being Board from the requirements for proportionality.
5. That Council determine whether (subject to no Member voting against) any other Committees be exempted from the calculation of seats to achieve political balance, and what the representation of each of the Groups should be on that Committee.

2. APPOINTMENT OF REPRESENTATIVES OF THE COUNCIL TO OUTSIDE BODIES.

The Group Secretaries have been advised of the vacancies.

RECOMMEND - That the Council make appointments to fill the vacancies listed in the schedules.

6. APPOINTMENT OF POLITICAL ASSISTANTS

The Local Government and Housing Act 1989 allows the appointment of Assistants for political groups, subject to conditions as set out in the Act. In summary, those conditions require that;

- the appointment be made 'for the purposes of providing assistance in the discharge of any of their functions as members of a relevant authority, to the members of any political group to which the members of the authority belong';

- the appointment must terminate at or before the next Annual General Meeting following the full Council elections.
- the appointments are subject to a limit on the salary payable in accordance with the statutory provisions;
- the RE may not be more than three such posts; and
- any such posts are filled in accordance with the wishes of the political group to which the post is allocated

Further provisions with the Act ensure that where such posts are established, no appointments can be made until posts have been established for all qualifying groups and the Act sets out how posts must be allocated.

To qualify, the membership of a group must comprise at least one tenth of the membership of the Council. In Barnet's case this is a minimum of seven Members.

The Council has employed Political Assistants for the Conservative and Labour Group whose appointments terminate on 2 June 2014, in accordance with statutory requirements.

In light of the election result the Conservative and Labour Groups meet the qualifying criteria for the allocation of a Political Assistant.

RECOMMEND - That

1. **Council is asked to confirm the establishment of two posts of Political Assistants up until the next Annual Meeting of the Council following the full Council election in 2018 and that each of those posts be allocated to the two qualifying Political Groups.**
2. **The Leaders of the qualifying political Groups be requested to advise the Head of Governance of the wishes of their Groups on the filling of those posts.**