

Calculation of Political Balance (Proportionality)

1. Background

1.1 On 23rd September 2019, the notice was received notification from Councillor Gabriel Rozenberg that he had resigned from the Conservative Party and had joined the Liberal Democrats. On 3rd October 2019, notice was received notification from Councillor Jess Brayne that she had joined the Liberal Democrats. (*Note: Councillor Brayne was formerly an Independent Councillor following her resignation from the Labour Group on 24th February 2019 (subsequently reported to Full Council on 5th March 2019)*). On 3rd October 2019, Councillor Rozenberg and Councillor Brayne gave notice of their intention to form a Liberal Democrat Group.

1.2 The change in party affiliation of both councillors and formation of a new Group alters the political balance of the Council. To comply with the political balance rules a re-calculation political balance and committee seat allocations is required.

1.3 Council elsewhere on the agenda for this meeting are expected to agree to merge the Housing Committee and Assets, Regeneration & Growth Committee and replace them with a Housing & Growth Committee. These changes are reflected in a revised Article 7 (Committees, Forums, Working Groups and Partnerships) which is recommended for approval elsewhere on the agenda. Following consultation with the Conservative Group and Labour Group, there will be minor variations to the number of seats on committees as detailed below. This will ensure that the Liberal Democrats receive their proportionate seat entitlement (4) from the overall seat total (135) and that the Conservative and Labour Groups retain the same number of members on each committee as they currently have.

- Increase the number of seats on the Policy & Resources Committee from 12 to 13;
- Increase the number of seats on the Adults & Safeguarding Committee from 10 to 11;
- Increase the number of seats on the Planning Committee from 11 to 12; and
- Increase the number of seats on the Licensing Committee from 11 to 12

1.4 The creation of a Housing & Growth Committee and deletion of the Housing Committee and Assets, Regeneration & Growth Committee will result in a loss of 10 committee seats. The increases referred to in 1.3 above create an additional 4 committee seats. The net loss of seats will be 6 seats (4 Conservative and 2 Labour).

1.5 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. To achieve political balance and give the Liberal Democrats their overall seat entitlement (4 seats), there are some instances where all Groups (Conservative, Labour and Liberal Democrats) will be given slightly less or more than their strict entitlement specifically: Policy & Resources Committee; Children, Education & Safeguarding Committee; Planning Committee; Licensing Committee; and Health Overview & Scrutiny Committee. Rounding in this way is necessary to achieve political balance overall.

2. Political Balance Rules

2.1 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.

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

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.

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

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

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

2.6 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.

The political composition of the Council is as follows:

	Council	Conservative	Labour	Liberal Democrats
Members	63	37	24	2
Percentage	100%	58.73%	38.10%	3.17%

3. Non-Politically Proportionate Bodies

3.1 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).
- Standards Committee – Council agreed on 8 December 2015 to waive the requirements under the Local Government and Housing Act 1989 for political balance for the Standards Committee, and that each of the two political Groups on the Council shall have two seats on the Committee (with two substitute members for each Group).
- 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.

4. Area Based Committees

4.1 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.

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

5. Achieving Political Balance

5.1 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, Article 7 (Committees, Forums, Working Groups and Partnerships):

Seat Allocations on Politically Proportional Bodies

COMMITTEE	NUMBER OF MEMBERS	CONSERVATIVE	LABOUR	LIBERAL DEMOCRATS
Policy & Resources	13	7 (7.63)	5 (4.95)	1 (0.41)
Financial Performance & Contracts	8	5 (4.70)	3 (3.05)	0 (0.25)
Children, Education and Safeguarding	11	7 (6.46)	4 (4.19)	0 (0.35)
Environment	10	6 (5.87)	4 (3.81)	0 (0.32)
Housing & Growth	10	6 (5.87)	4 (3.81)	0 (0.32)
Community Leadership & Libraries	10	6 (5.87)	4 (3.81)	0 (0.32)
Adults and Safeguarding	11	6 (6.46)	4 (4.19)	1 (0.35)
Licensing	12	7 (7.05)	4 (4.57)	1 (0.38)
Audit	7	4 (4.11)	3 (2.68)	0 (0.22)
Planning	12	7 (7.05)	4 (4.57)	1 (0.38)
Health Overview & Scrutiny	9	5 (5.29)	4 (3.43)	0 (0.28)
Constitution & General Purposes	7	4 (4.11)	3 (2.68)	0 (0.22)
Pension Fund	7	4 (4.11)	3 (2.68)	0 (0.22)
Urgency Committee	3	2 (1.76)	1 (1.14)	0 (0.10)
Chief Officer Appointment Panel	5	3 (2.93)	2 (1.90)	0 (0.16)
Total	135	79	52	4
Percentages	100%	58.52%	38.51%	3.05%

Seat Allocations on Non-Politically Proportional Bodies

Area Based Committees

Committee	Membership	Seat Allocations		
		Cons	Lab	Lib Dem
Finchley and Golders Green Area	7	4	3	0
Chipping Barnet Area	7	4	3	0
Hendon Area	7	5	2	0
Finchley and Golders Green Area Planning	7	4	3	0
Chipping Barnet Area Planning	7	4	3	0
Hendon Area Planning	7	5	2	0

Bodies where the political balance requirements have been waived

Committee	Membership	Seat Allocations		
		Cons	Lab	Lib Dem
Standards	4	2	2	0

Health & Wellbeing Board

Committee	Membership	Seat Allocations		
		Cons	Lab	Lib Dem
Health & Wellbeing Board	3	3	0	0

Special statutory bodies, or informal or consultative bodies that are not council committees – Membership requirements as detailed in Article 7

Committees
Local Pension Board
Residents Forums (Finchley and Golders Green; Chipping Barnet; and Hendon)
Local Strategic Partnership (Barnet Partnership Board)
Children's Partnership Board
Safer Communities Partnership Board

RECOMMEND that:

- 1. Council note the political balance of the Council is:**
 - **37 Members of the Conservative Group;**
 - **24 Members of the Labour Group; and**
 - **2 Members of the Liberal Democrat Group**

- 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.**