

London Borough of Enfield

Meeting: Council

Meeting Date: 25th May 2022

Subject: Review of Political Balance on Committees 2022/23

Director: Terry Osborne, Interim Director of Law and Governance

Purpose of Report

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.
2. Subsequently, the Council has a duty to make appointments to those committees giving effect to the wishes of the political group allocated the seats. The appointments to those bodies are dealt with under a separate item on this agenda.

Proposals

3. That Council:
 - i. Agrees the allocation of seats across the Ordinary Committees as set out in Table 3 to this report;
 - ii. Agrees the allocation of seats on the Overview and Scrutiny Committee and Panels as set out in Table 4 to this report;
 - iii. Agrees the allocation of seats to the other committees and as set out in the Appendix to this report;
 - iv. Agrees without dissent that the rules on proportionality shall not apply to the Councillor Conduct Committee and that the allocation of seats to that committee shall be 2:2 as set out in the constitution;
 - v. Notes that appointments to the Council's committees, sub-committees and panels and other bodies to which appointments are made are dealt with under a separate item on this agenda.

Reason for Proposals

4. The recommendations in this report give effect to the statutory requirements to make appointments to committees in accordance with the rules on proportionality set out in legislation.

Relevance to the Council Plan

5. The proposals give effect to statutory requirements on proportionality on committees and sub-committees. Those committees have been created to enable elected members to participate in the democratic process and in so doing to help develop, deliver or scrutinise the Council Plan.

Background

6. The Council is required to review the representation of different political groups on certain committees as soon as practicable following a change in the composition of the Council.
7. The allocation must be determined by applying the 'political balance rules' prescribed by section 15 of the Local Government and Housing Act 1989 and supplemented by the Local Government (Committees and Political Groups) Regulations 1990. The rules 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 Council. Subsequently, the Council has a duty to make appointments to those committees giving effect to the wishes of the political groups allocated the seats.
8. The Council committees to which the political balance rules apply have similar duties to apply political balance in relation to the sub-committees they appoint to, if any.
9. The membership of the Council is 63 elected members and there are currently two political groups represented on the Council following the recent local election. There are currently no vacant seats on the Council. Table 1 below shows the number of councillors currently representing the Council by political group and the proportion of seats the groups have on the Council.

Table 1

	Labour	Conservative
Number of councillors	38	25
Proportion	60.31%	39.68%

The Political Balance Principles

10. The legislation requires seats on relevant committees to be allocated to different political groups so far as reasonably practicable in accordance with the following 4 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.

Ordinary Committees

11. Principle (c) refers to "Ordinary Committees" which, under the Act, means those appointed under section 102(1) of the Local Government Act 1972, namely the General Purposes Committee, Councillor Conduct Committee, the Pension Policy & Investment Committee, the Staff Appeals, Appointments and Remuneration Committee and the Planning Committee. Overview and Scrutiny Committees and their sub-committees are not 'Ordinary Committees' and so are not taken into account for the purposes of this aspect of the calculation. Nor is the Licensing Committee.

12. In accordance with principle (c) above, the total number of seats across all of the Ordinary Committees listed above have to be taken together to determine the number of seats that should be allocated to each political group. There are 44 seats on the Ordinary Committees which will be allocated as follows:

Table 2

	Labour	Conservative
Number of councillors	38	25
Proportion	60.31%	39.68%
Number of seats allocated on Ordinary Committees (out of a total of 44)	27	17

13. Having calculated the number of seats on Ordinary Committees to be allocated to each political group (Labour 27, Conservative 17), the allocation of seats on each of those individual committees then needs to be calculated proportionately but subject to this overall allocation of 27:17. There may, therefore, need to be some 'manual' or 'balancing' adjustment to the allocation of seats on each committee in order to meet this overall allocation requirement, such adjustment to be agreed by the Council. The manual or balancing adjustment has been made to the allocation of seats on the Planning Committee but an alternative allocation could be moved and agreed by the Council, thus:

Table 3

Ordinary Committee	Seats	Labour	Conservative
Total seats across all Ordinary Committees to be allocated	44	27	17
General Purposes Committee	9	5	4
Councillor Conduct Committee	4	2	2
Pension Policy & Investment Committee	6	4	2
Staff Appeals, Appointments and Remuneration Committee	13	8	5
Planning Committee	12	8	4
Total	44	27	17

Overview and Scrutiny Committees

14. The other committees to which the political balance rules apply individually are the Overview and Scrutiny Committees. There are 8 seats on each of the committees/panels and these are allocated proportionately to Labour (5) and Conservative (3)

Table 4

Overview & Scrutiny	Number of seats	Labour 60.31%	Conservative 39.68%
Overview and Scrutiny	8	5	3
Children, Young People & Education	8	5	3
Crime	8	5	3
Health & Adult Social care	8	5	3
Environment & Climate Action	8	5	3
Housing	8	5	3
Finance & Performance	8	5	3
Regeneration & Economic Development	8	5	3

Other Committees and Bodies

15. The political balance rules do not formally apply to the Licensing Committee or sub-committees nor the other bodies to which the Council appoints members but appointments to them are made broadly in accordance with the broad political balance principle. The allocation of seats to those bodies is shown in Appendix A

Main Considerations for the Council

16. The political balance rules do not always completely determine the balance of each committee. The Council unavoidably has some discretion as to how to apply those rules and may have to carry out a balancing adjustment to seat allocation in order to comply with the rules.

Equalities Impact of the Proposal

17. The proposals in this report are made as a result of the application of legislative requirements.

Risks that may arise if the proposed decision and related work is not taken

18. If the Council does not review the composition of its committees and other bodies to reflect the Council's membership, any decisions taken could be unlawful.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

19. None – Council is required under Section 15 of the Local Government and Housing Act 1989 to review the representation of different political groups on which it makes appointments whenever there is a change in political representation.

Financial Implications

20. There are no financial implications arising from the recommendations contained within this report. The work of committees will be carried out within existing resources.

Legal Implications

21. These are mainly addressed in the body of the report.
22. Each local authority is required to appoint a number of voting co-opted members to its Overview and Scrutiny committee which deals with education matters. The appointment of these members will be reviewed and further appointments undertaken over the coming months where necessary.

23. The Council can only depart from the rules on political balance by passing a resolution with no members voting against the resolution. Notice of the resolution must be given in the summons. An abstention does not count as a vote against for these purposes. The only committee this applies to is the Councillor Conduct Committee, as seats are allocated in accordance with the constitution.

Options Considered

24. The proposals set out in this report arise mainly from the application of legislative requirements. Where options are available they have been highlighted in the report and are referred to as balancing adjustments. The appointments to the committees are dealt with under a separate item on this agenda.

Conclusions

25. The Council is asked to approve the representation of the different political groups and bodies to which it makes appointments.
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Report Author: Terry Osborne

Date of report: 16th May 2022

Appendices:

Appendix A

Background Papers

None

Appendix A

Body	Number of seats	Labour 60.31%	Conservative 39.68%
Licensing	15	9	6
Licensing sub-committees	3	2	1
Planning Panel	7	4	3
Local Pension Board	3	2	1
Equalities Board	9	5	4
Environment Forum	5	3	2
Health & Wellbeing Board*	4	4	
Corporate Parenting Group*	4	2	2
Fostering Panel*	2	1	1
Learning Difficulties Partnership Board*	3	2	1
Joint Consultative Group for Teachers & Staff Forum	5	3	2
Member Governor Forum	5	3	2
Schools Forum*	1	1	
Standing Advisory Committee for Religious Education*	4	2	2

*Seats allocated in accordance with the constitution.