

Title of Report	Review of political balance on the Council's Committees, Commissions, Panels and Boards etc following the Cazenove by-election
For Consideration By	Council
Meeting Date	28 February 2024
Classification	Open
<u>Ward(s) Affected</u>	N/A
<u>Director</u>	Louise Humphreys., Acting Director of Legal, Democratic & Electoral Services

1. **Summary**

- 1.1. This report invites Council to note the revised political proportionality that applies to certain of the Council's Committees, Panels & Boards etc following the by-election for the Cazenove ward on 18 January 2024 and to make consequential appointments to those Committees, Panels & Boards etc in order to comply with the rules.

2. **Recommendations**

- 2.1. **That Full Council note the revised political proportionality that applies to Committees, Sub-Committees, Commissions, Panels and Boards as detailed in paragraphs 3.18, 3.19 and 3.20 of this report following the by-election in the Cazenove Ward.**
- 2.2. **The Full Council approve the appointments appearing in Appendix 2:**

3. **Background**

- 3.1. The Council is under a duty to:
- (a) Ensure that the membership of those committees and sub-committees covered by the rules reflect the political composition of the Council, as far as practicable;
- (b) Review the allocation of seats to political groups at or as soon as practical after the Annual Council meeting and at certain other specified

times for example, as a result of changes in political balance or an increase in the number of committees established;

(c) Allocate seats on the committees to the political groups in proportion to their numerical strength on the Council, as far as practicable;

(d) Accept nominations made by the groups for the filling of seats allocated to them.

3.2. The Council last reviewed the composition and allocation at the Annual Meeting in May 2023. A by-election for the Cazenove ward was held on 18 January 2024 following the by-election of one of the previous ward councillors to the office of Elected Mayor in November 2023. Councillor Ian Sharer was confirmed as the duly elected Councillor for the Cazenove Ward and the Chief Executive has received formal notification from Councillor Sharer and the Leader of the Conservative Group that Councillor Sharer has become a member of that Group. Following this change to the overall membership of the Council, which is now as follows:

Political Group	Number of Councillors
Labour	49
Conservative	6
Green	2

3.3. The rules for securing political balance on committees and sub-committees appointed by local authorities are contained in sections 15 and 16 of the LGHA and the Local Government (Committees and Political Groups) Regulations 1990.

3.4. In determining the allocation of seats, the Council must also apply the following four principles, as far as reasonably practicable:

(a) Not all seats are to be allocated to the same political group;

(b) If a political group has a majority on the Council, it must have a majority of seats on committees;

(c) Subject to (a) and (b) above, the total of all seats on ordinary committees be allocated to the groups in proportion to their respective strengths on the Council; and

(d) Subject to (a) to (c) above the number of seats on ordinary committees or sub-committees to be allocated to each political group in proportion to the number of all the seats on the committee or sub-committee in proportion to their respective strengths on the Council.

- 3.5. As per the Local Government (Committees and Political Groups) Regulations 1990, appointments are made in accordance with the wishes of a political group. Then, as long as that person's seat continues to be allocated to that group, the authority or committee which made the appointment shall act in accordance with the wishes of that group in determining whether and when to terminate the appointment. If a group fails to express its wishes within a period of three weeks of being notified of the allocation or vacancy, the Council may make such appointments as it thinks fit.
- 3.6. Independent Members who have not formed a political group in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations, are to be allocated in accordance with section 16(3) of the Regulations: i.e. any seats not allocated according to the requirements in section 15 and 16 of the Act are to be allocated to members who are not members of any political group.

Application of political balance rules to the Council's committees etc.

- 3.7. As stated above, the rules on political balance apply to ordinary committees of the Council, plus any other committees where statute provides that they are to be subject to political balance.
- 3.8. Ordinary Committees are those established under s101 and s102 of the Local Government Act 1972. The following are the Council's ordinary committees (in alphabetical order):
- Appointments Committee
 - Audit Committee
 - Corporate Committee
 - Pensions Committee
 - Planning Sub-Committee
 - Standards Committee
- 3.9. The Licensing Committee is not an ordinary committee because it is established under s6 of the Licensing Act 2003, which prescribes that it must contain not less than 10 and not more than 15 members. The Licensing Sub-Committees are similarly not ordinary committees as these exist by virtue of section 10 of the Licensing Act 2003, which permits the delegation of the functions of the Licensing Committee to one or more sub-committees. However, the Council has previously applied the political balance rules to the Licensing Committee and this convention is followed again this year. The Sub-Committees which will be established by the Licensing Committee in due course will not be subject to the political balance rules.
- 3.10. Although scrutiny committees are established under the Local Government Act 2000 rather than the Local Government Act 1972, section 9FA(6)(b) of the Act provides that they are to be subject to the rules on political balance

under the LGHA. This applies to all of the Council's scrutiny panels and commissions as follows:

Children and Young People Scrutiny Commission
Health in Hackney Scrutiny Commission
Living in Hackney Scrutiny Commission
Scrutiny Panel
Working in Hackney Scrutiny Commission

- 3.11. Section 9GC of the Local Government Act 2000 provides that neither a local authority executive nor committees of local authority executives are to be regarded as a body to which the rules on political balance under the LGHA apply.
- 3.12. The Health and Wellbeing Board is not an ordinary committee, as its establishment is mandated by section 194 of the Health and Social Care Act 2012. Section 194 also prescribes who may be a member of the Board and as such Councillor appointments to the Board are made by the Elected Mayor.
- 3.13. The membership of the Constitution Committee was agreed as part of the approval of its terms of reference in January 2022 and as such it is not subject to the rules on political balance.
- 3.14. Ward Forums are not ordinary committees of the Council. Ward Forums have been established to represent and promote the needs of each ward within the Council; each Ward Forum is led by the elected members of that ward.
- 3.15. Finally, the political balance rules do not apply to the Council Joint Committee which is a joint advisory group with the trade unions and not a formal committee of the Council.

Method to calculate places

- 3.16. The principles in paragraph 3.4 above are applied as follows:
- Calculate the total number of seats with votes on all the committees subject to the rules on political balance.
 - Calculate the proportion that each political group forms from the membership of the Authority. Reserve an appropriate number of seats for any ungrouped members.
 - Apply those proportions to the total number of ordinary seats to give the aggregate entitlement of each group; the requirement to apply the proportions "so far as reasonably practicable" are met by rounding down fractional entitlements of less than half, and rounding up entitlements of a half or more. If this results in an aggregate greater or fewer than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats.

- Apply the proportions to the number of councillors on each committee to give provisional entitlement to seats on that committee.
- Finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their aggregate entitlement, whilst preserving the proportion of seats calculated previously. Where calculations identify additional seats (not allocated), the largest group followed by the next largest group etc, will have their choice of which committee places they wish to take their allocation from in the unallocated/independent/vacant columns.
- Unallocated spaces will be available to any independent members (who are not members of a group) – where more than one independent member is nominated for a seat then the seat is allocated at the discretion of Full Council.

3.17. **Appendix 1** to this report provides the detailed calculations.

Impact of changes to political balance of the Council

3.18. Having regard to the revised calculations on political balance, the entitlement to seats (130 in total for the relevant Committees etc.) for each of the Council’s political groups is as follows:

	Labour	Conservative	Green
Number of seats based on legal entitlement	111.75	13.68	4.56
Number of seats when rounded based on legal entitlement	112	14	4 ¹
Provisional allocation applying rounded proportions to number of seats across committees etc	115	14	1 ²
Number of seats over or under the entitlement	+3	0	-3

¹ This is revised down because when the total was calculated by rounding up any fractional entitlements greater than a half or rounding down any fractional entitlements of less than a half this resulted in a total number of seats greater than those which exist across all the relevant committees etc. Thus it was necessary to proceed to the next step whereby the fractional entitlements closest to a half should be rounded in the other direction until entitlements balance the available seats. The Green fractional entitlement of 4.56 is the closest to the half and therefore when rounding down occurs this reduces to 4.

² The allocation for the Green Group for the Corporate Committee and Licensing Committee is ‘0’ for the same reason as in footnote 1 above.

3.19. The specific implications of these revised entitlements, having regard to the entitlements as adjusted at the Annual Meeting in May 2023 and nominations made then or subsequently, is as follows:

- 3.19.1. **Appointments Committee:** No change required
- 3.19.2. **Audit Committee:** At the Annual Meeting in May 2023, the Labour Group gave one of their then excess seats to the Green Group. Assuming the Labour Group wishes to continue to address part of the over allocation of seats through this reallocation, then no change is required.
- 3.19.3. **Children & Young Person Scrutiny Commission:** The Labour Group's entitlement to seats on this Commission is reduced by 1 from 11 to 10. This occurs for the reasons given in footnote 1 above. The Green Group is entitled to 1 seat on this Commission. However, as a consequence of the fact that the Labour Group gave one of their then excess seats to the Green Group at the Annual Meeting in May 2023, no actual change in nominations is required. It is noted that the Conservative Group currently has 1 vacancy on this Commission.
- 3.19.4. **Corporate Committee:** The Green Group's entitlement to a seat on this Committee no longer exists and the seat is reallocated to the Conservative Group. One additional nomination is required from the Conservative Group.
- 3.19.5. **Health in Hackney Scrutiny Commission:** No change required. It is noted that both the Labour Group and the Conservative Group currently have 1 vacancy each on this Commission.
- 3.19.6. **Licensing Committee:** The Green Group's entitlement to a seat on this Committee no longer exists and the seat is reallocated to the Conservative Group. One additional nomination is required from the Conservative Group. It is noted that the Conservative Group currently has 1 vacancy on this Committee.
- 3.19.7. **Living in Hackney Scrutiny Commission:** At the Annual Meeting in May 2023, the Conservative Group gave their one excess seat to the Green Group. However, based upon the current calculations, the Conservative Groups have no excess seats. As such the Green Group cannot have a seat on this Commission through this process. A nomination is required from the Conservative Group.
- 3.19.8. **Pensions Committee:** No change required. It is noted that the Conservative Group currently has 1 vacancy on this Committee.

- 3.19.9. **Planning Sub-Committee:** No change required.
- 3.19.10. **Scrutiny Panel:** No change required. It is noted that the Labour Group and the Conservative Group currently have 1 vacancy each on this Panel.
- 3.19.11. **Standards Committee:** No change required. It is noted that the Conservative Group currently has 1 vacancy on this Committee.
- 3.19.12. **Skills, Economy & Growth Scrutiny Commission:** No change required. It is noted that the Conservative Group currently has 1 vacancy on this Commission.

3.20. As a consequence of all of the above:

- 3.20.1. The Labour Group needs to determine where to allocate 3 seats to the Green Group. Assuming that the Group does not wish to change the existing reallocation of one seat on the Audit Committee, then 2 further seats are required to resolve their over-allocation of seats;
- 3.20.2. The Conservative Group needs to nominate Councillors to serve on the Corporate Committee, the Licensing Committee and the Living in Hackney Scrutiny Commission to fulfil their allocations or otherwise declare that those seats shall be vacant;
- 3.20.3. Both Labour and the Conservative Groups need to determine whether to fill any other existing vacancies and if so provide nominations; and
- 3.20.4. The Green Group needs to nominate Councillors to fill such positions as arise from the reallocation of 2 excess seats, assuming that the reallocation on the Audit Committee remains unchanged and no change in nomination arises from the Green Group from the Labour Group.

4. **Nominations**

4.1. Nominations received from the various Groups appear in **Appendix 2**.

5. **Comments of the Acting Group Director of Finance**

5.1. There are no additional budgetary implications arising from the changes outlined in this report. All costs are contained within the current approved budget.

6. **Comments of the Acting Director of Legal, Democratic and Electoral Services**

6.1. Other than as set out in the report there are no legal implications arising.

Appendices

Appendix 1 - Calculation of political balance

Appendix 2 - Nominations from political groups to resolve the allocation of seats

Background documents

None

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