

Report for: Full Council 27 March 2023

Title: **Change to Political composition and Appointments to Committees 2022/23**

Authorised by: Fiona Alderman, Head of Legal and Governance & Monitoring Officer

Lead Officer: Ayshe Simsek Democratic Services and Scrutiny Manager
0208 489 2929 ayshe.simsek@haringey.gov.uk

Ward(s) affected: All

**Report for Key/
Non-Key Decision:** Non-Key Decision

1. Describe the issue under consideration.

To note the changes to the political groups following the recent Bi election in Tottenham Hale ward and the election of Sean O'Donovan as a member of the Council.

2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 Council is asked to:
1. Note the changes to the political composition set out at paragraph 4.2.
 2. That the resultant changes to Council body memberships as detailed in paragraph 4.7 to 4.10 be agreed.

4. Background information

4.1 Following a By-Election on 9th of March 2023, Councillor Sean O'Donovan was elected to represent Tottenham Hale Ward. Cllr Sean O'Donovan is a member of the Labour Group.

4.2 The political balance of the Council of 57 councillors is now as follows:

Labour	49 councillors (85.95%)
Liberal Democrats	7 councillors (12.3%)
Independent	1 Councillor (1.75%)

4.3 The Council is required to ensure that appointments to which the statutory political balance rules apply are made in accordance with those rules. The relevant rules are summarised below (see paragraph). The Annual Meeting of the Council appoints Committees of the Council in accordance with Article 4.02(k) of the Constitution. The Council is required to comply with the

provisions of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 in terms of political balance when appointing 'ordinary' committees – that is, committees appointed under section 102(1)(a) of the Local Government Act 1972.

These rules provide that seats on 'ordinary' committees must be allocated in line with the following principles, so far as reasonably practicable:

- (a) that not all the seats on a body are allocated to the same political group;
- (b) that the majority of the seats on the body are allocated to the political group which has the majority of the Council's membership;
- (c) that, subject to principles (a) and (b) above, the proportion of seats allocated to each political group out of the total number of seats across all the ordinary committees of the Council shall be in the same proportion as their share of membership of the Council as a whole; and
- (d) that, subject to paragraphs (a) to (c) above, the number of seats on each individual body shall be allocated to each political group in the same proportion as their share of membership of the Council as a whole.

4.4 The number of seats currently available on Ordinary Committees is 56.

Alexandra Park and Palace Board -	6 seats
Corporate Committee	12 seats
Licensing Committee	11 seats
Pensions Committee and Board	6 seats
Staffing and Remuneration Committee	5 seats
Strategic Planning Committee	11 seats
Standards Committee	5 seats
Total	56 seats

4.5 At the Annual meeting in May 2023 **49** or **87.5%** are allocated to the Labour Group and **7** or **12.5%** to the Liberal Democrat Group.

4.6 At the Council meeting on the 13th of February, the Council considered a report on political balance due to changes to political compositions and vacancy of a councillor role. As a result of the changes, the Council agreed to take one seat off the Labour group allocation on the Licensing Committee and allocate this seat to the Liberal Democrat group. This seat was left vacant.

4.6 Following the bi-election of a Labour councillor, there is a need to reconsider the political balance and committee seat allocations.

4.7 Keeping to the current seat allocation of Labour 48 Committee seats (85.7% of the total number of seats available) and Liberal Democrats 8 seats (14.3 %) of

the total number) means that the Liberal Democrat group would have a percentage of 2 % higher than their percentage share of the total number of Councillors and the Labour group would have 0.25% lower percentage share of seats than their percentage share of Councillors.

- 4.8 Increasing the Labour seat allocation from 48 to 49 and reducing the Liberal Democrat seat allocation from 8 to 7 would mean that Labour has 87.5 % of the total number of seats and this is 1.8% higher percentage share, and the Liberal Democrats would have percentage allocation 12.5% which is 0.2% higher percentage share.
- 4.9 Therefore, with this revised seat allocation means, both Political parties have a slightly higher percentage allocation, and the Council is complying with the principle set out at paragraph 4.4(c) above, so far as reasonably practicable. The fact that there is an Independent Councillor, means that strict compliance with the principle set out at paragraph 4.4(c) is not possible.
- 4.10 The Labour Group have indicated that the seat on the Licensing Committee which was allocated in February, to the Liberal Democrat group, and which is proposed as a Labour seat, will remain vacant until the Annual Council meeting.
- 4.11 In calculating the allocation of seats on ordinary committees, the following bodies were excluded because these bodies are excluded from the statutory rules on political balance:
- The Cabinet.
 - The disciplinary pool.
 - Licensing Sub-Committees (Licensing Act 2003 and Gambling Committee).
 - The Health and Wellbeing Board.

 - Overview and Scrutiny Committee

The Cabinet

- 4.12 The Cabinet is appointed by the Leader and may only comprise councillors from the majority party. It must have between 2 and 9 members in addition to the Leader.

Licensing Sub-Committees (Licensing Act 2003 and Gambling Committee).

- 4.13 The Licensing Committee establishes the Licensing Sub-Committee of 3 members which will be appointed from a pool of members from the Licensing Committee . The Sub-Committee conducts the same type of business which includes the Gambling Act 2005 applications. The political balance rules do not apply to the Licensing Sub-Committees because they are appointed under the Licensing Act 2003 and so are not ordinary committees appointed under

section 102 of the Local Government Act 1972. However, it is normal practice to establish the Licensing Sub-Committee in accordance with political balance (that is, two Labour and one Liberal Democrat Member) so far as reasonably practicable.

The Health and Wellbeing Board

- 4.14 The political balance rules are disapplied by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (SI 2013/218). The membership of the Health and Wellbeing Board is prescribed at section 194 of the Health and Social Care Act 2012.

Overview and Scrutiny Committee

- 4.15 Principles (a), (b) and (d) of the rules apply to the Overview and Scrutiny Committee by virtue of section 9FA(6)(b) of the Local Government Act 2000. However, because the Committee is established under the Local Government Act 2000, it is not an ordinary committee appointed under section 102 of the Local Government Act 1972 and so it is not included in the political balance calculations for the total number of seats on ordinary committees (principle c). As such, the Overview and Scrutiny Committee must be balanced, but on an individual basis.

5. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities) Finance and Procurement

- 5.1 There are no financial implications arising from the report.

Head of Legal and Governance & Monitoring Officer

- 5.2 The report sets out those Council bodies to which the political balance rules apply. The 1989 Act requires political balance in the distribution of seats on committees to be undertaken "so far as is reasonably practicable" thus recognising that a mathematically precise split between political parties cannot always be achieved.
- 5.3 In section 15 of the Local Government and Housing Act 1989, principle (b) states that a party with a majority on full Council shall have a majority of seats on each individual body. This principle takes precedence over principles (c) and (d) which require political groups to be represented on the ordinary committees taken as a whole and on the bodies individually in proportion to their representation on Full Council.
- 5.4 Principle (c) concerning proportionate allocation of seats across all the ordinary committees of the council takes precedence over the principle (d) concerning proportionate allocation on any individual body.
- 5.5 There is no requirement to offer a seat to a single member as they do not constitute a "political group" under the definition in the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1553) Regulation 8.

6. Use of Appendices

None

7. Local Government (Access to Information) Act 1985

7.1 Background documents:

- *Appointments to Cttees 2022 – 23*
- Change to Political composition and Appointments to Committees 2022/23 – 13th February 2023
- *Haringey Council's Constitution*

7.2 The background papers are located at River Park House, 225 High Road, Wood Green, London N22 8HQ.

7.3 To inspect them or to discuss this report further, please contact Ayshe Simsek on 0208 489 2929.