



Council

on 22 February 2010

Report Title: **Changes to Political Groups, Cabinet Portfolios and Appointments to Committees and Sub Bodies.**

Forward Plan reference number (if applicable): n/a

Report of: **Chief Executive**

Wards(s) affected:

Report for: Non key decision.

1. Purpose

- 1.1 To note the changes to Political Groups as notified to the Chief Executive.
- 1.2 To agree changes to Committee membership numbers resulting from the recent changes in political group composition.
- 1.3 To agree changes to Cabinet portfolios.

2. Recommendations

- 2.1 That the changes to Political Group composition as detailed in paragraphs 8.1 & 8.2 be noted.
- 2.2 That the proposal for the allocation of Committee places as detailed in paragraph 8.8 be agreed. (Should any Member vote against this, the Council will vote on a strict application of the rules, whereby the majority Group are entitled to control the majority of seats on every Committee (the proposal that will then be voted on is shown in Appendix 3).
- 2.3 That the membership of the Pensions Committee and General Purposes Committee be each increased by one Liberal Democrat position in order to reflect proportionality in the overall number of seats on the Council (as detailed in paragraph 8.8). That Councillor Whyte be appointed to the Pensions Committee and to the General Purposes Committee.
- 2.4 That the membership of the Alexandra Palace and Park Board be increased by one place (as detailed in paragraph 8.8) and that Councillor Thompson remain as an Independent Member.
- 2.5 That the membership of the Alexandra Palace and Park Panel be decreased by one Labour position in order to reflect proportionality in the overall number of seats on the Council.
- 2.6 That the resultant changes to Council body memberships as detailed in paragraphs 8.8, 8.11 & 8.12 be agreed.

2.7 That the changes to Cabinet portfolios and reduction of one further Cabinet member, as detailed in paragraphs 8.13 & 8.14 and Appendix 1, be agreed and that Article 7.02 in Part 2 of the Constitution be suspended until the implementation of the new executive leadership arrangements, when the Leader will determine the number of Cabinet Members at a figure between 2 and 9.

Report Authorised by: **Chief Executive**

Contact Officer: **Ken Pryor, Deputy Head of Local Democracy and Member Services**
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3. Chief Financial Officer Comments

3.1 The Chief Financial Officer comments that there will be a resultant saving to Special Responsibility Allowances of £23,691 arising from the proposed reduction of one Cabinet Member. The remaining changes detailed in this report will have no direct financial implications.

4. Head of Legal Services Comments

4.1 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.

4.2 The rules in section 15 of the Local Government and Housing Act 1989 require that a party with a majority on full Council shall have a majority of seats on each non-executive body and this rule takes precedence over the rules requiring an exact political balance on those bodies individually and taken as a whole.

4.3 The 1989 Act provides that a distribution of seats not conforming to section 15 is permissible but only if all Members of the Council present vote in favour or abstain. In the event of a single vote against a non-conforming distribution of seats on non-executive bodies, then the Council would be under a legal duty to adopt a distribution in accordance with section 15 giving the majority party a majority of seats on each body.

4.4 Under the Licensing Act 2003 there must be at least 10 but no more than 15 Members serving on the Licensing Committee.

5. Local Government (Access to Information) Act 1985

Background papers

5.1 Local Government and Housing Act 1989.

5.2 Local Government Act 2000.

5.3 Report to Annual Council on Committee Appointments

The background papers are located at River Park House, 225 High Road, Wood Green,

London N22 8HQ.

To inspect them or to discuss this report further, please contact Ken Pryor on 0208 489 2915.

6. Financial Implications

- 6.1 There will be a resultant saving of £23,691 to Special Responsibility Allowances arising from this current reduction of one Cabinet Member.

7. Legal Implications

- 7.1 The Local Government and Housing Act 1989 requires the Council to ensure there is political balance on its non-executive Committees so far as reasonably practicable.

8. Background

- 8.1 The Chief Executive was notified on 18 January 2010 of a change to Political Groups within Haringey. With effect from that date Councillor Haley resigned the Labour Whip and joined the Liberal Democrat Group.
- 8.2 The Chief Executive was notified on 2 February 2010 that Councillor Thompson had resigned from the Labour Group and would sit as an Independent Councillor representing the Tottenham Hale Ward.
- 8.3 The Annual Meeting appoints Committees of the Council. Wherever possible bodies are constituted in accordance with the provisions of the Local Government and Housing Act 1989 in terms of political balance. Resulting from Councillor Haley resigning from the Labour Group and becoming a Liberal Democrat Councillor and Councillor Thompson resigning from the Labour Group and becoming an Independent Councillor, consideration was given to proportionality across Committees. Labour Councillors now constitute 50.88% of the available seats on the Council; the Liberal Democrats occupy 45.61%, Conservatives occupy 1.75% and the Independent Member occupies the remaining 1.75% of the seats. Where practicable the allocation of seats on Committees should be in line with the proportion of seats on the Council held by the political groups.
- 8.4 The Council on 20 July 2009 agreed that although there was no requirement to offer a seat to a single member as they did not constitute a "political group" under the definition in the Local Government (Committees and Political Groups) Regulations 1990 (S.I. 1553) Regulation 8, it was nevertheless proposed that a seat be offered to the Conservative Councillor.
- 8.5 Although there is no requirement to offer a seat to a single member as stated in paragraph 8.4 above, it is proposed that for consistency

Councillor Thompson be similarly allocated a seat.

- 8.6 In calculating the allocation of seats on Committees, the following bodies were excluded:
- the Cabinet and its subordinate bodies
 - the disciplinary pool
 - Licensing Committee
 - the Standards Committee and
 - other Committees where membership is determined on the basis of electoral ward represented (eg. Area Assemblies)
- 8.7 With the advent of minority opposition parties and an Independent member, the ability to achieve a precise balance is more difficult and the need to be able to guarantee any departure from the strictly prescribed application without any objection cannot be guaranteed. This could leave the Council open to challenge. Should any member of the Council vote against the proposals contained in paragraph 8.8 below, the Council would vote on a strict application of the rules, whereby the majority Group are entitled to control the majority of seats on every Committee (the effects of this are shown in Appendix 3). If this strict application was applied, neither Councillor Dobbie nor Councillor Thompson would be allocated a seat.
- 8.8 The number of seats available on Committees and Sub-Committees as agreed by Council on 20 July 2009 was 64. It is proposed that an additional place be created on both the General Purposes Committee and the Pensions Committee for the Liberal Democrat Group giving a 4 / 4 split on each body between Labour and Liberal Democrat Groups. It is also proposed to increase the membership of the Alexandra Palace and Park Board by 1 Labour position and that Councillor Thompson remain on the Board (giving the following split Lab 4, LD 3 and Ind 1). It is proposed that the Alexandra Palace and Park Panel be reduced by one Labour position in order to reflect overall proportionality (giving 2 Lab & 2 LD seats). The overall number of seats available under these proposals will be 66. Of this number 34 or 51.51% are allocated to the Labour Group, 30 or 45.45% to the Liberal Democrat Group, 1 or 1.52% to the Conservative Party and 1 or 1.52% to the Independent Member (Appendix 2 shows the effects of the above proposals). This arrangement for distributing seats is not intended to create a precedent.
- 8.9 Councillor Whyte will be offered a seat on both the General Purposes Committee and the Pensions Committee.
- 8.10 Councillor Thompson will remain on the Alexandra Palace and Park Board.
- 8.11 Councillor Haley will now be shown as a Liberal Democrat member on the St Ann's and Harringay Area Assembly membership. Councillor Thompson will now be shown as an Independent Councillor on the Tottenham Hale and Seven Sisters Area Assembly membership.

- 8.12 The Labour Group have also notified the following committee changes:
- Filling the extra Labour seat on the Alexandra Palace and Park Board will be deferred until a future Council meeting.
 - Councillor Thompson to be removed from the Alexandra Palace and Park Panel.
 - Councillor Jones to replace Councillor Thompson on Pensions Committee.
 - Councillor Peacock to replace Councillor Thompson on Licensing Committee and Licensing Sub B.
- 8.13 Councillor Haley also resigned as a Cabinet Member. It is proposed that the portfolio is undertaken by Councillor Bevan in addition to his current portfolio. Appendix 1 shows the revised portfolio allocation.
- 8.14 Resulting from the reduction in the number of Cabinet members it will be necessary to amend Article 7.02 in Part 2 of the Constitution, which requires there to be precisely 9 Cabinet Members apart from the Leader. The requirement for a specific number of Cabinet Members in Article 7.02 was suspended by full Council on 20 July 2009 following the resignation from the Cabinet of Councillor Cooke. This suspension was initially resolved until the special Council on 14 December which agreed the new executive leadership arrangements to take effect after the 2010 Council Elections. It is now proposed that this suspension be formally continued until the implementation of the new executive leadership arrangements when the Leader will determine the number of Cabinet Members at a figure between 2 and 9.
- 8.15 Changes to appointments can be made at any stage during the Municipal Year with the changes being reported to the Council as appropriate.