

COUNCIL

22 JANUARY 2015

REVIEW OF ALLOCATION OF COMMITTEE SEATS

Report from: Neil Davies, Chief Executive

Author: Julie Keith, Head of Democratic Services

Summary

In accordance with Section 15 of the Local Government and Housing Act 1989 and Section 17 of the Local Government (Committees and Political Groups) Regulations 1990, this report requires the Council to review the overall allocation of seats on committees following the creation of a new political group.

1. Budget and Policy Framework

1.1 The allocation of seats on Committees is a matter for determination by the Council.

2. Allocation of seats on Committees

2.1 Since the Annual Council meeting on 14 May 2014 three Members of the Council (Councillors Hewett, Irvine and Rodberg) have given formal notice that they no longer wish to be treated as members of the Conservative Group. One of these members, Councillor Vaughan Hewett, has chosen to be designated as an Independent Conservative, having left the Conservative Group on 27 May 2014. After leaving the Conservative Group on 27 September 2014 Councillor Irvine resigned from the Council on 16 October and was re-elected as a UKIP member for Peninsula ward at a bye-election on 20 November 2014. Councillor Peter Rodberg left the Conservative Group on 8 October 2014. On 3 December 2014 a notice, in the prescribed format, was received from Councillors Chris Irvine and Peter Rodberg, notifying the Chief Executive that they wish to be treated as a political group. The notice stated that the new group is to be called the UKIP Group, with Councillor Irvine as Group Leader and Councillor Rodberg as Deputy Group Leader.

The notice also formally requested a review of the allocation of seats on Committees which has to take place at this Council meeting.

2.2 The specific circumstances in which the duty to review the allocation of Committee seats must be performed are prescribed in Section 17 of the Local Government (Committees and Political Groups) Regulations 1990. In summary, a formal review is triggered as follows:

- annually at Annual Council
- when a political group is constituted as long as it is more than one month after the last review was carried out
- when a member joins a political group and a review is requested by the group.
- when a member joins a political group after a bye-election and a review is requested by the group.

2.3 The political composition of the Council is currently as follows:

Group	Number of councillors	Proportionality %
Conservative Group	32	58.18
Labour Group	17	30.91
Liberal Democrat Group	3	5.45
UKIP Group	2	3.64
Independent Conservative	1	1.82
	55	100%

2.4 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political groups in accordance with the size of each group on the Council as a whole, unless alternative arrangements are notified to all Members and agreed without any Councillor voting against them. The council is required to observe the following principles so far as is reasonably practicable:-

- (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;
- (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.

2.5 Principles (a), (b) and (d) apply to all appointments to the authority's own bodies and to certain outside bodies. However, principle (c) only relates to appointments to the 'ordinary committees' of the council.

2.6 Any decision to waive the requirements of political balance will require a resolution of the council with no member voting against.

2.7 The overall number of seats on committees is currently 123. The changes

required to the allocation of these seats across the political groups to reflect the new political balance of the Council are as follows:

	Conservative	Labour	Liberal Democrat	UKIP	Ind.Con	Total
May 2014	78 (+2)	38	7	-	-	123
January 2015	72 (+ 2)	38	7	4	2*	123

(Note*: There will be two seats to which no political group is entitled. These could be left vacant or allocated by the Council to the Independent Conservative member, although he has no entitlement to any seats).

- 2.8 The table at Appendix 1 sets out proposals (which have been discussed with Group Whips and the Leader of the UKIP Group), for the allocation of seats to political groups as a consequence of the change in the political make-up of the Council. This meets the overriding requirement to ensure the overall number of seats on ordinary committees are allocated in accordance with the political balance of the Council.
- 2.9 There are two additional Conservative Members on the Children and Young People Overview and Scrutiny Committee to preserve that Group's majority in view of the four statutory co-optees with voting rights who have to be appointed to the Committee.
- 2.10 The Council has also previously approved the establishment of an Ad Hoc Committee to consider the removal of Council appointed school governors as and when necessary and that the membership of the Committee is comprised of the Group Whips and the relevant Portfolio Holder. Previously political balance has been waived in respect of this committee so that the overall number of seats on committees is not affected. Therefore it has not been included in the calculation set out above and in Appendix A.

3. Financial, legal and risk management implications

- 3.1 There are no financial implications arising from the recommendations in this report.
- 3.2 The legal position is set out within the body of the report.
- 3.3 There are no risk management implications arising from this report

4. Recommendations

- 4.1 The Council is asked to agree:
- (i) the allocation of seats to political groups as set out in Appendix A, following notice of the creation of a new Political Group called the UKIP Group and a request for a review of the allocation of seats on Committees (noting that two seats, to which no Political Group is entitled will remain vacant; one seat on the Employment Matters Committee and one on the Appointments Committee for the Director of Children and Adults);

- (ii) that the Chief Executive should approve any consequential changes to committee memberships in line with the wishes expressed by political groups under his existing delegation;
- (iii) the continuation of an ad hoc committee to consider the removal of Council appointed school governors as and when necessary, as set out in paragraph 2.10 of this report, and to waive political balance in respect of this Committee.

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Background papers

Agenda and minutes of the Annual Council meeting on 14 May 2014
<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=122&MId=2780&Ver=4>

Appendix 1 – Proposed allocation of Committee seats following creation of UKIP Political Group

Committee	No. of seats	CON 58.18%	LAB 30.91%	LD 5.45%	UKIP 3.64%	IND CON 1.82%*	Total 100%
Children and Young People OSC	13 (+2)	7 (+2)	4	1	1	0	13 (+2)
Health and Adult Social Care OSC	13	7	4	1	1	0	13
Business Support OSC	13	8	4	1	0	0	13
Regeneration, Community and Culture OSC	13	7	4	1	1	0	13
NHS (Joint with KCC)	4	3	1	0	0	0.	4
Appointments	6	4	2	0	0	0	6
Appointments Committee for Director of Children and Adults	8	5	2	0	0	1*	8
Audit	5	3	2	0	0	0.	5
Planning	16	9	5	1	1	0	16
Employment Matters	7	4	2	0	0	1*	7
Licensing and Safety	12	7	4	1	0	0	12
School Transport and Curriculum Appeals	5	3	2	0	0	0	5
Councillor Conduct Committee	8	5	2	1	0	0	8
Overall entitlement	123	72 (+2)	38	7	4	2*	123

* The Independent Conservative member has no entitlement to any seats on Committees. Therefore these seats will remain vacant unless there is agreement by the Council to allocate them to the Independent Conservative member (with no member voting against).