

COUNCIL
26 JANUARY 2017

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

Report from: Neil Davies, Chief Executive

Author: Julie Keith, Head of Democratic Services

Summary

The political balance of the Council has changed following by-elections in Strood South Ward and Rainham Central Ward together with receipt of notification that Councillor Mark Joy has joined the Conservative Group. As a consequence the Council is now required to review the allocation of seats on Committees to political groups.

1. Budget and Policy Framework

1.1 The establishment of committees and the allocation of seats to political groups are matters for decision by the Council. A review of the allocation of Committee seats to political groups has been requested in formal notices signed by the Leader of the Conservative Group and the three Councillors who have now joined the Group; Councillor Mark Joy (formerly an independent Member), Councillor Mrs Josie Iles (following a by-election in Strood South) and Councillor Jan Aldous (following a by-election in Rainham Central).

1.2 Sections 15 and 17 of the Local Government and Housing Act place a duty on the Council to review the allocation of seats to political groups in the circumstances set out above.

2. Background

2.1 Following by-elections in Strood South Ward on 20 October 2016 and Rainham Central Ward on 3 November 2016 together with notification that Councillor Joy has joined the Conservative Group, the composition of the Council is now as follows:

	Number of councillors	Proportionality %
Conservative Group	38	69.1
Labour Group	15	27.3
UKIP Group	2	3.6
Total	55	100%

3 Review of allocation of seats to political groups

3.1 The Local Government and Housing Act 1989 and associated regulations require the Council to review the allocation of seats on committees to political groups in specified circumstances including on request when a Councillor joins a political group. Committee seats must be allocated 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.

3.2 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.

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

3.4 Following the recent by-elections in Strood South and Rainham Central and notification that Councillor Joy has joined the Conservative Group the entitlement of the Council's three political groups to Committee seats is now as follows:

Conservative	Labour	UKIP	Total
85 (+3)	34	4	123

3.5 Discussions have taken place with Group Whips and a proposal for the allocation of seats to political groups has been agreed with them as set out in Appendix A to this report, based on the number and size of Committees established by the Council at its Annual meeting in May 2016. This proposal meets the overriding requirement to ensure the overall number of seats on

ordinary committees are allocated in accordance with the changed political balance of the Council.

3.6 In summary, the impact of an increase in the size of the Conservative Group and a reduction in the size of the UKIP Group requires the Council to allocate five additional seats to the Conservative Group (three of these seats are currently allocated to the UKIP Group and two seats are those previously unallocated as a consequence of having one Independent Member of the Council). The allocation of seats to the UKIP Group will reduce from 7 to 4. As set out in Appendix A, the Conservative Group will gain seats on the Planning Committee, Health and Adult Social Care Overview and Scrutiny and the Regeneration, Culture and Environment Overview and Scrutiny Committee, the Appointments Committee for the Director of Children and Adults Services and the Councillor Conduct Committee. In addition the Conservative Group now has an entitlement to 3 additional seats (rather than 2) on the Children and Young People Overview and Scrutiny Committee to preserve their majority, in view of the seats for statutory voting co-opted Members on that Committee. The UKIP Group will lose seats on these two Overview and Scrutiny Committees and the Councillor Conduct Committee.

4. Financial, legal and risk management implications

4.1 There are no financial implications arising from this report.

4.2 The legal position is set out within the body of the report.

4.3 There are no risk management implications arising from this report

5. Recommendations

5.1 The Council is asked to:

- (i) Review the allocation of seats on Committees and agree the revised allocation set out in Appendix A which complies with the principles set out in paragraph 3.1 in this report, in so far as this is practicable.
- (ii) Agree to appoint Councillors to places allocated to the Conservative Group on the following Committees as set out below, noting that appointments yet to be advised by the Conservative Group Whip will be agreed subsequently by the Chief Executive under his delegated authority and in accordance with the wishes of the group :

Committee	Entitlement of Conservative Group	Nomination of Conservative Group
Planning Committee	One additional seat	One vacancy to be held until further notice
Health and Adult Social Care Overview and	One additional seat	Councillor Bhutia

Scrutiny Committee		
Children and Young People Overview and Scrutiny Committee	One additional seat	One vacancy to be held until further notice
Regeneration, Culture and Environment Overview and Scrutiny Committee	One additional seat	Councillor Mrs Josie Iles
Appointments Committee for Director of Children and Adults Services	One additional seat	To be notified each time an appointments process is required
Councillor Conduct Committee	One additional seat	Councillor Wildey

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Appendices

Appendix A – Review of allocation of seats on Committees

Background papers

Sections 15-17 of, and schedule 1 to, the Local Government and Housing Act 1989

Review of allocation of committee seats – January 2017

Committee	No. of seats	38 CON 69.1%	15 LAB 27.3%	2 UKIP 3.6%	Total 100%
Children and Young People OSC	13 (+3)	9 (+3)	3	1	13 (+3)
Health and Adult Social Care OSC	13	9	4	0	13
Business Support OSC	13	9	3	1	13
Regeneration, Community and Culture OSC	13	9	4	0	13
NHS (Joint with KCC)	4	3	1	0	4
Appointments	6	4	2	0	6
Appointments Committee for Director of Children and Adults	8	6	2	0	8
Audit	5	3	2	0	5
Planning	16	11	4	1	16
Employment Matters	7	5	2	0	7
Licensing and Safety	12	8	3	1	12
School Transport and Curriculum Appeals	5	3	2	0	5
Councillor Conduct Committee	8	6	2	0	8
Overall entitlement	123	85 (+3)	34	4	123

Review of allocation of committee seats – January 2017

Notes:

- (i) There are three 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.
- (ii) 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. The Council has agreed to waive political balance 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.
- (iii) The Health and Wellbeing Board is a Committee of the Council. This Committee is not subject to the rules on political balance.