

## **COUNCIL**

**24 JANUARY 2019**

### **ALLOCATION OF COMMITTEE SEATS**

Report from: Neil Davies, Chief Executive

Author: Julie Keith, Head of Democratic Services

#### **Summary**

This report sets out the position regarding the overall allocation of seats on Committees following receipt of notice from three Councillors that they no longer wish to be treated as members of political groups.

Following consultation with Group Leaders and Group Whips the Council is recommended to formally review the allocation of seats on Committees.

#### **1. Budget and Policy Framework**

- 1.1 The establishment of committees, the allocation of seats to political groups and the appointment of Members to serve on committees and outside bodies is a matter for decision by the Council.
- 1.2 The Local Government and Housing Act 1989 places a duty on local authorities to allocate committee seats to political groups. The circumstances in which a review of the allocation of Committee seats must take place is prescribed in Section 17 of The Local Government (Committees and Political Groups) Regulations 1990. The resignation of a Councillor from a political group (or the cessation of the existence of political group) does not trigger a legal requirement to review the allocation of Committee seats. However, there is the option to do so.

#### **2. Background**

- 2.1 At the Annual Council meeting on 16 May 2018 the Council agreed to establish Committees and allocate seats between political groups as set out in Appendix A. In October and November 2018 three Councillors gave notice that they no longer wish to be treated as members of political groups; Councillor Pendergast resigned from the UKIP Group which means the UKIP Group no longer exists and Councillors Howard and Craven resigned from the Conservative and Labour Groups respectively.

2.2 As a consequence the current composition of the Council is now as follows:

	Number of Councillors	%
Conservative Group	36	65.4
Labour Group	15	27.3
1 x UKIP plus 3 x Independent	4	7.3
	55	100%

### 3. Review of allocation of Committee seats

3.1 The Local Government and Housing Act 1989 and associated regulations 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 five clear days in advance of this meeting 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 Once Committee seats have been allocated to any formally constituted political groups (which must be done after a local election and/or at Annual Council each year) there are prescribed circumstances in which there is a duty to review the allocation of committee seats. For example after a by-election if a newly elected Councillor joins a political group. The resignation of a Councillor from a political group (or the cessation of the existence of political group) does not trigger a legal requirement to review the allocation of Committee seats. However, there is the option to do so.

3.4 Following the recent establishment of a new Statutory Officer Disciplinary

Committee there are now 130 committee seats overall. The entitlement of the Council's two political groups to Committee seats is as set out below leaving nine seats on Committees to which they are not entitled:

<b>Conservative Group</b>	<b>Labour Group</b>	<b>Seats which cannot be allocated to a political group</b>	<b>Total</b>
85 (+3*)	36	9	130

(\*Note: There continues to be a requirement to allocate three additional seats to the Conservative Group on the Children and Young People Overview and Scrutiny Committee to preserve that Group's entitlement to a majority position in view of the four statutory co-optees with voting rights who have to be appointed to the Committee. These three seats do not count towards the overall total of seats for the purposes of allocations to political groups.)

- 3.5 The options open to the Council following the resignation of three Councillors from three separate political groups are either:
- a) To decide not to undertake a review of allocation of seats in which case the allocation set out in Appendix A will continue with Cllrs Freshwater and Pendergast occupying 4 Committee seats ( the UKIP Group had 5 seats allocated to it but have been holding a vacancy on the Children and Young People Overview and Scrutiny Committee). A decision not to review seats could be agreed by a majority vote or
  - b) To decide to undertake a review of Committee seats and allocate them in line with the law on political balance as set out in Appendix B. The Council could , but does not have to, decide ( on a majority vote) to appoint Cllrs Craven, Freshwater, Howard and Pendergast to any or some of the nine seats to which the political groups have no entitlement or
  - c) To agree to review the allocation of Committee seats and agree an arrangement which does not comply with the rules on political balance. Any such proposal would need to be notified to every member of the Council five clear days in advance of this meeting and could only be agreed with no Member of the Council voting against.
- 3.6 Group Leaders and Group Whips have discussed the matter and recommend that the Council should review and agree an allocation of Committee seats which reflects the law on political balance as set out in Appendix B. It is recommended that the nine Committee seats to which the political groups are not entitled (as set out in column 3 of the table at Appendix B) should remain unallocated until the next review.
- 3.7 After discussion with Group Whips the following consequential changes to Committee memberships are recommended to give effect to the revised allocation of seats at Appendix B:

Appointments Committee for Director of People	Remove provision for “one other” Conservative Group member on this Committee thereby reducing the allocation to 5 Conservative seats for Leader, Deputy Leader, 2 x Portfolio holders and 1 x O and S Chairman. Hold one vacant seat to which the political groups are not entitled
Audit Committee	Remove Councillor Maple and hold one seat vacant to which the political groups are not entitled
Children and Young People Overview and Scrutiny Committee	Remove vacant seat allocated to the former UKIP Group and re-designate it as a vacant seat to which the political groups are not entitled
Business Support Overview and Scrutiny Committee	Remove seat allocated to the former UKIP Group and remove Councillor Freshwater from the Committee. Allocate the seat to the Conservative Group and appoint Councillor Williams to the Committee.
Councillor Conduct Committee	Remove Councillor Wildey and hold one seat vacant to which the political groups are not entitled
Health and Adult Social Care Overview and Scrutiny Committee	Remove Councillor Freshwater and re-designate the seat allocated to the former UKIP Group as a vacant seat to which the political groups are not entitled
Licensing and Safety Committee	Remove Councillor Pendergast and re-designate the seat allocated to the former UKIP Group as a vacant seat to which the political groups are not entitled
Planning Committee	Remove Councillor Pendergast and re-designate the seat allocated to the former UKIP Group as a vacancy. Also remove the vacancy currently held by the Conservative Group. Hold these two seats vacant as seats to which the political groups are not entitled.
School Transport and Curriculum Appeals Committee	Remove Councillor Gilry and hold one vacant seat to which the political groups are not entitled

(Note: Councillors Craven and Howard have both already been replaced on the Health and Adult Social Care Overview and Scrutiny Committee by Councillors Shaw and Aldous respectively at the request of Group Leaders and Group Whips under the delegation to the Chief Executive to approve minor changes to Committee and Sub Committee memberships)

#### **4. Sub Committees and Other bodies**

- 4.1 **Sub Committees** – The vacancy on the Licensing and Safety Committee will generate a gap in the membership of the Licensing Hearing Panels and the Licensing 1982 Act Hearing Panel as the membership of these Panels is made up of members of the Licensing and Safety Committee. The Committee will be invited to review the position as Sub Committee memberships are a matter for each parent Committee rather than full Council.

4.2 **Other bodies appointed by full Council** – Group Whips have recommended that the Council is asked to agree the following changes to the memberships of other bodies arising from the decision of Councillors Craven, Howard and Pendergast to no longer be members of political groups:

- a) **Chatham Charities** – There are 8 places for Council nominees on this Charity. Although the law on political balance does not apply these places have traditionally been allocated on the basis of political proportionality. The Council is recommended to remove the seat allocated to the former UKIP Group and leave a vacancy for the time being.
- b) **Designated Persons Panel** (for housing complaints) - Councillor Freshwater was been appointed to this Panel with Cllr Pendergast as his designated deputy. The law on political balance does not apply to this Panel. Cabinet originally agreed 3 places for the Conservative Group and one each for the two minority Groups at the time it was set up. The Council is recommended to remove the seats allocated to the former UKIP Group and to remove Councillor Freshwater from membership of the Panel together with Councillor Pendergast as his deputy.
- c) **Member Development Advisory Group** – Councillor Pendergast has a seat on this Group. There are 7 places allocated on a 4:2:1 basis. The Council is recommended to remove the place allocated to the former UKIP Group and to remove Councillor Pendergast from membership of the Group.
- d) **Rural Liaison Committee** – Councillor Freshwater has a seat on this Committee. The current make-up of the Committee is 7:3:1. The Council is recommended to remove the seat allocated to the former UKIP Group and to remove Councillor Freshwater from membership of the Committee.
- e) **Informal Working Party on Polling Districts and Polling Places** – Councillor Freshwater has a seat on this Working Party currently constituted on the basis of 4:2:1. The Council is recommended to remove the seat allocated to the former UKIP Group and to remove Councillor Freshwater from membership of this Working Party.

4.3 **Corporate Parenting Board** – This is an Advisory Group appointed by the Cabinet with one seat allocated to the former UKIP Group (which is currently held vacant). As the UKIP Group no longer exists the seat allocated to that Group will now be removed.

## 5. **Financial, legal and risk management implications**

5.1 There are no financial implications arising from this report.

5.2 The law relating to the size of committees and the allocation of seats is set out in paragraph 3 of this report.

5.3 There are no risk management implications arising from this report

## **6. Recommendations**

6.1 The Council is recommended to:

- (i) review the allocation of seats on the Committees of the Council and agree the allocation of seats as set out in Appendix B to this report, following receipt of notice from Councillors Craven Howard and Pendergast that they no longer wish to be treated as members of a political group;
- (ii) agree the changes to the membership of Committees and other bodies as set out in paragraphs 3.7 and 4.2 above;
- (iii) note that the Licensing and Safety Committee will be asked to review the membership of its Sub Committees at its next meeting.

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### **Appendices**

Appendix A – Allocation of committee seats agreed by Annual Council in May 2018

Appendix B – Allocation of Committee seats proposed by Group Leaders and Group Whips following resignation of three Councillors from their political groups

### **Background papers**

None