

COUNCIL

29 JULY 2010

ALLOCATION OF SEATS ON COMMITTEES

Report from: Neil Davies, Chief Executive

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Summary

This report sets out the position regarding the allocation of seats on Committees following recent changes to the composition of political groups.

1. Budget and Policy Framework

1.1 The allocation of seats on committees and the appointment of Members to serve on committees and other bodies is a matter for decision by the Council.

2. Background

2.1 On 16 June 2010 the Chief Executive received notice that Councillor Stamp had ceased to be a member of the Liberal Democrat Group and that he had joined the Independent Group. On 21 June 2010 the Independent Group formally requested that a review be carried out of the arrangements for the allocation of seats on committees to political groups under section 15 of the Local Government and Housing Act 1989.

2.2 The effect of an increase in the size of the Independent Group and a decrease in the size of the Liberal Democrat Group on the political balance of the Council is set out below. These calculations also include the recent resignation of Councillor Esterson and the subsequent reduction in the size of the Labour Group to 9 Members.

Group	Change to number of councillors	Change to proportionality New %
Conservative	33	61.11%
Labour	9	16.67%
Liberal Democrat	7	12.96%
Independent Group	4	7.41%
Independent Member	1	1.85%
	54	100%

Assuming no change in the overall number of seats on committees, the entitlement to seats is now as follows (the movement in entitlement is shown in brackets):

Conservative	Labour	Liberal Democrat	Independent Group	Independent Member	Total
68 (+1)	19 (-2)	15 (-1)	8 (+2)	2 but not allocated as not entitled	112 +2

3. Allocation of Seats on Committees

3.1 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.

- 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 The four Group Whips met on 8 July 2010 and agreed to recommend that the Council approve the arrangements for the allocation of seats on Committees as set out in the table below marked in bold. This involves:
- The Labour Group giving up a seat on the Health and Adult Social Care Overview and Scrutiny Committee
 - Increasing the allocation of seats to the Conservative Group on the Business Support Overview and Scrutiny Committee by one
 - Removing the seat allocated to the Liberal Democrat Group on the Appointments Committee and allocating a seat on that Committee to the Independent Group
 - Increasing the number of seats allocated to the Independent Group on the Employment Matters Committee by one and decreasing the seats allocated to the Labour Group on that Committee by one.
- These proposals align the allocation of seats on committees, insofar as is practicable, with the overall entitlement to seats as set out in paragraph 2.2 above:

Committee	No. of seats	Con 61.11%	Lab 16.67%	LD 12.96%	Ind Group 7.41%	Ind Member 1.85%	Total 100%
Children and Adults Overview and Scrutiny	13 (+2)	8(+2)	2	2	1		13(+2)
Health and Adult Social Care Overview and Scrutiny	13	8	2	1	1	One vacant place	13
Business Support Overview and Scrutiny	13	8	2	2	1		13
Regeneration, Community and Culture Overview and Scrutiny	13	8	2	2	1		13
NHS (Joint with KCC)	4	2	1	1	0		4
Appointments	6	4	1	0	1		6
Audit	5	3	1	1	0		5
Planning	16	10	3	2	1		16
Employment Matters	7	4	1	1	1		7
Licensing and Safety	12	7	2	1	1	One vacant place	12
School Transport & Curriculum Appeals	5	3	1	1	0		5
International Relations	5	3	1	1	0		5
Total Allocation agreed at Annual Council on 19 May 2010	112(+2)	67 (+2)	21	16	6	0	112 (+2)
New entitlement	112(+2)	68 (+2)	19	15	8	2*	112(+2)

Notes:

- (i) *The Independent Member has no right to any seats; this column shows how seats to which the political groups are not entitled have been allocated by the Council.
- (ii) There are two additional Conservative Members on the Children and Adults 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.
- (iii) On 23 July 2009 the Employment Matters Committee established the Joint Consultative Committee. This is a consultative body with a membership comprising councillors and trade union representatives and as such does not feature in the overall calculation of allocation of Committee seats. The Constitution of the Joint Consultative Committee stipulates that the membership of Employment Matters Committee shall be the membership of the Joint Consultative Committee. As the Independent Group now has a seat on the Employment Matters Committee it will take up this entitlement. This will be achieved by the Labour Group giving up one seat. This will be reported to the Employment Matters Committee for information.
- (iv) There is a separate ad hoc committee set up to consider the removal of Council appointed school governors as and when necessary. Political balance requirements have been waived by the Council in respect of this Committee in the past so it does not feature in the overall calculation of allocation of Committee seats. The membership comprises the relevant Portfolio Holder and Group Whips.

4. Financial, Legal and Risk Implications

- 4.1 The recommendations in this report are consistent with requirements in the Local Government and Housing Act 1989 relating to political balance and there are no additional costs associated with the changes.

5. Recommendation

- 5.1 The Council is asked to agree:
 - a) the allocation of seats on committees to political groups as set out in paragraphs 2.2 and 3.4 of the report;
 - b) the continued establishment of an ad hoc Committee to consider the removal of Council appointed school governors as and when necessary and to waive political balance in respect of this Committee;
 - c) that the membership of Committees should be adjusted accordingly in accordance with the wishes of the party groups;
 - d) to note that the Employment Matters Committee will be advised that the Independent Group have indicated their wish to take up the seat they are entitled to on the Joint Consultative Committee.

Lead officer contact

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Background papers

Report to Council on 19 May 2010 – Establishment of Committees, Appointments and Schedule of Meetings 2010/2011 (item 7)