

COUNCIL

7 OCTOBER 2021

ALLOCATION OF COMMITTEE SEATS

Report from: Bhupinder Gill, Assistant Director, Legal and Governance
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Summary

This report sets out the position regarding the overall allocation of seats on Committees on receipt of notices from the two political groups requesting a review following the Princes Park and Strood North by-elections on 26 August 2021.

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. Section 15 of 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, which includes the circumstances set out above.

2. Background

- 2.1. At the Annual Council meeting on 5 May 2021 the Council agreed to establish Committees and allocate seats between political groups as set out in Appendix A.
- 2.2. Following the recent sad passing of Councillors Tashi Bhutia (Princes Park) and Steve Iles (Strood North), by-elections were held on 26 August 2021 where the following new Councillors were elected:
 - Councillor Robbie Lammas (Princes Park)
 - Councillor Zoë Van Dyke (Strood North)
- 2.3. As a consequence, the current composition of the Council is now as follows:

	Number of Councillors	%
Conservative Group	32	58.182
Labour and Co-operative Group	21	38.182
Independent Members	2	3.636
Total	55	100%

2.4. Following the by-elections, notices relating to Councillors Lammas and Van Dyke joining the Conservative and Labour and Co-operative Groups respectively, and both Groups requesting a review of the allocation of committee seats were received by the Head of Democratic Services.

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. 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, the entitlement of the Council's two political groups to Committee seats is now as follows:

Conservative	Labour and Co-operative	Unallocated	Total
76 (+3)	49	5	130

- 3.5. Following a review undertaken by the Assistant Director, 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 B to this report, primarily based on the number and size of Committees established by the Council at its Annual meeting in May 2021. 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 Labour and Co-operative Group and the outcome of the subsequent review requires the Council to allocate two additional seats to the Labour and Co-operative Group whilst the Conservative Group loses one seat. The Labour and Co-operative Group gains an extra seat on both the Licensing and Safety Committee and the Governor Ad-Hoc Committee. The Conservative Group loses one seat on the Appointments Committee.
- 3.7. One consequence of the review is to make a small adjustment to the size of two Committees. The Governor Ad-Hoc Committee is currently a Committee consisting of four Members (3:1) and it is recommended that this Committee now becomes a Committee consisting of five Members (3:2). The Appointments Committee is currently a Committee consisting of six members (4:2) and it is recommended that this Committee now becomes a Committee consisting of five members (3:2). These adjustments mean that the principles set out in paragraph 3.1 above are complied with in so far as it is practicable to a greater extent than would be the case otherwise. The effects of these recommended changes are set out in Appendix B. The overall number of committee seats remains unchanged at 130. Changes in committee memberships will be approved by the Chief Executive who has delegated authority to make minor changes to Committee and Sub-Committee memberships in line with the wishes expressed by party groups.
- 3.8. The Conservative Group retains an entitlement to 3 additional seats on the Children and Young People Overview and Scrutiny Committee to preserve its majority, in view of the seats for statutory voting co-opted Members on that Committee.
- 3.9. There are five unallocated seats to which neither the Conservative Group nor the Labour and Co-operative Group are entitled to.
- 3.10. The recommended changes to the membership of the Licensing and Safety Committee, if approved by Members, means that the Licensing and Safety

Committee will be required to review the allocation of seats on its Sub-Committees. A report will be submitted to the next meeting of this Committee.

- 3.11. For the avoidance of doubt, Members are advised that the Governor Ad-Hoc Committee has been a politically balanced Committee since the Annual Council meeting in May 2019. This Committee has been included in the overall number of committee seats since then. However, owing to a report drafting error, Members agreed to waive political balance on this Committee at the Annual Council meeting in May 2021 when it was not required to do so. This Committee is included in the overall number of committee seats and shall continue to be a politically balanced Committee.
- 3.12. Separately, a review has also been undertaken of the outside bodies which were agreed at the Annual Council meeting on 5 May 2021. Schedule 1 to the Local Government and Housing Act 1989 specifies which types of outside bodies should be reviewed in the case that the Council appoints at least three Members to the body. Therefore, the following outside bodies are covered by the review, but given that the Conservative Group must retain a majority of places on each outside body, no changes are required:
- Joint KCC/Medway NHS Overview and Scrutiny Committee (3:1)
 - Joint KCC/Medway/Bexley/East Sussex Health Overview and Scrutiny Committee (3:1)
 - Kent and Medway Fire and Rescue Authority (3:1).

4. Financial, legal and risk management implications

- 4.1. There are no financial implications arising from this report.
- 4.2. The proposals in this report relating to the allocation of Committee seats comply with the relevant legal requirements set out in the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990.
- 4.3. There are no risk management implications arising from this report.

5. Recommendations

- 5.1. The Council is recommended to agree the following:
- 5.1.1. Note the review of the allocation of seats on the Committees of the Council as set out in section 3 of the report;
- 5.1.2. Agree to vary the size of the Appointments Committee from six Members to five Members;
- 5.1.3. Agree to vary the size of the Governor Ad-Hoc Committee from four Members to five Members;

5.1.4. Agree the allocation of seats on the Committees of the Council as set out in Appendix B to the report;

5.2. The Council is asked to 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 2021

Appendix B – Allocation of committee seats October 2021

Background papers

None