

Council

17 October 2024

Allocation of Committee Seats

Report from: Bhupinder Gill, Assistant Director Legal and Governance

Author: Wayne Hemingway, Head of Democratic Services

Summary

This report sets out the position regarding the overall allocation of seats on committees on receipt of a notice from the Independent Group requesting a review following notification that Councillor Williams had joined the Independent Group on 16 July 2024.

1. Recommendations

1.1. The Council is recommended to agree the following:

1.1.1. To note the review of the allocation of seats on the committees of the Council as set out in section 4 of the report.

1.1.2. To agree the allocation of seats on the committees of the Council as set out in Appendix B to the report.

1.1.3. To remove the following Conservative Group members from the following committees: the “relevant Spokesperson” from the membership of the Appointments Committee and Councillor Kemp from the membership of the Governor Ad-Hoc Committee.

1.1.4. To add the following Independent Group members to the following committees: Councillor Crozer to the membership of the Appointments Committee and Councillor Mrs Turpin to the membership of the Governor Ad-Hoc Committee.

2. Budget and policy framework

2.1. 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.

2.2. 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.

3. Background

- 3.1. At the Annual Council meeting on 15 May 2024 the Council agreed to establish Committees and allocate seats between political groups as set out in Appendix A.
- 3.2. Councillor John Williams, formerly a member of the Conservative Group, advised the Chief Executive on 9 July 2024 that he no longer wished to be treated as a member of the Conservative Group. Subsequently, on 16 July 2024, notices relating to Councillor Williams joining the Independent Group and requesting a review of the allocation of committee seats were received by the Head of Democratic Services.
- 3.3. As a consequence, the current composition of the Council is now as follows:

Type	Number of Councillors	%
Labour and Co-operative Group	31	52.542
Conservative Group	20	33.898
Independent Group	5	8.475
Independent Members	3	5.085
Total	59	100%

4. Review of allocation of committee seats

- 4.1. 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.

4.2. 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.

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

4.4. Following the recent by-elections, the entitlement of the Council's three political groups to Committee seats is now as follows:

Labour and Co-operative Group	Conservative Group	Independent Group	Unallocated	Total
70 (+3)	45	11	6	132

4.5. Following a review undertaken by the Head of Democratic Services, 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 2024. 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.

4.6. In summary, the impact of an increase in the size of the Independent Group (and a decrease in the size of the Conservative Group) and the outcome of the subsequent review requires the Council to allocate two additional seats to the Independent Group whilst the Conservative Group loses two seats, specifically, the Independent Group gains one seat on both the Appointments Committee and the Governor Ad-Hoc Committee, both at the expense of the Conservative Group.

4.7. The Labour and Co-operative 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.

4.8. There are six unallocated seats to which none of the three political groups are entitled to.

4.9. Separately, Members are advised that 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 Labour and Co-operative Group must retain a majority of places on each outside body, no changes are required:

4.9.1. Joint KCC/Medway NHS Overview and Scrutiny Committee (3:1)

4.9.2. Kent and Medway Fire and Rescue Authority (3:1).

5. Financial, legal and risk management implications

5.1. There are no financial implications arising from this report.

5.2. 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.

5.3. There are no risk management implications arising from this report.

Lead officer contact

Wayne Hemingway
Head of Democratic Services
T: 01634 332509
E: wayne.hemingway@medway.gov.uk

Appendices

Appendix A – Allocation of committee seats agreed by Annual Council in May 2024

Appendix B – Allocation of committee seats October 2024

Background papers

None