

Council

27 February 2025

Allocation of Committee Seats

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Summary

This report sets out the position regarding the overall allocation of seats on committees following the outcome of the recent by-elections and the subsequent creation of a new political group on the Council.

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 agree the allocation of seats to the bodies set out in paragraphs 4.7, 4.8.1 and 4.8.2 of the report.
- 1.1.4. To note that the Chief Executive will use his delegated authority to make changes to committee memberships as a consequence of these changes.

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 (creation of a new political group).

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 and on 17 October 2024 full Council agreed the necessary changes as a consequence of an increase in size of the Independent Group from 4 to 5 Members, as set out in Appendix A.
- 3.2. Members will recall that Councillors Edwards, Khan and Osborne resigned in December 2024, which triggered by-elections in the Gillingham South (1 seat) and Rochester East and Warren Wood (2) wards. These by-elections were held on 6 February 2025 and resulted in the election of Councillor Liubov Nestorova (Labour and Co-operative Party) in Gillingham South ward and Councillors David Finch and John Vye (both Reform UK Party) in Rochester East and Warren Wood ward. Councillors Finch and Vye formed the Reform UK Group on 12 February 2025, with Councillor Finch as Group Leader and Councillor Vye as Deputy Leader and Group Whip.
- 3.3. As a consequence, the new composition of the Council is now as follows:

Type	Number of Councillors	%
Labour and Co-operative Group	29	49.153
Conservative Group	20	33.898
Independent Group	5	8.475
Independent Members	3	5.085
Reform UK Group	2	3.390
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 four political groups to Committee seats is now as follows:

Labour and Co-operative Group	Conservative Group	Independent Group	Reform UK Group	Unallocated	Total
65	45	11	4	7	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 changes are summarised as follows:
- 4.6.1. The Labour and Co-operative Group have lost 5 committee seats and no longer hold a majority on all committees.
- 4.6.2. Whilst the Conservative Group's and Independent Group's entitlement to committee seats is unchanged there are a couple of minor changes to which committees those seats are on.
- 4.6.3. The Reform UK Group are entitled to four committee seats.
- 4.6.4. There are 7 unallocated seats, neither the political groups nor the 3 Independent Members are entitled to these seats.
- 4.6.5. The Labour and Co-operative Group are no longer entitled to 3 additional seats on the Children and Young People Overview and Scrutiny Committee that facilitated a majority on the committee.
- 4.7. With regard to outside bodies a detailed review will be undertaken with Group Whips in March 2025, with any recommendations for changes to be reported to full Council in April 2025. For the time being, it is recommended that the

Rural Liaison Committee (11), changes from 6:4:1 to 5:4:1:1 in line with the outcomes from the review of the allocation of committee seats.

- 4.8. 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, and the following require to be changed, both from 3:1 to 2:1:1.

4.8.1. Joint KCC/Medway NHS Overview and Scrutiny Committee (2:1:1)

4.8.2. Kent and Medway Fire and Rescue Authority (2:1:1).

- 4.9. For our sub-committees which are politically balanced, reports will be submitted to the next meetings of the parent committee, e.g. Licensing and Safety Committee for the Licensing Sub-Committee.
- 4.10. Finally, Members are reminded that the Council Rules, and in particular paragraph 12.2 (Mayor's casting vote), also applies to committee meetings: "If there are equal numbers of votes for and against, the Mayor [Chairperson] will have a second or casting vote. There will be no restriction on how the Mayor [Chairperson] chooses to exercise a casting vote."

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.

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Appendices

Appendix A – Allocation of committee seats agreed by full Council in October 2024
Appendix B – Allocation of committee seats February 2025

Background papers

None