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Date: 15 October 2015

Dear Member

COUNTY COUNCIL - THURSDAY, 22 OCTOBER 2015 – URGENT BUSINESS

The Chairman has agreed that the following item will be taken as urgent business at the County Council meeting on 22 October 2015

Revised Proportionality Calculations and Committee Membership - (Pages 3 - 6)

This will be considered as item 3 (a) on the agenda

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Sass', is written over a light blue horizontal line.

Peter Sass
Head of Democratic Services

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By: Director of Governance and Law

To: County Council – 22 October 2015

Subject: Revised Proportionality Calculations and Committee Membership

Classification: Unrestricted

Summary: Mr Jeff Elenor has informed the Head of Democratic Services that he is no longer a member of the UKIP group. The County Council is invited to agree the revised allocation of committee places between the political groups.

FOR DECISION

Composition of the County Council

1. (1) Mr Jeff Elenor has resigned from the UKIP Group and has stated that he does not wish to be a part of any political Group. As a consequence, the composition of the County Council is now as follows:

Political Group	Number of seats	Proportion of seats
Conservative	46	55% (54.76%)
UKIP	15	18% (17.86%)
Labour	13	15% (15.48%)
Liberal Democrat	7	8% (8.33%)
Independents Group	2	2% (2.38%)
Independent	1	1% (1.19%)
Total	84	100%

Committee Appointments

2. The Local Government and Housing Act 1989 requires committee places to be allocated between the political groups in accordance with the following principles:

- (a) the group with the majority of seats on the Council is allowed to have a majority of seats on each committee;
- (b) subject to (a) above, the number of seats on the total of all committees allocated to any political group must be proportional to the number of seats which that group holds on the Council;
- (c) subject to (a) and (b) above, the number of seats on each committee allocated to any political group must be proportional to the number of seats which that group holds on the Council.

3. The Local Government and Housing Act 1989 only gives an entitlement to political groups to have seats on committees. A 'political group' is defined as

two or more Members who inform the Proper Officer that they wish to be regarded as a political group and have a leader.

4. Accordingly, the Council is advised that, as a sole independent Member, Mr Elenor does not have an automatic right to any seats on committees, except that the Council may decide to offer him 1% of the total number of seats, which equates to 2 seats. Otherwise, these seats on the Council's committees will stand un-allocated; they cannot be allocated to any of the five political groups as this would exceed their proportionate entitlement to committee seats.

5. The table set out below shows the **current** committee structure. The figure in brackets shows the proportionality figure to the nearest hundredth of a decimal point that each group **would now be** entitled to if the proportionality principles were to be applied to each committee. The Council should note that the figures for the Regulation Committee and Health Overview and Scrutiny Committee already give the Labour Group (at the expense of UKIP) a higher number of seats than it would be statistically entitled to, were it not for the overriding need to conform to the principle of overall proportionality.

Committee	Con	UKIP	Lab	LD	Ind Gp	Ind (Vacant)	Total
Scrutiny Committee	(6.02) 6	(1.96) 2	(1.70) 2	(0.92) 1	(0.26) 0	(0.13) 0	11
Health Overview and Scrutiny Committee	(7.12) 7	(2.32) 2	(2.01) 3	(1.08) 1	(0.31) 0	(0.15) 0	13
Governance and Audit Committee	(8.21) 8	(2.68) 3	(2.32) 2	(1.25) 1	(0.36) 1	(0.18) 0	15
Electoral & Boundary Review Committee	(4.93) 5	(1.61) 2	(1.39) 1	(0.75) 1	(0.21) 0	(0.11) 0	9
Personnel Committee	(4.93) 5	(1.61) 2	(1.39) 1	(0.75) 1	(0.21) 0	(0.11) 0	9
Planning Applications Committee	(10.41) 10	(3.40) 4	(2.94) 3	(1.58) 1	(0.45) 1	(0.23) 0	19
Regulation Committee	(9.31) 9	(3.04) 3	(2.63) 4	(1.42) 0	(0.40) 1	(0.20) 0	17
Selection and Member Services Committee	(4.93) 5	(1.61) 2	(1.39) 1	(0.75) 1	(0.21) 0	(0.11) 0	9
Corporate Parenting Panel	(4.93) 5	(1.61) 2	(1.39) 1	(0.75) 1	(0.21) 0	(0.11) 0	9
Superannuation Fund Committee	(4.93) 5	(1.61) 2	(1.39) 1	(0.75) 1	(0.21) 0	(0.11) 0	9
Kent Flood Risk Management Committee	(3.83) 4	(1.25) 1	(1.09) 1	(0.58) 1	(0.17) 0	(0.08) 0	7
Standards Committee	(3.83) 4	(1.25) 1	(1.09) 1	(0.58) 1	(0.17) 0	(0.08) 0	7

TOTAL Entitlement	(73.38) 73	(23.94) 24	(20.74) 21	(11.16) 11	(3.19) 3	(1.60) 2	134 134
Current TOTAL	73	26	21	11	3	2	134
Difference to Proportionate share	0	+2	0	0	0	-2	0

6. It can be seen from the table that the UKIP now has two more seats than it is entitled to. Accordingly, it must give up two of its seats. As it has already given up seats on Regulation Committee and Health Overview and Scrutiny Committee, it cannot give up an additional seat on either of these Committees.

7. The Council will need to decide whether it wishes to allocate the two seats which UKIP gives up to Mr Elenor, or whether it wishes them to remain vacant. As set out above, vacant seats cannot be allocated to any political group. It is suggested that the decision as to which committees this revised arrangement is applied be delegated to the Head of Democratic Services in consultation with the Leader of the UKIP Group and (if appropriate) Mr Elenor.

8. With the exception of the changes set out above, all the other entitlements to committee places remain unaffected, and all apparent mathematical anomalies have previously been explained to and agreed by the County Council. Likewise, proportionality figures for sub-committees and panels are unaffected by Mr Elenor's resignation from the UKIP Group.

Other Authorities, Joint Committees and Partnership Bodies

9. The proportionality principles in the 1989 Act also apply to the appointments which the County Council makes to various other authorities, joint committees and partnership bodies. The entitlement to places on these bodies is unaffected by Mr Elenor's resignation from the UKIP Group.

Recommendations

10. The County Council is invited to:

(a) agree the revised proportionality calculations and decide (in accordance with the overall proportionality rules) whether Mr Elenor should be invited to fill two additional committee places at the expense of UKIP or whether these places shall remain vacant; and

(b) agree that the decision on which two seats the UKIP Group has to give up to either a vacancy or Mr Elenor be delegated to the Head of Democratic Services in consultation with the Leader of the UKIP Group and (if appropriate) Mr Elenor.

Peter Sass
Head of Democratic Services
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