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Ask for:
Date: 14 October 2016

Dear Member

COUNTY COUNCIL - THURSDAY, 20 OCTOBER 2016

I am now able to enclose, for consideration at the Thursday, 20 October 2016 meeting of the County Council, the following supplement to the report that was unavailable when the agenda was printed.

Agenda Item No
10

Revised Proportionality Calculations and Committee Membership
(Pages 3 - 8)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Watts', is written over a faint circular stamp.

Benjamin Watts
General Counsel (Interim)

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By: General Counsel (Interim)
To: County Council – 20 October 2016
Subject: Revised Proportionality Calculations and Committee Membership
Classification: Unrestricted

Summary: Following the recent Gravesham East and Swanley by-elections it may be necessary for the County Council to agree a revised allocation of committee places between the political groups.

1. When there is a change in the number of seats held by a political group on the County Council there is a requirement under the Local Government and Housing Act 1989 that the County Council reviews its proportionality calculation and agree any resultant changes to the number of seats per Group on Committees and outside bodies.

2. As Members will be aware the Gravesham East by-election was held on 18 August 2016 and Mrs Marsh was elected to the County Council. This had the effect of increasing the number of seats held by the Conservative Group by one and reducing the number of seats held by the Labour Group by one.

3. Before this change in proportionality could be reported to County Council the death of Mr Brookbank resulted in the calling of a by-election for the Swanley Electoral Division which is being held on Thursday 13 October, with the count taking place that evening.

4. I wish to make Members aware that, as the result of the Swanley by-election will not be known until after the agenda and papers for the County Council meeting have to be published, it may be necessary to produce a supplementary report on Friday 14 October requesting County Council to consider revised proportionality calculations and committee membership

Recommendation

5. That, subject to the result of the Swanley by-election, the County Council consider a supplementary report with recommendation(s) on revised proportionality and Committee Membership.

Ben Watts
General Counsel (Interim)
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By: General Counsel (Interim)
To: County Council – 20 October 2016
Subject: Revised Proportionality Calculations and Committee Membership
Classification: Unrestricted

Summary: Following the recent Gravesham East and Swanley by-elections, 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) As a result of the election of Mrs D Marsh and Mr M Horwood at the recent Gravesham East and Swanley by-elections, the composition of the County Council is now as follows:

	<i>Number of seats</i>	<i>Proportion of seats</i>
Conservative	47	55.95%
UKIP	15	17.86%
Labour	12	14.29%
Liberal Democrat	7	8.33%
Independents Group	2	2.38%
Independent	1	1.19%

Committee Appointments

2. (1) In order to reconstitute the Council's committees in accordance with the committee structure set out in the Constitution, the County Council is invited to agree the revised allocation of committee places between the political groups.

3. 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.

4. 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. The County Council noted on 22 October 2016 that, as a sole independent Member, Mr Elenor did not have an automatic right to any seats on committees. It decided that the two seats on the Council's committees which could have been offered to him would stand un-allocated as they could not be allocated to any of the five political groups.

5. In the table set out below, the **current** representation on each Committee is given in bold, whilst 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.

Committee	Con	UKIP	Lab	LD	Ind Gp	Ind (Vacant)
Scrutiny Committee	(6.15) 6	(1.96) 2	(1.57) 2	(0.92) 1	(0.26) 0	(0.13) 0
Health Overview and Scrutiny Committee	(7.27) 7	(2.32) 2	(1.86) 3	(1.08) 1	(0.31) 0	(0.15) 0
Governance and Audit Committee	(8.39) 8	(2.68) 3	(2.14) 2	(1.25) 1	(0.36) 1	(0.18) 0
Electoral & Boundary Review Committee	(5.04) 5	(1.61) 1	(1.29) 1	(0.75) 1	(0.21) 0	(0.11) 1 Vac
Personnel Committee	(5.04) 5	(1.61) 2	(1.29) 1	(0.75) 1	(0.21) 0	(0.11) 0
Planning Applications Committee	(10.63) 10	(3.40) 4	(2.72) 3	(1.58) 1	(0.45) 1	(0.23) 0
Regulation Committee	(9.51) 9	(3.04) 3	(2.43) 4	(1.42) 0	(0.40) 1	(0.20) 0
Selection and Member Services Committee	(5.04) 5	(1.61) 2	(1.29) 1	(0.75) 1	(0.21) 0	(0.11) 0
Corporate Parenting Panel	(5.04.) 5	(1.61) 2	(1.29) 1	(0.75) 1	(0.21) 0	(0.11) 0
Superannuation Fund Committee	(5.04) 5	(1.61) 1	(1.29) 1	(0.75) 1	(0.21) 0	(0.11) 1 Vac
Kent Flood Risk Management Committee	(3.92) 4	(1.25) 1	(1.00) 1	(0.58) 1	(0.17) 0	(0.08) 0
Standards Committee	(3.92) 4	(1.25) 1	(1.00) 1	(0.58) 1	(0.17) 0	(0.08) 0
TOTAL Entitlement	(74.97) 75	(23.94) 24	(19.15) 19	(11.16) 11	(3.19) 3	(1.60) 2 Vac
Current TOTAL	73	24	21	11	3	2 Vac
Difference to Proportionate share	-2	0	+2	0	0	-2

6. Following the Gravesham East and Swanley By-Elections, the Conservative Group is entitled to increase its share of the overall number of committee seats by 2 at the expense of the Labour Group. Although there is no mathematically perfect way of achieving this change in the current Committee structure, the Labour Group is now over-represented on the Regulation Committee and on the Health Overview and Scrutiny Committee by *more than 1 seat* and it is recommended that they give up a seat to the Conservative Group on each of these Committees.

7. 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 the two by-election result.

8. The Council should note that the County Council has 21 representatives on the Kent Fire and Rescue Committee, which is exactly 25% of the Council's membership of 84. As a result of the two by-elections, the representation to which each Group is now entitled is set out below:

GROUP	NUMBER OF MEMBERS	MATHEMATICAL ENTITLEMENT
Conservative	47	11.75
UKIP	15	3.75
Labour	12	3.00
Liberal Democrat	7	1.75
Independent Group	2	0.50
Independent	1	0.25

As can be seen, each of the Conservative, UKIP and Liberal Democrat Groups is entitled to an additional 0.75% representation above its base figure. This cannot be accommodated as to do so would bring KCC's overall membership within the Fire Authority to 22.

9. There is no County Council rule or constitutional position that provides for a way to resolve this situation. My advice is that in the circumstances, the question should be referred to Selection and Member Services Committee for further detailed consideration. In the meantime, I would recommend that the status quo persists.

Recommendations

10. The Council is invited to agree:

(1) that the Labour should lose a seat on each of the Regulation Committee and the Health Overview and Scrutiny Committee to the Conservative Group; and

(2) that the question of proportionality of membership of the Kent Fire and Rescue Committee be referred to Selection and Member Services Committee for further detailed consideration.

Benjamin Watts
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