



Direct Dial/Ext: 03000 410466
e-mail: john.lynch@kent.gov.uk
Ask for:
Date: 22 May 2017

Dear Member

COUNTY COUNCIL - THURSDAY, 25 MAY 2017 – ITEM 14

I am now able to enclose, for consideration at next Thursday, 25 May 2017 meeting of the County Council, the following report that was unavailable when the agenda was printed.

Agenda Item No

14

Proportionality and Appointment to Committees and other bodies
(Pages 3 - 10)

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Lynch', is written over a faint, light-colored signature line.

John Lynch
Head of Democratic Services

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By: Benjamin Watts, General Counsel
 To: County Council – 25 May 2017
 Subject: Proportionality and Appointments to committees and other bodies
 Classification: Unrestricted

Summary: The County Council is invited to:

- (a) determine the total number of committee places; the allocation of those places between the political groups; and the allocation of places on certain other bodies;
- (b) agree that appointments and nominations to outside bodies will be made by Selection and Member Services with the exception of those which fall to be made by the Leader of the Council; and
- (c) agree proposals for the allocation of the Members' Conference budget.

For Decision

Composition of the County Council

1. (1) Following the elections on 4 May 2017, the composition of the County Council is as follows:

Political Group	Number of seats	Proportion of seats
Conservative	67	82.72%
Liberal Democrat	7	8.64%
Labour	5	6.17%
Independent Group	2	2.47%
Total	81	100%

Committee Appointments

2. (1) In order to reconstitute the Council's committees in accordance with the committee structure as set out in the Constitution, the Council is invited to determine the number of Members to serve on each committee and the allocation of committee places between the political groups.

(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 must have a majority of seats on each committee¹.
- (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.
- (d) Only political groups have an entitlement to 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.

(3) Proposals for the size of each committee and the allocation of committee places between the political groups in accordance with these principles has been prepared for the County Council's approval in the table below. The table proposes the size of each main committee and gives the allocation of places on them between the four political groups if this were applied to each Committee.

Committee	Con	Lib Dem	Lab	Ind	Total
Scrutiny Committee +5*	9	2	2	0	13
Health Overview and Scrutiny Committee +4\$	11	1	1	0	13
Governance and Audit Committee	7	1	1	0	9
Electoral & Boundary Review Committee	7	1	1	0	9
Personnel Committee	7	1	1	0	9
Planning Applications Committee	10	1	1	1	13
Regulation Committee	12	1	1	1	15
Selection and Member Services Committee	6	1	1	0	8
Corporate Parenting Panel +4@	8	1	1	0	10
Superannuation Fund	7	1	1	0	9

Committee	Con	Lib Dem	Lab	Ind	Total
Committee +3# (1/1/1)					
Kent Flood Risk Management Committee	6	1	0	0	7
Standards Committee	6	1	0	0	7
TOTAL	96	13	11	2	122
Proportionate Share of Total	101	10.5	7.5	3	122
Difference to Proportionate share	-5	+2.5	+3.5	-1	0

- * The Scrutiny Committee also has 3 diocesan representatives and 2 parent governor representatives with voting powers on education issues only. See paragraph 3, below.
- \$ The Health Overview and Scrutiny Panel also has 4 District Council representatives with voting powers.
- @ The Corporate Parenting Panel also has 4 Co-opted Members with no voting powers.
- # The Superannuation Fund Committee also has 3 District Council representatives (1 Con, 1 Lab, 1 Lib Dem) with voting powers.

(4) As will be seen, this would lead to under representation of the Conservative Group (5 seats) and the Independent Group (1 seat) whilst the Liberal Democrat and Labour Groups would be over-represented by 2.5 and 3.5 seats respectively.

(5) The County Council has on previous occasions given delegated powers to the Head of Democratic Services to make the necessary adjustments following discussions between the political groups. It is recommended that this course of action is followed unless agreement can be reached at today's County Council meeting.

(6) As well as ordinary committees, the proposal covers the size and political composition of Sub-Committees. The Council or the main Committee is entitled to determine the size of these Sub-Committees, but, to avoid delays (particularly in processing school transport appeals) the Council is requested to take this decision today. The table below sets out the seats if proportionality were to be strictly applied.

Sub-Committees	Con	Lib Dem	Lab	Ind	Total
Regulation Committee Member Panels (enforcement, public rights of way, marriage premises, village/town greens)	4	1	0	0	5
Regulation Committee Transport Appeal Panels (school-related appeals - mainly transport)	4	1	0	0	5
Selection and Member Services Committee Governor Appointments Panel	6	1	0	0	7
Governance and Audit Committee Trading Activities Sub-Committee	2	1	0	0	3
Personnel Committee Member Panel	4	1	1	0	6
Scrutiny Committee Select Committees	7	1	1	0	9

(7) The County Council has previously agreed that Independent Group Members can sit on a Regulation Committee Member Panel if any of the groups is willing to give up one of its places. It is proposed that this arrangement is continued by the Council and also extended to the Labour Group, which gives greater flexibility in terms of finding Members to serve on these Panels. This is an informal arrangement and only applies if one of the Groups cannot fill a seat on the panel (which are often arranged at short notice). No group is asked to give up places; they do so only voluntarily.

(8) Regulation Committee Transport Appeal Panels meet with such frequency that it has been the agreed practice throughout the previous Council that Panel membership is determined by the availability of individual Members from all political groups subject only to the need for the Conservative Group to have a majority on each Panel. Membership of the Regulation Committee is not a requirement for its Panels either for individual Members or political groups. It is recommended that the County Council confirms this arrangement.

(9) The Selection and Member Services Governor Appointments Panel will only meet on very rare occasions. The Corporate Director of Education and Young People's Services has delegated powers to make Local Authority appointments/nominations to governing bodies in consultation with the Chairman when they meet the County Council's guidelines. On those occasions when the guidelines are not met, the Panel Members' views are sought. The Panel meets on those occasions when there is either no unanimity amongst the Panel Members or if they unanimously disagree with the Corporate Director's recommendations. The

Panel also meets if it needs to consider a request for the removal of a Local Authority Governor.

(10) All Governance and Audit Committee Members are automatically sent a copy of its Trading Activities Sub-Committee agenda papers, and this practice will continue.

(11) The Personnel Committee Member Panel has traditionally consisted of Members from each of the political groups. It is recommended that the proportionality rules be varied for these Panels so that the Conservative Group has 4 seats and the Labour Group 1 seat. Consideration could also be given to inviting an Independent Group representative to participate in a non-voting capacity.

(12) The Mental Health Guardianship Sub-Committee is chaired by the Chairman of the Regulation Committee. The rest of its membership is drawn from volunteers from the Adult Social Care Cabinet Committee. It meets once a year to oversee the Guardianship Register. In the event that a decision is needed on the discharge of persons who are subject to guardianship, a Panel of 3 of its Members will meet. Due to the urgent need for a decision, membership of the Panel would be determined by the availability of Members to serve at very short notice.

(13) The Scrutiny Committee also sets up Select Committees which are time limited and task specific, carrying out reviews and making recommendations.

Membership of Cabinet Committees

3. (1) Cabinet Committees are executive committees and do not form part of the allocation of seats to political groups. The membership, terms of reference and number of Cabinet Committees is determined by the Leader. The Leader has determined that the following arrangements will apply:

Policy and Resources (15): 12 Conservative, 2 Liberal Democrat, 1 Labour

Adult Social Care (14): 11 Conservative, 2 Liberal Democrat, 1 Labour

Children's Young People and Education (15): 12 Conservative, 2 Liberal Democrat, 1 Labour

Health Reform and Public Health (13): 10 Conservative, 2 Liberal Democrat, 1 Labour

Environment & Transport (15): 12 Conservative, 2 Liberal Democrat, 1 Labour

Growth, Economic Development & Communities (15): 12 Conservative, 2 Liberal Democrat, 1 Labour

Other Authorities, Joint Committees and Partnership Bodies

4. (1) The proportionality principles in the 1989 Act also apply to the appointments which the Council makes to various other authorities, joint committees and partnership bodies, as listed below:

- (a) Kent and Medway Fire and Rescue Authority (21 KCC Members);
- (b) Standing Advisory Committee on Religious Education (4 KCC Members);
- (c) Kent and Essex Inshore Fisheries and Conservation Authority (3 KCC Members);
- (d) Kent and Medway NHS Joint Overview and Scrutiny Committee (8 KCC Members)
- (e) Pension Board (2 KCC Members who are not Members of the Superannuation Fund Committee)
- (f) Adoption Panels (6 Area Panels with 2 KCC Members serving on each), in respect of which the following provisions apply:
 - (i) *The 1989 Act does not apply but the Council's convention is that the 12 appointments overall should be proportional;*
 - (ii) *Members should have a knowledge or interest in Social Care or adoption issues;*
 - (iii) *To avoid the situation where Members frequently have to withdraw because, for example, they know prospective adopters, Members should not serve on the Panel covering their home area. It is therefore recommended that Members be nominated by the political groups for service on the Adoption Panels generally and the allocation of individual Members to particular Panels be left to the Adoption Panel Manager in discussion with the Members concerned.*

Authority, Joint Committee or Partnership Body	Con	Lib Dem	Lab	Ind	Tot
Kent and Medway Fire and Rescue Authority	17	2	1	1	21
Kent and Essex Inshore Fisheries and Conservation Authority	3	0	0	0	3
Kent and Medway NHS Joint Overview and Scrutiny Committee	7	1	0	0	8
Standing Advisory Committee on Religious Education	3	1	0	0	4
Pension Board	2	0	0	0	2
Adoption Panels	10	1	1	0	12

Outside Bodies

5. (1) The Selection and Member Services Committee is charged with making appointments to outside bodies on behalf of the Council. The 1989 Act principles do not apply to these appointments, but it is the Council's convention that the total number of appointments should be shared between the political groups on, so far as possible, a proportional basis. This Committee will meet in early June to determine these appointments.

(2) Some appointments to outside bodies fall to be made by the Leader of the Council in connection with a delegation by him of executive functions. The list of those appointments (which will be subject to review by the Leader once elected by

the Council on 25 May) will be submitted to the Selection and Member Services Committee for noting.

Members' Conference Budget

6. (1) The Members' Conference Budget for 2017/18 is £8,800. The Council's practice has been to earmark part of the budget for Member attendance at the Local Government Association (LGA) Annual Conference, the County Councils' Network Annual Conference, and the LGA Annual Finance Conference, and then to share the remainder between the political groups on a proportional basis so that they can decide which other conferences their Members should attend. The Council may wish the Selection and Member Services Committee to consider whether this is the most appropriate way of allocating this budget as well as a mechanism for reporting back to the Council on the learning from the various conferences, which can be shared for the benefit of all Members on the KNET Members' Area.

Recommendations

7. The County Council is asked to:
- (a) determine the total number of Committee places; the allocation of those places between the political groups; and the allocation of places on certain bodies;
 - (b) if appropriate, give delegated powers to the Head of Democratic Services in consultation with the four group Leaders to adjust the allocation of committee places in order to conform to overall proportionality requirements.
 - (c) agree that Selection and Member Services will make the appointments to outside bodies, except for those which fall to be made by the Leader of the Council; and
 - (d) agree proposals for the allocation of the Members' Conference Budget.

John Lynch
Head of Democratic Services
03000 410466

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