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Date: 21 May 2025

Dear Member

COUNTY COUNCIL - THURSDAY, 22 MAY 2025

Please find enclosed, for consideration at the Full Council meeting on 22 May 2025, the report for Item 12 which was unavailable when the main agenda was published.

Agenda Item No

12 **Proportionality and Appointment to Committees and other bodies** (Pages 1 - 8)

Yours sincerely

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

Benjamin Watts
General Counsel

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By: Joel Cook – Democratic Services Manager

To: County Council – 22 May 2025

Subject: Proportionality and Appointments to committees and other bodies

Classification: Unrestricted

Recommendation:

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) **NOTE** that the Selection and Member Services Committee will make or confirm necessary appointments to outside bodies, except for those which fall to be made by the Leader of the Council; and
- (c) **AGREE** to give delegated authority to the Democratic Services Manager, in consultation with the Group leaders and the Monitoring Officer, to adjust the allocation of committee places as necessary in order to conform to overall proportionality requirements; and to confirm external Joint Committee appointments where required prior to the Summer Recess.

For Decision

Composition of the County Council

1. As a result of the 1 May 2025 election, the Council is now made up of the following Members.

Political Group	Number of seats	Proportion of seats
Reform	57	70
Liberal Democrat	12	15
Conservative	5	6.25
Green	5	6.25
Labour	2	2.5
Total	81	100%

Committee Appointments

2. Following the election, it is necessary for Council to consider and determine the number of Members to serve on each committee and the 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 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 Monitoring Officer that they wish to be regarded as a political group.
4. 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	Ref	LD	Con	Green	Lab	Total
<i>Scrutiny Committee</i> +5*	8	2	1	1	1	13
<i>Health Overview and Scrutiny Committee</i> +4\$	9	2	1	1	0	13
<i>Governance and Audit Committee</i>	8	2	1	1	1	13
<i>Electoral & Boundary Review</i>	8	2	0.5	0.5	0	11

Committee	Ref	LD	Con	Green	Lab	Total
<i>Committee</i>						
<i>Personnel Committee</i>	8	2	1	1	1	13
<i>Planning Applications Committee</i>	9	2	1	1	0	13
<i>Regulation Committee</i>	11	2	1	1	0	15
<i>Selection and Member Services Committee</i>	5	1	1	1	1	9
Pension Fund Committee +3# (1/1/1)	8	2	0.5	0.5	0	11
Kent Flood Risk Management Committee	5	1	0.5	0.5	0	7
Standards Committee	5	1	0.5	0.5	0	7
TOTAL	84	19	9	9	4	125
Proportionate Share of Total	88	18.5	7.75	7.75	3	125
Difference to Proportionate share	-4	+0.5	+1.25	+1.25	+1	0

* The Scrutiny Committee also has 3 diocesan representatives and 2 parent governor representatives with voting powers on education issues only. See paragraph

\$ The Health Overview and Scrutiny Panel also has 4 District Council representatives with voting powers.

The Pension Fund Committee also has 3 District Council representatives with voting powers.

- The Council must seek to achieve proportionality as far as is practicable, balancing the requirements set out in paragraph 3. To ensure reasonable representation across as many committees as possible while keeping the total allocations close to the proportionate entitlements, this commonly requires a small level of under-representation of the largest group where it holds a significant majority. This is demonstrated in the above table due to the large

size of the Reform Group – the small level of underrepresentation is necessary to achieve the other balance requirements of Committees that reflect the total number of County Council seats held by each group, the total number of Committee seats available and the political balance on each individual committee.

6. Where split entitlements appear (where two groups have 0.5 of a seat on the same committee) this means that these Groups must decide between each other (via discussion with Democratic Services) which seats they wish to take so that the seat entitlements add up correctly once confirmed. This will be resolved via the delegation set out in the recommendation and consultation with the relevant Group Leaders.
7. As well as ordinary committees, the proposal covers the size and political composition of Sub-Committees. The balanced arrangement is set out below:

Sub-Committees	Reform	LD	Cons	Green	Lab	Total
Regulation Committee Member Panels (enforcement, public rights of way, marriage premises, village/town greens)	4	1	0	0	0	5
Regulation Committee Transport Appeal Panels (school- related appeals - mainly transport)	4	1	0	0	0	5
Selection and Member Services Committee Governor Appointments Panel	5	1	0.5	0.5	0	7
Selection and Member Services – Training and Development Sub- Committee	6	1	0.5	0.5	0	8
Personnel Committee Member Appointment Panel	5	1	1	1	0	8
Scrutiny Committee Sub-Committees or SFI Groups	7	1	1	1	1	11

8. Sub-committees must align with proportionality in terms of the representation of parties on each committee on an individual basis. However, the number of seats are not added up to form part of the overall proportionality calculation and the sub-committees are all generally smaller than the main committees – as a consequence, the largest group gains increased representation on the sub-committees.

9. The County Council has previously agreed the approach allowing Members from Groups other than those allocated seats on the Regulation Committee Member Panel to sit on Panels on such occasions when one of the allocated Groups gives up a seat. No change is proposed.
10. Regulation Committee Transport Appeal Panels meet with such frequency that that Panel membership is determined by the availability of individual Members from all political groups subject only to the need for the largest Group to have a majority on each Panel. Membership of the Regulation Committee is not a requirement for its Panels for individual Members or political groups, although the Chair of each Panel must be a Regulation Committee member. No change is proposed.
11. The Selection and Member Services Governor Appointments Panel will only meet on very rare occasions. The Corporate Director of Children, Education and Young People 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.
12. The Mental Health Guardianship Sub-Committee is chaired by the Chair 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 is responsible for managing the Topic Review programme and may set up Short Focused Inquiries as required, which are time limited and task specific, carrying out reviews and making recommendations.

Other Authorities, Joint Committees and Partnership Bodies

14. 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 (4 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	Reform	LD	Cons	Green	Lab	Tot
Kent and Medway Fire and Rescue Authority	15	3	1	1	1	21
Kent and Essex Inshore Fisheries and Conservation Authority	3	0	0	0	0	3
Kent and Medway NHS Joint Overview and Scrutiny Committee	3	1	0	0	0	4
Standing Advisory Committee on Religious Education	3	1	0	0	0	4
Pension Board	2	0	0	0	0	2
Adoption Panels	8	2	1	1	0	12

Note – the proportionality of KCC appointments applies only to the seats allocated to KCC, not the full membership of the relevant authorities or partnership body.

Therefore, due to the small number seats to be allocated from KCC on some bodies, the largest group can gain all relevant seats (as is the case for KEIFCA and Pension Board).

Outside Bodies

15. 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. Selection and Member Services will consider the Outside Body appointments in due course following Council's determination of Proportionality.
16. Some appointments to outside bodies fall to be made by the Leader of the Council in connection with a delegation to them of executive functions. The list of those appointments will again be submitted to the Selection and Member Services Committee for noting in due course.

Recommendations

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