

By: Benjamin Watts, General Counsel
To: County Council – 27 May 2021
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) **AGREE** that the proportionality and committee seat allocation will be reviewed at the next County Council meeting following the Elham Valley Division election.
- (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** to give delegated authority to the Democratic Services Manager, in consultation with the four Group leaders and the Monitoring Officer to adjust the allocation of committee places in order to conform to overall proportionality requirements.

For Decision

Composition of the County Council

1. Following the elections on 6 May 2021, the composition of the County Council is as follows:

Political Group	Number of seats	Proportion of seats
Conservative	61	76.25
Labour	7	8.75
LD	6	7.50
Green and Independents	6	7.50
Total	80	100%

Please note that the composition of the County Council has been determined on the basis of an 80 Member Council due to the delayed Elham Valley Division election,

due to be held in June 2021. It will be necessary to review proportionality following this election at the next County Council meeting.

Committee Appointments

2. 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.
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	Con	Lab	LD	Green and Independents	Total
<i>Scrutiny Committee</i> +5*	10	1	1	1	13
<i>Health Overview and Scrutiny Committee</i> +4\$	10	1	1	1	13

Committee	Con	Lab	LD	Green and Independents	Total
<i>Governance and Audit Committee</i>	7	1	0.5	0.5	9
<i>Electoral & Boundary Review Committee</i>	7	1	0.5	0.5	9
<i>Personnel Committee</i>	7	1	0.5	0.5	9
<i>Planning Applications Committee</i>	10	1	1	1	13
<i>Regulation Committee</i>	12	1	1	1	15
<i>Selection and Member Services Committee</i>	5	1	1	1	8
<i>Superannuation Fund Committee +3#</i>	7	1	0.5	0.5	9
<i>Kent Flood Risk Management Committee</i>	5	1	0.5	0.5	7
<i>Standards Committee</i>	5	1	0.5	0.5	7
TOTAL	85	11	8	8	112
Proportionate Share of Total	85.33	10	8.33	8.33	112
Difference to Proportionate share	-0.33	+1	-0.33	-0.33	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 Superannuation Fund Committee also has 3 District Council representatives with voting powers.

5. In circumstances such as these, there is no perfect answer. As will be seen, the above would lead to slight under-representation of the Conservative Group (-0.33 seats), over-representation of the Labour Group (1 seat) whilst the Liberal Democrat and Green & Independent Groups would both be under-represented by 0.33 seats. Further confirmation is required from the political groups as to how the proposed even entitlements between the Liberal Democrat and Green & Independents are to be divided.
6. The County Council has, on previous occasions given delegated powers to Officers to make the necessary adjustments following discussions between the political groups, such as confirming membership when equal entitlements to seats exists. It is recommended that powers are again delegated to resolve this or any other matter which may arise requiring minor revisions or clarifications arising after this meeting. Any delegation agreed would be to the Democratic Services Manager in consultation with the Monitoring Officer and leaders of the four Political Groups.
7. 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	Lab	LD	GI	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
Corporate Parenting Panel +4@	8	1	0.5	0.5	10
Personnel Committee Member Panel	4	1	0.5	0.5	6
Scrutiny Committee Select	7	1	0.5	0.5	9

Sub-Committees	Con	Lab	LD	GI	Total
Committees					

8. The County Council has previously agreed that Members from Groups other than those allocated seats on the Regulation Committee Member Panel may sit on Panels on such occasions when one of the allocated Groups gives up a seat. It is proposed that this arrangement is continued by the Council as this provides 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.
9. Regulation Committee Transport Appeal Panels meet with such frequency that it has been the agreed practice throughout previous Council terms, 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 and maintains this arrangement.
10. 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.
11. 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.
12. The Scrutiny Committee is responsible for managing the Topic Review programme and sets up Select Committees as required, which are time limited and task specific, carrying out reviews and making recommendations. Further review of their membership arrangements is recommended prior to the establishment of any future Select Committees.

Membership of Cabinet Committees

13. Cabinet Committees are executive advisory committees and do not form part of the proportional 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 (16): 12 Conservative, 2 Labour, 1 Liberal Democrat, 1 Green & Independent

Adult Social Care (16): 12 Conservative, 2 Labour, 1 Liberal Democrat, 1 Green & Independent

Children's Young People and Education (16): 12 Conservative, 2 Labour, 1 Liberal Democrat, 1 Green & Independent

Health Reform and Public Health (16): 12 Conservative, 2 Labour, 1 Liberal Democrat, 1 Green & Independent

Environment & Transport (16): 12 Conservative, 2 Labour, 1 Liberal Democrat, 1 Green & Independent

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

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 (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	Lab	LD	GI	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	6	1	0.5	0.5	8
Standing Advisory Committee on Religious Education	3	1	0	0	4
Pension Board	2	0	0	0	2
Adoption Panels	9	1	1	1	12

Outside Bodies

15. (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 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.

Recommendations

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) **AGREE** that the proportionality and committee seat allocation will be reviewed at the next County Council meeting following the Elham Valley Division election.

- (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** to give delegated authority to the Democratic Services Manager, in consultation with the four Group leaders to adjust the allocation of committee places in order to conform to overall proportionality requirements.

Joel Cook
Democratic Services Manager
03000 416892