

By: Benjamin Watts, General Counsel  
To: County Council – 23 July 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) **NOTE** that Selection and Member Services made the 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 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 Elham Valley Election on 17 June 2021, the composition of the County Council is as follows:

<b>Political Group</b>	<b>Number of seats</b>	<b>Proportion of seats</b>
Conservative	62	76.54
Labour	7	8.64
LD	6	7.41
Green and Independents	6	7.41
<b>Total</b>	<b>81</b>	<b>100%</b>

### **Committee Appointments**

2. Further to the agreement at County Council on 27 May 2021, the proportionality and seat allocation arrangements are here brought back for further consideration following the Elham Valley election. The Council is again 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 committee<sup>1</sup>.
- 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.

<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>LD</b>	<b>Green and Independents</b>	<b>Total</b>
<i>Scrutiny Committee +5*</i>	10	1	1	1	13
<i>Health Overview and Scrutiny Committee +4\$</i>	10	1	1	1	13
<i>Governance and Audit Committee</i>	8	1	1	1	11
<i>Electoral &amp; Boundary Review Committee</i>	8	1	1	1	11
<i>Personnel Committee</i>	8	1	1	1	11

<b>Committee</b>	<b>Con</b>	<b>Lab</b>	<b>LD</b>	<b>Green and Independents</b>	<b>Total</b>
<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
Superannuation Fund Committee +3# (1/1/1)	8	1	1	1	11
Kent Flood Risk Management Committee	5	1	0.5	0.5	7
Standards Committee	5	1	0.5	0.5	7
<b>TOTAL</b>	89	11	10	10	120
<b>Proportionate Share of Total</b>	92	10	9	9	120
<b>Difference to Proportionate share</b>	-3	+1	+1	+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 Superannuation Fund Committee also has 3 District Council representatives with voting powers.

5. The Council, while having to seek to achieve proportionality, may vary the allocations if necessary and appropriate. As will be seen, the above would lead to slight under-representation of the Conservative Group (-3 seats) and over-representation of the Labour, Liberal Democrat and Green & Independent Groups of 1 seat each. Where equal entitlement to a single seat is indicated,

the resolution of this, subject to approval by County Council, will be managed through engagement with Group Leaders by Democratic Services.

6. The County Council has already 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. This approach is to be maintained to allow for effective management of the committee seat allocations, always subject to engagement and consultation with Group Leaders.

As well as ordinary committees, the proposal covers the size and political composition of Sub-Committees. The County Council considered and agreed the previous set on 27 May 2021. Further to the update of the main committee proportionality, a slightly updated proposal for sub-committees is set out below for consideration:

<b>Sub-Committees</b>	<b>Con</b>	<b>Lab</b>	<b>LD</b>	<b>GI</b>	<b>Total</b>
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
Selection and Member Services – Training and Development Sub- Committee	5	1	1	1	8
Personnel Committee Member Appointment Panel	5	1	1	1	8
Scrutiny Committee Select Committees.	7	1	1	1	10

8. The County Council agreed on 27 May 2021 to maintain the approach allowing 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. This remains unchanged.
9. 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 either for individual Members or political groups. This was confirmed at the 27 May 2021 Council meeting and not recommended for change.

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. To ensure full cross-party representation, in line with the main Scrutiny Committee seat allocations and the principles of effective Scrutiny, an amended seat allocation from 27 May 2021 is recommended. This committee allocation, if agreed, will also be applied to the informal Short Focused Inquiry Groups.

### **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 are determined by the Leader. The only change since 27 May 2021 is the clarification as to the voting status of the external Education Co-optees appointed to the CYPE Cabinet Committee. 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 + 5): 12 Conservative, 2 Labour, 1 Liberal Democrat, 1 Green & Independent – plus 3 Diocesan representatives and 2

Parent Governor Representatives as voting co-optees (making total voting Membership 21)

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 (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.*

<b>Authority, Joint Committee or Partnership Body</b>	<b>Con</b>	<b>Lab</b>	<b>LD</b>	<b>GI</b>	<b>Tot</b>
Kent and Medway Fire and Rescue Authority	16	2	1.5	1.5	21
Kent and Essex Inshore Fisheries and Conservation Authority	3	0	0	0	3
Kent and Medway NHS Joint Overview and Scrutiny Committee	3	1	0	0	4

<b>Authority, Joint Committee or Partnership Body</b>	<b>Con</b>	<b>Lab</b>	<b>LD</b>	<b>GI</b>	<b>Tot</b>
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. 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 met in early July to determine these appointments and no change is required based on the updated proportionality.
16. 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 was submitted to the Selection and Member Services Committee for noting and any future appointments will similarly be submitted for noting at a later date.

## **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) **NOTE** that Selection and Member Services made the necessary appointments to outside bodies, except for those which fall to be made by the Leader of the Council; and
- (c) **CONFIRM** the continued 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 and manage membership arrangements in line with the details set out in this report.

Joel Cook  
Democratic Services Manager  
03000 416892