

By: Director of Law and Governance
To: County Council – 17 February 2011
Subject: Revised Proportionality Calculations and Committee Membership
Classification: Unrestricted

Summary: Invites the County Council to agree the recommendations made by Selection and Member Services Committee on the revised total number of committee places; the allocation of those places between the political groups; and the allocation of places on certain other bodies in the light of the recent Dover Town By-Election.

FOR DECISION

Composition of the County Council

1. (1) As a result of the election of Mr G Cowan at the recent Dover Town by-election, the composition of the County Council is now as follows:

Political Group	Number of seats	Proportion of seats
Conservative	73	87% (86.90%)
Liberal Democrat	7	8% (8.33%)
Labour	3	4% (3.57%)
Other	1	1% (1.19%)
Total	84	100%

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 recommendations made by Selection and Member Services Committee on 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 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.

(3) The table set out below shows the proposed revised committee structure. The figure in brackets shows the proportionality figure to the nearest hundredth of a decimal point that each group would be entitled to if the proportionality principle were to be applied to each committee. Following the Dover Town By-Election, this has resulted in the Labour Group increasing its share of the overall number of committee seats from five to eight.

(4) As indicated above, the Labour Group is entitled to three additional seats overall. If the revised proportionality calculations were applied strictly, this would mean that the Labour Group's eight seats would be on those bodies with the largest proportionality figures; for example, the Planning Applications Committee. However, at the Selection and Member Services Committee, the Leader of the Labour Group requested that the usual rules on proportionality be varied so that his group could concentrate its resources largely on overview and scrutiny committee work, whilst electing not to take up seats on the two main regulatory committees. Specifically, the Labour Group has requested that in addition to its five existing committee places, it has additional seats on each of the following:

- CFE POSC – Resource and Infrastructure
- Communities POSC
- Personnel Committee.

The Selection and Member Services Committee has agreed to recommend to the County Council that this request is granted. Those committees where the Labour Group would gain a place are identified in bold type in the table below.

(5) The Liberal Democrat Group has currently one more seat than it is strictly entitled to, because the Flood Risk Management Committee was created after the proportionality statement was last approved by the County Council in June 2009. The calculations for this particular committee were done without reference being made to overall proportionality. Technically, this means that the Liberal Democrat seat should now be allocated to the Conservative Group. The Selection and Member Services Committee has, however, agreed to recommend to the County Council that the overall proportionality should be varied to enable the Liberal Democrat Group to keep its seat on this committee. The effect of this would be to leave the Conservative Group with one less seat overall than it is strictly entitled to.

(6) Entitlement to places on Select Committees and Panels is unaffected by the Dover Town By-Election result.

(7) The table was prepared before the outcome of the Romney Marsh By-Election was known. For the purposes of calculating proportionality, this seat remains in the gift of the political group that held the seat prior to the by-election. Depending on the outcome of the by-election, it might be necessary to submit a revised report for consideration at the next meeting of the County Council.

(8) The County Council is also asked to note that these latest proportionality calculations and committee places may well only apply until the end of March 2011 if changes to the number and possibly the size of the overview and scrutiny committee bodies are agreed. Once these proposed changes are finalised, the Selection and Member Services Committee will re-consider the proportionality calculations and

make further recommendations on allocations to the various committees by political groups to the next meeting of the County Council on 6 April 2011.

Committee	Con	Lib Dem	Lab	independent	Total	Non KCC
Cabinet Scrutiny Committee	11 (11.30)	1 (1.08)	1 (0.46)	1 (0.15)	13 + 1	*5
Adult Social Services Policy Overview Committee	11 (11.30)	1 (1.08)	1 (0.46)	0 (0.15)	13	
Children, Families and Education POSC Learning and Development	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	@ 11
Children, Families and Education POSC Resource and Infrastructure	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	@ 11
Children, Families and Education POSC Vulnerable Children and Partnership	11 (11.30)	1 (1.08)	1 (0.46)	0 (0.15)	13	@ 11
Communities POSC	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	
Corporate Policy Overview Committee	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	
Environment Highways and Waste POSC	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	
Regeneration and Economic Development POSC	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	
Health Overview and Scrutiny Committee	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	4 \$
Scrutiny Board	9 (8.69)	1 (0.83)	0 (0.36)	0 (0.12)	10	+
Governance and Audit Committee	12 (11.30)	1 (1.08)	0 (0.46)	0 (0.15)	13	
Electoral & Boundary Review Committee	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	
Personnel Committee	6 (6.95)	1 (0.66)	1 (0.29)	0 (0.10)	8	
Planning Applications Committee	16 (14.77)	1 (1.41)	0 (0.61)	1 (0.20)	17+1	
Regulation Committee	15 (13.90)	1 (1.33)	0 (0.57)	1 (0.20)	16 +1	
Selection and Member Services Committee	7 (7.82)	1 (0.75)	1 (0.31)	0 (0.11)	9	
Superannuation Fund Committee	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	3 (1/1/1) #
Children's Champions Board	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	
Flood Risk Management Committee	6 (6.08)	1 (0.58)	0 (0.25)	0 (0.08)	7	

TOTAL	199	20	8	3	230	
Proportionate Share of Total	200 (199.88)	19 (19.17)	8 (8.21)	3 (2.74)	227 (+3)	
Difference to Proportionate share	-1	+1	0	0		

- * 3 diocesan representatives and 2 parent governor representatives with voting powers on education issues only.
- @ 3 Diocesan representatives, 2 parent governor representatives and 6 Teacher representatives
- \$ 4 District Council representatives with voting powers.
- + To include Chairmen of preceding nine Committees (as agreed previously by the County Council).
- # 3 District Council representatives (1 Con, 1 Lab, 1 Lib Dem) with voting powers.

Sub-Committees	Con	LD	Lab	Ind/un-allocated	Non KCC	Total
Select Committees	7	1	0	0		8
Regulation Committee Panels (School-related Appeals (mainly Transport); Enforcement, Public Rights of Way, Marriage Premises, Village/Town Greens)	4	1	0	0		5
Advisory Boards	Con	LD	Lab	Ind/un-allocated	Non KCC	Total
Gypsy and Traveller Advisory Board	7	1	0	0		8
School Organisation Advisory Board	7	1	0	0		8

Other Authorities, Joint Committees and Partnership Bodies

3. (1) The proportionality principles in the 1989 Act also apply to the appointments which the County Council makes to various other authorities, joint committees and partnership bodies. The entitlement to places is unaffected except for the Kent and Medway Fire and Rescue Authority where the Labour Group is now entitled to 1 seat at the expense of the Conservative Group.

Recommendations

4. (1) The County Council is invited to:

(a) agree the revised proportionality calculations and confirm that the Labour Group is invited to fill an additional three committee places to which the overall proportionality rules entitle them;

(b) agree that the three committees where the Labour Group gains a seat at the expense of the Conservative Group are CFE POSC – Resource and Infrastructure; Communities POSC; and Personnel Committee;

(c) agree to vary the overall proportionality so that the Liberal Democrat Group keeps its seat on the Flood Risk Management Committee; and

(d) agree that the Labour Group receives an entitlement to take up a seat on the Kent and Medway Fire and Rescue Authority at the expense of the Conservative Group.

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