

By: Geoff Wild, Director of Governance and Law
To: County Council – 23 May 2013
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) approve the appointment of two Parent Governor Representatives to serve on the Scrutiny Committee when it considers education matters;
- (c) note the list of appointments and nominations to outside bodies to be made by the Leader of the Council; and
- (d) agree proposals for the allocation of the Members' Conference budget.

For Decision

Composition of the County Council

1. (1) Following the elections on 2 May 2013, the composition of the County Council is as follows:

Political Group	Number of seats	Proportion of seats
Conservative	45	53.57%
UKIP	17	20.24%
Labour	13	15.48%
Liberal Democrat	7	8.33%
Green	1	1.19%
Swanscombe and Greenhithe Residents Association	1	1.19%
Total	84	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.

(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 the allocation of places on them between the four political groups. The Liberal Democrat Group is entitled to 11 seats on the 12 committees listed and, if the proportionality calculations were applied strictly, the Liberal Democrat Group would only be entitled to a seat on one of the two bodies of seven, i.e. the Kent Flood Risk Management Committee and the Standards Committee. However, the Leader of the Liberal Democrat Group has asked that the Council agrees to vary proportionality so that her Group keeps its seats on these two committees but loses its place on the Regulation Committee to compensate. If agreed, the number of Labour Group seats on the Regulation Committee will increase by one from 3 seats to 4 seats.

(4) As well as ordinary committees, the proposal covers the size and political composition of the Regulation Committee Panels. The Council or the Regulation Committee can determine the size of these Panels but, to avoid delays, particularly in processing school transport appeals, the Council is requested to take this decision.

(5) The proposed allocation complies with the proportionality principles set out in the Local Government and Housing Act 1989. In this regard, Members will be aware that 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.

(6) Accordingly, the Council is advised that neither the Swanscombe and Greenhithe Residents' Association Member, nor the Green Party Member, has an automatic right to any seats on committees, except that the Council may decide to offer them 1% of the total number of seats each, which equates to 3 seats between them. Otherwise, these seats on the Council's committees will stand un-allocated; they cannot be allocated to any of the three political groups as this would exceed

¹ This has led to the proposal that the Conservative Group should have one more seat than the proportionality calculations would indicate, with a consequent reduction in the total number of seats for the Labour Group. This is because the proportionate share of seats for both UKIP and the Lib Dems have already been rounded down, whereas the Labour share has been rounded up to the nearest full seat.

their proportionate entitlement to committee seats. If the Council was minded to include the two individual Members in the proportionality calculation, the statistically most appropriate committees for are shown in bold.

Committee	Conservative	UKIP	Labour	Liberal Democrat	Unallocated	Total
Scrutiny Committee +5*	6	2	2	1	0	11
Health Overview and Scrutiny Committee +4\$	7	3	2	1	0	13
Governance and Audit Committee	8	3	2	1	1	15
Electoral & Boundary Review Committee	5	2	1	1	0	9
Personnel Committee	5	2	1	1	0	9
Planning Applications Committee	10	4	3	1	1	19
Regulation Committee	9	3	4	0	1	17
Selection and Member Services Committee	5	2	1	1	0	9
Corporate Parenting Panel +4@	5	2	1	1	0	9
Superannuation Fund Committee +3# (1/1/1)	5	2	1	1	0	9
Kent Flood Risk Management Committee	4	1	1	1	0	7
Standards Committee	4	1	1	1	0	7
TOTAL	73	27	20	11	3	134
Proportionate Share of Total	72 71.78	27 27.12	21 20.74	11 11.16	3 3.19	134
Difference to Proportionate share	+1	0	-1	0	0	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.

Sub-Committees	Conservative	UKIP	Labour	Liberal Democrat	Total
Select Committees	5	2	1	1	9
Regulation Committee Member Panels (school-related appeals - mainly transport; enforcement, public rights of way, marriage premises, village/town greens)	4	1	1	1	7
Selection and Member Services Committee Governor Appointments Panel	4	1	1	1	7

(7) The County Council has previously agreed that the Swanscombe and Greenhithe Residents Member can sit on a Regulation Committee 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 Green Party representative, 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 for the individual members; they do so only voluntarily.

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:

Education (13): 8 Conservative, 2 UKIP, 2 Labour, 1 Liberal Democrat.

Social Care and Public Health (13): 8 Conservative, 2 UKIP, 2 Labour, 1 Liberal Democrat.

Communities (14): 8 Conservative, 3 UKIP, 2 Labour, 1 Liberal Democrat

Environment Highways & Waste (12): 7 Conservative, 2 UKIP, 2 Labour, 1 Liberal Democrat.

Policy and Resources (14): 8 Conservative, 3 UKIP, 2 Labour, 1 Liberal Democrat.

Economic Development (13): 8 Conservative, 2 UKIP, 2 Labour, 1 Liberal Democrat

Parent Governor Representatives

4. (1) In accordance with the Local Government Act 2000, the Council is required to appoint Parent Governor Representatives to serve on any Scrutiny Committee which considers education matters. In accordance with the Constitution (Appendix 2 Part 2), two Parent Governor Representatives are appointed for a four-year term to serve on the Scrutiny Committee, to attend when education matters are being discussed.

(2) Nominations were sought from all Parent Governors at schools in the Kent LEA area. Only two nominations were forthcoming by the stated closing date, so no election was needed on this occasion. The only self-nominations received were from Mr Patrik Garten of Maidstone and Mr Graeme Lawrie of Wrotham. The supporting statements of Mr Garten and Mr Lawrie are attached as **Appendix A**.

Other Authorities, Joint Committees and Partnership Bodies

5. (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) 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	Conservative	UKIP	Labour	Liberal Democrat	Total
Kent and Medway Fire and Rescue Authority	12*	4	3	2	21
Kent and Essex Inshore Fisheries and Conservation Authority	2	1	0	0	3
Kent and Medway NHS Joint Overview and Scrutiny Committee	4	2	1	1	8

Standing Advisory Committee on Religious Education	2	1	1	0	4
Adoption Panels	6	3	2	1	12

** In respect of the Kent and Medway Fire and Rescue Authority, the Conservative, UKIP and Labour Groups are each entitled to 0.25% of the final seat. As the largest group and having an overall majority on the Council, it is proposed that the 21st seat should be allocated to the Conservative Group.*

Outside Bodies

6. (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 23 May) will be submitted to the Selection and Member Services Committee for noting.

Name of Body	Current Member
Kent Partnership	Mr P B Carter
Kent Economic Board	Mr P B Carter Mr M C Dance
East Kent Regeneration Board	Mr M C Dance
Thames Gateway Kent Partnership	Mr M C Dance
East Kent Spatial Development Company Board	Mr J A Kite Mr M C Dance
Homes and Communities Agency Strategic Assets Stewardship Group	Mr M C Dance
Ashford Future Delivery Board	Mr M A Wickham
Swale Forward Delivery Board	Mr R W Gough
Kent Thameside Economy Board	Mr B J Sweetland
Marlowe Academy – Board of Trustees	Corporate Director, Education, Learning and Skills
Kent County Staff and Social Club	Vacancy
South East England Tourist Board Regional Advisory Committee	Mr M C Dance

Members' Conference Budget

7. (1) The Members' Conference Budget for 2003/14 is £17,000. 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

8. 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) approve the appointment of two Parent Governor Representatives to serve on the Scrutiny Committee, when it considers education matters, for a period of office to run from May 2013 to the end of April 2017;
 - (c) note the list of appointments to outside bodies to be made by the Leader of the Council, once elected; and
 - (d) agree proposals for the allocation of the Members' Conference Budget.

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Supporting statement – **Patrik Garten**

I am a Barrister and Company Director, father of Daniel (8) and married to Jean, who is a primary school teacher.

I can bring a wealth of experience as school governor to the Scrutiny Committee, having completed a term as Local Authority Governor in a thriving London primary school before being elected as parent governor in Daniel's school.

As a school governor, I earned a reputation for fairness, being concise, not shying away from difficult issues, thinking outside the box and thus for keeping my colleagues awake during long Committee meetings.

I believe that a good and healthy education is more than mere compliance with government targets.

As a Parent Governor Representative I will hold the local authority to account and I will make every effort by consulting with and feeding back to parent governors.

Supporting statement – **Graeme Lawrie**

My name is Graeme Lawrie, I am 35 years old and I live in Wrotham village just outside Borough Green. Both my sons attend Borough Green Primary School and I have been a parent governor there for over a year. I work on the Teaching and Learning and Resources Committees as well as the main meetings and have recently taken on the role of E-Safety governor.

I have a BSc (Hon) in Education and am currently studying for my Masters in 'International Education' with Bath University. I work as Head of Science and Technology at Sevenoaks School in Kent where I head up the Biology, Chemistry, Physics, Design Technology, ICT and Sports Science departments as a Faculty lead.

I have been an examiner for OCR, AQA, Edexcel and I currently examine for the International Baccalaureate. For the last 2 years I have been part of a team writing the 2015 replacement 'Experimental Sciences' syllabuses for use around the globe.

I run a yearly celebration of Science and Engineering here at Sevenoaks School, usually in March, which gives free invite to over 11,000 local primary school and secondary school students to experience inspiring guest speakers and take part in a variety of activities and events. This can be seen online at www.scienceweek2013.co.uk

I run a yearly 'International Collaboration project' called the 'G4 Project' which can also be seen online at www.group4project.co.uk. I host over 46 schools from various countries. Students communicate via electronic devices to organise and carry out experiments on environmental matters; the data is then pooled, analysed and shared across the globe.

As part of my role here at Sevenoaks I play a strong part in health and safety, academic matters, marketing strategies, personnel and many more committees and groups essential to the smooth and efficient running of daily life here.

My degree was a 4 year BSc in Education and so I was fortunate enough to train through all key stages, from foundation up to sixth form. When this is combined with my first-hand knowledge of two children aged 4 and 7 it gives me suitable experience to be able to represent at the parent governors meetings and I am keen to help where I can.

I have recently attended the Westminster Forums to discuss National Curriculum changes to programmes of study and I am keen to get involved in the continuing debate to ensure that our students and children get the best possible education.

The more involved we are as parents and teachers, the more opportunities in life our children are given.