

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

Final Decision-Maker	Council
Lead Director	Mark Green, Director of Finance and Business Improvement
Lead Officer and Report Author	Sam Bailey, Democratic and Administration Services Manager Debbie Snook, Democratic Services Officer
Classification	Public
Wards affected	All

Executive Summary

Following the Headcorn by-election on 13 September 2018 and the return of Councillor Webb to the Liberal Democrat Group, it is appropriate to review the allocation of seats on Committees to the different Political Groups represented on the Council pursuant to Section 15 of the Local Government and Housing Act 1989.

This report makes the following recommendation to Council:

1. That the allocation of seats on Committees be determined.

Timetable

Meeting	Date
Council Meeting	26 September 2018

REVIEW OF ALLOCATION OF SEATS ON COMMITTEES

1. INTRODUCTION AND BACKGROUND

1.1 The Council has a statutory requirement under the Local Government and Housing Act 1989 to ensure political proportionality in the membership of Committees. Following the Headcorn by-election on 13 September 2018 and the return of Councillor Webb to the Liberal Democrat Group, the composition of the Council is as follows:

Conservative Party	25
Liberal Democrat	21
The Independent Group	4
Labour Party	3
Independent Maidstone	2
Total	55

1.2 The Constitution (Part 2.1) prescribes the following exceptions to the overall rule about proportionality:

(a) Urgency Committee - the Leaders of the five largest groups represented on the Council must be appointed to this Committee.

(b) Employment Committee – membership of 12 Councillors, to include the Group Leaders of the five largest groups).

This is in accordance with Section 17 of the Local Government and Housing Act 1989, which provides for exceptions to the political balance requirements.

1.3 Subject to this exception, steps must be taken to ensure that in allocating seats to the various Committees, the total number of seats across all of the Committees reflect the overall number of seats allocated to each Group as required by the legislation.

1.4 When there is no overall control with one party achieving a higher number of Members than the total of the other Members from other Political Groups and any Independent Members, proportionality is achieved through negotiation by the Political Groups and Independent Members for relevant Committees in accordance with the 1989 Act. This enables those Political Groups/Members that have a potential claim on the seats that remain unallocated to agree how the seats should be allocated between them. This accords with Section 15(2) which enables the Authority to take such steps “so far as reasonably practicable” to achieve political balance for these Committees.

1.5 Seats are allocated to ensure that each Political Group has the same proportion of seats as it holds on the Council as a whole. Once the allocation of seats has been decided upon, there is a duty to give effect to

the allocation by making appointments to the Committees in accordance with the wishes of the Political Groups.

- 1.6 Following the election on 3 May 2018, the seats on the various Committees were allocated by full Council at the Annual Meeting on 19 May 2018 in accordance with the above process.
 - 1.7 The Council has an ongoing duty to review the allocation of seats to the Political Groups on certain Committees. In addition, requests have been received for a review of the allocation of seats on Committees pursuant to Section 15 of the Local Government and Housing Act 1989.
-

2. AVAILABLE OPTIONS

- 2.1 Group Leaders are being consulted on any adjustments required to ensure an appropriate political balance in membership of Committees and the outcome will be reported at the meeting.
-

3 PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 It is proposed that the Employment Committee and the Urgency Committee are not politically balanced, as, in accordance with the Council's Constitution, the membership of these Committees must include the Leaders of the five largest Political Groups represented on the Council. Any adjustments to the allocation of seats on individual Committees to achieve overall political balance will be determined at the meeting following consultation with the Group Leaders.
-

4. RISK

- 4.1 The review of the allocation of seats on Committees will ensure an appropriate political balance in membership of Committees.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Group Leaders are being consulted on the allocation of seats on Committees and the adjustments required, and the outcome will be reported at the meeting.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once the allocation of seats has been decided upon, there is a duty to give effect to the allocation by making appointments to them in accordance with the wishes of the Group Leaders on behalf of their respective Political Groups.
-

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	There are no direct impacts on corporate priorities arising from this, but the Committees when in place discharge the functions delegated to them having regard where appropriate to the Council's strategic objectives.	Director of Finance and Business Improvement
Risk Management	See section 4 above.	Director of Finance and Business Improvement
Financial	The Committees appointed having regard to the political balance requirements form part of the original plan for the committee system of governance and as such there are no additional financial implications.	Section 151 Officer
Staffing	There are no staffing implications	Director of Finance and Business Improvement
Legal	The legal implications are set out in the body of the report.	Legal Team
Privacy and Data Protection	No specific issues arise.	Legal Team
Equalities	The review will ensure an equitable political representation in membership of Committees.	Equalities and Corporate Policy Officer
Crime and Disorder	No specific issues arise.	Director of Finance and Business Improvement
Procurement	No specific issues arise.	Director of Finance and Business Improvement

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

None.