

## **Selection and Constitutional Review Committee**

**6<sup>th</sup> May 2014**

### **Report of the Head of Legal and Democratic Services**

#### **Background and Principles of Political Balance and Administrative Structure and Changes to Committee Membership**

##### **Purpose of Report**

To consider the political balance for the Authority for the 2014/15 Municipal Year. The political balance reflects the Notice given to the Proper Officer that Councillor Sims has ceased to be a member of the Independent Group and has joined the Conservative Group on the Council and the outcome of the by-election for the Wye Ward in which Councillor Ovenden (Ashford Independent) was elected. The report also makes recommendations on Constitutional matters to the Annual Meeting of the Council on 15<sup>th</sup> May 2014.

##### **External Consultees**

None.

##### **Internal Consultees**

The Leaders of Groups on the Council.

##### **Financial/Legal and Human Rights Implications**

The Authority is required to adopt a political balance which complies with the Local Government and Housing Act 1989 and associated regulations. Alternative arrangements are permitted only if no individual Member votes against the proposal.

##### **Staffing Implications**

None.

##### **Environmental Implications**

None.

##### **Corporate Strategy**

Not relevant in the context of this report.

## **Introduction**

1. Appendix A contains details of the draft political balance calculation for 2014/15 for agreement at the Full Council. This reflects the decision of Councillor Sims to leave the Independent Group and join the Conservative Group and the outcome of the Wye by-election when Councillor Ovenden was elected as an Ashford Independent Member. Appendix B sets out details of Members to be appointed to seats on the various committees etc by Group Leaders.

## **Background and Principles of Political Balance**

2. The Local Government and Housing Act 1989 (as amended) requires the Council to allocate seats on its Committees and Sub-Committees to political groups in proportion to their relative strengths on the Council.
3. In allocating seats a number of principles must be adhered to, namely:-
  - (a) A political group (where there is more than one) may not have all of the seats on a Committee or Sub-Committee.
  - (b) The majority of seats must be allocated to the majority group. This allocation is calculated by reference first, to the total number of seats available on ordinary Committees of the Authority and secondly, to the total number of seats available on ordinary Sub-Committees. The regulations further provide:-
    - (i) That the total number of seats on the Council's Ordinary Committees must be allocated in the proportion as is borne by the number of members of any group to the membership of the Authority as a whole.
    - (ii) The seats on the Council's Ordinary Committees and Sub-Committees as a whole must be allocated in proportion to the political groups' membership of the appointing Council.

## **Trading and Enterprise Board (Committee of the Cabinet)**

4. The Trading and Enterprise Board (TEB) was established in 2013 as a committee of the Cabinet to undertake a variety of roles in connection with the Trading Companies established by the Council.

The Terms of Reference of the TEB states that the membership shall be 4 members of the Cabinet and 1 member of the Council from outside the Cabinet to act in the capacity of 'Observer'. The members are appointed by the Leader of the Council and the Terms of Reference require that the names of the appointees be reported to the Council.

The Leader has appointed Councillors Mrs Bell, Claughton, Galpin and Robey from the Cabinet and Councillor Feacey from outside of the Cabinet as 'Observer'

The Committee is requested to note this matter.

## Recommendations

That:

- (i) the Committee recommends the adoption of the political balance of the Authority in Appendix A subject to the Council agreeing that the requirements of the Political Balance Regulations be not applied to the Membership of the Joint Transportation Board, Appeals, Audit and Standards Committees and the Sub-Committee of the Licensing and Health and Safety Committee established under the Licensing and Standards Act 2003 and Gambling Act 2005.
- (ii) the following Committees be constituted for the Municipal Year as detailed in Part 3 of the Constitution:

**Audit**  
**Overview and Scrutiny**  
**Planning**  
**Selection and Constitutional Review**  
**Licensing and Health and Safety**  
**Appointments**  
**Appeals**  
**Standards**  
**Transport and Highways Advisory Committee**  
**Education and Vocational Skills Advisory Committee**  
**Joint Arrangements – Joint Transportation Board**

**NB: Details of Members appointed to Membership of each Committee etc by Group Leaders is shown in Appendix B.**  
**Note: This will be subject to amendments from Group Leaders.**

- (iii) the Council appoint the Chairman and Vice Chairman for each Committee etc as shown in Appendix B.
- (iv) the Scheme of Cabinet (Executive) and Council Delegations as set out in Part 3 of the Constitution be reaffirmed.
- (v) the intention of the Cabinet to reconstitute the Forums and Groups as listed in Part 3 Appendix 2 to the Constitution be noted.
- (vi) it be noted that the Leader of the Council has appointed Councillors Mrs Bell, Claughton, Galpin and Robey from the Cabinet and Councillor Feacey from outside the Cabinet to the Trading and Enterprise Board.
- (vii) Councillor Smith be allocated the one remaining seat available for allocation on the Selection and Constitutional Review Committee.

Terry Mortimer  
Head of Legal and Democratic Services

**THE POLITICAL BALANCE CALCULATION  
MAY 2014**

**A.1 All Committees to which balance applies**

	<b>Committee</b>	<b>Seats/Committee</b>	<b>=</b>	<b>Total Seats</b>
1 x 16	Overview and Scrutiny	16	=	16
1 x 16	Planning	16	=	16
1 x 13	Licensing and Health & Safety	13	=	13
1 x 12	Selection	12	=	12
1 x 8	Audit	8	=	8
1 x 8	Transportation and Highways Advisory	8	=	8
1 x 8	Educational & Vocational Skills Advisory	8	=	8
1 x 5	Appointments	5	=	5
		<b>Total</b>		<u>86</u>

**B. Percentage of group in relation to total membership of the authority**

43 members =		%
30 Conservative	=	69.76744
5 Labour	=	11.6279
5 Ashford Independent	=	11.6279
2 Liberal Democrat	=	4.65116
<u>Note:</u> 1 Independent		<u>2.32558</u>
		<b><u>99.99998</u></b>

## C.1 Allocation of Seats on Committees in proportion to Group strength

Committee	Con	Lab	AI	LD	Ind	Total
1 x 16 O&S	11	2	2	1	0	16
1 x 16 Planning	11	2	2	1	0	16
1 x 12 Selection	8	1	1	1	1*	12
1 x 13 Licensing, Health & Safety	9	**1	**1	1	1**	13
1 x 8 Audit	5***	1	1	0	1***	8
1 x 8 Transport & Highways	6	1	1	0	0	8
1 x 8 Education & Vocational	6	1	1	0	0	8
1 x 5 Appointments	3	1	1	0	0	5
<b>Totals</b>	<b>59(60)***</b> (60.0000)	<b>10(10)</b> (10.0000)	<b>10(10)</b> (10.0000)	<b>4(4)</b> (4.0000)	<b>3(2)***</b> (2.32550)	<b>86</b>

NB: During the rounding up and down of the percentage figures, it was not possible to achieve overall balance.

\*1 Under the draft calculation all Groups had received their allocation on the Selection and Constitutional Review Committee, however, one seat remained to be allocated. Group Leaders recommend to Council that this seat be allocated to Councillor Smith, the independent Councillor.

\*\*2 Under the draft calculation for the Licensing and Health and Safety Committee there remained one seat to be allocated to either the Labour Group or the Ashford Independent Group. However, if either Group took the seat it would result in them having 1 more seat over and above their overall entitlement. The Leaders of the Labour Group and the Ashford Independent Group agreed to gift this seat to Councillor Smith.

\*\*\*3 The Group Leaders wished to retain Councillor Smith on the Audit Committee (in line with previous arrangements) to draw upon his previous experience as a Local Authority Auditor. The Conservative Group gifted a seat on the Audit Committee to Councillor Smith to enable this arrangement to continue to apply.

## C.2 Allocation of seats on all ordinary Committees to achieve overall proportionality

<b>Political Group entitlement in relation to <u>all</u> seats:</b>	<b>86</b>
<b>Conservative</b>	<b>60.0000 = 60</b>
<b>Labour</b>	<b>10.0000 = 10</b>
<b>Ashford Independent</b>	<b>10.0000 = 10</b>
<b>Liberal Democrat</b>	<b>4.0000 = 4</b>
<b>Independent</b>	<b>2.0000 = 2</b>
<b>Total</b>	<b>86</b>

**D. Committees etc. to which balance cannot apply or will not apply either as a direct result of joint arrangements or the Council agreeing, i.e. no member votes against this arrangement, on each occasion the Council adopts a revised political balance for the Authority.**

1 x 3	Appeals (3 Member Panels)	3 Members per meeting drawn on rota from a panel of 15 Members (which does not meet as a Committee)	=	3
x 1 x 7	Joint Transportation Board		=	7
1 x 3	Licensing Sub-Committee (3 Member Panels)	3 Members per meeting drawn on rota from a panel of 13 Members (which does meet as a Committee so is itself balanced)	=	3

\* Standards – broadly politically balanced as part of membership based on posts.

\* Council’s choice as to whether balance will apply to this Committee. **This may only happen if no member votes against this arrangement.**

x Due to the Joint Arrangements and the manner in which seats are allocated by the Kent County Council, it is impossible to have an overall balanced allocation of seats.

Committee	Con	Lab	AI	LD	Ind	Total
*1 x 15 Appeals	10	2	2	1	0	15
x1 x 7 Joint Transportation	5	1	1	0	0	7
*Standards	5	Plus Chair, Vice-Chair O&S plus one other minority group member				8

\* **That the requirements of the ‘Political Balance’ regulations be not applied to the membership of the Appeals and the Licensing and Health & Safety Panels of 3 Members which are drawn for each meeting and Standards. The Appeals Committee of 15 is not part of the political calculation ( being as it never meets as a Full Committee).**

## APPENDIX B

### SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

6<sup>TH</sup> MAY 2014

#### MEMBERSHIP OF COMMITTEES, GROUPS AND FORUMS, INCLUDING CHAIRMEN AND VICE-CHAIRMEN

On the basis of the draft Political Balance Calculation agreed with Group Leaders following the recent changes to the Council, the entitlement to seats is set out below.

Recommended Chairmen and Vice-Chairman of each Committee are outlined below, but, in accordance with the Constitution, their appointment is subject to ratification by the Full Council.

**Current recommendations on Membership and Chairmanship/Vice-Chairmanship are shown for Members' clarity. It is acknowledged that these are subject to change and clarification at the meeting.**

#### Overview and Scrutiny Committee (16 Members)

Members of the Cabinet may not be appointed to this Committee

<b>Conservative (11)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>
Apps	Chilton (VCh)	Davison	Aeby (Ch)	
Bartlett	Yeo	Mortimer		
Buchanan				
Burgess				
Feacey				
Hodgkinson				
Mrs Hutchinson				
J Martin				
M Martin				
Sims				
Wedgbury				

### **Audit Committee (8 Members)**

\*Seat gifted by the Conservatives to draw upon Cllr Smith's experience as a former Local Authority Auditor

<b>Conservative (5*)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (1*)</b>
Buchanan	Yeo	Michael		Smith
Clokie (Ch)				
Link (VCh)				
Marriott				
Shorter				

### **Planning Committee (16 Members) (plus 1 ex officio)**

<b>Conservative (11)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>
Apps	Clark	Davison	Davidson	
Bennett (Ch)	Yeo	Ovenden		
Burgess (VCh)				
Clarkson (EO)				
Clokie				
Mrs Dyer				
Galpin				
Heyes				
Mrs Heyes				
Mrs Hutchinson				
Robey				
Wedgbury				



### **Selection & Constitutional Review Committee (12 Members)**

<b>Conservative (8)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Bennett	Chilton	Davison	Davidson	Smith
Clarkson (Ch)				
Claughton (VCh)				
Mrs Dyer				
Galpin				
Howard				
M Martin				
Robey				

### **Licensing and Health and Safety Committee (13 Members)**

Group Leaders are reminded of the importance of nominating Members who are available to attend day-time hearings of the Licensing Sub-Committee.

<b>Conservative (9)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Bennett	Chilton	Davey	Adby	Smith
Feacey (Ch)				
Galpin (VCh)				
Hodgkinson				
Mrs Hutchinson				
Marriott				
J Martin				
M Martin				
Shorter				

### Appointments Committee (5 Members)

<b>Conservative (3)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>
Mrs Blanford	Britcher	Davison	Davidson (invited non-voting Member)	Smith (invited non-voting Member)
Clarkson (Ch)				
Cloughton (VCh)				

### Appeals (15 Members – 3 Members to be drawn per meeting)

Members should not be a Member of the Cabinet. Group Leaders are reminded of the importance of nominating Members who are available to attend day-time meetings.

<b>Conservative (10)</b>	<b>Labour (2)</b>	<b>Ashford Independent (2)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>
Bennett	Britcher	Mortimer	Davidson	
Buchanan	Clark	_____		
Burgess				
French				
Hodgkinson				
Mrs Hutchinson				
Link				
J Martin				
Sims				
Wedgbury				

### **Standards Committee (8 Members)**

Based on 5 Conservative Members, the Chairman and Vice-Chairman of the Overview & Scrutiny Committee and a Member from a Group not otherwise represented.

<b>Conservative (5)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>
Mrs Blanford	Chilton	Davison (VCh)	Adby	
Burgess				
Mrs Dyer (Ch)				
Feacey				
Mrs Hutchinson				

### **Joint Transportation Board (7 Members)**

<b>Conservative (5)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Burgess	Yeo	Davey		
Feacey				
Heyes (VCh)				
M Martin				
Robey				

### **Transportation, Highways & Engineering Advisory Committee (8 Members)**

<b>Conservative (6)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Burgess	Yeo	Michael		
Cloughton				
Feacey (VCh)				
Heyes (Ch)				
Robey				
Wedgbury				

**Education & Vocational Skills Advisory Committee (8 Members)**

<b>Conservative (6)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Bell	Britcher	Davey		
Clokie (Ch)				
J Martin (VCh)				
Robey				
Shorter				
Wedgbury				

**Grants Gateway Panel (7 Members including the Portfolio Holder for Community & Wellbeing)**

<b>Conservative (5)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Apps (VCh)	Britcher	Davison		
Burgess				
Claughton (Ch)				
Mrs Dyer				
Link				

**Joint Consultative Committee (6 Members) – One from each Group - two from the administration.**

Membership is to include the Leader and/or appropriate Portfolio Holder.

<b>Conservative (2)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Galpin	Britcher	Davey	Davidson	Smith
Shorter (Ch)				

**Conservation and Environment Forum (8 Members including Portfolio Holder for the Environment)**

<b>Conservative (6)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (0)</b>	<b>Independent (0)</b>
Mrs Bell	Britcher	Michael		
Bennett				
Mrs Blanford (Ch)				
Mrs Dyer				
Hicks				
Wedgbury				

**Parish Forum (6 Members) (plus 1 ex officio)**

Membership to include the Portfolio Holder and one Member from each Group

<b>Conservative (2)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Mrs Bell (Ch)	Yeo	Davison	Davidson	Smith
Burgess				
Clarkson (EO)				

**Member Training Panel (8 Members)**

<b>Conservative (4)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (1)</b>
Cloughton	Chilton	Mortimer (VC)	Adby	Smith
Mrs Dyer				
Hicks				
J Martin (Ch)				

**Parish Council Review and Polling District Review Task Group (10 Members)**

<b>Conservative (7)</b>	<b>Labour (1)</b>	<b>Ashford Independent (1)</b>	<b>Liberal Democrat (1)</b>	<b>Independent (0)</b>
Apps	Britcher	Mortimer	Davidson	
Mrs Bell (Ch)				
Clarkson				
Cloughton (VCh)				
Clokie				
Hicks				
M Martin				