

Selection and Constitutional Review Committee

25th May 2023

Report of the Member Services Manager

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 2023/24 Municipal Year, and to agree a number of other constitutional matters which need to be recommended to the Annual Meeting of the Council on 30th May 2023. The balance calculations as contained in the Appendix to this report have been agreed by Group Leaders.

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 2023/24 which needs to be recommended by this Committee for agreement at the Full Council. Appendices B and C set out details of Members to be appointed to seats on the various committees etc. by Group Leaders and recommendations for the appointment of Chairmen and Vice Chairmen.

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 Committees and 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.

Cabinet Portfolio Responsibilities

4. The number of Members to be appointed to the Cabinet and the names of their individual Portfolios will be confirmed by the Leader of the Council at the Annual Council Meeting on the 30th May 2023.

Cabinet Task Groups, Boards, Panels and Advisory Committees.

5. For completeness, the report at Appendix B2 shows the Task Group, Board and Panel appointments which are dealt with by the Selection and Constitutional Review Committee. These are considered separately within this report and are broadly politically balanced. At Appendix C are details of those Groups where membership or nominees are agreed by the Cabinet.

6. Group Leaders have been consulted on the draft Political Balance Calculation and will advise of any further changes to Committee Membership in terms of their Group's allocation at the meeting.

Standards Committee Independent Person – Re-Appointment

7. At its meeting in May 2018, the Council appointed Mrs Carol Vant as the Council's Independent Person under the Localism Act for a five year period to May 2023. The Localism Act does not prescribe a time limit on the term of office of the Independent Person and this is therefore within the discretion of the Council. The Independent Person has a statutory role in the context of Code of Conduct complaint handling. Mrs Vant has a wealth of experience and knowledge on Standards and ethical governance matters, and has performed the role of Independent Person diligently, as well as being an Independent Member of the Standards Committee under the previous regime. Mrs Vant has also confirmed that she is happy to continue undertaking this role. It is therefore proposed that she be re-appointed for a further period to the end of the next Council in May 2027.

Recommendations:

That (i) **the Committee recommends the adoption of the political balance of the Authority at 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 Panels, Standards Committee and the Sub-Committees of the Licensing and Regulatory Committees established under the Licensing Act 2003 and Gambling Act 2005.**

(ii) **the following Committees be constituted for the Municipal Year as detailed in Part 3 of the Constitution:**

**Appeals
Appointments
Audit
Investigation and Disciplinary
Joint Arrangements – Joint Transportation Board
Licensing
Overview and Scrutiny
Planning
Regulatory
Selection and Constitutional Review
Standards.**

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

(iii) **the membership of Cabinet Boards, Advisory Committees and Task Groups for 2023/24, as set out in Appendix C, be noted.**

- (iv) the Council re-appoints Mrs Carol Vant as the Independent Person for a further period to the end of the next Council in May 2027.**

Danny Sheppard
Member Services Manager

**THE POLITICAL BALANCE CALCULATION
MAY 2023**

A.1 All Committees to which balance applies

	Committee	Seats/Committee		Total Seats
1 x 12	Overview and Scrutiny	12	=	12
1 x 14	Planning	14	=	14
1 x 13	Licensing	13	=	13
1 X 13	Regulatory	13	=	13
1 x 12	Selection	12	=	12
1 x 8	Audit	8	=	8
1 x 5	Appointments	5	=	5
			Total	<u>77</u>

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

47 members =		%
19 Conservative	=	40.4255319
11 Labour	=	23.4042553
9 Ashford Independent	=	19.1489362
8 Green	=	17.0212766
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		100

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

Committee	Con	Lab	AI	Green	Total
1 x 12 O&S	5	3	2	2	12
1 x 14 Planning	6	3	3	2	14
1 x 12 Selection	5	3	2	2	12
1 x 13 Licensing	5	3	2/3*	2/3*	13
1 x 13 Regulatory	5	3	2/3*	2/3*	13
1 x 8 Audit	3	2	2	1	8
1 x 5 Appointments	2	1	1	1	5
Totals	31 (31.13)	18 (18.02)	15 (14.74)	13 (13.11)	77

* Under the draft calculation the Ashford Independent Group has been allocated 14 seats when their overall entitlement across all Committees is 15. The Green Group has been allocated 12 seats when their overall entitlement across all Committees is 13. All other Groups have received their overall entitlement to seats. There is one seat on each of the Licensing and Regulatory Committees to be allocated so it is proposed to offer one each of these to the Ashford Independent and Green Groups.

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

Political Group entitlement in relation to all seats: 77

Conservative	31.1276596	=	31
Labour	18.0212766	=	18
Ashford Independent	14.7446809	=	15
Green	13.1063829	=	13
	Total		77

D. Committees to which balance 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 15	Appeals	3 Members per meeting drawn on rota from a panel of 15 Members	=	3
* 1 x 7	Joint Transportation Board		=	7
*1 x 3	Licensing (3 Member Panels)		=	3

*1 x 3 Regulatory (3 Member Panels) = 3

* 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 a balanced allocation of seats.

Committee	Con	Lab	AI	Green	Total
*1 x 15 Appeals	6	3	3	3	15
x1 x 7 Joint Transportation	3	2	1	1	7
**1 x 8 Standards	3	2	2	1	8

* That the requirements of the 'Political Balance' regulations be not applied to the membership of the Appeals and the Licensing and Regulatory Panels of 3 Members which are drawn for each meeting.

** Standards – broadly politically balanced as membership is based on posts.

APPENDIX B

SELECTION AND CONSTITUTIONAL REVIEW COMMITTEE

25TH MAY 2023

**MEMBERSHIP OF COMMITTEES AND BOARDS INCLUDING CHAIRMEN
AND VICE-CHAIRMEN**

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

The Committee may wish to confirm the proposed identities of the Chairmen and Vice-Chairmen of each Committee, for appointment in accordance with the Constitution, by the Full Council.

Overview and Scrutiny Committee (12 Members)

Members of the Cabinet may not be appointed to this Committee

Conservative (5)	Labour (3)	Ashford Independent (2)	Green (2)

Audit Committee (8 Members)

Conservative (3)	Labour (2)	Ashford Independent (2)	Green (1)

Planning Committee (14 Members) (plus 1 ex-officio)

Planning Committee training will be held on the 17th and 24th May 2023 at 6pm. All Members of the Council are encouraged to attend, however, Group Leaders are asked to ensure that their nominees for the Planning Committee, and any Members wishing to Substitute, do so.

Training is compulsory for anyone sitting on the Planning Committee.

Conservative (6)	Labour (3)	Ashford Independent (3)	Green (2)
(PH EO?)			

Selection & Constitutional Review Committee (12 Members)

Conservative (5)	Labour (3)	Ashford Independent (2)	Green (2)

Licensing 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. Ideally, membership of the Licensing and Regulatory Committees will be the same to aid continuity.

Training for Licensing and Regulatory Committees will be held on the 23rd June 2023 at 10am. Group Leaders are asked to ensure that their nominees for these Committees attend if they have not attended a session in the past as this training is compulsory for anyone sitting on these Committees.

Conservative (5)	Labour (3)	Ashford Independent (2/3?)	Green (2/3?)

Regulatory Committee (13 Members)

Group Leaders are reminded of the importance of nominating Members who are available to attend day-time hearings of the Regulatory Sub-Committee. Ideally, membership of the Licensing and Regulatory Committees will be the same to aid continuity.

Training for Licensing and Regulatory Committees will be held on the 23rd June 2023 at 10am. Group Leaders are asked to ensure that their nominees for these Committees attend if they have not attended a session in the past as this training is compulsory for anyone sitting on these Committees.

Conservative (5)	Labour (3)	Ashford Independent (2/3?)	Green (2/3?)

Standards Committee (8 Members)

Broadly Political Balanced. Should include at least one Member of the Cabinet plus the Chairman and Vice-Chairman of the Overview & Scrutiny Committee.

Conservative (3)	Labour (2)	Ashford Independent (2)	Green (1)

Joint Transportation Board (7 Members)

Conservative (3)	Labour (2)	Ashford Independent (1)	Green (1)

APPENDIX B2

Community Grants Panel (7 Members including the relevant Portfolio Holder)

Conservative (3)	Labour (2)	Ashford Independent (1)	Green (1)

Joint Consultative Committee (6 Members) – At least one Member from each Group – the remainder from the administration.

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

Conservative (3)	Labour (1)	Ashford Independent (1)	Green (1)

Member Training Panel (8 Members)

Conservative (3)	Labour (2)	Ashford Independent (2)	Green (1)

Local Government and Polling Districts Task Group (10 Members)

Conservative (4)	Labour (2)	Ashford Independent (2)	Green (2)

Local Plan & Planning Policy Task Group (10 Members)

Conservative (4)	Labour (2)	Ashford Independent (2)	Green (2)

Trading and Enterprise Board (4 Members and 1 Observer) – Only Cabinet Members can be appointed as Members of this Board

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(4)

* Councillor xxx to be appointed as Observer. (Leader of Largest Opposition Group)

** Councillor xxx (as Chairman) to be the Shareholder Representative under the Articles of Association of the Trading Companies.

Economic Regeneration & Investment Board (6 Members)

Conservative (x)	Ashford Independent (x)	Labour (x)	Green (x)

Compliance & Enforcement Board (6 Members) (plus 1 ex-officio)

Conservative (x)	Ashford Independent (x)	Labour (x)	Green (x)

Civic and Ceremonial Programme Board (6 Members) (plus the Mayor as ex-officio)

Conservative (x)	Ashford Independent (x)	Labour (x)	Green (x)

Advisory Committees

Climate Change Advisory Committee (7 Members)

Conservative (x)	Ashford Independent (x)	Labour (x)	Green (x)

IT and Digital Transformation Advisory Committee (5 Members)

Conservative (x)	Ashford Independent (x)	Labour (x)	Green (x)