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11 May 2017

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **COUNCIL** on Wednesday 17 May 2017 at 6.00 pm, the following reports that were unavailable when the agenda was printed.

10 **ESTABLISHMENT AND COMPOSITION OF COMMITTEES** (Pages 3 - 13)

To consider the attached report.

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Smith", written over a horizontal line.

Chief Executive

Subject:	REVIEW OF ALLOCATION OF SEATS TO POLITICAL GROUPS
Meeting and Date:	COUNCIL – 18 MAY 2017
Report of:	JOINT REPORT OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF GOVERNANCE
Classification:	UNRESTRICTED

Purpose of the report: The prompt and correct allocation of committee seats is vital to maintaining an effective and transparent governance framework.

Recommendation: *That it be recommended to Council:*

- (a) *That the report setting out the recommended allocation of seats to political groups be adopted.*
- (b) *That the Dover Joint Transportation Board and the two Overview and Scrutiny Committees be considered as Ordinary Committees for the purposes of calculating the allocation of seats for political groups.*
- (c) *That the Council appoints its Committees with the sizes and allocation of seats between political groups as set out in Appendix 1 of the report, and invites the Group Leaders to make nominations to fill the seats on these Committees.*
- (d) *That the Council appoints a Licensing Committee with 15 seats and, whilst noting that the duty to ensure political proportionality does not apply, resolves that the Licensing Committee should reflect the proportionality of the Council.*

1. **Summary**

A review of the allocation of seats to political groups is required at, or as soon as practicable after, each Annual Meeting of the Council in accordance with the provisions of the Local Government and Housing Act 1989.

2. **Introduction and Background**

2.1 Following the Buckland Ward and Maxton, Elms Vale and Priory Ward by-elections on 4 May 2017, the political composition of the Council is 25 Conservative, 18 Labour and 2 United Kingdom Independence Party. To be counted as a political group for the purposes of the political balance rules a party is required to have at least two members and have formally notified the authority that it is a political group. All three political groups on the Council have done this.

2.2 Section 15 of the Local Government and Housing Act 1989 (specifically subsections (3) to (5)) prescribes the Council's duty to determine the allocation of seats which states the basic principles of seat allocation.

2.3 In summary, these principles of determination are that:

- (a) All the seats are not allocated to the same group;
- (b) The majority of the seats go to the group (if any) which has an overall majority on the Council (i.e. 23 or more seats);
- (c) Subject to the above two principles, that the number of seats on the total of all the ordinary committees allocated to each group bears the same proportion to the proportion on the full Council; and
- (d) Subject to (a) and (c), that the number of seats on each ordinary Committee and each Sub-Committee allocated to each group bears the same proportion to the proportion on the full Council.

Variations to Political Balance Principles

- 2.4 Prior to the allocation of seats, the Council may make variations to the principles of political balance in cases where a decision is taken to do so with no members voting against it.
- 2.5 If a political group fails to express its wishes within a period of three weeks of being notified of its allocation (which shall be taken as commencing from 17 May 2017, the date of the Council meeting where this report is considered), the Council at its first meeting after this period may make such appointment as it sees fit by majority vote regardless of the principles of political balance.

Definition of Ordinary Committees

- 2.6 The total number of seats on ordinary Committees of the Council is 59 seats if the Dover Joint Transportation Board and the two Overview and Scrutiny Committees are treated as an ordinary committee (as they have been historically) for the purposes of seat allocation.
- 2.7 It is necessary to treat the Dover Joint Transportation Board and the Overview and Scrutiny Committees as a "different provision ... approved by the authority" (Section 17 Local Government and Housing Act 1989) for the purposes of this report. If any Member of the authority votes against recommendation (b) of this report, the two Overview and Scrutiny Committees and the Dover Joint Transportation Board will be excluded from the list of ordinary Committees and the allocation recalculated without them.
- 2.8 For the purposes of this report it should be remembered that it is only the 7 district council seats on the Dover Joint Transportation Board that are included in the political balance calculations. The 7 Kent County Council seats (7 Conservative as of 4 May 2017) are not included in any of the calculations.
- 2.9 It is the view of the Solicitor to the Council that Section 21 (11) of the Local Government Act 2000 (under which Scrutiny Committees are appointed), makes the Scrutiny Committees 'bodies' to which the political balance rules apply. What it does not do is to make them automatically 'ordinary committees' for the purposes of the political balance rules.
- 2.10 However, the preferred approach is to include the Dover Joint Transportation Board and the 2 Overview and Scrutiny Committees as ordinary committees of the council as it codifies the approach that has traditionally been taken to the determination of seats on ordinary committees.

Allocation of Seats – Ordinary Committees

- 2.11 The process for allocating seats is set out in detail in the appendix to this report and in summary form below.
- 2.12 The first stage in the process is to calculate the proportional entitlement to seats of each political group based on the overall political composition of the council. The Conservative Group has 25 Councillors (55.56% of the total number of councillors), the Labour Group has 18 Councillors (40.00%) and the UKIP Group has 2 Councillors (4.44%).
- 2.13 There are a total of 59 seats on ordinary committees of the Council to be allocated, assuming that Council decides not to reappoint the Standards Committee. Based on the percentage allocation in paragraph 2.12, this allocates 60 out of 59 seats as set out below in Table 1 and therefore requires an adjustment to resolve the over allocation.

Table 1: Proportional Entitlement to Seats Based on Political Composition of Council

Party	Councillors	Percentage	Committee Seats		
Conservatives	25	55.56%	32.78	Equal to	33
Labour	18	40.00%	23.60	Equal to	23*
UKIP	2	4.44%	2.62	Equal to	3
TOTAL	45	100.00%			59

(*) In resolving the over allocation, the Labour Group has the lowest part entitlement to seats (.60) compared to the other two groups (Conservative .78 and UKIP .62) so this figure has been rounded down.

- 2.14 The second stage in the process is to allocate the seats based on the proportional entitlement for each committee based on the four principles set out in paragraph 2.3, the calculations for which are set out in greater detail in Annex 1 of this report.
- 2.15 The initial application of the four principles of proportionality to ordinary committees allocated 59 of the 59 ordinary committee seats (35 Conservative, 24 Labour and 0 UKIP), leaving an adjustment required of -2 Conservative, -1 Labour and +3 UKIP to meet the overall seat entitlement (as set out in tables 1 and 2) as a proportion of the Council. In order to achieve the required overall proportional entitlement it is proposed that the adjustments set out in Annex 1, and repeated below, be made.

Table 2: Initial Proportional Entitlement to Committee Seats Based on Political Composition of Council

COMMITTEE	CON	LAB	UKIP	TOTAL
Dover Joint Transportation Board	4	3	0	7
Electoral Matters	3	2	0	5
General Purposes	3	2	0	5

COMMITTEE	CON	LAB	UKIP	TOTAL
Governance	4	3	0	7
Planning	6	4	0	10
Regulatory	3	2	0	5
Scrutiny (Community & Regeneration)	6	4	0	10
Scrutiny (Policy & Performance)	6	4	0	10
Total (Adjustment Required)	35(-2)	24(-1)	0(+3)	59

- 2.16 Although the Conservative Group has the highest number entitlement on whole number rounding for the 3 ordinary committees with 10 members (as defined in paragraph 2.10) it should be noted that a key function of the Scrutiny Committees is to hold the controlling group Executive to account. It is therefore proposed that the 2 seat adjustment for the Conservative Group be made to the two scrutiny committees (-1 seat on each committee).
- 2.17 In keeping with the principles of proportionality set out in paragraph 2.3, the remaining adjustment is made to the Planning Committee (-1 Labour Seat). This ensures a broad balance across committees with the least variation from the overall proportional entitlement on each committee.

Table 3: Adjustment to Ordinary Committee Seats to meet overall Proportional Entitlement

Committee	CON	LAB	UKIP	Initial Committee Allocation	Actual Committee Seats	Adjustment(in brackets)
Scrutiny (Policy & Performance)	6 (5)	4	0 (1)	10	10	(-1 CON) (+1 UKIP)
Scrutiny (Community & Regeneration)	6 (5)	4	0 (1)	10	10	(-1 CON) (+1 UKIP)
Planning Committee	6	4 (3)	0 (1)	10	10	(-1 LAB) (+1 UKIP)

- 2.18 Further details of how these seats are assigned can be found in Appendix A of this report.

Allocation of Seats – Non-Ordinary Committees

- 2.19 In addition to the ordinary Committees of the Council, there are three non-ordinary committees of the Council. Although these are not bound by the same requirements for political balance as the ordinary committees it should be noted that they have historically been allocated on that principle where possible.

- 2.20 The non-ordinary committees allocated on the basis of political balance are the Licensing Committee, the Joint Staff Consultative Forum and the Joint Health, Safety and Welfare Consultative Forum.
- 2.21 Pursuant to Section 6 of the Licensing Act 2003, the Licensing Committee must have at least ten, but no more than fifteen, members. The current arrangement of fifteen members allows the Licensing Committee to appoint five broadly area-based sub-committees to conduct hearings and has functioned effectively since its introduction in 2003. An important reason for having 5 area-based sub-committees is that Members as a matter of convention do not sit on Licensing Sub-Committees considering applications relating to their wards. Accordingly, this report recommends the continued appointment of 15 councillors to the Licensing Committee.
- 2.22 The Licensing Committee is not subject to the requirements of the Local Government and Housing Act 1989 with regard to political proportionality, although this principle has voluntarily been applied in allocating the seats at the annual Council meetings held since May 2006. It is however at the discretion of the Council to set the size of the Licensing Committee and the allocation of seats, subject to the restriction mentioned above.

Allocation of Seats – Executive Committees

- 2.23 The allocation of seats on the Executive and Executive Committees is a matter for the Cabinet and not covered by this report.

Allocation of Seats - South Kent Coast Health and Wellbeing Board

- 2.24 The South Kent Coast Health and Wellbeing Board is a sub-committee of Kent County Council's Health and Wellbeing Board, although the operation of the Board is administered by Dover District Council's Democratic Support team. As such the two Dover District Council members appointed to it are outside the scope of this report.

Allocation of Seats – East Kent Shared Services Committee

- 2.25 The terms of reference of the fourth non-ordinary committee, East Kent Shared Services Committee, specify that its membership must be composed of the Leader and Deputy Leader of the Council. As less than three members are appointed by the Council, it is not required to be politically balanced.

3. Identification of Options

- 3.1 Option 1 – To adopt the recommendations as set out in this report.
- 3.2 Option 2 – To not adopt the recommendations set out in the report and make an alternative proposal within the statutory framework.

4. Evaluation of Options

- 4.1 Option 1 is the preferred option as this would maintain the current arrangements with minor alterations.
- 4.2 Option 2 is not the preferred option as the allocation of seats set out in the report represents the best method of fulfilling the principles set out in paragraph 2.3 of the report. In the event that the Council wishes to make variations to the allocation that

are contrary to the principles of political balance it would require the unanimous approval of Council (as per paragraphs 2.4 – 2.5).

5. **Resource Implications**

5.1 None.

6. **Appendices**

Appendix 1 – Summary of the Proposed Allocation of Seats (59 Ordinary Seats)

7. **Background Papers**

Localism Act 2011

Local Government Act 1972

Local Government and Housing Act 1989

Local Government Act 2000

Licensing Act 2003

The Licensing Act 2003 (Hearings) Regulations 2005

Local Government and Public Involvement in Health Act 2007

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**Allocation of Seats
Political Balance Arrangements
Local Government & Housing Act 1989**

59 ORDINARY COMMITTEE SEATS

Ordinary Committees

Total Membership of Committees:

Scrutiny (Policy & Performance) Committee	10 on 1 Committee	= 10
Scrutiny (Community & Regeneration) Committee	10 on 1 Committee	= 10
Planning Committee	10 on 1 Committee	= 10
Dover Joint Transportation Board	7 on 1 Committee	= 07
Governance Committee	7 on 1 Committee	= 07
Regulatory Committee	5 on 1 Committee	= 05
General Purposes Committee	5 on 1 Committee	= 05
Electoral Matters Committee	5 on 1 Committee	= 05
Total Number of Seats on Committees		= 59

Membership of Political Parties as a % of Total Membership

	Number	PCT%
Conservative	25	55.56
Labour	18	40.00
UKIP	2	4.44
Total	45	100.00

Overall Entitlement to Seats

Conservative	55.56% of 59 seats equals 32.78	Equals	33 seats
Labour	40.00% of 59 seats equals 23.60	Equals	24 seats
UKIP	4.44% of 59 seats equals 2.62	Equals	3 seats
Total			60

Allocation of Seats

There are a total of 59 seats on Ordinary Committees of the Council to be allocated, assuming that Council decides not to reappoint the Standards Committee. Based on the above this over allocates 60 out of 59 seats and therefore requires an adjustment to resolve the over allocation.

In resolving the seat over allocation, the Labour Group has the lowest part entitlement (.60) compared to the other two groups (Conservative .78 and UKIP .62) so this figure has been rounded down.

Having allocated seats to committees in accordance with the political balance rules any seats remaining under/over allocated are allocated to the group with the nearest whole number having regard to the overall proportionality (where possible).

Scrutiny (Policy and Performance) Committee (10 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	5.56 seats	Equal to	6
Labour	40.00%	Equals	4.00 seats	Equal to	4
UKIP	4.44%	Equals	0.44 seats	Equals to	0
Unallocated Seats					0
Total					10

The initial allocation based on proportionality allocates 10 of the 10 seats.

Although the Conservative Group has the largest whole number rounding (.56 as opposed to .00 and .44 respectively) it is proposed that an adjustment be made to reduce the Conservative Group seats by -1 to 5 seats.

The proposed allocation of seats is therefore 5 Conservative, 4 Labour and 1 UKIP (total of 10 seats).

Scrutiny (Community & Regeneration) Committee (10 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	5.56 seats	Equal to	6
Labour	40.00%	Equals	4.00 seats	Equal to	4
UKIP	4.44%	Equals	0.44 seats	Equals to	0
Unallocated Seats					0
Total					10

The initial allocation based on proportionality allocates 10 of the 10 seats.

As the Conservative Group has the smallest whole number rounding (.56 as opposed to .00 and .44 respectively) it is proposed that an adjustment be made to reduce the Conservative Group seats by -1 to 5 seats.

The proposed allocation of seats is therefore 5 Conservative, 4 Labour and 1 UKIP (total of 10 seats).

Planning Committee (10 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	5.56 seats	Equal to	6
Labour	40.00%	Equals	4.00 seats	Equal to	4
UKIP	4.44%	Equals	0.44 seats	Equals to	0
Unallocated Seats					0
Total					10

The initial allocation based on proportionality allocates 10 of the 10 seats.

As the Conservative Group seat allocation now matches its overall entitlement with the adjustment to the 2 scrutiny committees, the remaining negative seat adjustment can be made. It is proposed that an adjustment be made to reduce the Labour Group seats by -1 to 3 seats.

The proposed allocation of seats is therefore 6 Conservative, 3 Labour and 1 UKIP (total of 10 seats).

Governance Committee (7 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	3.89 seats	Equal to	4
Labour	40.00%	Equals	2.80 seats	Equal to	3
UKIP	4.44%	Equals	0.31 seats	Equal to	0
Unallocated Seats					0
Total					7

The initial allocation based on proportionality allocates 7 of the 7 seats.

The proposed allocation of seats is therefore 4 Conservative, 3 Labour and 0 UKIP (total of 7 seats).

Dover Joint Transportation Board (7 DDC Seats – 7 KCC Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	3.89 seats	Equal to	4
Labour	40.00%	Equals	2.80 seats	Equal to	3
UKIP	4.44%	Equals	0.31 seats	Equal to	0
Unallocated Seats					0
Total					7

The initial allocation based on proportionality allocates 7 of the 7 seats.

The proposed allocation of seats is therefore 4 Conservative, 3 Labour and 0 UKIP (total of 7 seats).

Regulatory Committee (5 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.78 seats	Equal to	3
Labour	40.00%	Equals	2.00 seats	Equal to	2
UKIP	4.44%	Equals	0.22 seats	Equal to	0
Unallocated Seats					0
Total					5

The initial allocation based on proportionality allocates 5 of the 5 seats.

The proposed allocation of seats is therefore 3 Conservative, 2 Labour and 0 UKIP (total of 5 seats).

General Purposes Committee (5 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.78 seats	Equal to	3
Labour	40.00%	Equals	2.00 seats	Equal to	2
UKIP	4.44%	Equals	0.22 seats	Equal to	0
Unallocated Seats					0
Total					5

The initial allocation based on proportionality allocates 5 of the 5 seats.

The proposed allocation of seats is therefore 3 Conservative, 2 Labour and 0 UKIP (total of 5 seats).

Electoral Matters Committee (5 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.78 seats	Equal to	3
Labour	40.00%	Equals	2.00 seats	Equal to	2
UKIP	4.44%	Equals	0.22 seats	Equal to	0
Unallocated Seats					0
Total					5

The initial allocation based on proportionality allocates 5 of the 5 seats.

The proposed allocation of seats is therefore 3 Conservative, 2 Labour and 0 UKIP (total of 5 seats).

Member Appointments Falling Outside Of The Political Balance Rules**(a) The Licensing Committee**

The Political Balance Rules do not apply to this Committee. However, in accordance with previous practice it is suggested that it should be applied and the following allocation should be used:

Licensing Committee (15 Seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	8.33 seats	Equal to	8
Labour	40.00%	Equals	6.00 seats	Equal to	6
UKIP	4.44%	Equals	0.67 seats	Equal to	1
Total					15

The proposed allocation of seats is therefore 8 Conservative, 6 Labour and 1 UKIP (total of 15 seats).

(b) The East Kent Shared Services Committee

If proportionality were to be applied to this committee then it would split the seats between the two largest political groups. However, as the committee has no requirement to be politically balanced and the terms of reference of the committee require the appointment to

be the Leader and Deputy Leader of the Council (as well as the Leader and Deputy Leader for Canterbury City Council and Thanet District Council), the appointments should be made as per the terms of reference.

The East Kent Shared Services Committee (2 seats)

Political Group

Conservative	Equal to	2
Labour	Equal to	0
UKIP	Equal to	0
Total		2

(c) Other Bodies – Advisory Bodies Not Open to Public

Joint Staff Consultative Forum (5 seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.78 seats	Equal to	3
Labour	40.00%	Equals	2.00 seats	Equal to	2
UKIP	4.44%	Equals	0.22 seats	Equal to	0
Unallocated Seats					0
Total					5

The proposed allocation of seats is therefore 3 Conservative, 2 Labour and 0 UKIP (total of 5 seats).

Joint Health, Safety and Welfare Consultative Forum (5 seats)

Political Group	Proportional Entitlement				
Conservative	55.56%	Equals	2.78 seats	Equal to	3
Labour	40.00%	Equals	2.00 seats	Equal to	2
UKIP	4.44%	Equals	0.22 seats	Equal to	0
Unallocated Seats					0
Total					5

The proposed allocation of seats is therefore 3 Conservative, 2 Labour and 0 UKIP (total of 5 seats).