

Agenda Item 8

RETURNING OFFICERS CERTIFICATE

Election of Councillors - 4 May 2023

I hereby certify that the following persons were duly elected as councillors at the ordinary election of borough councillors held on 4 May 2023 to hold office until 2027:

Ward	First Name	Last Name	Party
Aylesford North & North Downs	Roger	Dalton	Conservative
	Dave	Davis	Conservative
	Alex	McDermott	Conservative
Aylesford South & Ditton	Rob	Cannon	Conservative
	Steve	Hammond	Conservative
	Colin	Williams	Conservative
Birling, Leybourne & Ryarsh	Bill	Banks	Liberal Democrat
	Paul	Boxall	Liberal Democrat
Borough Green & Platt	Wendy	Palmer	Independent Alliance (Kent)
	Mike	Taylor	Independent Alliance (Kent)
Bourne	Steve	Crisp	Green
	James	Lark	Conservative
Cage Green & Angel	Anna	Cope	Green
	Robert	Oliver	Green
	Bethan	Parry	Green
East Malling, West Malling & Offham	Trudy	Dean	Liberal Democrat
	Roger	Roud	Liberal Democrat
	Michelle	Tatton	Liberal Democrat
East Peckham, West Peckham, Mereworth & Wateringbury	Matt	Boughton	Conservative
	Sarah	Hudson	Conservative
Higham	Lee	Athwal	Green
	Dennis	King	Conservative

Ward	First Name	Last Name	Party
Hildenborough	Kath	Barton	Green
	Mark	Rhodes	Conservative
Judd	George	Hines	Green
	Mark	Hood	Green
Kings Hill	Christopher	Brown	Conservative
	Dan	Harman	Conservative
	Kim	Tanner	Conservative
Larkfield	Timothy	Bishop	Liberal Democrat
	Anita	Oakley	Liberal Democrat
	David	Thornwell	Liberal Democrat
Pilgrims with Ightham	Robin	Betts	Conservative
	Martin	Coffin	Conservative
Snodland East & Ham Hill	Sue	Bell	Conservative
	Wayne	Mallard	Labour
Snodland West & Holborough Lakes	Angus	Bennison	Labour
	Paul	Hickmott	Labour
Trench	Adem	Mehmet	Conservative
	Keith	Tunstall	Conservative
Vauxhall	Garry	Bridge	Liberal Democrat
	James	Clokey	Liberal Democrat
	Frances	Hoskins	Liberal Democrat
Walderslade	Des	Keers	Conservative

Julie Beilby
Returning Officer
17 May 2023

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

17 May 2023

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters For Decision

1 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES

This report asks Members to determine the political balance arrangements for the Borough Council's committees, sub-committees, boards and panels

1.1.1 Under section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) Regulations 1990, the Council is required to review the composition of any of its committees and sub-committees to which those provisions apply at the annual meeting of the Council and after any election.

1.1.2 The number of seats held by each of the political parties is as follows:

Group	Total	%
Conservative	20	45.45
Green	8	18.18
Independent Alliance (Kent)	2	4.55
Labour	3	6.82
Liberal Democratic	11	25
Total	44	100

1.1.3 The Council is required to determine the composition of its committees to reflect this political balance and to ensure that:

- (a) not all the seats on the committee to which appointments are made are allocated to the same political group;
- (b) the majority of seats on the committee is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;

(c) subject to (a) and (b), the total number of seats allocated to a particular political group reflects that group's proportion of the membership of the authority;

(d) subject to (a) and (c) the number of seats on each committee allocated to a particular group reflects that proportion of the membership of the authority.

1.1.4 The duty on the Council is to give effect to the above principles **so far as reasonably practicable**. This recognises that there cannot be an exact application of the rules.

Size of Committees

1.1.5 The report at agenda item 11 indicates that Members will be invited to consider whether to reduce the size of committees in light of changes introduced by the Tonbridge & Malling (Electoral Changes) Order 2022. The number of committee seats allocated to the political parties will therefore depend upon whether Members are minded to reduce the size of committees or retain the existing sizes.

1.1.6 Overall, the reduction in the number of members from 54 to 44 equates to a 18.5% decrease. Whilst there is no legal obligation to reduce Committee membership, it is nevertheless appropriate at this point in the municipal year to also consider whether the size of Committees should be reviewed in light of the changes introduced by the 2022 Order.

1.1.7 If the size of each Committee were to be reduced in the same ratio i.e. 18.5%, (rounding up or down as appropriate) this would give the following numbers-

Name of Committee	Current number of members	Number of members (with 18.5% reduction)
Audit Committee	9	7
General Purposes Committee	14	11
Housing Association Liaison Panel	5	4
Joint Employee Consultative Committee	9	7
Joint Standards Committee*	13	10
*also contains 6 Parish Council reps		

Licensing & Appeals Committee	15	12
Overview & Scrutiny Committee	18	15
Communities & Environment Scrutiny Select Committee	15	12
Finance, Regeneration & Property Scrutiny Select Committee	15	12
Housing & Planning Scrutiny Select Committee	15	12

- 1.1.8 There are some potential issues in the way a committee is constituted that can hinder the Council's ability to fulfil the requirements of the Local Government and Housing Act 1989.
- 1.1.9 Firstly, certain sizes of committee can create the necessity to make a large number of manual adjustments to the allocations to those committees to achieve overall proportionality. In turn, this can impede the ability to achieve political balance on the individual committee. It is therefore best practice to avoid certain numbers of seats on individual committees, depending on the overall number of seats on the authority and how these are divided between the political groups. One current example for TMBC will be a committee size of 15 – it is not possible to achieve political balance on a committee of this size with the current division of political groups on the Council. A number of the existing Committees are currently comprised of 15 Members.
- 1.1.10 Secondly, it is considered best practice to avoid committees with an even number of seats. Depending on the overall political balance across the authority, an even number of seats on a committee creates the potential for an equality of votes, thus requiring the Chair to use their casting vote (although Rule 8 of the Council and Committee Procedure Rules specifically provides that the Chair may do so). To eliminate this potential, it is preferable to have committees with odd numbers of members.
- 1.1.11 If the Council were to make the 18.5% reduction to committees as set out in the table at 1.1.7 above, this would result in a mix of committees with even/ odd numbers, plus one committee of 15 members. We have therefore undertaken political balance calculations in respect of alternative options.

- 1.1.12 Option A is based upon the existing 128 seats in total; Option B is based upon a reduced number of 110 seats (all committees with odd numbers). A third option of 104 seats (all committees with even sizes) is also presented in the Annex.
- 1.1.13 The tables at **Annex 1** show the number of committees of various sizes which need to be politically balanced and the way in which the total number of available seats might be allocated to reflect the proportions on the Council as a whole.
- 1.1.14 Membership of the Joint Transportation Board is set out in the agreement between Kent County Council and the Borough Council. It shall comprise all KCC local members with an equal number of Borough Council members. The membership of this Board has not therefore been reviewed. Similarly, Tonbridge Community Forum contains all Tonbridge Members, so this has not been reviewed either.
- 1.1.15 The Parish Partnership Panel currently comprises 13 TMBC Members (all representing parished wards outside of Tonbridge) plus representatives from all parishes and KCC local members. No review has been undertaken of membership for this Panel.
- 1.1.16 The size of Cabinet is entirely within the gift of the Leader, although it may not exceed 10 (including the Leader and Deputy Leader).

1.2 Legal Implications

- 1.2.1 The Council is required to review the composition of its committees in accordance with the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) Regulations 1990.

1.3 Financial and Value for Money Considerations

- 1.3.1 Not applicable

1.4 Risk Assessment

- 1.4.1 Not applicable

1.5 Equality Impact Assessment

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Policy Considerations

- 1.6.1 Not applicable

1.7 Recommendations

1.7.1 **RECOMMENDED** that the composition of all committees, sub-committees and boards be approved in accordance with Members' preferred option at **Annex 1** and the Monitoring Officer be authorised make any consequential amendments to the Council's constitution in respect of political balance.

Background papers:

Nil

contact: Allison Parris
Principal Democratic Services
Officer

Adrian Stanfield
Director of Central Services and Deputy Chief Executive

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Option A - Political balance – 128 Committee seats (retention of existing sizes)

Committee	Size	Con	Green	Ind All	Labour	Liberal Democrats
Overview and Scrutiny	18	8	3	1	1	5
Communities and Environment Scrutiny Select Committee	15	7	2	1	1	4
Finance, Regeneration and Property Scrutiny Select Committee	15	7	3	0	1	4
Housing and Planning Scrutiny Select Committee	15	7	3	1	1	3
Licensing & Appeals Committee	15	7	2	1	1	4
General Purposes	14	6	3	0	1	4
Joint Standards	13	6	2	1	1	3
Audit	9	4	2	0	1	2
JECC	9	4	2	0	1	2
Housing Association Liaison Panel	5	2	1	1	0	1
Total Number of Seats	128	58	23	6	9	32
Total Number of Seats Allocated						128

Option B - Political Balance – reduce committee seats (odd sizes – 110 in total)

Committee	Size	Con	Green	Ind All	Labour	Liberal Democrats
Overview and Scrutiny	17	8	3	1	1	4
Communities and Environment Scrutiny Select Committee	13	6	2	1	1	3

Finance, Regeneration and Property Scrutiny Select Committee	13	6	2	1	1	3
Housing and Planning Scrutiny Select Committee	13	6	2	1	1	3
Licensing & Appeals Committee	13	6	2	1	1	3
General Purposes	11	5	2	0	1	3
Joint Standards	11	5	2	0	1	3
Audit	7	3	2	0	0	2
JECC	7	3	2	0	0	2
Housing Association Liaison Panel	5	2	1	0	1	1
Total Number of Seats	110	50	20	5	8	27
Total Number of Seats Allocated						110

Option C – Political Balance – reduce committee seats (even sizes – 104 in total)

Committee	Size	Con	Green	Ind All	Labour	Liberal Democrats
Overview and Scrutiny	16	7	3	1	1	4
Communities and Environment Scrutiny Select Committee	12	5	2	1	1	3
Finance, Regeneration and Property Scrutiny Select Committee	12	5	2	1	1	3
Housing and Planning Scrutiny Select Committee	12	5	2	1	1	3
Licensing & Appeals Committee	12	5	2	1	1	3

General Purposes	10	5	2	0	0	3
Joint Standards	10	5	2	0	1	2
Audit	8	4	2	0	0	2
JECC	8	4	1	0	1	2
Housing Association Liaison Panel	4	2	1	0	0	1
Total Number of Seats	104	47	19	5	7	26
Total Number of Seats Allocated					104	

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