

ANNUAL MEETING OF MEDWAY COUNCIL (AND JOINT MEETING OF COMMITTEES)

16 MAY 2018

ESTABLISHMENT OF COMMITTEES, APPOINTMENTS AND SCHEDULE OF MEETINGS 2018/2019

Report from: Neil Davies, Chief Executive

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Summary

This report sets out the position regarding the overall allocation of seats on Committees. The Council is asked to approve the recommendations in paragraph 6.1 relating to Committees and other bodies to be appointed for 2018/19 and a programme of meetings.

The Council is also asked to make recommendations to a Joint Meeting of Committees on 16 May 2018, to be held immediately following the Annual Meeting of the Council, in respect of the establishment and membership of sub-committees and any scrutiny task groups.

1. Budget and Policy Framework

- 1.1 The establishment of committees and the appointment of Members to serve on committees and outside bodies is a matter for decision by the Annual Meeting of the Council together with approval of the annual schedule of meetings.
- 1.2 The appointment of Chairmen and Vice-Chairmen of some committees, the establishment of sub-committees, and any scrutiny task groups and the appointment of Members to serve on them is a matter for decision at a Joint meeting of Committees, which immediately follows the Annual Council meeting.

2. Background

- 2.1 At its meeting on 26 April 2018 the Council considered the position regarding the overall allocation of seats on committees and made recommendations for decision at the Annual Council meeting.
- 2.2 There are 55 Councillors representing 22 Wards. The current composition of the Council is as follows:

	Number of councillors	Proportionality %
Conservative Group	37	67.3
Labour Group	16	29.1
UKIP Group	2	3.6
Total	55	100%

3 Establishment of Committees and allocation of seats plus other appointments for 2018/2019

3.1 The Local Government and Housing Act 1989 and associated regulations requires the Council to allocate seats on committees to political groups in accordance with the size of each group on the Council as a whole, unless alternative arrangements are notified to all Members five clear days in advance of this meeting and agreed without any Councillor voting against them. The Council is required to observe the following principles so far as is reasonably practicable:-

- (a) that not all the seats on the body are allocated to the same political group;
- (b) that the majority of the seats on the body 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 paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority;
- (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

3.2 Principles (a), (b) and (d) apply to all appointments to the authority's own bodies and to certain outside bodies. However, principle (c) only relates to appointments to the 'ordinary committees' of the council.

3.3 Currently, based on 127 committee seats overall the entitlement of the Council's three political groups to Committee seats is as follows :

Conservative	Labour	UKIP	Total
85 (+3)	37	5	127

3.4 The table at Appendix A sets out proposals, recommended by the Council at its meeting on 26 April 2018, for the establishment of Committees, their size, and the allocation of seats to political groups in 2018/19. This proposal meets the overriding requirement to ensure the overall number of seats on ordinary Committees are allocated in accordance with the political balance of the Council.

- 3.5 The proposals for establishment of committees, sub committees and task groups for 2018-2019 take into account the following considerations and developments over the last year:
- (i) There continues to be a requirement to allocate three additional seats to the Conservative Group on the Children and Young People Overview and Scrutiny Committee to preserve that Group's entitlement to a majority position on any Committee in view of the four statutory co-optees with voting rights who have to be appointed to the Committee.
 - (ii) The Council has also previously approved the establishment of an ad hoc committee to consider the removal of Council-appointed school governors as and when necessary and that the membership of the committee is comprised of the Group Whips and the relevant Portfolio Holder. The Council has always agreed to waive political balance in respect of this committee so that the overall number of seats on committees is not affected. Therefore it has not been included in the calculation set out in Appendix A.
 - (iii) During 2017/2018 the Council has been required to establish a new Joint Health Overview and Scrutiny Committee with Kent County Council, East Sussex County Council and Bexley Council for the purpose of scrutiny of the reconfiguration of acute and hyper-acute stroke services across Kent and Medway.
 - (iv) Agreement has also been reached with Kent County Council that the Kent and Medway NHS Joint Overview and Scrutiny Committee should be reduced in size from 12 to 8 Members with equality of representation between both Authorities on the Committee. On 26 April, the Council formally approved a reduction in the size of the Joint Committee from 12 to 8 members comprising four Members for each Authority with effect from the beginning of the new Municipal year.
 - (v) The Cabinet has agreed a proposal to extend the membership of the South Thames Gateway (STG) Building Control Partnership to include Canterbury City Council. The Council has agreed the consequential extension in the size of the South Thames Gateway (STG) Building Control Joint Committee to include Canterbury.
 - (vi) The Health and Wellbeing Board (HWB) is listed as a Committee of the Council in Appendix B. This Committee is not subject to the rules on political balance and the positions of Chairman and Vice Chairman of the Board are appointed by the Board at its first ordinary meeting after each Annual Council meeting rather than at the Joint Meeting of Committees on the evening of Annual Council. (For this reason the HWB is not included in the Joint meeting of Committees). In addition the Health and Wellbeing Board (HWB) has established a Joint Advisory Sub Committee with Kent County Council's HWB with effect from 1 April 2018 which has been called the Joint Kent and Medway Health and Wellbeing Board. This is now reflected in the Council's Constitution.
- 3.6 The proposed list of committees, joint committees, outside bodies, sub-committees and task groups to be established in 2018/19 and their proposed memberships (as notified by the political groups) are set out at Appendices B and C with recommended sizes and allocation of places.

- 3.7 Committee Terms of Reference are set out in the Constitution as follows:
https://www.medway.gov.uk/downloads/download/43/the_city_council_s_constitution
- Chapter 3, Part 2 (Responsibility for Council Functions) – Committees and Sub-Committees;
 - Chapter 4, Part 5 (Overview and Scrutiny Rules) – Overview and Scrutiny Committees.

4. Timetable of meetings

- 4.1 On 25 January and 26 April 2018 the Council considered a draft schedule of meetings for 2018/19, as attached at Appendix D. Since the Council meeting in January, a pressure has arisen in relation to the availability of meeting rooms in the run-up to the local elections in May 2019 requiring the date of the April 2019 Employment Matters Committee to be moved. It has been recommended that this meeting be moved from Tuesday 23 April 2019 to Wednesday 10 April and this has been reflected in the timetable. Dates for meetings of the Joint Kent and Medway Health and Wellbeing Board will be added once agreed.

5. Financial, legal and risk management implications

- 5.1 There are no financial implications arising from this report.
- 5.2 The legal position relating to the size of committees and the allocation of seats is set out in paragraph 3 of this report. There is legal provision in the Health and Social Care Act 2012 for two or more Health and Wellbeing Boards to establish a Joint Advisory Sub Committee. The South Thames Gateway Building Control Joint Committee was established under sections 101 and 102 of the Local Government Act 1972. Provisions in the Local Authorities (arrangements for the Discharge of Functions) (England) Regulations 2012 also apply to the Building Control Joint Committee.
- 5.3 There are no risk management implications arising from this report

6. Recommendations

- 6.1 The Council is asked to agree:
- (i) the establishment of committees, their size and the allocation of seats to political groups as set out in Appendices A and B to this report, together with terms of reference as set out in the Council's constitution;
 - (ii) the establishment of an ad hoc committee to consider the removal of Council-appointed school governors as and when necessary and to waive political balance in respect of this Committee;
 - (iii) the appointment of members to each Committee as set out in Appendix B to this report, including the appointment of voting and non-voting co-optees on Committees as listed;
 - (iv) that appointments should be made to Joint Committees, outside bodies and other bodies as set out in Appendix C (with nominees to be reported at the Annual Council meeting);
 - (v) the timetable of meetings for the 2018//2019 municipal year as set out in Appendix D incorporating the change set out in paragraph 4.1 of this report.

6.2 The Council is asked to recommend to the Joint meeting of Committees:

- (i) To agree the appointment of Chairmen and Vice Chairmen of Committees as set out in Appendix B to this report:
- (ii) To approve the establishment of Sub Committees (with terms of reference as set out in the Council's Constitution), one Task Group, their size and the allocation of seats to political groups as set out in Appendix B to this report, with the waiver of political balance in relation to the membership of Licensing Hearing Panels in line with established Practice for these Sub Committees
- (iii) To appoint members to serve on each sub Committee and Task Group as set out in Appendix B.

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Appendices

Appendix A – Review of allocation of committee seats

Appendix B – List of committees, sub-committees and task groups

Appendix C – List of joint committees and outside and other bodies

Appendix D – Revised timetable of meetings

Background papers

None