

COUNCIL

22 APRIL 2021

ESTABLISHMENT OF COMMITTEES, APPOINTMENTS AND SCHEDULE OF MEETINGS 2021/2022 AND CONSTITUTIONAL UPDATES

Report from: Neil Davies, Chief Executive
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Summary

This report asks the Council to make a number of recommendations to the Annual meeting of the Council on 5 May 2021 regarding the committees and other bodies to be appointed for 2021/2022 and a programme of meetings and also provides an update on a number of related matters.

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 the appointment of Members to serve on them is a matter for decision at a Joint meeting of Committees, which usually follows the Annual Council meeting. However, given that the Annual Council meeting will now be held remotely on 5 May 2021 with reduced numbers, it will no longer be possible to hold a Joint meeting of Committees. This is further explained in the body of the report below.

2. Background

- 2.1. In April each year the Council usually considers the position regarding the overall allocation of seats on committees and makes recommendations for decision at the Annual Council meeting in May.
- 2.2. There are 55 Councillors representing 22 Wards. The current composition of the Council is as follows:

Group	Number of councillors	Proportionality %
Conservative Group	32	58.2
Labour & Co-operative Group	20	36.4
3 x Independent Members	3	5.4

- 2.3. Members will recall that at its meeting on 23 April 2020, the Council agreed not to hold an Annual Council meeting in 2020 which was permitted by the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 in response to the coronavirus pandemic.
- 2.4. One of the consequences of the decision not to hold the Annual Meeting was that the review of the allocation of seats on committees to political groups did not take place in 2020/2021. This review will now take place at Annual Council on 5 May 2021. The other main consequence of this decision was that the current Mayor, Councillor Tejan, and Deputy Mayor, Councillor Aldous, have remained in office for an additional municipal year.
- 2.5. As Members will be fully aware, meetings have been held remotely during the past year in accordance with The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These regulations will end on 6 May 2021 and Local Authorities have recently been informed by the Government that meetings can only take place physically after that date. For the avoidance of doubt this means a Member can only participate and vote at a meeting if they are physically present at a meeting – it will no longer be lawful to participate and vote remotely.
- 2.6. Following the Government’s announcement on the future arrangements for meetings on 25 March 2021, all Members were informed accordingly on 26 March and following discussions with the Mayor, Deputy Mayor, Leader of the Council and the Leader of the Opposition, amongst others, the decision was made under the delegated authority to the Chief Executive granted at the Full Council meeting in April 2020 to change the date of the meeting of the Annual Council meeting from 19 May 2021 to 5 May 2021 to enable the meeting to be held remotely in preference to holding a physical meeting on 19 May 2021.
- 2.7. Work is ongoing to ensure that physical meetings can be held safely in compliance with the law, e.g. social distancing requirements. It is likely that most committee meetings will be held at the St. George’s Centre until social distancing requirements and any other requirements are no longer necessary.
- 2.8. Separately, Members were advised of court proceedings relating to the future of remote meetings in the Covid-19 Response and Recovery reports to the Cabinet and the Business Support Overview and Scrutiny Committee on 30 March 2021. In summary, the Association of Democratic Services Officers (ADSO), Lawyers in Local Government (LLG) and Hertfordshire County

Council have instructed counsel to issue proceedings in the High Court to seek a declaratory judgement to enable such meetings to take place within existing legislation. This hearing will take place on 21 April 2021. Members will be kept updated on these matters.

- 2.9. Section 85(1) of the Local Government Act 1972 says that if a Councillor fails throughout a period of six consecutive months to attend any meeting of the authority they shall cease to be a member of the authority. Furthermore, Section 85(2A) of the 1972 Act provides if a member of the Executive (Cabinet) fails to attend any meeting of the Executive throughout a period of six consecutive months they shall cease to be a member of the authority. However, those sections enable a Local Authority to approve the reason for non-attendance, provided that approval is given by the Authority before the expiry of the six month period.
- 2.10. With regards to Members' attendance at meetings, the Council agreed a number of reasons for failure by any Councillor to attend meetings for a consecutive period of 6 months from 16 July 2020 to the Annual Council meeting (now to be held on 5 May 2021), the effect of which was that no Councillor shall cease to be a Member of the Authority should they be unable to attend meetings during this period. Members are now advised that they will have 6 months starting from 6 May 2021 in which they must attend a meeting. The Council can, of course, consider any further requests to waive the requirement to attend at least one meeting in any six month period.

3. Establishment of Committees and allocation of seats plus other appointments for 2021/2022

- 3.1. The Local Government and Housing Act 1989 and associated regulations require the Council to review the allocation of seats on committees to political groups in specified circumstances including annually at the Annual Council meeting. Committee seats must be allocated in accordance with the following principles so far as is reasonably practicable, unless alternative arrangements are notified to all Members five clear days in advance of this meeting and agreed without any Councillor voting against them.
 - (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. Discussions have taken place with Group Whips and a proposal for the allocation of seats to political groups has been agreed with them as set out in Appendix A to this report. This proposal reflects a reduction in the size of the Conservative Group following the re-designation of Councillor Steve Iles as an Independent Conservative Member and excludes the two Joint Health Overview and Scrutiny Committees from the schedule of Committees in line with legal advice that these cannot be treated as "ordinary" Committees for this purpose. The proposal meets the requirement to allocate seats in accordance with the principles outlined in paragraph 3.1 above. The three Independent Members of the Council have not formed a political group and therefore have no entitlement to any Committee seats.
- 3.4. The Council is required to allocate three additional seats to the Conservative Group on the Children and Young People Overview and Scrutiny 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.
- 3.5. The Health and Wellbeing Board 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.
- 3.6. The proposed list of committees, joint committees, outside bodies, sub-committees and task groups to be established in 2021/2022 are set out at Appendices B and C with recommended sizes and allocation of places.
- 3.7. Finally, given that the Annual Council meeting, now scheduled for 5 May 2021, will be held with reduced numbers in line with the informal agreement with the two political groups, it will not be feasible to hold a Joint meeting of Committees as this would require each individual Committee to be quorate and this cannot necessarily be achieved with reduced numbers of Members in attendance. Therefore, the election of Chairmen and Vice-Chairmen shall take place at the first meeting of each Committee. The establishment and membership of the Sub-Committees of the Employment Matters Committee and the Licensing and Safety Committee shall take place at meetings of these committees at the beginning of June. Special Responsibility Allowances shall continue to be paid to those Members currently holding positions of special responsibility as specified in the Members Allowances Scheme noting that adjustments will be made during the course of 2021/2022 if different Councillors

are appointed to any of these positions, for example, Committee Chairmen and Vice Chairmen.

4. Timetable of meetings

- 4.1. On 21 January 2021 the Council agreed a draft schedule of meetings for 2021/2022, as attached at Appendix D. This is recommended for referral to the Annual Council meeting for approval.

5. Staffing update and proposed changes to the Constitution

- 5.1. Members have previously been advised that the Council's current Chief Legal Officer (and Monitoring Officer), Perry Holmes, is leaving the Council's employment to take up a new role at another Local Authority at the end of April 2021. The Council's current Head of Legal Services, Jan Guyler, has been appointed as the Council's interim Chief Legal Officer (and Monitoring Officer), pending a permanent appointment.
- 5.2. The scope of the Chief Legal Officer role has subsequently been reviewed and the Chief Executive has taken this opportunity to redesignate this role, by removing two teams (Property and Capital Projects) from this post and moving them into the remit of the Assistant Director, Regeneration. The new post shall be called Assistant Director, Legal and Governance and a recruitment process is underway with interviews scheduled to be undertaken by the Appointments Committee on 29 April 2021.
- 5.3. Therefore, it is necessary to make some relatively small changes to the Constitution to reflect these changes. In particular, the terms of reference for the Business Support and the Regeneration, Culture and Environment Overview and Scrutiny Committees will need to be amended so that they remain aligned with the changes outlined above, these are set out as tracked changes in Appendix E to the report. Other changes to the Constitution, such as the change to the job title for this post, will be undertaken by the Monitoring Officer in accordance with the existing delegation to make minor changes to the Constitution.
- 5.4. Finally, it is recommended that climate change is added to the terms of reference of the Business Support Overview and Scrutiny Committee. This simply formalises the position that has evolved since the Council declared a climate emergency in April 2019.

6. Financial, legal and risk management implications

- 6.1. There are no financial implications arising from this report.
- 6.2. The proposals in this report relating to the allocation of Committee seats comply with the relevant legal requirements set out in the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990.

- 6.3. Schedule 12 to The Local Government Act 1972 requires the Council to hold an Annual meeting each year on any day in March, April or May fixed by the Council. In addition to the Annual Council meeting, other meetings may be held at times and on dates fixed by the Council.
- 6.4. Whilst the Government's roadmap anticipates reaching step 4 on 21 June 2021, where it is hoped all legal limits on social contact can be removed, it would be prudent to retain some flexibility, therefore, it is recommended that the Chief Executive be delegated the authority to vary the timetable of meetings during 2021/2022 including the cancellation or re-arrangement of meetings in consultation with the Leader of the Council, the relevant Committee Chairman and the Leader of the Labour and Co-operative Group, as necessary, in response to the impact of the Coronavirus pandemic.

7. Recommendations

- 7.1. The Council is asked to agree to recommend to Annual Council on 5 May 2021:
- (i) the establishment of committees, sub committees and task groups, 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) 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);
 - (iii) the timetable of meetings for the 2021/2022 municipal year as set out in Appendix D and;
 - (iv) to delegate authority to the Chief Executive to vary the timetable of meetings during 2021/2022 including the cancellation or re-arrangement of meetings in consultation with the Leader of the Council, the relevant Committee Chairman and the Leader of the Labour and Co-operative Group, as necessary, in response to the impact of the Coronavirus pandemic.
- 7.2. The Council is asked to approve the changes to the terms of reference of the Business Support and Regeneration, Culture and Environment Overview and Scrutiny Committees, as set out in Appendix E to the report and to note that any other consequential changes to the Constitution will be made by the Monitoring Officer under existing delegated authority.

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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

Appendix E – Proposed changes to the Constitution

Background papers

[Government roadmap regarding lockdown restrictions](#)

[Government announcement on the future arrangements for meetings](#)