

COUNCIL

21 APRIL 2022

ESTABLISHMENT OF COMMITTEES, APPOINTMENTS AND SCHEDULE OF MEETINGS 2022/2023

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 18 May 2022 regarding the committees and other bodies to be appointed for 2022/2023 and also a programme of meetings.

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 will take place immediately after the Annual Council meeting.

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, following 3 by-elections last year, is as follows:

Group	Number of councillors	Proportionality %
Conservative Group	32	58.182
Labour & Co-operative Group	21	38.182
Independent Members	2	3.636

- 2.3. The 3 by-elections were held as a consequence of the sad passing of Councillors Steve Iles, Bhutia and Bowler. Councillors Van Dyke, Lammas and Edwards were elected at the respective by-elections which were held in Strood North, Princes Park and Rochester East.
- 2.4. Members will recall that meetings were held remotely 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 until 6 May 2021.
- 2.5. For meetings held subsequently, work was undertaken to ensure that physical meetings could be held safely in compliance with the law which was in force at the time. Many committee meetings have been held at the St. George's Centre to facilitate social distancing. Whilst the Government's restrictions on social distancing were removed on 19 July 2021, individual Members have had the opportunity to request social distancing at meetings since then.
- 2.6. In addition, there was an informal agreement between Group Leaders to reduced numbers of Members at meetings in response to the pandemic. During the current municipal year, this informal agreement was in place up until 31 August 2021, and then again from early January 2022 until 11 February 2022.
- 2.7. 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.
- 2.8. 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 7 October 2021 to the Annual Council meeting (18 May 2022), 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 19 May 2022 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 2022/2023
 - 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 the same position agreed at Full Council on 7 October 2021 when this was last reviewed given the outcome of the by-election (Rochester East) did not trigger a request to review the composition of the Council. The proposal meets the requirement to allocate seats in accordance with the principles outlined in paragraph 3.1 above. The two 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 Health and Wellbeing Board, at its meeting on 10 February 2022, agreed to disestablish the Kent and Medway Joint Health and Wellbeing Board on 31 March 2022 (minute no. 689/2022 refers). The Board was also given an update on the development of the NHS Kent and Medway Integrated Care Board (ICB) which will replace the existing Kent and Medway Clinical Commissioning Group from 1 July 2022 at the earliest, subject to the Health

and Care Bill receiving royal assent, which is due to take place this month. The ICB will be known locally as “NHS Kent and Medway”.

- 3.7. The Kent and Medway Integrated Care Partnership Joint Committee, to be established by Medway Council, Kent County Council and the NHS Kent and Medway Integrated Care Board, will form part of these new arrangements and this is why the Joint Health and Wellbeing Board is no longer required.
- 3.8. Annual Council will be asked to formally approve the Joint Committee’s terms of reference and membership, with effect from 1 July 2022 at the earliest, and the draft terms of reference are attached at Appendix E to the report for information.
- 3.9. Similarly, Kent County Council will seek approval to the Joint Committee’s terms of reference at its Annual Meeting on 26 May 2022, whilst the NHS Kent and Medway Integrated Care Board will seek approval to the Joint Committee’s terms of reference, following its establishment on 1 July 2022.
- 3.10. Alongside this, the NHS Kent and Medway Integrated Care Board (ICB) will be seeking to appoint partner members to the Board, including a local authority representative from the Council at Chief Executive or Executive Director level. Whilst the ICB cannot be formally established until 1 July 2022 at the earliest, appointments can be made in advance of this to ensure that the ICB can function effectively from 1 July 2022 onwards. It is recommended that the Council’s Director of People – Children and Adults Services is nominated to the Board of the Kent and Medway Integrated Care Board.
- 3.11. Finally, the Health and Adult Social Care Overview and Scrutiny Committee was advised in December 2021 that the outcome of the referral to the Secretary of State for the Reconfiguration of Urgent Stroke Services had concluded. Therefore, there is no further business for the Kent and Medway Stroke Review Joint Health Overview and Scrutiny Committee and as such it has been removed from Appendix C to the report.
- 3.12. The proposed list of committees, joint committees, outside bodies, sub-committees and task groups to be established in 2022/2023 are set out at Appendices B and C with recommended sizes and allocation of places.

4. Timetable of meetings

- 4.1. On 20 January 2022 the Council agreed a draft schedule of meetings for 2022/2023. Subsequently, the Business Support Overview and Scrutiny Committee has requested a couple of changes to its schedule to facilitate Portfolio Holders being held to account and these are set out below and reflected in Appendix D to the report. This is recommended for referral to the Annual Council meeting for approval.
 - 4.1.1. Replace meeting currently scheduled for 30 June 2022 with 7 July 2022.
 - 4.1.2. Replace meeting currently scheduled for 18 August 2022 with 25 August 2022.

5. Financial, legal and risk management implications

- 5.1. There are no financial implications arising from this report.
- 5.2. 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.
- 5.3. 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.
- 5.4. The Kent and Medway Integrated Care Partnership Joint Committee (ICP) will be established as a Joint Committee of the NHS Kent and Medway Integrated Care Board (ICB), Kent County Council and Medway Council. The Health and Care Bill proposes that Local Government and Public Involvement in Health Act 2007 shall contain the following provision: “An integrated care board and each responsible local authority whose area coincides with or falls wholly or partly within the board’s area must establish a joint committee for the board’s area (an “integrated care partnership”)”.
- 5.5. Whilst it is proposed to run the ICP in shadow form until July 2022, it cannot carry out any functions until it is formally established by the ICB, Medway Council and Kent County Council as a Joint Committee.
- 5.6. It is necessary for the Council to authorise the making of an agreement to place its Director of People – Children and Adults Services at the disposal of the Board of the NHS Kent and Medway Integrated Care Board under S113 of the Local Government Act 1972.
- 5.7. Whilst it is hoped and expected that the impact of the pandemic will lessen over the coming months, 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 2022/2023 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.

6. Recommendations

- 6.1. The Council is asked to agree to recommend to Annual Council on 18 May 2022:
 - (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 2022/2023 municipal year as set out in Appendix D and;
- (iv) to delegate authority to the Chief Executive to vary the timetable of meetings during 2022/2023 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.

6.2. The Council is asked to:

- a) nominate the Director of People – Children and Adults Services to the Board of the NHS Kent and Medway Integrated Care Board
- b) subject to her appointment, authorise the making of an agreement with the NHS Kent and Medway Integrated Care Board to place the Director of People – Children and Adults Services at the disposal of the Board for the purpose of her designation as a Board Member with effect from 1 July 2022 at the earliest.
- c) delegate authority to the Assistant Director, Legal and Governance to agree the terms of the agreement between the Council and the NHS Kent and Medway Integrated Care Board

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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 – Kent and Medway Integrated Care Partnership Joint Committee

Background papers

None