

ANNUAL MEETING OF MEDWAY COUNCIL

18 MAY 2022

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

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 2022/2023 and a programme of meetings.

The Council is also asked to make recommendations to the Joint Meeting of Committees on 18 May 2022, immediately following the Annual Meeting of the Council, in respect of the appointment of Chairmen and Vice-Chairmen of committees and the establishment and membership of sub-committees.

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 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 immediately follows the Annual Council Meeting.

2. Background

- 2.1. At its meeting on 21 April 2022 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:

Group	Number of councillors	Proportionality %
Conservative Group	32	58.1822
Labour & Co-operative Group	21	38.182
Independent Members	2	3.636

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) in December 2021 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, which in turn creates a small number of vacancies across some

Committees. Therefore, based on 130 committee seats overall, the entitlement of the Council's two political groups to Committee seats is as follows:

Conservative	Labour	Unallocated	Total
76 (+3)	49	5	130

- 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. With regards to the four statutory co-optees with voting rights, Members are advised that the two places for parent governor representatives have been vacant since 21 January 2022. The process for the election of two parent governors from local authority maintained schools to the Council's Children and Young People Overview and Scrutiny Committee was notified to eligible parent governors on 16 February 2022. The closing date for nominations was 18 March 2022, at which point two nominations had been received: Mr Akinola Edun (English Martyrs Catholic Primary School, Strood) and Mrs Georgina Bentaleb (New Road Primary School, Chatham).
- 3.6. As the number of vacancies to be filled equals the number of candidates for election a ballot was not required. Therefore, Members are asked to agree these two appointments as Parent Governor Representatives on the Children and Young People Overview and Scrutiny Committee for a four year term, as set out in Appendix A to the report.
- 3.7. 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.
- 3.8. At the Full Council meeting held on 21 April 2022, Members were advised of 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.
- 3.9. Members are now asked to formally approve the Joint Committee's terms of reference and membership, with effect from 1 July 2022 at the earliest, and the terms of reference are attached at Appendix E to the report. 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. Noting that the terms of reference also require approval by Kent County Council and NHS Kent and Medway Integrated Care Board, it would be prudent for the Chief Executive, in consultation with the Leader of the Council,

to be granted delegated authority to make any minor changes to the terms of reference as necessary, for example, adding the appropriate reference to section 1.1.

- 3.11. 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. With regards to outside bodies, Members are advised that the Rochester Bridge Trust has consulted Medway Council on proposed changes to nomination rights, namely limiting the number of terms a trustee may serve and avoiding trustee nominations in Medway Council election years. These proposals have been shared with the Council's current trustees, Group Leaders/Whips and Legal Services and there have been no adverse comments to these proposals. In support of the proposal to avoid trustee nominations in Medway Council election years, it is recommended that Councillor Filmer's term of office be extended by one year from 2023 to 2024 and this is reflected in Appendix C to the report.
- 3.13. The proposed list of committees, joint committees, outside bodies and sub-committees to be established in 2022/2023 are set out at Appendices B and C (both to follow) with recommended sizes and allocation of places.
- 3.14. Committee Terms of Reference are set out in the [Constitution](#) as follows:
 - 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 20 January 2022 and 21 April 2022 the Council agreed a draft schedule of meetings for 2022/2023, as attached at Appendix D. This is now recommended for approval.

Freedom of the Borough

- 4.2. Members will be aware of the intention to bring forward proposals to recognise the contribution of the people of Medway to the Falklands War of which it is the 40th anniversary this year.
- 4.3. It is recommended that the Council considers a proposal to grant the Freedom of Medway to such organisations as determined by the Council at a Special Meeting of the Council convened on 21 July 2022.

5. Financial, legal and risk management implications

- 5.1. There are no financial or risk management 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. The power to confer the honorary freedom of the borough of Medway on persons of distinction or persons who have, in the opinion of the Council, rendered eminent services to the borough, is contained within section 249 of the Local Government Act 1972 (as amended by the Local Democracy, Economic Development and Construction Act 2009). Section 249 of the Act also empowers the Council to spend a reasonable sum for the purpose of presenting an address or casket to a person upon whom the honorary freedom of the borough has been conferred.

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 the report, together with terms of reference as set out in the Council's constitution;
 - (ii) the appointment of members to each Committee as set out in Appendix B to the report, including the appointment of voting and non-voting co-optees on Committees as listed;
 - (iii) the appointments and nominations to Joint Committees, outside bodies and other bodies as set out in Appendix C to the report;
 - (iv) the timetable of meetings for the 2022/2023 municipal year as set out in Appendix D to the report.
- 6.2. The Council is asked to agree the terms of reference of the Kent and Medway Integrated Care Partnership Joint Committee, as set out in Appendix E to the report and to delegate authority to the Chief Executive, in consultation with the Leader of the Council, to make any minor changes to the terms of reference, as necessary, on the basis set out in paragraph 3.10 of the report.
- 6.3. The Council is asked to convene a Special meeting of the Council on 21 July 2022 to consider a proposal to grant the freedom of Medway to such organisations as determined by the Council in recognition of their contribution to the Falklands War, as set out in paragraph 4.3 of the report.

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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 – Timetable of meetings

Appendix E – Kent and Medway Integrated Care Partnership Joint Committee –
terms of reference

Background papers

None