

ANNUAL MEETING OF MEDWAY COUNCIL

24 MAY 2023

ESTABLISHMENT OF COMMITTEES, APPOINTMENTS AND SCHEDULE OF MEETINGS 2023/2024

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 2023/2024 and a programme of meetings.

The Council is also asked to make recommendations to the Joint Meeting of Committees to be held 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. Local elections for all 59 Councillors representing 24 Wards took place on Thursday 4 May 2023. The composition of the Council is now as follows:

Group	Number of councillors	Proportionality %
Labour and Co-operative Group	33	55.932
Conservative Group	22	37.288
Independent Group	3	5.085
Independent Member	1	1.695
Total	59	100

3. Establishment of Committees and allocation of seats plus other appointments for 2023/2024

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. Formal notices of the formation of the Labour and Co-operative Group and the Independent Group have been received and the notice from the Conservative Group is expected by the end of this week following its own AGM.

3.4. 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. The proposal meets the requirement to allocate seats in accordance with the principles outlined in paragraph 3.1 above. This has been achieved by increasing the size of two committees, both from 8

members to 9 members – the Councillor Conduct Committee and the Appointments Committee (Director of Children and Adults). Other than this, the number and size of committees remains the same as 2022/2023.

- 3.5. There is also one Independent Member who is not a member of a political group. This Member does not have any entitlement to committee seats, therefore, based on 132 committee seats overall, the entitlement of the Council’s three political groups to Committee seats is as follows:

Labour and Co-operative	Conservative	Independent Group	Unallocated	Total
76 (+3)	48	6	2	132

- 3.6. The Council is required to allocate three additional seats to the Labour and Co-Operative 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.
- 3.7. 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. The proposed list of committees, joint committees and sub-committees to be established in 2023/2024 are set out at Appendices B and C with recommended sizes and allocation of places. The names of Members and others to be appointed to these bodies will follow in a supplementary agenda.
- 3.9. No changes are proposed in respect of the number and size of sub-committees.
- 3.10. Details of other bodies are set out in Appendix C to the report which are either recommended or required to comply with legal requirements or align with established practice in light of the new political balance of the Council. The names of Members and others to be appointed to these bodies will follow in a supplementary agenda.
- 3.11. 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
- 3.12. Finally, the incoming administration is reviewing governance mechanisms to make sure they meet their requirements, one of those aspects is in respect of Cabinet Advisory Groups (CAGs). No appointments to CAGs will be made, if any, until that review has been completed and considered at a future Cabinet meeting.

3.13. Where officers exercise delegated powers following consultation with CAGs, such consultation is waived during the review period, however, they should continue to consult with Cabinet Portfolio Holders before exercising delegations, as specified in the Employee Delegation Scheme.

4. Timetable of meetings

4.1. On 19 January 2023 the Council agreed a draft schedule of meetings for 2023/2024.

4.2. The Labour and Co-operative Group have advised that Cabinet meetings shall take place in the evening, therefore, these have been rescheduled from 3pm to 7pm.

4.3. It has been necessary to amend the date of the first Health and Wellbeing Board meeting and it is proposed that this meeting now be held on Friday 7 July 2023.

4.4. In addition, there is a Full Council meeting currently scheduled for Thursday 25 April 2024. To support and facilitate the arrangements for the Police and Crime Commissioner election, which will be held on Thursday 2 May 2024, it is proposed that this meeting now be held on Thursday 18 April 2024.

4.5. The Council is asked to note that it is proposed to vary the time of some committee meetings during May, June, and July to accommodate early evening briefing sessions for Committee members as part of the post-election Member Induction Programme. These minor changes are reflected in the schedule (any revised start times are underlined), as set out in Appendix D.

4.6. It is also recommended that the Chief Executive is given authority, in consultation with Group Whips, to vary the schedule of meetings for the 2023/2024 municipal year. Whilst it is not proposed that this delegation will be used on many occasions, it will provide flexibility to change things like dates and start times of meeting, and to cancel meetings, if required.

5. Financial, legal and risk management implications

5.1. There are no financial or risk management implications arising from this report.

5.2. The Local Government and Housing Act 1989 requires that all committees and sub committees of a local authority are politically balanced. An exception can be made under section 17 of the Act, subject to no member of the body making the appointment voting against the proposal.

5.3. Except for the recommendation to the Joint Meeting of Committees that the requirement for political balance should be waived in respect of Licensing Hearing Panels and Licensing 1982 Act Hearing Panels, 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. Recommendations

6.1. The Council is asked:

- (i) To agree the establishment of committees, their size and the allocation of seats to political groups as set out in Appendix A to the report, together with terms of reference as set out in the Council's constitution, as referenced in paragraph 3.11 of the report;
- (ii) To appoint the membership of 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) To agree appointments and nominations to Joint Committees, outside bodies and other bodies as set out in Appendix C to the report;
- (iv) To agree the timetable of meetings for the 2023/2024 municipal year as set out in Appendix D to the report.
- (v) To agree to delegate authority to the Chief Executive, in consultation with Group Whips, to vary the schedule of meetings during the 2023/2024 municipal year as required, on the basis set out in paragraph 4.6 of the report.
- (vi) To agree that consultation, if required with Cabinet Advisory Groups is waived, as set out in paragraphs 3.12 and 3.13 of the report.

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

- (i) The appointment of Chairmen and Vice Chairmen of committees (excluding the Health and Wellbeing Board) as set out in Appendix B to this report.
- (ii) The establishment of sub committees (with terms of reference as set out in the Council's Constitution), their size, the allocation of seats to political groups and memberships as set out in Appendix C to this report.
- (iii) That the requirement for political balance should be waived in respect of Licensing Hearing Panels and Licensing 1982 Act Hearing Panels and that the process for selection of the Chairman, Vice Chairman and Panel Members for these Panels should be as set out in Appendix B to this report.

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Appendices

Appendix A – Review of allocation of committee seats

Appendix B – List of committees, sub-committees and task groups (blank schedules)

Appendix C – List of joint committees and outside and other bodies (blank schedules)

Appendix D – Timetable of meetings

Background papers

None