

CYNGOR SIR POWYS COUNTY COUNCIL.

**COUNTY COUNCIL ANNUAL MEETING
17th May, 2018**

REPORT BY: Solicitor to the Council

SUBJECT: Allocations, elections and appointments required to be made at the Annual Meeting of the Council

REPORT FOR: Decision and Information

1. INTRODUCTION

1.1 This report addresses the various requirements, procedures and processes concerning allocations / elections / appointments which the Council / political groups are required to make at or in connection with the Annual Meeting in accordance with legislation and the Council's own Constitution

FOR INFORMATION.

2. POLITICALLY BALANCED APPOINTMENTS GENERALLY

2.1 In accordance with the Local Government and Housing Act 1989 ("the 1989 Act") groups of 2 or more Councillors can elect to be considered as a "political group".

2.2 **Appendix 1** contains the details received by officers of which County Councillors belong to which Group and the identity of the Group Leaders and other representatives.

2.3 The existence of political groupings means that the Council must comply with the political balance regime contained in section 15 of the 1989 Act and the Local Government (Committees and Political Groups) Regulations 1990 (as amended).

2.4 To assist Members in understanding the statutory political balance requirements the following are attached as background information:

- (i) **Appendix 2** briefly outlines how political groups are established; the process for carrying out a review and determining the allocation of seats on committees and relevant outside bodies to groups; the principles and methodology to be applied to the allocations / appointments processes and the requirement to appoint in accordance with the wishes of groups in so far as their members are concerned.
- (ii) **Appendix 3** outlines the overall entitlement to seats by political groups and entitlement to individual committee seats.
 - Appendix 3A sets out the position if the committee structure remains as currently.
 - Appendix 3B sets out the position if the scrutiny committee structure as recommended by the Democratic Services Committee is amended by the Council.

- (iii) **Appendix 4** - The Ready Reckoner used in (ii) above to establish the entitlement to seats.

2.5 The major requirements of the 1989 Act and the related legislation concerning the political balance regime are that:

- (i) The Council's main Committees and Sub-Committees (**except the Standards Committee**) have to be constituted so that they are politically balanced so far as is reasonably practicable. The main committees in this context and which must be politically balanced are:

Option A – if the Council decides to retain the current committee structure:

1. Scrutiny Committee A (14 Councillors plus co-opted Member)
2. Scrutiny Committee B (14 Councillors plus co-optees)
3. Audit Committee (14 Councillors plus co-opted lay member) [in accordance with rule 61 of the Local Government Democracy (Wales) Act 2013].
4. Democratic Services Committee (14 Councillors)
5. Planning, Taxi Licensing and Rights of Way Committee (21 Councillors)
6. Licensing Act 2003 Committee (14 Councillors)
7. Employment & Appeals Committee (14 Councillors)
8. Pensions and Investment Committee (5 Councillors plus Co-Opted Members and Portfolio Holder for Finance)

The total number of seats (excluding co-optees) on all committees is therefore 110

Option B – if the Council decides to amend the scrutiny committee structure as recommended by the Democratic Services Committee:

1. Economy, Residents and Community Scrutiny Committee (9 Councillors plus co-opted Member)
2. Learning and Skills Scrutiny Committee (9 Councillors plus co-optees)
3. Health and Care Scrutiny Committee (9 Councillors)
4. Audit Committee (9 Councillors plus co-opted lay member) [in accordance with rule 61 of the Local Government Democracy (Wales) Act 2013].
5. Democratic Services Committee (14 Councillors)
6. Planning, Taxi Licensing and Rights of Way Committee (21 Councillors)
7. Licensing Act 2003 Committee (14 Councillors)
8. Employment & Appeals Committee (14 Councillors)
9. Pensions and Investment Committee (5 Councillors plus Co-Opted Members and Portfolio Holder for Finance)

The total number of seats (excluding co-optees) on all committees is therefore 104

- (ii) The appointments to the following outside bodies also have to comply with the 1989 Act political balance regime:
 - (a) Mid and West Wales Fire and Rescue Service (MWWFRS),
 - (b) Police and Crime Panel (PCP)
 - (c) Brecon Beacons National Park Authority (BBNPA).

However, it is only the BBNPA appointments which are required to be undertaken annually. The appointments to the MWWFRS and PCP are for the period from the first Annual Meeting after the ordinary Council elections in 2017 until the next ordinary council elections in 2022.

3. POSITION OF SUB-COMMITTEES

- 3.1 The political balance regime does also apply to the sub-committees of those committees to which the regime applies (i.e. any sub-committee of a Committee referred to above in Paragraph 2.5(i).
- 3.2 As such, the political balance requirements do not apply to a sub-committee of the Standards Committee.
- 3.3 Additionally the only other sub-committees / panels of committees which exist deal with regulatory and licensing matters and staffing appeals and either the Full Council or the Committee have resolved to exclude them from the requirement to be politically balanced on grounds of impracticability e.g. the licensing panels can only comprise 3 members and there can be difficulties around member availability.

4. APPOINTMENTS OF CHAIRS AND THE POSITION OF VICE-CHAIRS

Chairs of Committees

- 4.1 The Chairs of the Scrutiny Committees (excluding the Audit Committee and the PSB Scrutiny Committee) and the Democratic Services Committee must be appointed by Full Council.

Audit Committee.

- 4.2 The Local Government (Wales) Measure 2011 stipulates that the Audit Committee (and not Full Council) is to appoint its Chair who must not be a member of the Executive Group.

Chairs of Non-Scrutiny Committees (except the Democratic Services Committee)

- 4.3 There are no other statutory provisions relating to the process for the appointment of chairs of the other committees and in particular there is no statutory requirement for such appointments to be politically balanced. The Council since 2011 has left it to each individual non-scrutiny committee to appoint its own Chair.

Vice-Chairs of All Committees.

- 4.4 Similarly the appointment of Vice-Chairs of all Committees (including Scrutiny Committees) is not required to be politically balanced or subjected to any particular

appointment process and the Council's convention has been to leave it to each individual Committee to appoint its Vice-Chair.

FOR DECISION.

5. POLITICALLY BALANCED APPOINTMENTS TO COUNCIL COMMITTEES

5.1 The effect of the political balance regime is that at certain prescribed times / occasions the Council must REVIEW the representation by each of the political groups on the main Council Committees listed in 2.5 (i) above and then DETERMINE the allocation of seats on those committees to which each political group is entitled. One such occasion is the Council's Annual Meeting.

5.2 This exercise will be undertaken having regard to the principles and the Methodology referred to in **Appendix 2**. Discussion normally also takes place with the Group Leaders. The final adjusted proposals for the allocation of seats to the groups on committees is set out in **Appendices 5A and 5B**.

- Appendix 5A sets out the position if the committee structure remains as currently.
- Appendix 5B sets out the position if the scrutiny committee structure as recommended by the Democratic Services Committee is amended by the Council.

5.3 Council will be required to approve the proposals set out in either Appendix 5A or 5B. This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
To review and determine the allocation of seats on Council Committees to the different Political Groups in accordance with Appendix 5A or 5B	To comply with statutory requirements (including those concerning the need for political balance) and the Council's Constitution in relation to the allocation and appointment of committee seats and Chairs.

5.4 In appointing Councillors to seats on committees allocated to the Groups in accordance with **Appendix 5A or 5B** the Council must give effect to the wishes of the political groups.

5.5 The wishes of the political groups as to those Councillors from the respective groups to be appointed to committees is set out in **Appendix 6A and 6B (TO FOLLOW)**.

- Appendix 6A sets out the position if the committee structure remains as currently. (TO FOLLOW)
- Appendix 6B sets out the position if the scrutiny committee structure as recommended by the Democratic Services Committee is amended by the Council. (TO FOLLOW)

5.6 Council will be required to appoint councillors to committees in accordance with the wishes of the groups as recorded in Appendix 6A or 6B. This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
To make appointments to Committees in accordance with the wishes of the different Political Groups as set out in Appendix 6A or 6B (TO FOLLOW)	To comply with statutory requirements (including those concerning the need for political balance) and the Council’s Constitution in relation to the allocation and appointment of committee seats and Chairs.

6. APPOINTMENTS TO CHAIRS OF SCRUTINY COMMITTEES

- 6.1 The appointment of the Chairs of the 2 or 3 Scrutiny Committees needs to be in accordance with the Local Government (Wales) Measure 2011 (the Measure)
- 6.2 Without oversimplifying the position the legislation provides that in situations such as those which exist in Powys in terms of the number of groups and scrutiny committees the allocation of scrutiny committee chairs is based firstly on working out the proportion of chairs which go to the “Executive” group(s) based on the proportion which the members of the Executive group(s) bear to the overall membership of the council.
- 6.3 The chairs left over after this first exercise are allocated to the “Opposition” group(s). A possible alternative under the Measure would be for both chairs to be allocated to the “Opposition” groups provided this had cross group support.
- 6.4 The position is set out in **Appendices 7A and 7B**.
- Appendix 7A sets out the position if the committee structure remains as currently.
 - Appendix 7B sets out the position if the scrutiny committee structure as recommended by the Democratic Services Committee is amended by the Council.
- 6.5 **The Council is required to allocate the 2 or 3 scrutiny chairs to the political groups as indicated above and to note the appointment of Chairs by those groups as below. This will require a proposer and seconder.**

Option A (Appendix 7A) – where the committee structure remains as currently:

Scrutiny Committee A	County Councillor
Scrutiny Committee B	County Councillor

Option B (Appendix 7B) – where the scrutiny committee structure is amended as recommended by the Democratic Services Committee:

Economy, Residents and Community Scrutiny Committee	County Councillor
Health and Care Scrutiny Committee	County Councillor

Learning and Skills Scrutiny Committee	County Councillor
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Recommendation:	Reason for Recommendation:
To allocate the 2 or 3 Scrutiny Committee Chairs to the Political Groups as set out in paragraph 6.5 – Option A (Appendix 7A) or Option B (Appendix 7B), and to note the political groups’ appointments in respect of Chairs.	To comply with statutory requirements (including those concerning the need for political balance) and the Council’s Constitution in relation to the allocation and appointment of committee seats and Chairs.

7. APPOINTMENTS OF CHAIRS TO OTHER COMMITTEES AND THE POSITION OF VICE-CHAIRS

Democratic Services Committee.

- 7.1 The Chair of the Democratic Services Committee is required to be appointed by the County Council. The Chair of the Democratic Services Committee cannot be a member from an Executive group.
- 7.2 **The Council is required to appoint the Chair of the Democratic Services Committee. This will require a proposer and seconder.**

Recommendation:	Reason for Recommendation:
To appoint the Chair of the Democratic Services Committee.	To make appointments in accordance with statute and the Constitution.

8. POLITICALLY BALANCED APPOINTMENTS TO RELEVANT OUTSIDE BODIES

Brecon Beacons National Park Authority (BBNPA)

- 8.1 **Appendix 8** sets out details relating to the background to the proposed appointments to the BBNPA.
- 8.2 The allocation of the 8 seats on the BBNPA to the Political Groups in order to satisfy the political balance requirements has to be undertaken as though the allocation were in respect of an 8 Member committee. However the Council should note that it is the intention of Welsh Government to reduce the National Park membership from 24 Members to 18 which will reduce the Council’s representation to 6. The Order confirming this change is awaited from Welsh Government.
- 8.3 The Members currently nominated to sit on the BBNPA by their respective Groups is set out below:

Independent Group	County Councillors: Michael J. Jones Karen Laurie-Parry Phil Pritchard Edwin Roderick
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Welsh Conservatives	County Councillor: VACANCY
Welsh Liberal Democrats	County Councillors: Gareth Ratcliffe Emily Durrant
Welsh Labour	County Councillor: David Meredith

8.4 The political groups will need to confirm or amend their representation set out in 8.3 above.

8.5 The Council is required to make appointments to the BBNPA in accordance with groups' nominations as set out in paragraph 8.3 above (or as amended). This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
To make appointments to the Brecon Beacons National Park Authority in accordance with the nominations of the political groups.	To make appointments in accordance with statute and the Constitution.

9. NON-POLITICALLY BALANCED APPOINTMENTS TO OUTSIDE BODIES

Welsh Local Government Association (WLGA)

9.1 Powys County Council is a full member of the WLGA and under the constitution of that body is entitled to appoint 3 Members to the WLGA Council.

9.2 The appointments continue from one WLGA Annual Meeting to the next and, therefore, the County Council is required to undertake this appointments process at its own Annual Meeting each year.

9.3 The Council in past years has always appointed the Leader of Council as one of its representatives to the WLGA.

9.4 The Members currently representing the Council are as follows:

The Independent Group	County Councillor Rosemarie Harris County Councillor Stephen Hayes
Welsh Conservatives	County Councillor Aled Davies

9.5 It is open to political groups to amend their current nominations above or make additional nominations at the meeting.

9.6 The Council is required to make these appointments to the WLGA. This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
To make 3 appointments to the Welsh Local Government Association.	To secure the Council's representative role.

Welsh Local Government Association (WLGA) Executive Board.

9.7 The Council is entitled to appoint one of its 3 representatives to serve on the WLGA Executive Board (previously known as the WLGA Co-ordinating Committee). The Council in past years has appointed the Leader of the Council to this position.

9.8 Council is required to appoint 1 of its representatives to the WLGA Executive Board. This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
To appoint one of the Council's appointments to the WLGA as the Council's appointment to the WLGA Executive Board.	To secure the Council's representative role.

Person(s) To Action Decision:	Steve Boyd, Cabinet Manager		
Date By When Decision To Be Actioned:	18 th May, 2017		
Relevant Policy (ies):	Council's Constitution.		
Within Policy:	Y	Within Budget:	Y

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk