



ANNUAL COUNCIL – 24TH MAY 2012

SUBJECT: REVIEW OF POLITICAL BALANCE AND COMMITTEE STRUCTURES FOLLOWING THE IMPLEMENTATION OF THE LOCAL GOVERNMENT MEASURE 2011

REPORT BY: DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To recommend to Members a review of the political balance across the Authority, the approval of a revised allocation of seats to political groups, and a revision of the Council's Committee structure to comply with the requirements of the Local Government (Wales) Measure 2011 to enable the Authority to undertake its statutory duties.

2. LINKS TO STRATEGY

- 2.1 The Council is under a statutory duty to review the political balance of the Authority and to comply with relevant legislation regarding the governance arrangements for Local Authorities in Wales.

3. BACKGROUND INFORMATION

Under the Council's Rules of Procedure set out in the Constitution, the Council is required to appoint or re-appoint Committees at its Annual Meeting. The implementation of the Local Government (Wales) Measure 2011 ("the Measure") requires the Council to make a number of key changes to its current Committee structure.

3.1 Democratic Services Committee (DSC)

The Council must establish a Democratic Services Committee to perform the following roles:-

- Carry out the Local Authority's function of designating the Head of Democratic Services.
- Keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services in order to ensure that it is adequate for the responsibilities of the post.
- Make reports, at least annually, to the Council in relation to these matters.

Each DSC can decide how to undertake these functions. The Council will need to appoint all Members of the DSC and also appoint the Chair.

3.2 Appointment of Overview and Scrutiny Chairs

Local Authorities under the Measure must make arrangements to ensure that Chairs of Scrutiny Committees are not allocated wholly to Members of the same political group(s) as the Council leadership.

The Measure sets out in some detail the arrangements which apply to the appointment according to the political make up of the Authority.

The allocation of any Committee Vice Chairs is a matter for each Authority to decide upon.

3.3 Audit Committee

The Measure requires Council to decide who to appoint as Members of its Audit Committee, which should be politically balanced.

The Chair of the Audit Committee must be appointed by the Members of the Audit Committee, but the Chair must not be a member of the Executive Group in an Authority where there is an Opposition Group.

Up to one third of its Members can be lay members and at least one member of the Committee must be a lay member.

Any lay member should be independent of the Council and have no business connection with it.

No more than one member of the Committee can be from the Council's Cabinet.

3.4 General

It should be noted that further guidance is awaited in respect of the Measure in general and some of the provisions may change. If this is the case further reports will be brought before Council if required.

4. **THE REPORT**

4.1 Political Balance

The legislation requires a Council to review the political balance applying the following principles:-

- (a) that not all the seats on the Council's Committees are allocated to the same political group;
- (b) that the majority of seats on the Council's Committees are 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 (a) and (b) above the number of seats on the ordinary committees of the Council allocated to each group bear the same proportion to the totally of all seats allocated as is borne by the number of Members of that group to the membership of the Authority;
- (d) As a result of the recent implementation of the Measure the Chairs of the Scrutiny Committees should not be allocated wholly to the Members of the same political group(s) as those represented in the Executive.

4.2 The Council has applied the legislation as meaning that so far as is practicable the allocation of seats is the same as the overall percentage that a party has of the total seats of the Authority. However, if it is impossible to obtain a perfect percentage balance on each and every Committee, there are two principles that must be applied:-

- (i) that the majority group must have the majority on any Committee;
- (ii) that the effect overall is as close as possible to the overall percentage that a party holds on the Council. Occasionally there is an equality of entitlement and in the circumstances the benefit is given to the larger political group. However, with regard to the allocation of the Chairs of Scrutiny, this must be in accordance with the Local Government Measure 2011.

The membership of the current political groupings and the respective share of the overall seats of the Authority is as follows:-

Group	Number of Members	Percentage of Total Seats
Labour	50	68.5%
Plaid	20	27.4%
Independent Group	3	4.1%

- 4.3 Appendix 1 to this report sets out for information the recommended allocation of seats for Committees of any size calculated in accordance with the relevant guidance.
- 4.4 Establishment of a Democratic Services Committee
- 4.5 The Measure provides that the Council must establish a Democratic Services Committee (DSC). The Council must appoint all of the Members of the DSC who must be:-
- solely councillors and
 - cannot include more than one member of the Cabinet who must not be the Leader
- 4.6 The Council will also need to appoint the Chair of the DSC who must not be a member of any of the political group(s) represented in the Cabinet.
- 4.7 Members are therefore asked to approve the recommendation to appoint the Chair and Members of the DSC as required by the Measure detailed in Appendix 2 and to designate the Council's Principal Solicitor (Corporate) as Head of Democratic Services.
5. Audit Committee
- 5.1 The Measure requires the Council to appoint Members to its Audit Committee.
- 5.2 Members are therefore asked to approve the recommendation to appoint the Members of the Audit Committee detailed in Appendix 2 and that arrangements are put in place to advertise for a lay member of the Audit Committee or such other number as the Council may determine.
6. Review of Scrutiny and Regulatory Committee Arrangements
- 6.1 Having regard to the national framework of Members salaries set out in the 2011 Report issued by the Independent Remuneration Panel (based on the Panel's extended functions and powers following the implementation of the Measure) and the desire to implement efficiency measures Members are asked to approve the following recommendations:-
- 6.2 The merger of the Living Environment Scrutiny Committee with the Regeneration Committee, to establish a new single Scrutiny Committee to be called "The Regeneration and Environment Scrutiny Committee".

- 6.3 The replacement of the current regional Licensing Committees with a single Licensing Committee to cover the whole of the County Borough from which will be drawn Members for the Licensing Sub-Committee (Taxi and General) and Licensing and Gambling Sub-Committee.
- 6.4 Members are asked to note and recommend approval of revised allocation of seats to the Committees detailed in Appendix 2.
- 6.5 In order to strengthen the separation of the Council's regulatory committee function and that of the Executive, Members are asked to approve an amendment to Rule 25 of the Council's Constitution to exclude the right of the Council's Leader and or Deputy Leader to attend and speak at any of the Council's regulatory Committee meetings.

7. FINANCIAL IMPLICATIONS

None, the changes set out in this Report can be met from existing budgets.

8. PERSONNEL IMPLICATIONS

None

9. RECOMMENDATIONS

- (i) That the Council makes and approves the political balance calculations as outlined in Appendix 1.
- (ii) That the Council approves the general allocation of seats to the Committees detailed in Appendix 2 for 2012/13.
- (iii) That the Council notes and approves the arrangements for the appointments of Chairs to the Scrutiny Committees by the Groups represented on the Executive and the Opposition in accordance with the provisions of the Measure.
- (iv) Following the appointment of Members of the Audit Committee the Council appoints three of these Members to interview applicants for the appointment of lay member(s) to the Audit Committee and the recommendations of the Panel be referred back to the Council for the necessary appointment(s) be made.
- (v) That the essential changes to the Council's Constitution be made by the Council's Monitoring Officer to reflect the approval by the Council of the several recommendations contained in this Report.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to comply with statutory requirements (a) to keep the political balance of the Authority under review (b) to allocate seats on Committees in accordance with the balance and in accordance with the relevant legislation and (c) to enable the Authority to undertake its statutory duties.

11. STATUTORY POWERS

- 11.1 Local Government and Housing Act 1989 and regulations made under the Act and Local Government (Wales) Measure 2011.

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Background Papers: NONE

Appendices:

Appendix 1 Table of Seats Allocated for Particular Committee Sizes

Appendix 2 Overall Allocation of Seats to Committees