

CYNGOR SIR POWYS COUNTY COUNCIL.

**Democratic Services Committee – 17-02-2023
County Council – 02-03-2023**

Report Author: Clive Pinney, Head of Legal Services and the Monitoring Officer

Lead Officer: Wyn Richards, Scrutiny Manager and Head of Democratic Services

Report Title: Proposal for Revisions to the Scrutiny Committee Structure and Numbers of Seats on Committees

Report For: Decision

1. Purpose

1.1 The report seeks the approval of Council to revise the Scrutiny Committee structure and to reduce the numbers of seats on some of the Council's Committees with effect from the Annual General Meeting in May 2023.

2. Background

2.1 There are a number of reasons which led to the need to review the current Scrutiny Committee structure as well as the numbers of seats on committees including:

- Following the elections Political Group Leaders asked officers to review the numbers of seats on committees following the reduction in numbers of Members in May 2022 from 73 to 68 (-6.85%)
- Smaller political group numbers meaning groups are having difficulty filling seats on committees.
- More Members having other employment limiting their ability to sit on multiple committees.
- A need to review the remits of Scrutiny Committees following the development of the new Corporate Improvement Plan
- An acceptance that the remit of the current Economy, Residents and Communities Scrutiny Committee is too wide
- A need to review the composition of the Public Service Board Scrutiny Committee as the model being currently used is not delivering the challenge expected to the Public Service Board.
- A review of the numbers of seats on Planning Committee across authorities in Wales was undertaken and this indicated that the Powys Planning Committee is only one of three in Wales with 21 Members with the majority of Councils having 17 seats or less on their planning committees. **(See Appendix 1)**

2.2 The numbers of current vacancies on the Committees affected by the proposals below are listed at **Appendix 3**.

3. Timeline.

3.1 The timeline for consultation on the proposal is as follows:

| | |
|------------------|--------------|
| Inform EMT / SLT | January 2023 |
|------------------|--------------|

| | |
|--|--|
| Cabinet / EMT | 17-01-2023 |
| Initial Discussion with Group Leaders | January 2023 |
| Engagement with Chair and VC of Scrutiny Committees | w/c 16 January 2023 |
| Engagement with Chairs and VCs of all Committees (except Scrutiny) | w/c 23 January 2023 |
| Explanation to external partners as to why PSB SC being amended | w/c 30 January Feb 2023 |
| Final proposal Considered | Democratic Services Committee – 17-02-2023 |
| Proposal Agreed by Council | Council – 2 March 2023 |
| Revisions Implemented from | 18 May 2023 Council AGM |

4. Advice

4.1 The proposal for consideration is set out below.

4.2 There is **no change** proposed to the following committees:

- Pensions and Investment Committee; (only 5 Members currently)
- Governance and Audit Committee; (only amended last year)
- Finance Panel (only amended last year)

4.3 The following changes are proposed:

- Scrutiny Committee Numbers – reduce the number of seats on all three scrutiny committees from 14 currently (plus the addition of co-opted members where required) to:
 - Committee of 12 (formula 11 +1 additional seat) **(See Appendix 2)**
Political balance - Independents (1); Conservatives (2); Liberal Democrats (4); Labour (2); Plaid Cymru (1); Independents for Powys (1). Additional seat allocated to Conservatives (1)
 - Committee of 11 (formula 9+2 additional seats) **(See Appendix 2)**
Political balance - Independents (1); Conservatives (2); Liberal Democrats (4); Labour (1); Plaid Cymru (0); Independents for Powys (1). Additional seats allocated to Plaid Cymru (1) and Labour (1)

(3 x Scrutiny Committees)

Group Leaders Comments:

- That Scrutiny Committee numbers should be reduced to either 11 or 12 Members plus Co-Opted Members.

Scrutiny Chairs' Comments:

- 2 Chairs are supportive of the proposed changes.
- 1 Chair has expressed a number of reservations including splitting Adults and Children's Services. In addition, concern has been expressed that there may be focus on one Service area only i.e. Education due to the significant transformation programme, to the detriment of scrutiny on Children's Services and that training already undertaken by Committee members will be lost.

RECOMMENDATION to Council:

Reason for Recommendation:

| | |
|---|--|
| (i) that the numbers of seats on all three scrutiny committees should be reduced to 11 or 12 Members, plus the addition of co-opted Members where required) | To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022. |
| (ii) that the Head of Legal Services and the Monitoring Officer prepare revisions to Section 7 of the Constitution for consideration by the Council. | |

- Other Committees - Alternative numbers of seats could be selected for each of the non scrutiny committees. The options would be as follows:
 - Committee of 12 – as above.
 - Committee of 11 – Political balance - Independents (1); Conservatives (2); Liberal Democrats (4); Labour (1); Plaid Cymru (0); Independents for Powys (1). Additional seats allocated to Plaid Cymru (1) and Labour (1) **(See Appendix 2)**
 - Committee of 10 – Political balance - Independents (1); Conservatives (2); Liberal Democrats (3); Labour (1); Plaid Cymru (0); Independents for Powys (1). Additional seats allocated to Plaid Cymru (1) and Liberal Democrats (1). **(See Appendix 2)**
 - Committee of 9 – Political balance - Independents (1); Conservatives (2); Liberal Democrats (3); Labour (1); Plaid Cymru (0); Independents for Powys (1). Additional seat allocated to Plaid Cymru (1) **(See Appendix 2)**

(Democratic Services Committee; Employment and Appeals Committee; Licensing Act 2003 Committee)

Other Chairs' Comments:

- Chairs generally supportive of the proposal but would not wish to see committee numbers reduced below 12.

| RECOMMENDATION to the Democratic Services Committee: | Reason for Recommendation: |
|--|--|
| (i) that the Committee indicate its preference for the numbers of seats on other committees (Democratic Services Committee; Employment and Appeals Committee; Licensing Act 2003 Committee) for consideration by the Council | To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022. |
| (ii) that the Head of Legal Services and the Monitoring Officer prepare revisions to Section 9 of the Constitution for consideration by the Council. | |

- Amend number of seats on the Planning Committee to 17 (formula 17). This would equate to the Committee being 25% of the membership of the Council.

The political balance would be as follows:

Independents (2); Conservatives (4); Liberal Democrats (6); Labour (2); Plaid Cymru (1); Independents for Powys (2).

| RECOMMENDATION to Council: | Reason for Recommendation: |
|--|---|
| <p>(i) that the numbers of seats on the Planning, Taxi Licensing and Rights of Way Committee be reduced to 17 Members.</p> <p>(ii) that the Head of Legal Services and the Monitoring Officer prepare revisions to Section 9 of the Constitution for consideration by the Council.</p> | <p>To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022.</p> |

- Amend the remit of the scrutiny committees:

Current scrutiny structure:

- Economy, Residents and Communities Scrutiny Committee
- Health and Care Scrutiny Committee
- Learning and Skills Scrutiny Committee
- PSB Scrutiny Committee (comprising external partners)
- Finance Panel

A review of PSB Committees in Wales has been undertaken and it showed that PSB in all Councils except Powys was comprised of councillors only. Powys had followed an earlier model used by Cardiff Council which had representatives of the bodies comprising the PSB on the scrutiny committee. That situation has changed. The only similar structure to Powys is with Bridgend who have a panel which reports to a PSB Committee comprising of Councillors.

Proposed Revised Scrutiny Structure:

| | |
|---|---|
| <p>Children and Young People Scrutiny Committee (**See Note below)</p> <p>12 Members (Politically balanced) + 2 co-opted members for Education + 1 Church in Wales and Roman Catholic Church Representative</p> | <ul style="list-style-type: none"> • Children's Services • Education • Legal Services |
| <p>Economy and Environment Scrutiny Committee</p> <p>12 Members (Politically balanced) + 1 Co-Opted Member for Crime and disorder</p> | <ul style="list-style-type: none"> • HTR • Property, Planning and Public Protection • Digital and Economy • Finance Service |
| <p>Adults and Housing Scrutiny Committee (**See Note below)</p> <p>12 Members (Politically balanced)</p> | <ul style="list-style-type: none"> • Adults Services • Commissioning • Housing • Community Services • Workforce and OD |
| <p>PSB Scrutiny Committee</p> <p>Vice-Chairs of the 3 Scrutiny Committees + 2 additional representatives from the scrutiny committees (on a politically balanced basis = Independents (1);</p> | <ul style="list-style-type: none"> • Towards 2040 • Transformation and Democratic Services |

| | |
|---|---|
| Conservatives (1); Liberal Democrats (2) Labour (1), Independents for Powys (1)) | |
| Finance Panel | <ul style="list-style-type: none"> No change |
| No change to membership | |

As is the case currently, where there are issues which are cross cutting or span the remits of two or more scrutiny committees, joint working between those scrutiny committees can be facilitated using joint working groups.

Note – For Information only:

In April 2023 the current Community Health Council is to be replaced by the Citizen Voice Body for health and social care. The following is an extract from a Welsh Government consultation document Foreword by the Minister for Health and Social Services:

“From April 2023, the Citizen Voice Body for health and social care will be in place, to independently represent the interests of the public in relation to health and social care. Amongst its roles will be to actively seek and listen to the views of service users, carers and wider public and to make representations to NHS bodies and local authorities about the provision of health or social services, helping ensure people’s experiences drive continuous improvement in local, regional and national plans and policy.”

Discussions are ongoing between Council officers and the Citizen Voice Body to understand the implications and interactions between the Council’s Scrutiny Committees dealing with social care and the new body as it could have implications for the membership of the scrutiny committees (possible requirements for co-option) as well as the remits of those committees. As the position is clarified further information will be made available to Members.

| RECOMMENDATION to Council: | Reason for Recommendation: |
|---|--|
| <p>(i) that the remit of the scrutiny committees be amended as indicated above.</p> <p>(ii) that the Head of Legal Services and the Monitoring Officer prepare revisions to Section 7 of the Constitution for consideration by the Council.</p> | <p>To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022.</p> |

5. Review of Senior Salaries

- 5.1 The Chairs of the current Scrutiny Committees receive a remuneration in accordance with the IRPW (Independent Remuneration Panel for Wales) report as a Chair of a Committee.
- 5.2 Council will need to consider whether the Chair of the PSB Scrutiny Committee should be paid a remuneration in line with other scrutiny Chairs. There is currently one senior salary in the Members Scheme of Remuneration which is unallocated. The additional cost would be £8800 (Chairs allowance £26400 – basic allowance £17600 from April 2023)
- 5.3 In addition, the terms of reference of the Employment Committee has been amended during 2022 with the Committee having no further involvement in officer appeals. As the Chair’s post is currently paid a remuneration the Council will need to review whether this should continue based on the revised workload of the Committee. If the senior salary were not paid this would be a saving of £8800 per annum (Chairs allowance £26400 – basic allowance £17600 from April 2023)

Group Leaders Comments:

- That the senior salary payment to the Chair of the Employment Committee should be retained.
- That the Chair of the PSB Scrutiny Committee should not attract a senior salary.

| RECOMMENDATION to the Democratic Services Committee: | Reason for Recommendation: |
|---|--|
| (i) that the Committee indicate its view as to whether the Chair of the PSB Scrutiny Committee should receive a remuneration in accordance with the IRPW report for consideration by the Council. (ii) that the Committee indicate its view as to whether the Chair of the Employment Committee should continue to receive a remuneration in accordance with the IRPW report following changes to the terms of reference of the committee, for consideration by the Council. | To consider consequential changes to the Members' Schedule of Remuneration arising from the change to the Council's scrutiny committee structure and changes to the terms of reference of the Employment Committee. |

6. Legal implications

(State here any legal implications and confirmation that the report has been approved by the Monitoring Officer)

6.1

7. Financial implications

(State here any financial implications and confirmation that the report has been approved by the Section 151 Officer)

7.1 In terms of financial implications, there is no change in respect of Senior Salaries as the numbers claiming a senior salary will remain as currently. With a reduction in the numbers of seats on committees, there could be some reduction in the Members travel budget, but this would only apply where Members were travelling to attend face to face meetings.

7.2

8. Data Protection

8.1 There is no processing of personal data resulting from the proposed changes.

9. Comment from local member(s)

9.1 The proposed changes do not impact on local Councillor areas.

10. Impact Assessment

10.1 Not required.

11. Recommendation

The Committee is requested to approve the recommendations as set out in Sections 4.3 and 5 above.

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SCRUTINY REPORT NEW TEMPLATE

Welsh Councils – Numbers on Planning Committees

| Council | Numbers on Planning Committees | Number of Council Members | Percentage of Council Members on Planning (1) smallest – (22) largest |
|-------------------|---------------------------------------|----------------------------------|--|
| Blaenau Gwent | 11 | 33 | 33.33 (16) |
| Merthyr Tydfil | 11 | 30 | 36.67 (19) |
| Newport | 11 | 51 | 21.57 (5) |
| Rhondda Cynon Taf | 11 | 75 | 14.67 (1) |
| Neath Port Talbot | 12 | 60 | 20.00 (4) |
| Swansea | 12 | 75 | 16.00 (2) |
| Torfaen | 12 | 39 | 30.77 (13) |
| Cardiff | 13 | 79 | 16.46 (3) |
| Anglesey | 13 | 34 | 38.24 (20) |
| Gwynedd | 15 | 69 | 21.74 (6) |
| Pembrokeshire | 15 | 60 | 25.00 (8) |
| Caerphilly | 16 | 69 | 23.19 (7) |
| Conwy | 16 | 55 | 29.09 (12) |
| Monmouthshire | 16 | 46 | 34.78 (17) |
| Wrexham | 16 | 56 | 28.57 (11) |
| Flintshire | 17 | 67 | 25.37 (10) |
| Vale of Glamorgan | 17 | 54 | 31.48 (15) |
| Bridgend | 18 | 51 | 35.29 (18) |
| Carmarthenshire | 19 | 75 | 25.33 (9) |
| Ceredigion | 21 | 38 | 55.26 (22) |
| Denbighshire | 21 | 47 | 44.68 (21) |
| Powys | 21 | 68 | 30.88 (14) |

| Committee of 9 | | | | | | |
|--|---------------------|---------------------------------------|--------------|----------------|--|--------------------|
| Group | Group Number | Multiplier from Ready Reckoner | Seats | Rounded | Differential to next whole seat | Vacant Seat |
| Independents | 7 | 0.1029 | 0.93 | 1 | 0.07 | O |
| Welsh Conservatives | 14 | 0.2059 | 1.85 | 2 | 0.15 | O |
| Welsh Liberal Democrats | 23 | 0.3382 | 3.04 | 3 | 0.96 | 3 |
| Welsh Labour | 9 | 0.1324 | 1.19 | 1 | 0.81 | 2 |
| Plaid Cymru | 3 | 0.0441 | 0.40 | 0 | 0.60 | 1 |
| Independents for Powys | 6 | 0.0882 | 0.79 | 1 | 0.21 | O |
| 0 | 0 | 0.0000 | 0.00 | 0 | 0.00 | |
| Non- Affiliated | 6 | 0.0882 | 0.79 | 1 | 0.21 | |
| | | | | 8 | | |
| Vacant Seats to be allocated by Group Leaders | | | | 1 | | |
| Total Seats on Committee | | | | 9 | | |
| NB No seats are not automatically allocated to Non-Affiliated Members. | | | | | | |

| Committee of 10 | | | | | | |
|--|---------------------|---------------------------------------|--------------|----------------|--|--------------------|
| Group | Group Number | Multiplier from Ready Reckoner | Seats | Rounded | Differential to next whole seat | Vacant Seat |
| Independents | 7 | 0.1029 | 1.03 | 1 | 0.97 | 5 |
| Welsh Conservatives | 14 | 0.2059 | 2.06 | 2 | 0.94 | 4 |
| Welsh Liberal Democrats | 23 | 0.3382 | 3.38 | 3 | 0.62 | 2 |
| Welsh Labour | 9 | 0.1324 | 1.32 | 1 | 0.68 | 3 |
| Plaid Cymru | 3 | 0.0441 | 0.44 | 0 | 0.56 | 1 |
| Independents for Powys | 6 | 0.0882 | 0.88 | 1 | 0.12 | O |
| 0 | 0 | 0.0000 | 0.00 | 0 | 0.00 | |
| Non- Affiliated | 6 | 0.0882 | 0.88 | 1 | 0.12 | |
| | | | | 8 | | |
| Vacant Seats to be allocated by Group Leaders | | | | 1 | | |
| Total Seats on Committee | | | | 9 | | |
| NB No seats are not automatically allocated to Non-Affiliated Members. | | | | | | |

| Committee of 11 | | | | | | |
|--|---------------------|---------------------------------------|--------------|----------------|--|--------------------|
| Group | Group Number | Multiplier from Ready Reckoner | Seats | Rounded | Differential to next whole seat | Vacant Seat |
| Independents | 7 | 0.1029 | 1.13 | 1 | 0.87 | 4 |
| Welsh Conservatives | 14 | 0.2059 | 2.26 | 2 | 0.74 | 3 |
| Welsh Liberal Democrats | 23 | 0.3382 | 3.72 | 4 | 0.28 | O |
| Welsh Labour | 9 | 0.1324 | 1.46 | 1 | 0.54 | 2 |
| Plaid Cymru | 3 | 0.0441 | 0.49 | 0 | 0.51 | 1 |
| Independents for Powys | 6 | 0.0882 | 0.97 | 1 | 0.03 | O |
| 0 | 0 | 0.0000 | 0.00 | 0 | 0.00 | |
| Non- Affiliated | 6 | 0.0882 | 0.97 | 1 | 0.03 | |
| | | | | 9 | | |
| Vacant Seats to be allocated by Group Leaders | | | | 0 | | |
| Total Seats on Committee | | | | 9 | | |
| NB No seats are not automatically allocated to Non-Affiliated Members. | | | | | | |

| Committee of 12 | | | | | | |
|--|---------------------|---------------------------------------|--------------|----------------|--|--------------------|
| Group | Group Number | Multiplier from Ready Reckoner | Seats | Rounded | Differential to next whole seat | Vacant Seat |
| Independents | 7 | 0.1029 | 1.24 | 1 | 0.76 | D |
| Welsh Conservatives | 14 | 0.2059 | 2.47 | 2 | 0.53 | 1 |
| Welsh Liberal Democrats | 23 | 0.3382 | 4.06 | 4 | 0.94 | D |
| Welsh Labour | 9 | 0.1324 | 1.59 | 2 | 0.41 | A |
| Plaid Cymru | 3 | 0.0441 | 0.53 | 1 | 0.47 | A |
| Independents for Powys | 6 | 0.0882 | 1.06 | 1 | 0.94 | D |
| 0 | 0 | 0.0000 | 0.00 | 0 | 0.00 | |
| Non- Affiliated | 6 | 0.0882 | 1.06 | 1 | 0.94 | |
| | | | | 11 | | |
| Vacant Seats to be allocated by Group Leaders | | | | -2 | | |
| Total Seats on Committee | | | | 9 | | |
| NB No seats are not automatically allocated to Non-Affiliated Members. | | | | | | |

| Committee of 17 | | | | | | |
|--|---------------------|---------------------------------------|--------------|----------------|--|--------------------|
| Group | Group Number | Multiplier from Ready Reckoner | Seats | Rounded | Differential to next whole seat | Vacant Seat |
| Independents | 7 | 0.1029 | 1.75 | 2 | 0.25 | |
| Welsh Conservatives | 14 | 0.2059 | 3.50 | 4 | 0.50 | |
| Welsh Liberal Democrats | 23 | 0.3382 | 5.75 | 6 | 0.25 | |
| Welsh Labour | 9 | 0.1324 | 2.25 | 2 | 0.75 | |
| Plaid Cymru | 3 | 0.0441 | 0.75 | 1 | 0.25 | |
| Independents for Powys | 6 | 0.0882 | 1.50 | 2 | 0.50 | |
| 0 | 0 | 0.0000 | 0.00 | 0 | 0.00 | |
| Non- Affiliated | 6 | 0.0882 | 1.50 | 2 | 0.50 | |
| | | | | 17 | | |
| Vacant Seats to be allocated by Group Leaders | | | | -3 | | |
| Total Seats on Committee | | | | 14 | | |
| NB No seats are not automatically allocated to Non-Affiliated Members. | | | | | | |

Current Vacancies on Committees:

Learning and Skills Scrutiny Committee:

3 Vacancies due to resignation – Conservatives (1); Liberal Democrats (2)

Health and Care Scrutiny Committee:

1 Vacancy - Liberal Democrats – seats not filled following election

Economy, Residents and Communities Scrutiny Committee:

1 Vacancy due to resignation – Liberal Democrats

Democratic Services Committee:

2 Vacancies – Liberal Democrats and Independent's for Powys – seats not filled following elections.

Planning, Taxi Licensing and Rights of Way Committee:

2 Vacancies – Liberal Democrats – seats not filled following election

Licensing Act 2003 Committee:

1 Vacancy – Labour – seat not filled following election.

Employment Committee:

2 Vacancies – Liberal Democrats and Labour – seats not filled following election.