

CYNGOR SIR POWYS COUNTY COUNCIL.

**COUNTY COUNCIL ANNUAL MEETING
18th May, 2017**

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.
 - (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 three Shire Committees and 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:

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

- (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 or a Shire 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 Scrutiny Committees A & B 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. NON-POLITICALLY BALANCED APPOINTMENTS TO COUNCIL COMMITTEES

Appointment of Shire Committees.

5.1 In accordance with the Constitution the Council is required to appoint Members to the 3 Shire Committees as recommended in **Appendix 5**.

5.2 Subject to any changes in membership or legislation or the Council's Constitution these appointments will continue until the next ordinary elections in 2022.

5.3 **Council will be required to appoint councillors to Shire Committees as recommended in Appendix 5. This will require a proposer and seconder.**

Recommendation:	Reason for Recommendation:
To make appointments to Shire Committees as set out in Appendix 5.	To comply with the Council's Constitution in relation to the allocation and appointment of committees.

Appointments to the Standards Committee.

- 5.4 The Standards Committee comprises 9 Members consisting of 5 Independent (Lay) Members and 4 County Councillors. The Independent (Lay) Members are appointed for terms of between 4 and 6 years (with the option of a further 4 years). One existing Independent Member's term of office is due to end in October 2017.
- 5.5 Council is requested to approve the appointment process as set out in Appendix 6. This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
<p>(i) That the Council agrees the following:</p> <p>(a) to commence an appointments process for a new Independent Member of the Standards Committee for a term of 6 years from October, 2017 in accordance with the timetable set out in Appendix 6C;</p> <p>(b) the criteria set out in Appendix 6B.</p> <p>(c) subject to (d) below, the draft newspaper advertisement set out in Appendix 6A and confirms that it should appear in the County Times and the Brecon and Radnor Express.</p> <p>(d) to authorise the Chair and Vice Chair of the Standards Committee to take such steps as appear necessary to them to achieve the objectives referred to in Appendix 6. This to include (but not be limited to) the power to (i) add to and modify the contents of the newspaper notice (subject to compliance with the regulations); (ii) undertake additional advertising / awareness raising steps; and (iii) produce additional literature/promotional material.</p>	<p>To comply with the Standards Committees (Wales) Regulations 2001 (as amended) in relation to the appointment of Independent (Lay) Members on the Standards Committee.</p>

<p>(ii) That the Council agree the composition of the Panel set out in Appendix 6 and delegates the power of appointment of substitutes to the Monitoring Officer as set out in Appendix 6.</p>	
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5.6 The Council is also required to appoint 4 County Councillors to the Standards Committee. Traditionally the Council has appointed those Members on the basis of 1 member each from each of the 4 largest political groups. As with Independent (Lay) Members, County Councillors cannot serve more than 2 consecutive terms on the Standards Committee.

5.7 The nominations of the 4 largest political groups are as follows:

Political Group	Nomination
Independent Group	
Welsh Conservatives	
Welsh Liberal Democrats	
Welsh Labour	

5.8 Council is requested to appoint 4 County Councillors to serve on the Standards Committee until the next ordinary Council elections in 2022. This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
<p>To make appointments of 4 County Councillors to the Standards Committee as set out in paragraph 5.7 of the report.</p>	<p>To comply with the Council's Constitution in relation to the allocation and appointment of committees.</p>

Appointment of Co-Opted Members to Scrutiny Committee B.

5.9 In accordance with Schedule 1 of the Local Government Act 2000 and the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001, the Council's Constitution provides that the scrutiny committee dealing with education matters shall include in its membership the following voting representatives:

- 1 Church in Wales diocese representative;
- 1 Roman Catholic Church diocese representative;
- 3 parent governor representatives (covering as far as practicable the primary, secondary and special needs sectors)

5.10 A nomination process has already been undertaken and completed for parent governor representatives and those recommendations are detailed below. In addition both church dioceses have been contacted and their nominations are detailed below.

5.11 The nominations received are as follows:

Church in Wales diocese representative	Mrs Margaret Evitts
Roman Catholic Church diocese representative	No nomination received
Parent Governor Representative (primary sector)	Mr Nigel Bufton
Parent Governor Representative (secondary sector)	Mrs Angela Davies
Parent Governor Representative (special needs sector)	Mrs Sara Davies

5.12 Council is requested to appoint the Co-Opted Representatives set out in paragraph 5.11 above to serve on Scrutiny Committee B until the next ordinary Council elections in 2022. This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
To make appointments of Co-Opted Representatives as set out in paragraph 5.11 above to Scrutiny Committee B.	To comply with the Council's Constitution in relation to the allocation and appointment of committees.

Appointment of Co-Opted Members to Scrutiny Committee A.

5.13 The Council's Constitution provides that in relation to Crime and Disorder matters, Scrutiny Committee A shall include in its membership a non-voting representative from the Police and Crime Panel, subject to the representative not being a Powys County Council representative on the Panel. However it is the Committee rather than the Council which makes this appointment, but it is included here for completeness.

Appointment of a Co-Opted Member to the Audit Committee.

5.14 In accordance with the Local Government (Wales) Measure and the Council's Constitution the Audit Committee must comprise at least one voting Lay Member. At its meeting on 7th March, 2017 the Council reappointed Mr J. Brautigam as the Lay Member to serve on the Committee from 18th May, 2017 until the next ordinary Council elections in 2022.

6. POLITICALLY BALANCED APPOINTMENTS TO COUNCIL COMMITTEES

6.1 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.

6.2 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 **Appendix 7**.

6.3 Council will be required to approve the proposals set out in Appendix 7. 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 7	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.

- 6.4 In appointing Councillors to seats on committees allocated to the Groups in accordance with **Appendix 7** the Council must give effect to the wishes of the political groups.
- 6.5 The wishes of the political groups as to those Councillors from the respective groups to be appointed to committees is set out in **Appendix 8 (TO FOLLOW)**.
- 6.6 Council will be required to appoint councillors to committees in accordance with the wishes of the groups as recorded in Appendix 8. 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 8 (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.

7. APPOINTMENTS TO CHAIRS OF SCRUTINY COMMITTEES

- 7.1 The appointment of the Chairs of the 2 Scrutiny Committees needs to be in accordance with the Local Government (Wales) Measure 2011 (the Measure)
- 7.2 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.
- 7.3 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.
- 7.4 The position following the election is set out in **Appendix 9**.
- 7.5 The Council is required to allocate the 2 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.**

Scrutiny Committee A Opposition Groups (Welsh Conservatives)	County Councillor
Scrutiny Committee B	

Opposition Groups ()	County Councillor
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Recommendation:	Reason for Recommendation:
To allocate the 2 Scrutiny Committee Chairs to the Political Groups as set out in paragraph 7.5, 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.

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

Democratic Services Committee.

- 8.1 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.
- 8.2 **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.

9. POLITICALLY BALANCED APPOINTMENTS TO RELEVANT OUTSIDE BODIES

Brecon Beacons National Park Authority (BBNPA)

- 9.1 **Appendix 10** sets out details relating to the background to the proposed appointments to the BBNPA.
- 9.2 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 Welsh Government are currently consulting on reducing the National Park membership from 24 Members to 18.
- 9.3 The outcome of that exercise and the identity of those individual Members nominated so far to sit on the BBNPA by their respective Groups is set out below:

Independent Group	County Councillors
Welsh Conservatives	County Councillor
Welsh Liberal Democrats	County Councillor
Welsh Labour	County Councillors David Meredith

- 9.4 **The Council is required to make appointments to the BBNPA in accordance with groups' nominations as set out in paragraph 9.3 above. This will require a proposer and seconder.**

Recommendation:	Reason for Recommendation:
To make appointments to the Brecon Beacons National Park Authority in accordance with paragraph 9.3 of the report.	To make appointments in accordance with statute and the Constitution.

Mid and West Wales Fire and Rescue Authority (MWWFRA).

- 9.5 The MWWFRA is composed of 25 elected members appointed by the 6 constituent authorities of Powys, Carmarthen, Ceredigion, Neath Port Talbot, Pembrokeshire and Swansea. The Council is required to make appointments to determine the allocation of seats to this body in accordance with the Local Government and Housing Act 1989.
- 9.6 The number of seats to which the Council is entitled is determined having regard both to the relative numbers of electors in the individual constituent authorities' areas and also to the requirement of political proportionality across the combined area. For 2012 – 2017 the Council's entitlement was 4 members. Notification from the Authority's Clerk as to the allocation for 2017 – 2022 is due and details of the allocation and nominations of the groups will be circulated in **Appendix 11**
- 9.7 Council is requested to approve the allocation of seats and to appoint Councillors nominated by the relevant groups. This will require a proposer and seconder.**

Recommendation:	Reason for Recommendation:
To approve the allocation of seats and to make appointments to the MWWFRA in accordance as set out in Appendix 11.	To make appointments in accordance with statute and the Constitution.

Dyfed Powys Police and Crime Panel

- 9.8 In accordance with the Police Reform and Social Responsibility Act 2011 the Dyfed Powys Police and Crime Panel comprises 12 representatives from Powys, Ceredigion, Carmarthen and Pembrokeshire and 2 Co-Opted Members. Powys is entitled to 3 representatives on the Panel. The allocation of seats across the four authorities is undertaken in a manner which reflects both the political balance of each authority and of the four authorities when taken together.
- 9.9 For Powys this in effect means that the 3 largest political groups will be the representatives with 1 representative from each group as follows:

The Independent Group	
Welsh Conservatives	
Welsh Liberal Democrats	

- 9.10 Council is requested to appoint representatives to the Joint Committee to determine the political balanced appointments to the Dyfed Powys Police and Crime Panel as set out in paragraph 9.9 above. This will require a proposer and seconder.**

Recommendation:	Reason for Recommendation:
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To approve the appointment of representatives to the Dyfed Powys Police and Crime Panel as set out in paragraph 9.9.	To make appointments in accordance with statute and the Constitution.
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10. NON-POLITICALLY BALANCED APPOINTMENTS TO OUTSIDE BODIES

Welsh Local Government Association (WLGA)

- 10.1 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.
- 10.2 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.
- 10.3 The Council in past years has always appointed the Leader of Council as one of its representatives to the WLGA.
- 10.4 The nominations from the political groups are as follows:

The Independent Group	County Councillor
Welsh Conservatives	County Councillor
Welsh Liberal Democrats	County Councillor
Welsh Labour	County Councillor
Plaid Cymru / Green	County Councillor

- 10.5 The Council is required to make these appointments as set out in paragraph 10.4 above. 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.

- 10.6 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.
- 10.7 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:	18th May, 2017		
Relevant Policy (ies):	Council's Constitution.		
Within Policy:	Y	Within Budget:	Y

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