

CYNGOR SIR POWYS COUNTY COUNCIL.

**COUNTY COUNCIL ANNUAL MEETING
11th May, 2016**

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") the Council is divided into political groups.

2.2 **Appendix 1** contains details 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 the 1989 Act and related legislation such as the Local Government (Committees and Political Groups) Regulations 1990.

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. As a result of the decision of the Council at its meeting on 25th April 2012 the main committees in this context and which must be politically balanced are:

1. People Scrutiny Committee (14 Councillors plus co-optees)
2. Place Scrutiny Committee (14 Councillors plus co-opted Member)
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)

Thus the total number of seats (excluding co-optees) on all committees is 110

(ii) The appointments to the following outside bodies 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);

but 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 2012 until the next ordinary council elections in 2017.

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 Thus the political balance requirements do not therefore 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 licensing and staffing appeals and have also been excluded 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 TO OTHER COMMITTEES AND THE POSITION OF VICE-CHAIRS

Audit Committee.

- 4.1 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)

- 4.2 There are no other statutory provisions relating to the process for the appointment of chairs of non-scrutiny 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.

- 4.3 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 this 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 **Appendix 5 (A revised version will be circulated at the meeting)**.
- 5.3 Council will be required to approve the proposals set out in Appendix 5. 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 5	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 5** 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 6 (A copy will be circulated at the meeting)**.
- 5.6 Council will be required to appoint councillors to committees in accordance with the wishes of the groups as set out in Appendix 6. 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 6	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 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 current position is that in accordance with the Measure, the Executive Group is entitled to one of the scrutiny chairs and therefore the 1 chair is to be filled by Opposition Groups (**Appendix 7**). The Opposition Group which has the entitlement to that scrutiny chair is the Liberal Democrats Group.
- 6.5 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.**

People Scrutiny Committee Executive Groups (Powys Independent Alliance; The Independent Group; The Non-Political Group)	Powys Independent Alliance County Councillor D.R. Jones
Place Scrutiny Committee Opposition Groups (Welsh Liberal Democrats; Welsh Conservatives;	Welsh Liberal Democrats

Welsh Labour)	County Councillor K.W. Curry
---------------	------------------------------

Recommendation:	Reason for Recommendation:
To allocate the 2 Scrutiny Committee Chairs to the Political Groups as set out in paragraph 6.5, 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.

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 of 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.
- 8.3 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:

Powys Independent Alliance	County Councillors G.G. Hopkins, E.T. Morgan, G.W. Ratcliffe
The Independent Group	County Councillors M.J. Jones
Welsh Liberal Democrats	County Councillor P.J. Ashton
Welsh Conservatives	County Councillor G. Williams
Welsh Labour	County Councillor D.W. Meredith
The Non-Political Group	County Councillor Mrs M.R. Harris

- 8.4 **The Council is required to make appointments to the BBNPA in accordance with groups' nominations as set out in paragraph 8.3 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 the report.	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 nominations from the political groups are as follows:

Powys Independent Alliance	County Councillor W.T. Jones
The Independent Group	County Councillor R.G. Brown
Welsh Liberal Democrats	County Councillor
Welsh Conservatives	County Councillor
Welsh Labour	County Councillor
The Non-Political Group	County Councillor W.B. Thomas

- 9.5 **The Council is required to make these appointments as set out in paragraph 9.4 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) Co-Ordinating Committee.

9.6 The Council is entitled to appoint one of its 3 representatives to serve on the WLGA Co-Ordinating Committee of the WLGA Council. The Council in past years has appointed the Leader of the Council to this position.

9.7 Council is required to appoint 1 of its representatives to the WLGA Co-Ordinating Committee. 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 Co-ordinating Committee of the WLGA Council	To secure the Council's representative role.

Person(s) To Action Decision:	Steve Boyd, Cabinet Manager		
Date By When Decision To Be Actioned:	11 th May, 2016		
Relevant Policy (ies):	Council's Constitution.		
Within Policy:	Y	Within Budget:	Y
Contact Officer Name:	Tel:	Fax:	Email:
Wyn Richards Scrutiny Manager	01597 826375	01597 826220	wyn.richards@powys.gov. uk