

CYNGOR SIR POWYS COUNTY COUNCIL.

COUNTY COUNCIL ANNUAL MEETING

18 May 2023

REPORT BY: Head of Legal and Monitoring Officer

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.

1.2 The report is in two Sections:

- Section A – Background – For Information
- Section B – For Decision

Section A – Background - 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 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 (as amended by the County Council in March 2023):
 1. Economy, Residents and Communities Scrutiny Committee (11 Councillors plus 1 co-opted Member)
 2. Learning and Skills Scrutiny Committee (11 Councillors plus 4 co-opted Members)
 3. Health and Care Scrutiny Committee (11 Councillors)
 4. Governance and Audit Committee (6 Councillors plus 3 co-opted lay members) [in accordance with rule 116 of the Local Government and Elections (Wales) Act 2021].
 5. Democratic Services Committee (11 Councillors)
 6. Planning, Taxi Licensing and Rights of Way Committee (17 Councillors)
 7. Licensing Act 2003 Committee (11 Councillors)
 8. Employment & Appeals Committee (11 Councillors)

9. Pensions and Investment Committee (5 Councillors plus Co-Opted Members and Portfolio Holder for Finance)
10. Finance Panel (9 Councillors plus 1 co-opted member from the Governance and Audit Committee) [in accordance with the decision of Council in September 2021]
11. PSB Scrutiny Committee (2 representatives from each of the scrutiny committees = 6 Councillors on a politically balanced basis together with the 3 Vice-Chairs of the scrutiny committees)

The total number of seats (excluding co-optees) on all committees is therefore 109

- (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) Bannau Brycheiniog 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 2022 until the next ordinary council elections in 2027.

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 Scrutiny Committees

- 4.1 The Chairs of the 3 Scrutiny Committees must be appointed by Full Council. As such Council will be asked in due course (see paragraph 7 below for the process of appointments) to appoint the Chairs to the following Scrutiny Committees:
 - Economy, Residents and Communities Scrutiny Committee;
 - Learning and Skills Scrutiny Committee;
 - Health and Care Scrutiny Committee

Governance and Audit Committee.

- 4.2 The Local Government (Wales) Measure 2011 stipulates that the Governance and Audit Committee (and not Full Council) is to appoint its Chair who must be a Lay (Independent) Member.

Chair of Democratic Services Committee

- 4.3 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. As such Council will be asked in due course (see paragraph 8 below) to appoint the Chair of the Democratic Services Committee.

Chairs of Other Non-Scrutiny Committees

- 4.4 There are no other statutory provisions relating to the process for the appointment of chairs of the other committees (Pensions and Investment, Employment and Appeals, Licensing Act 2003 Planning, Taxi-Licensing and Rights of Way, Finance Panel) 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.

- 4.5 It is the Council's convention to leave it to each individual Committee to appoint its Vice-Chair. With the exception of the appointment of the Vice Chair of the Governance and Audit Committee and the Vice Chair of the Democratic Services Committee (see below), the only restrictions on who can be a Vice Chair of a committee is that the Vice Chair of a Scrutiny Committee cannot be a co-opted Member.

Vice-Chair of the Governance and Audit Committee.

- 4.6 In respect of the Vice-Chair of the Governance and Audit Committee, the provisions of Section 82(5C) of the Local Government (Wales) Measure 2011 (the Measure) (as Amended) requires the Governance and Audit Committee to appoint a Vice / Deputy Chair who must not be a member of the local authority's executive or an assistant to its executive.

Vice-Chair of the Democratic Services Committee.

- 4.7 In respect of the Vice-Chair of the Democratic Services Committee, the provisions of Section 14(1) of the Local Government (Wales) Measure 2011 (the Measure) require the Democratic Services Committee to appoint a Vice / Deputy Chair who must not be a member of the local authority's executive or an assistant to its executive.

Section B - For Decision.

5. Non-Politically Balanced Appointments to Council Committees.

Appointments to the Standards Committee

- 5.1 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).
- 5.2 The Council is 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 i.e. Liberal Democrats, Independents, Conservatives, Labour. County Councillors cannot serve more than 2 consecutive terms on the Standards Committee but there are no Councillors who are debarred from sitting on the Standards Committee for this reason.
- 5.3 The current membership of the Committee is as follows:

Political Group	Nomination
Welsh Liberal Democrats Group	Vacancy
Independent Group	Vacancy
Welsh Conservatives Group	County Councillor Iain McIntosh
Welsh Labour Group	County Councillor Liz Rijnenberg

- 5.4 The seats which need to be filled from 2 political groups are as follows:

Political Group	Nomination
Welsh Liberal Democrats Group	County Councillor William Powell
Independent Group	County Councillor Beverley Baynham

- 5.5 Council is requested to appoint 2 County Councillors to fill the vacant seats to serve on the Standards Committee until the next ordinary Council elections in 2027. This will require a proposer and seconder.**

Recommendation:	Reason for Recommendation:
<p>(i) To make appointments of 2 County Councillors to the Standards Committee as set out in paragraph 5.4 of the report, or</p> <p>(ii) To authorise the Monitoring Officer to make appointments in accordance with nominations received from the relevant Group Leaders and to notify Council.</p>	<p>To comply with the Council's Constitution in relation to the allocation and appointment of committees.</p>

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 on Page 2 of **Appendix 3**.

6.3 **Council will be required to approve the proposals set out on Page 2 of Appendix 3. 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 Page 3 of Appendix 3	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 3** 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 5 (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 5 (To Follow). This will require a proposer and seconder.**

Recommendation:	Reason for Recommendation:
(i) To make appointments to Committees in accordance with the wishes of the different Political Groups as set out in Appendix 5 (To Follow), or (ii) To authorise the Monitoring Officer to make appointments in accordance with nominations received from the relevant Group Leaders and to notify Council.	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 3 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 is set out in **Appendix 6**.

7.5 The Council is required to allocate the 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.

Economy, Residents and Communities Scrutiny Committee	County Councillor Angela Davies Nomination – Administration Groups.
Health and Care Scrutiny Committee	County Councillor Amanda Jenner Nomination – Welsh Conservative Group
Learning and Skills Scrutiny Committee	County Councillor Gwynfor Thomas (Conservative Group) Nomination – Independent Group

Recommendation:	Reason for Recommendation:
<p>(i) To allocate the 3 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, or</p> <p>(ii) To authorise the Monitoring Officer to make appointments in accordance with nominations received from the relevant Group Leaders and to notify Council.</p>	<p>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.</p>

8. Appointment of Chairs to the 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. Nominations will be received from the floor.

Recommendation:	Reason for Recommendation:
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To appoint the Chair of the Democratic Services Committee.	To make appointments in accordance with statute and the Constitution.
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9. Politically Balanced Appointments to Relevant Outside Bodies

Bannau Brycheiniog National Park Authority (BBNPA)

- 9.1 **Appendix 7** sets out details relating to the background to the proposed appointments to the BBNPA.
- 9.2 The allocation of the 6 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 a 6 Member committee.
- 9.3 The nominations from the political groups are as follows:

Welsh Liberal Democrats Group 2 seats	County Councillors: Gareth Ratcliffe William Powell
Independent Group 1 seats	County Councillor Edwin Roderick
Welsh Conservative Group 1 seat	VACANCY
Welsh Labour Group 1 seat	County Councillor Huw Williams
Independents Group 1 seat	County Councillor Ed Jones

- 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 (or as amended). This will require a proposer and seconder.**

Recommendation:	Reason for Recommendation:
<p>(i) To make appointments to the Bannau Brycheiniog National Park Authority in accordance with the nominations of the political groups as set out in 9.3 above, or</p> <p>(ii) To authorise the Monitoring Officer to make appointments in accordance with nominations received from the relevant Group Leaders and to notify Council.</p>	To make appointments in accordance with statute and the Constitution.

- 9.5 The BBNPA is required to appoint a representative to the Mid Wales CJC when dealing with Strategic Development Planning matters. The BBNPA appointment to the CJC can only be the Chair, Deputy Chair of the BBNPA or the Chair of the committee responsible for planning matters. It is hoped that BBNPA appoint a Powys representative to at least one of those three posts to enable the Authority to appoint a Powys representative on the Mid Wales CJC

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 received from the political groups are as follows (To Follow):

Welsh Liberal Democrats	County Councillors:
Welsh Labour	County Councillor

- 10.5 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.

- 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. Nominations will be received from the floor.**

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.

11. Appointments to Other Outside Bodies and Council Working Groups.

- 11.1 The Council is required to make appointments to other outside bodies and working groups for the term of the Council to May 2027. The appointments required to fill vacancies are to the following bodies:

Outside Body/Working Group	Required
Tenants Scrutiny Panel	1 from Montgomeryshire to fill a vacant seat.

11.2 A nomination process has been undertaken and the details of those nominated is set out below:

Outside Body/ Council Working Group	Nominee
Tenants Scrutiny Panel	County Councillor: Joy Jones

11.3 Council is required to appoint representatives to the outside bodies and working groups set out in paragraph 11.2 above. This will require a proposer and seconder.

Recommendation:	Reason for Recommendation:
<p>(i) To appoint representatives to outside bodies and working groups as set out in paragraph 11.2 above for the term of the Council to May 2027, or</p> <p>(ii) To authorise the Monitoring Officer to make appointments in accordance with nominations received from the relevant Group Leaders and to notify Council.</p>	To secure the Council's representative role.

Person(s) To Action Decision:	Steve Boyd, Cabinet Manager		
Date By When Decision To Be Actioned:	31 May 2022		
Relevant Policy (ies):	Council's Constitution.		
Within Policy:	Y	Within Budget:	Y

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