

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO ANNUAL MEETING OF COUNCIL
17 MAY 2023

REPORT OF THE MONITORING OFFICER

APPOINTMENTS TO THE COUNCIL COMMITTEES AND OTHER COUNCIL BODIES

1. Purpose of report

- 1.1 The purpose of this report is to seek Council approval to appoint the Overview and Scrutiny Committees and such other Committees, Sub-Committees, Panels and bodies as the Council considers appropriate, to deal with matters which are neither reserved to the Council nor are executive functions.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
 3. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 The Council is required by legislation to undertake arrangements which will continue to facilitate and carry out the decision making processes of the Authority. The recommendations of this report, if adopted, will seek to ensure that this will be successfully achieved.

4. Current situation/proposal

- 4.1 The Constitution sets out the Council's Committees, Sub-Committees, Panels and other bodies currently in place. Detailed below are certain Committees, some of which are governed by provisions of the Local Government (Wales) Measure 2011, in terms of their composition and/or appointment of Chairpersons.

4.2 Governance and Audit Committee

- 4.2.1 Members will recall that under the Local Government and Elections (Wales) Act 2021 it is a legislative requirement for one third of the membership of the Committee to be lay persons. The membership of the Committee therefore consists of 8 Bridgend County Borough Council (BCBC) Members and 4 lay persons to ensure it is compliant with the legislation. The allocation of seats to the Committee has been determined in accordance with the political composition of the Council.
- 4.2.2 Section 115 of the Local Government and Elections (Wales) Act 2021 requires the chair to be a lay person and for the member appointed as the deputy chair not to be a member of the Authority's executive or an assistant to its executive. The chair and deputy chair will be appointed at the first scheduled meeting of the Committee.

4.3 Chairpersons of Overview and Scrutiny Committees

- 4.3.1 The Measure established procedures whereby Overview and Scrutiny Committee Chairs are nominated and appointed. The Measure requires that as a minimum the Chairpersons of these Committees be appointed based on the size and political balance of each of the groups that make up the Council. In line with the political composition of the Council, and the formula used under the Local Government (Wales) Measure with regard to the allocation of Overview and Scrutiny Chairs, these should be allocated to the following political groups:

Political Group	Number of Chairs to be allocated
Labour	1 Chairperson
Bridgend County Independents	1 Chairperson
Democratic Alliance	1 Chairperson

- 4.3.2 The Chairperson of the Corporate Overview and Scrutiny Committee is unallocated and therefore, in accordance with the Measure, is to be appointed by the members of the Corporate Overview and Scrutiny Committee from one of the Chairpersons of the Subject Overview and Scrutiny Committees but it cannot be the Chairperson representing the Executive group.

4.4 Development Control Committee

- 4.4.1 Under the Size and Composition of Local Planning Authorities Committees (Wales) Regulations 2017, in the case of a multiple member ward, only one of the local authority members of that ward is eligible for appointment to the Development Control Committee. This does not apply to an Authority which is comprised solely of multiple member wards.

4.5 Democratic Services Committee

- 4.5.1 The Democratic Services Committee must comprise solely of Councillors and cannot include more than one member of the Executive, who must not be the Leader of the Council. It is a function of Council to appoint the Chairperson of this Committee who must not be a Member of any of the political groups represented on the Executive.

4.6 Standards Committee

4.6.1 In accordance with the Standards Committees (Wales) Regulations 2001 the Committee shall consist of not less than five nor more than nine members at least two of which shall be County Borough councillors. The Standards Committee currently comprises eight members, namely:-

Five Independent Members (two vacancies);
Two County Borough Council Members
One Town/Community Council Member.

4.6.2 The Council has previously provided delegated authority to the Monitoring Officer to oversee recruitment processes and appointment to the Standards Committee, and to report back to Council any successful appointment. In accordance with the Regulations, the Monitoring Officer has gone through the usual process of advertising the current Independent Member vacancies in two newspapers circulating in the area and a Panel (consisting of not more than five Members and at least one Independent Member and one Town and Community Council Member) has been convened to consider applications and conduct interviews. Following interviews, the Panel will make a recommendation on the appointments to Council.

4.6.3 Council is requested to nominate two County Borough Councillors to sit on the Standards Committee, having regard to the following requirements in terms of the representation of County Borough Council Members only:

- The Leader may not be a member of the Committee;
- Not more than one Cabinet Member may be a member of the Committee;
- A County Borough Council Member can only be re-appointed for one further term;
- Membership of the Committee is not subject to political balance requirements.

It is proposed that the County Borough Members on this Committee be agreed via nominations from the political groups of Labour and Bridgend County Independents.

4.7 Appointments Committee

4.7.1 The Council has in place a Committee to interview and appoint JNC level staff, which includes designated positions such as the Chief Executive, Corporate Directors and Heads of Service. In order to ensure that this Committee is politically balanced in accordance with the composition of political groups that form the Council, it is recommended that the Committee comprises the following membership:

- Leader (Chairperson)
- Deputy Leader
- Cabinet Member (of relevant portfolio to the post)
- 2 x Bridgend County Independents
- 2 x Democratic Alliance
- 1 x Labour

4.7.2 The Appointments Committee will also facilitate the JNC Determination and JNC Appeals Panels. These Panels will comprise of 3 members each, with the Leader or Deputy Leader chairing the Panel, supported by 1 representative from the Democratic Alliance and 1 representative from Bridgend County Independents.

4.7.3 Substitution of Appointments Committee members is permissible but only for the whole of an appointments process. The JNC Panels cannot be substituted and must be comprised from the original membership of the Appointments Committee.

4.8 Remit and functions of Committees and other bodies of the Council

4.8.1 The current remit and functions of Committees and other bodies of the Council as detailed within the Constitution is attached as **Appendix 1**.

4.9 Political Balance

4.9.1 Political balance is essential to determine the allocation of seats on Committees. The current political balance of Committees and other bodies is shown at **Appendix 2** of the report.

4.10 Committee Structure

4.10.1 The proposed committee structure is shown at **Appendix 3** of the report.

4.11 Revised Corporate Report Template

A desktop review has been undertaken of the current corporate report template and it has been recommended that the template be updated to incorporate the socio-economic duty and Welsh language implications, links to climate change, safeguarding and corporate parenting as well as an executive summary so that the reader and decision maker can quickly acquaint themselves with the content of the report. The revised template was presented to the Democratic Services Committee on 23 February 2023. It is proposed that the revised template is used for all reports presented to Committees from 18 May 2023 following the Annual Meeting of Council. A Bridgend's Message will be circulated to all officers notifying them of the changes and the online guidance and template will be updated for all report authors to access.

5. **Effect upon policy framework and procedure rules**

5.1 The provisions and recommendations of the report accord with the Council's Procedure Rules as outlined in the Constitution.

6. **Equality Act 2010 implications**

6.1 The protected characteristics identified within the Equality Act 2010, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The Act provides the basis for driving a different kind of public service in Wales, with 5 ways of working to guide how public services should work to deliver for people. The following is a summary to show how the 5 ways of working to achieve the well-being goals have been used to formulate the recommendations within this report:

- Long-term - The approval of this report will assist in the long term planning of the business of the Council in both the short term and in the long-term.
- Prevention - The proper composition of Council Committees meets the requirements of the Local Government and Housing 1989 Act in achieving political balance and the allocation of Committee seats which supports the effective decision making of the Council.
- Integration - The report supports all the wellbeing objectives.
- Collaboration - Consultation has taken place previously with the Group Leaders and Independent Members regarding the allocation of memberships of Committees and other bodies and the allocation of Chairs.
- Involvement - Advance public notice of the Programme of meetings can ensure that the public and stakeholders can engage in Council and Committee meetings. Agendas and minutes of all public meetings will be available in the Welsh language in compliance with the Welsh Language Standards.

8. Financial implications

8.1 There are no financial implications arising from this report.

9. Recommendations

9.1 Council is recommended to:-

- (1) Appoint the Overview and Scrutiny Committees and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;
- (2) Determine the size and terms of reference for those Committees as set out in **Appendix 1** of the report;
- (3) Determine the allocation of seats to political groups in accordance with the political balance rules as set out in **Appendix 2** of the report;
- (4) Determine which political groups represented at Council are entitled to make which appointments of Overview and Scrutiny Committee Chairpersons;
- (5) Receive nominations and appoint Councillors to serve on each of the Committees, Panels and other bodies (as indicated):

- Appeals Panel
- Appointments Committee
- Governance and Audit Committee
- Democratic Services Committee
- Development Control Committee
- Licensing Committee
- Licensing Act 2003 Committee
- Town and Community Council Forum
- Standards Committee
- Subject Overview and Scrutiny Committee 1
- Subject Overview and Scrutiny Committee 2
- Subject Overview and Scrutiny Committee 3
- Corporate Overview and Scrutiny Committee

(6) Receive nominations and appoint the Chairpersons and Vice-Chairpersons of the following Committees, Panels and other bodies (as indicated) with it being noted that the Governance and Audit Committee at its first scheduled meeting will appoint a Chairperson and Vice-Chairperson:

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| • Appeals Panel | Chairperson and Vice-Chairperson |
| • Democratic Services Committee | Chairperson |
| • Development Control Committee | Chairperson and Vice-Chairperson |
| • Licensing Committee & Licensing Act 2003 Committee | Chairperson and Vice-Chairperson |
| • Town and Community Council Forum | Chairperson and Vice-Chairperson |

(7) Receive nominations and appoint the Chairpersons of the following Overview and Scrutiny Committees in accordance with the provisions of paragraph 4.3 of the report:

- Subject Overview and Scrutiny Committee 1
- Subject Overview and Scrutiny Committee 2
- Subject Overview and Scrutiny Committee 3

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Background documents None.