

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO THE ANNUAL MEETING OF COUNCIL
15 MAY 2019

REPORT OF THE MONITORING OFFICER

APPOINTMENTS TO THE COUNCIL COMMITTEES AND OTHER COUNCIL BODIES IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT ACT 2000

1. Purpose of Report.

- 1.1 The purpose of this report is to seek Council approval for the appointment of 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 full Council nor are executive functions.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 The establishment of Committees and other bodies will fulfil the requirements of the Constitution and enable the Council to work towards the successful achievement of its Corporate Priorities.

1. **Supporting a successful economy** – taking steps to make the County a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
3. **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background.

- 3.1 The Council is required by legislation and the provisions of Part 4 of the Rules of Procedure (Council Procedure Rules) of the Constitution, 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 Part 3 of the Council's Constitution entitled Responsibility for Council Functions, 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 Audit Committee

4.2.1 The Measure made a number of requirements in relation to the Audit Committee's membership, including Lay Membership and the appointment of the Chairperson. The Chairperson under the Measure is required to be appointed by the Audit Committee at its first scheduled meeting which is scheduled for 28 June 2019. Council are asked to note that not more than one Member of the Audit Committee may be a Member of the Executive (and should not be the Leader), whilst the Chairperson of the Committee must also not be a Member of the Executive group.

4.2.2 In terms of the Lay Membership of this Committee, the current Lay Member Ms J Williams was reappointed for a further term at the Annual Meeting of Council on 17th May 2017 and in accordance with the Measure she is allowed to sit for a maximum of two terms on the Committee in this capacity.

4.2.3 At a meeting of the Audit Committee on 17th January 2019 it was recommended that the Audit Committee Terms of Reference include the following function:

- *Receive a copy of a report concerning the incidents and near misses reported under the Corporate Risk Management Incident and Near Misses Reporting Procedure (Excluding Health and Safety)*

It is therefore recommended that the Terms of Reference of the Audit Committee within Part 3 of the Constitution be amended accordingly.

4.3 Standards Committee

4.3.1 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 seven members, namely:-

Four Independent Members;
Two County Borough Council Members;
One Town/Community Council Member;

4.3.2 There is currently a vacancy on the Standards Committee for a second Town and Community Councillor, however it is recommended that the membership remain as at present and that Part 3 of the Constitution in relation to the Standards Committee membership be amended accordingly.

4.4 Appointments Committee

4.4.1 The Council currently has in place an Appointments Committee in order to interview and appoint JNC level staff, which includes designated positions such as the Chief Executive, Directors and Heads of Service. The current membership of this Committee is as detailed below:-

- Leader (Chairperson)

- Deputy Leader
- Cabinet Member (of relevant portfolio to the post)
- 1 x Conservative Member
- 1 x Independent Member
- 1 x Plaid Cymru Member

4.4.2 In order to accommodate all political Group Leaders on the Appointments Committee, it is proposed to increase the membership by 2 Members, namely the Group Leader of the Llynfi Independents and an additional seat to the Labour Group to maintain their appropriate level of representation on Committees overall.

4.4.3 The Appointments Committee will also facilitate the JNC Determination and JNC Appeals Panels. These will comprise of 3 members each with the Leader or Deputy Leader chairing the panel, supported by 1 representative each from the Conservative and Independent groups.

4.4.4 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.

4.5 Chairpersons of Overview and Scrutiny Committees

4.5.1 The Measure also 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
Conservative	1 Chairperson
Independent Alliance	1 Chairperson
Llynfi Independents	0 Chairperson
Plaid Cymru	0 Chairperson

4.5.2 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.

4.6 Registered Representatives

4.6.1 Registered representatives of the Church and School Governors will be included with any of the Subject Committees which are dealing with an Education topic.

4.7 Development Control Committee

- 4.7.1 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.

4.8 Democratic Services Committee

- 4.8.1 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.

- 4.9 The current remit and functions of Committees and other bodies of the Council remain unchanged as detailed in Part 3 of the Constitution – Responsibility for Council Functions and are attached at **Appendix 1**.

- 4.10 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.

- 4.11 The current committee structure is shown at **Appendix 3** of the report.

- 4.12 The existing membership of committees which will form the basis of any changes to the membership of the committees is attached at **Appendix 4**.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 The provisions and recommendations of the report accord with the Council's Procedure Rules outlined in Part 4 of the Constitution.

6. Equality Impact Assessment.

- 6.1 There are no equality implications attached to 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

- Integration - of Committee seats which supports the effective decision making of the Council.
- Collaboration - The report supports all the wellbeing objectives.
- Involvement - Consultation has taken place with the Group Leaders and Independent Members regarding the allocation of memberships of Committees and other bodies and the allocation of Chairs.
- 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
 - Audit Committee
 - Democratic Services Committee
 - Development Control Committee
 - Licensing Committee
 - Licensing Act 2003 Committee
 - Town and Community Council Forum
 - 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 Audit Committee at its first scheduled meeting will appoint a Chairperson and Vice-Chairperson:
- Democratic Services Committee Chairperson
 - Development Control Committee Chair and Vice-Chairperson
 - Licensing Committee & Licensing Act 2003 Committee Chair and Vice-Chairperson
 - Town and Community Council Forum Chair and Vice-Chairperson
- (7) Receive nominations and appoint the Chairpersons of the following Overview and Scrutiny Committees in accordance with the provisions of paragraph 4.5 of the report:
- Subject Overview and Scrutiny Committee 1
 - Subject Overview and Scrutiny Committee 2
 - Subject Overview and Scrutiny Committee 3
- (8) Approve that the membership of the Standards Committee remain as at present in accordance with paragraph 4.3 of the report and that Part 3 of the Constitution in relation to the Standards Committee membership be amended accordingly.
- (9) Approve amendment of Part 3 of the Constitution in relation to the Audit Committee Terms of Reference in accordance with paragraph 4.2.3 of the report and the Appointments Committee in accordance with paragraph 4.4.2 of the report.

Kelly Watson
Head of Legal and Regulatory Services & Monitoring Officer
23 April 2019

Contact Officer: **Andrew Rees**
Democratic Services Manager

Telephone: (01656) 643147

E-mail: Andrew.rees@bridgend.gov.uk

Postal Address Bridgend County Borough Council,
Civic Offices,
Angel Street,
Bridgend.
CF31 4WB

Background documents None.