

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO ANNUAL MEETING OF COUNCIL
19 MAY 2021

REPORT OF THE MONITORING OFFICER

**APPOINTMENTS TO THE COUNCIL COMMITTEES AND OTHER COUNCIL BODIES
AND AMENDMENTS TO THE CONSTITUTION**

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;
- to approve amendments to the Council's Constitution.

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 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 Governance and Audit Committee

4.2.1 The Measure made a number of requirements in relation to the membership of Audit Committees, including Lay Membership and the appointment of the Chairperson. Under the Measure the Chairperson is required to be appointed by the Committee at its first scheduled meeting which is scheduled for 18 June 2021. Council are requested 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 17 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. This term will expire in May 2022.

4.2.3 Following reports presented to the Committee on 22 April 2021 regarding the Anti-Tax Evasion Policy and the Local Government and Elections (Wales) Act 2021, it is proposed that the Constitution be amended accordingly:

- In Part 4 'Financial Procedure Rules' the section on 'Prevention of Theft, Fraud and Corruption' be amended to make reference to the Anti-Tax Evasion Policy;
- Under Part 3 'Responsibility of Functions' the Terms of Reference of the Committee be amended as shown via tracked changes at **Appendix 1**;
- The following to replace the current purpose of the Committee as set out in Part 2 'Articles of the Constitution': "To provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting, governance processes, performance assessment and complaints arrangements".

4.3 Chairpersons of Overview and Scrutiny Committees

4.3.1 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

Independent Alliance	1 Chairperson
Conservative	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 Registered Representatives

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

4.5 Development Control Committee

4.5.1 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.

4.6 Democratic Services Committee

4.6.1 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.

4.7 Standards Committee

4.7.1 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.

4.8 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 remain unchanged as detailed in Part 3 of the Constitution – Responsibility for Council Functions and are attached at **Appendix 1** (with the exception of the Governance and Audit Committee as outlined at paragraph 4.2.3).

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.

4.9.2 This accounts for the vacant seat in the Nantymoel Ward now being taken by Cllr Mary Hughes as a stand-alone Independent Member and Cllr Ken Watts having recently joined the Independent Alliance Group. As a result of these changes, the political balance shows that Independent Alliance have gained a seat on the Development Control Committee whilst Labour has lost a seat on this Committee. It is proposed that Cllr Ken Watt's current seats on the Town and Community Council Forum, Development Control Committee and SOSC1 be allocated to Cllr M Hughes. Cllr Ken Watts will then be allocated seats on Committees as part of the overall allocation on the political balance for the Independent Alliance as a new Member of this Group.

4.10 Committee Structure

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

4.11 Membership of Committees

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

4.12 Amendments to the Constitution

4.12.1 Section 37 of the Local Government Act 2000 requires Welsh County Councils to prepare and keep up-to-date a written constitution containing such information as Welsh Ministers may direct, a copy of the authority's standing orders, a copy of the authority's code of conduct for Members and such other information as the authority considers appropriate. Each County Council has its own individual constitution to reflect that Council's particular circumstances with differences as to the documents it believes appropriate to include in its constitution. The Welsh Monitoring Officers Group will be commissioning a firm of solicitors to review the national model constitution due to provisions coming into force in May 2022 under the Local Government and Elections (Wales) Act 2021. As the new model will be considered by each Council, this may lead to the new model becoming common place and the Council may wish to consider adopting the new model in 2022 subject to a review of its provisions.

4.12.2 Section 54 of the Local Government and Elections (Wales) Act 2021 makes provision for Principal Councils to appoint a Chief Executive (rather than a Head of Paid Service) with specific duties. It is proposed that all references within the Constitution to the "Head of Paid Service" be replaced with "Chief Executive".

4.12.3 Section 47 of the 2021 Act makes provisions in respect of attendance, including remote attendance, at local authority meetings. There is currently provision within the Constitution in relation to remote attendance.

4.12.4 It is proposed that the Constitution be amended accordingly in relation to County Borough Debates and Voting as outlined at **Appendix 5** via tracked changes.

5. Effect upon policy framework and 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 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 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
 - 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:

<ul style="list-style-type: none"> • Appeals Panel • Democratic Services Committee • Development Control Committee 	<ul style="list-style-type: none"> Chairperson and Vice-Chairperson Chairperson Chairperson and Vice-Chairperson
<ul style="list-style-type: none"> • Licensing Committee & Licensing Act 2003 Committee • Town and Community Council Forum 	<ul style="list-style-type: none"> Chairperson and Vice-Chairperson 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

- (8) Approve the amendments to the Constitution as set out in paragraph 4.2.3 and **Appendix 5**.

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Background documents None.