

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO ANNUAL MEETING OF COUNCIL
18 MAY 2022

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 Part 3 of the 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 On 21 October 2021 Council approved changes to the membership of the Committee to take effect following the Annual Meeting on 18 May 2022. Members will recall that under the Local Government and Elections (Wales) Act 2021 it is a legislative requirement from 5 May 2022 for one third of the membership of the Committee to be Lay Persons. The membership of the Committee is therefore changed to 12 Members consisting of 8 Bridgend County Borough Council (BCBC) Members and 4 Lay Persons and Council approved the appointment of additional Lay Persons to ensure it is compliant with the legislation. The allocation of seats to the Committee will be determined in accordance with the political composition of the Council.
- 4.2.2 Under the Local Government (Wales) Measure 2011 statutory guidance paragraph 9.27 relates to the appointment of Lay Members and states: (a) Lay Members should be independent from the Council and have no business connection with it, although knowledge of how local government functions would be a definite advantage; (b) In appointing Lay Members whose political allegiances are well known, local authorities should consider if this compromises the independence from the Council a Lay Member should possess. The guidance recommends a Lay Member should not be appointed for more than two full terms of a local authority. Any Lay Member with voting rights is subject to the provisions of the Code of Conduct for Members.
- 4.2.3 On 21 October 2021 Council further delegated the process for selecting and recommending appropriate Lay Persons to an Officer Panel comprising the Monitoring Officer, Chief Finance Officer and Head of Internal Audit. Following a successful recruitment process, it is proposed that Council approve the appointment of the following Lay Persons to the Committee for a term of office:
- Gareth Chapman
 - Andrew Bagley
 - Sue Davies
 - Abiodun Olorunnisola
- 4.2.4 The Local Government and Elections (Wales) Act 2021 requires the Chair to be a Lay Person and for a Deputy Chair to be appointed who must not be a member of the Executive or an Assistant to the Executive. The Chair and Deputy Chair will be appointed at the first scheduled meeting of the Governance and Audit Committee.

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
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.

4.3.3 It is proposed that the membership of the 3 Subject Overview and Scrutiny Committees reduces from 16 to 12 members and that Part 3 of the Constitution entitled Responsibility for Functions which contains the role, remit and terms of reference of Committees, Sub-Committees, Panels and other bodies, requires amending to reflect the proposed membership changes on the Committees.

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. There are currently three vacancies and the recruitment and appointment of these posts will be undertaken in due course.

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 (Two vacancies);
One Town/Community Council Member.

4.7.2 The Independent Members have all recently been appointed by Council to serve a further term of office on the Committee. Following the recent election, Cllr Gavin Thomas remains on the Committee as the Town and Community Council Member.

4.7.3 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.

4.8 Appointments Committee

4.8.1 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

4.8.2 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.

4.8.3 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.

4.8.4 Due to the revised composition of the Committee as detailed above, Part 3 of the Constitution entitled Responsibility for Functions which contains the role, remit and terms of reference of Committees, Sub-Committees, Panels and other bodies, requires amending to reflect the proposed political group changes on the Committee.

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

4.9.1 The current remit and functions of Committees and other bodies of the Council as detailed within the Constitution along with proposed amendments (as shown via tracked changes) are attached as **Appendix 1**.

4.10 Political Balance

4.10.1 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.

4.11 Committee Structure

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

4.12 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 commissioned a firm of solicitors to review the national model constitution due to provisions coming into force under the Local Government and Elections (Wales) Act 2021. The new model has been considered by each local authority and has become commonplace. It is proposed that the new model is locally reviewed and updated and reported to a future meeting of the Democratic Services Committee and thereafter Cabinet and Council for adoption.

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 Part 4 of the Constitution.

5.2 The revised Constitution once approved by Cabinet and Council will be published on the Council's website in accordance with the Local Government and Elections (Wales) 2021 Act.

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
 - 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
- (8) Approve the appointment of the four Lay Members to serve on the Governance and Audit Committee for a term of office as outlined at paragraph 4.2.3 of the report;
- (9) Approve the amendments to the Constitution as set out via tracked changes in Appendix 1 to reflect the revised composition of the Subject Overview and Scrutiny Committees, the Governance and Audit Committee and Appointments Committee;
- (10) Note that recruitment and appointment of replacement Registered Representatives will be undertaken in accordance with the provisions of paragraph 4.4.1 of the report.

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12 May 2022

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Background documents None.