
REPORT OF THE INTERIM MONITORING OFFICER

NOMINATION & APPOINTMENT OF MEMBERS AND CHAIRS AND DEPUTY CHAIRS TO SERVE ON COMMITTEES, BOARDS & PANELS

Reason for Report

1. The purpose of this report is to facilitate the nomination and appointment of Members to serve on each Committee established in accordance with Agenda Item 10; and the election of the Chair and Deputy Chair (as appropriate) for each such Committee.

Background

2. The previous report (Agenda Item 10) outlined matters relating to the establishment of Committees, together with their composition and allocation of seats in accordance with the statutory provisions on political balance.

Issues

- a) Nominations and Appointments to Committees
3. Following the establishment of Committees and the allocation of seats on each Committee in accordance with the statutory provisions on political balance, the next step is to make appointments to those Committees. It is the duty of the Council to make appointments as soon as practical thereafter, and to give effect to the stated wishes of political groups with regard to their nominations to the seats allocated to each particular group.
 4. Based on the Committee structure and composition set out in the previous report (Agenda Item 10), total nominations required are set out in Table A as follows:

TABLE A

| <u>COMMITTEES</u> | <u>SEATS</u> |
|--|---|
| <u>Regulatory and Other Committees</u> | |
| Planning Committee | 12 |
| Licensing Committee | 12 (same membership as Public Protection Committee) |

| <u>COMMITTEES</u> | <u>SEATS</u> |
|--|--|
| Public Protection Committee | 12 (same Membership as Licensing Committee) |
| Audit Committee | 12 (8 Members and 4 Non-Councillor Members) Cannot include more than 1 Member of the Cabinet, who must not be the Council Leader |
| Constitution Committee | 12 |
| Corporate Parenting Advisory Committee | 8 (not Members of the Children & Young People Scrutiny Committee) (to include relevant Cabinet Member for Children's Services , Education and Community Safety) |
| Council Appeals Committee | 9 |
| Democratic Services Committee | 12 (cannot include more than 1 Member of the Cabinet, who must not be the Council Leader) |
| Family Absence Appeals Panel | 3 (Members of Democratic Services Committee) |
| Employment Conditions Committee | 8 |
| Standards & Ethics Committee | 9 (3 County Councillors, 1 Community Councillor and 5 Non - Councillor Members) |
| Local Authority Governor Panel | 7 (to include relevant Cabinet Member) |
| <u>Scrutiny Committees</u> | |
| Children & Young People | 13 (9 County Councillors + 4 Co-opted) |
| Community & Adult Services | 9 |
| Economy and Culture | 9 |
| Environmental | 9 |
| Policy Review & Performance | 9 |
| <u>Other Groups</u> | |
| Bilingual Cardiff Working Group | 12 |
| Health and Safety Advisory Group | 5 |

| <u>COMMITTEES</u> | <u>SEATS</u> |
|---|--|
| Works Council | 5 |
| <u>Joint Committees and Boards</u> | |
| Public Services Board | 1 (Leader or relevant Cabinet Member) |
| Glamorgan Archives Joint Committee | 5 |
| Prosiect Gwyrdd Joint Committee | 2 (relevant Cabinet Members) |
| Shared Regulatory Services Joint Committee | 2 (relevant Cabinet Member & Chair of Licensing Committee) |
| Central South Consortium Joint Education Service Joint Committee | 1 (Leader or relevant Cabinet Member) |
| Vale, Valleys and Cardiff Regional Adoption Collaborative Joint Committee | 1 (Relevant Cabinet Member) |

5. It is normal practice where possible for the groups to make known their nominees at the Annual meeting but where this is not achievable the Proper Officer will receive nominations and make appointments in accordance with the wishes of the relevant political groups (under delegated authority reference LD17), and report the appointments and any subsequent changes to the next Council meeting for Members' information.
- b) Election of Chairs and Deputy Chairs (as appropriate)
6. The Constitution provides that the Chair and a Deputy Chair for each Committee shall be elected at Annual Council. In order to take those decisions, political groups will (at least in relation to any person to be nominated for appointment as Chair or Deputy Chair as the case may be) need to ensure that formal notice is given to the Proper Officer of the group's wishes that that person is nominated to the relevant Committee.
7. Legislation requires the politically proportional allocation of Scrutiny Chairs for Councils comprised of several political groups (pursuant to Part 6 of The Local Government (Wales) Measure 2011). The proportional allocation of Scrutiny Committee Chairs calculated in accordance with the principles set out in section 70 of the Local Government (Wales) Measure 2011, and discussed with the political groups, is shown in the Table B below:

TABLE B - Allocation of Chairs of Scrutiny in accordance with Political Balance

| Groups | Allocation of Chairs | Political Balance |
|------------------|----------------------|-------------------|
| Labour | 3 | 57.33% |
| Liberal Democrat | 1 | 20% |
| Conservative | 1 | 12% |
| Total | 5 | |

8. Once the Council has determined the allocation of Scrutiny Chairs to each political group, the appointment of Scrutiny Chairs is to be made by the relevant group. Subject to Council approval of the proportional allocation of Scrutiny Chairs, political groups are requested to provide notice of their proposed appointments to the Proper Officer to enable Annual Council to note the appointments.
9. Nominations to the following Chairs and Deputy Chairs need to be notified to the Proper Officer: -

TABLE C

| | <u>Chair</u> | <u>Deputy Chair</u> |
|--|--------------|---------------------|
| <u>Regulatory and Other Committees and Groups</u> | | |
| Planning Committee | | |
| Licensing Committee | | |
| Public Protection Committee | | |
| Corporate Parenting Advisory Committee | | ----- |
| Constitution Committee | | ----- |
| Council Appeals Committee | | ----- |
| Democratic Services Committee | | ----- |
| Employment Conditions Committee | | ----- |
| Bilingual Cardiff Working Group | | ----- |
| School Governor Panel | | ----- |

***Note that the Chairs of the Audit Committee and the Standards & Ethics Committee are appointed by their respective Committees. The Chair of the Standards and Ethics Committee must be a non-Council (Independent) Member.*

| | <u>Chair</u> | <u>Deputy Chair</u> |
|-----------------------------------|--------------|---------------------|
| <u>Scrutiny Committees</u> | | |
| Children & Young People Scrutiny | | ----- |
| Community & Adult Services | | ----- |
| Economy and Culture | | ----- |
| Environmental | | ----- |
| Policy Review & Performance | | ----- |

10. Details of the nominations received will be provided on the amendment sheet at the Annual Council meeting.

Legal Implications

11. The Council Procedure Rules provide that, at the Annual Council meeting, the Council will receive nominations of members to serve on its standing committees and make such appointments; and elect a Chair and a Deputy Chair for each of the committees (Rule 2(b) (xiii) and Rule 2(b) (xv) respectively).

Council is referred to the legal implications provided in the report on the establishment of Committees (Agenda Item 10) which are also relevant to this report.

12. As explained in the Legal Implications to that report (on Agenda Item 10), where a local authority has determined the allocation of political groups on a Committee, it is under a duty to give effect to the wishes of those groups with regard to the identities of the persons who are to represent that group on the Committee (pursuant to Section 16 of the 1989 Act). Regulation 14 of the Local Government (Committees and Political_Groups) Regulations 1990 ('the 1990 Regulations') requires political groups to be notified of their allocation on a committee in order that they may nominate individuals to serve on that committee. Regulation 15 contains a residual power for the Council to make appointments if the political groups fail to do so. However, apart from this provision, the Council has no discretion in the matter - its function is simply to make appointments which give effect to the wishes of the relevant political groups.
13. The wishes of a political group are to be taken as those expressed to the Proper Officer (a) orally or in writing by the leader or representative of the group; or (b) in a written statement signed by a majority of the members of the group. In the event that different wishes of a political group are notified, the wishes notified in accordance with point (b) shall prevail (Regulation 13).
14. A political group is identified when two or more members of the Council who wish to be treated as a political group write to the Proper Officer to inform him of that fact and of their name and the identity of their leader. A person joins a particular political group by sending a notice signed by him/her and the leader of the group. People may cease to be members of the group by notifying the Proper Officer (the Monitoring Officer) of their resignation, joining another group, or being ousted by a notice signed by a majority of the members of the group.

Under the Scheme of Delegations (delegation reference LD17), the Monitoring Officer is authorised to appoint members to Committee seats allocated to political groups (or make changes and fill vacancies) in accordance with the wishes of the political groups.

For the avoidance of doubt the requirements for political balance do not apply to the Cabinet or a Committee of the Cabinet or to the Standards and Ethics Committee.

Democratic Services Committee

15. The Democratic Services Committee cannot include more than one Cabinet member; and any such Cabinet member cannot be the Leader of the Council. The

person appointed to Chair the Democratic Services Committee must not be a Member of the Executive Group i.e. the Chair cannot be a member of any political group included in the Cabinet (pursuant to sections 12 and 14 of the Local Government (Wales) Measure 2011

Audit Committee

16. The Local Government (Wales) Measure 2011 (section 82) provides that the Audit Committee can include no more than one Cabinet member, who may not be the Leader. The Chair of the Audit Committee must be elected by the Committee and may be either a lay member or a non-executive group member (section 83).

Standards and Ethics Committee

17. The Standards Committees (Wales) Regulations 2001 provide that the Standards Committee is not subject to political balance (Regulation 12); and that its Chair and Vice-Chair must be Independent Members of the Committee elected by the Committee (Regulation 22)

Scrutiny Chairs

18. As noted in the body of the report, Part 6 of the Local Government (Wales) Measure 2011('the 2011 Measure') requires the politically proportional allocation of Scrutiny Committee Chairs. The proportional allocation of Scrutiny Committee Chairs must be calculated in accordance with section 70 of the 2011 Measure and approved by Council. Once the Council has determined the allocation of Scrutiny Chairs to each political group, the appointment of Scrutiny Chairs is to be made by the relevant group.

Financial Implications

19. Assuming that the number of Committees remains unchanged, there are no additional financial implications arising from this report that have not been included within the Council's budget for 2016/17.

RECOMMENDATIONS

That the Council

- (1) receives the nominations from the political groups to the seats allocated to each group as agreed under Agenda Item 10 and approves the corresponding appointments;
- (2) requests the Interim Monitoring Officer to report to the next Council meeting the details of all appointments to committees for information, taking into account any further nominations or changes notified following this meeting;
- (3) elects the Chairs and Deputy Chairs (as appropriate) to the Regulatory and Other Committees shown in paragraph 9 – Table C, and or any other such Committees that may be established;

- (4) approves the proportional allocation of Scrutiny Chairs as set out in paragraph 7, Table B of the report; and
- (5) subject to approval of recommendation 4), notes the appointment of the Scrutiny Chairs in accordance with the wishes of Party Groups pursuant to Part 6 of The Local Government (Wales) Measure 2011.

DAVID MARR
Interim Monitoring Officer
20 May 2016