

ANNUAL COUNCIL

21 MAY 2015

REPORT OF COUNTY CLERK & MONITORING OFFICER

NOMINATION & APPOINTMENT OF MEMBERS TO SERVE ON EACH COMMITTEE ESTABLISHED AND ELECTION OF CHAIRS & DEPUTY CHAIRS

Reason for Report

1. The purpose of this report is to facilitate the nomination and appointment of Members to serve on each Committee established and the election of the Chair and Deputy Chair (as appropriate) for those Committees.

Background

2. The previous report (Agenda Item 12) outlined matters relating to the establishment of Committees, together with their size and allocation of seats and terms of reference.

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 party groups regarding who is nominated to the seats allocated to each particular group.
4. Based on the Committee structure and size set out in the previous report (Agenda Item 10), total nominations required are as follows:

<u>COMMITTEES</u>	<u>SEATS</u>
<u>Ordinary Committees</u>	
Planning Committee	12
Licensing Committee	12 (same membership as Public Protection Committee)

Public Protection Committee	12 (same Membership as Licensing Committee)
Audit Committee	12 (8 Members and 4 Non-Councillor Members)
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 Committees</u>	
Bilingual Cardiff Working Group	12
Health and Safety Advisory Group	5
Works Council	5

<u>Joint Committees</u>	
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)

5. Following the allocation of seats in accordance with the proportionality rules, as agreed under Agenda item 10, Council is required to make appointments to Committees so as 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.

Under the relevant regulations 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 by a statement of the majority of the group prevail. 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 County Clerk & Monitoring Officer will report the nominations and any subsequent changes to the next Council meeting for Members' information.

- b) Election of Chairs and Deputy Chairs (as appropriate)

7. The Constitution provides that the Chair and a Deputy Chair for each Committee established shall be elected at the annual meeting of 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 wish that that person is nominated to the relevant Committee.
8. The following Chairs and Deputy Chairs need to be elected.

	<u>Chair</u>	<u>Deputy Chair</u>
<u>Ordinary Committees</u>		
Planning Committee		
Licensing Committee		
Public Protection Committee		
Corporate Parenting Advisory Committee		-----

	<u>Chair</u>	<u>Deputy Chair</u>
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		-----

9. Details of the nominations received will be provided on the Amendment sheet at the Council meeting.

Legal Implications

10. 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.

- 11 As explained in the Legal Implications to that report, 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 political groups.

12. 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).
13. 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.

14. Section 14 of the Local Government (Wales) Measure 2011 requires that the person appointed to Chair the Democratic Services Committee must not be a Member of the Executive Group (The Cabinet) i.e. a political group some or all of whose members comprise or are included in the Executive of the Authority. Also no more than one of the Members of the Democratic Services Committee can be a Member of the authorities Executive (The Cabinet).

Financial Implications

15. 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 2015/16.

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 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; and

- (3) elects the Chairs and Deputy Chairs (as appropriate) to the Committees shown in paragraph 8 and or any other such Committees that may be established.

MARIE ROSENTHAL

County Clerk & Monitoring Officer

15 May 2015