

COUNCIL

28 JULY 2016

REPORT OF INTERIM MONITORING OFFICER

**VARIATION TO THE SIZE OF, AND THE ALLOCATION OF SEATS ON,
SCRUTINY COMMITTEES**

Reason for this Report

1. The Council is requested to approve a variation in the size of Scrutiny Committees from that agreed at Annual Council on 26 May 2016 and to approve consequent changes in membership in accordance with Party Group wishes and the statutory requirements concerning political balance.

Background

2. The Constitution provides that at its Annual meeting the Council will establish and decide on any amendments to its standing Committees and their size, terms of reference and allocation of seats.
3. The Local Government and Housing Act 1989 requires the Council to allocate Committee seats to political groups in proportion to the size of the Groups on the Council as far as is reasonably practicable.

Issues

4. The matter of vacancies on Committees was highlighted in the Wales Audit Office Corporate Assessment Follow on Report in February 2016: Improvement Proposal P3(b).
5. In response to the Assessment Report this matter has been considered by the Party Group Whips and their Party Groups; the Scrutiny Chairs Liaison Group; the Interim Monitoring Officer; and senior officers.
6. Following discussions with these groups on a way forward it is proposed that the size of Scrutiny Committees be reduced for the remainder of this municipal year from 9 to 8 Members.
7. This proposal will ensure that three of the five Scrutiny Committees have full membership and the Economy and Culture and Policy Review and Performance Scrutiny Committees have one vacancy each. These vacancies are to be filled by the main party in accordance with the political balance on these committees as set out in Table A in this report.

TABLE A - Distribution of Seats Municipal Year 2016/17 in accordance with Party Group Wishes

Committee	Number of Seats	Labour	Lib Dem	Cons	Plaid	** Independent Members
No of Members	75	43	15	9	4	**4
Overall Percentage		60.6%	21.2%	12.6 %	5.6%	-
Total No Seats allocated in accordance with Political balance requirements	134	82	28	17	7	
Ordinary Committees Total No Seats	94	*59	23	*10	0	*2
Scrutiny Committees						
Children & Young People	8	5	2	1		
Community & Adult	8	5	1 (*1)	(*1)		*2
Economic & Culture	8	5	2	1		
Environment	8	5	2	1		
Policy Review & Performance	8	5	1 (*1)	1		*1
No of Seats	40	25	8	4	0	0
Total number of seats allocated	134	84	31	14	0	5
Total Percentage		62 6%	23.2%	10.4%	0	3.8%

** Individual Independent Members un-grouped

*Seats given up to Individual independent Members

8. The Liberal Democrat and Conservative Groups have offered an allocation of their seats to un-grouped Members for this municipal year; and the Plaid Cymru Group advised the Whips that they did not wish to take up their allocation of Committee seats, and these have been distributed amongst the other Groups.

9. Under the rules on political balance, the Council may adopt an alternative arrangement to strict political proportionality for the allocation of seats on Committees and distribute seats on a different basis provided that notice of such proposal is given in the Council Summons, and the alternative arrangement is approved by Council, without any Member voting against the arrangement (referred to as a 'nem con' vote). This was approved by Council on 26 May 2016.

Legal Implications

10. Sections 15 to 17 of the Local Government and Housing Act 1989 ("the 1989 Act") and the Local Government (Committees and Political Groups) Regulations 1990 ("the 1990 Regulations") lay down requirements designed to ensure that there is political balance on Committees. The rules apply to all ordinary committees, advisory committees, scrutiny committees, the Democratic Services Committee, Audit Committee, and joint committees where the Council appoints 3 or more seats, but do not apply to the Standards and Ethics Committee.

11. The Annual Council Meeting on 26 May 2016 reviewed the political make up of its Committees in accordance with the principles set out in Section 15 of 1989 Act, those principles being:
 - (a) not all seats on a Committee should be allocated to the same political group;
 - (b) the majority group on the Council should form the majority on the Committee;
 - (c) subject to (a) and (b), that the proportion of seats allocated to each political group on the total of all Committees should be the same as the proportion of Council Members who belong to that group; and
 - (d) subject to (a)–(c), that the proportion of seats allocated to each political group on each Committee should be the same as the proportion of Council Members who belong to that group.

12. 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 15 of the 1990 Regulations contains a residual power for the Council to make appointments if the political groups fail to do so.

Financial Implications

13. Assuming that the number of Committees and their size 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) approves the variation in size of the Council's established Scrutiny Committees from 9 to 8 Members for the remainder of this municipal year;
- (2) approve any changes in membership of these Committees as provided by Party Group Whips;
- (3) give delegated powers to the Interim Monitoring Officer to give effect to any changes in membership received after the meeting so that these can be implemented in time for the next cycle of meetings.

DAVID MARR
Interim Monitoring Officer

21 July 2016

Background papers

Wales Audit Office Corporate Assessment Follow on Report in February 2016

Wales Audit Office Corporate Assessment Follow on Report – Statement of Action Cabinet 21 March 2016

Establishment of Committees, Size, Terms of Reference and allocation of seats 26 May 2016

Annual Council minutes 26 May 2016