
**REPORT OF DIRECTOR OF GOVERNANCE AND LEGAL SERVICES
AND MONITORING OFFICER**

ALLOCATION OF SEATS AND APPOINTMENTS TO COMMITTEES

Reason for this Report

1. The Council is requested to determine the allocation of seats on Committees to political groups in accordance with the Political Balance Rules; and to receive nominations and make appointments of Members to serve on each of the standing Committees in accordance with Party Group wishes.
2. The Council is also asked to approve an extension to the leave of absence granted to an Independent Member of the Audit Committee; and to appoint a parent governor representative to the Children and Young People's Scrutiny Committee to fill a vacancy.

Background

3. The previous report (Agenda Item 10) outlined matters relating to the establishment of Committees, together with their size and terms of reference.
4. The Council Procedure Rules in the Constitution provide that at the Annual meeting the Council will decide on the allocation of seats on committees to political groups in accordance with legislation.
5. 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.
6. Having determined the allocation of seats to political groups, the Annual Council meeting is required to receive nominations of Members to serve on each of the established Committees and make such appointments.
7. The Standards and Ethics Committee is exempt from the political balance requirements (under Regulation 12 "*Allocation of seats to Political Groups*" of the Standards Committees (Wales) Regulations 2001).

Issues

Political Balance

8. The current composition of the Council is as set out in Table A:

TABLE A - Composition of the Council as at 1 May 2019:

Groups and Independents	Number of Councillors	Political Balance
Labour	38	50.67%
Conservative	21	28.00%
Liberal Democrat	11	14.67%
Welsh National Party	4	4.0%
Heath & Birchgrove Independent	1	1.33%

Allocation of Seats

9. The total number of seats on the Committees recommended under Agenda item 11, which are subject to the political balance requirements is 144, as detailed in **Appendix A**. Based on the current composition of the Council (shown in Table A), the proportional allocation of seats on those Committees is as set out in Table B:

TABLE B – Allocation of Seats in accordance with Political Balance

Groups and Independents	Number of Committee seats
Labour	75
Conservative	41
Liberal Democrats	21
Welsh National Party	7
Independent	0
Totals	144

10. The proportional allocation of seats, as set out in Table B above, was previously approved by Council on 28 November 2019.

Nominations and Appointments to Committees

11. Based on the Committee structure and size set out in the previous report (Agenda Item 10), the total number of seats to be filled are 144.
12. It is normal practice for the Groups to make known their nominations at the Annual Council meeting, but where this is not achieved the Director of Governance and Legal Services and Monitoring Officer may exercise her delegated authority (reference LD17) to make appointments to fill committee seats in accordance with the wishes of the political groups and then report the appointments and any subsequent changes to the next Council meeting for information. Alternatively, appointments may be made at the next meeting of Full Council.

13. It is the duty of the Council to make appointments as soon as practicable on or after the annual meeting, and to give effect to the stated wishes of party groups regarding who is to be appointed to the seats allocated to each particular group.

Audit Committee Member Leave of Absence

14. Ian Arundale has served as a Member of the Audit Committee from 25 June 2014 and as Chairperson between 22 June 2015 – 28 November 2019. Council approved his reappointment to the Audit Committee for a second term for the period 25 June 2019 – 24 June 2024.
15. Council, at its meeting on 28 November 2019, approved an ongoing leave of absence for Ian Arundale of 'up to a year' to enable him to take up the position of Deputy Chief Constable through a short-term contract with Cleveland Police.
16. The Audit Committee, on 17 November 2020, considered a request from Ian Arundale to extend his leave of absence until the end of the municipal year 2020/21 bearing in mind the complications which have arisen with the work programme he had contracted to complete as a result of the Covid pandemic.
17. The Committee recommended approval of the request to Full Council.

Appointment of Parent Governor Representative on the Children and Young People's Scrutiny Committee

18. The Council is required to appoint two parent governor representatives to the Children and Young People's Scrutiny Committee (under the Scrutiny Procedure Rules, Rule 3 and The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001). The term of office of one parent governor representative, Ms Karen Dell'Armi, expired on 5th September 2020, giving rise to a vacancy. In accordance with the requirements of the Regulations, the vacancy was publicised and two nominations were received. An election was held by postal ballot during the period from 16th October 2020 to 30th October 2020; and the votes were counted on 5th November 2020. The candidate who secured the most votes was Ms Karen Dell'Armi, which is due to be publicly announced on 20th November 2020.
19. Council is recommended to re-appoint Ms Dell'Armi as a parent governor representative on the Children and Young People's Scrutiny Committee for a further two year term, commencing on 27th November 2020.

Legal Implications

Political balance

20. 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 three or more seats, but do not apply to the Standards and Ethics Committee.

21. At its Annual Meeting, the Council is required to review the political make up of its Committees, and determine the allocation of seats to political groups 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.
22. 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.
23. 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).
24. 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.
25. The Annual Council meeting is required to 'receive nominations of members to serve on each of the standing committees and make such appointments' (Council Meeting Procedure Rules, Rule 2(b)(xiii). Under its approved Scheme of Delegations (Section 4E, delegation reference LD17), Council has also delegated authority to the Monitoring Officer 'To appoint councillors or non-councillor members to committee seats allocated to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – "substitutions") in accordance with the wishes of political groups or member nominating body.' This report recommends that Council makes appointments to its

committees in accordance with the groups' nominations submitted to this Council meeting; and instructs the Monitoring Officer to make appointments to any remaining vacancies in accordance with the wishes of the relevant political groups, and to report all appointments made to the next Council meeting.

Standards and Ethics Committee

26. Standards Committees in Wales must consist of not less than five and not more than nine members, and independent members must comprise at least half of all members. The Committee must include at least one 'Community Committee member' (i.e. a member of a community council within the authority's area) as the Standards Committee discharges functions in relation to Community Councils. Regulations specifically prohibit anyone other than a member of the Council, an independent member or a 'Community Committee' Member from being a member of the Committee. The Leader is prohibited from being a member of the Standards Committee, and no more than one member of the Cabinet may be a member of the Committee. The political balance requirements of the 1989 Act do not apply.
27. The Council's Constitution (Article 9) provides that the Standards & Ethics Committee will be composed of 9 members comprising 5 'independent' members, 3 Cardiff County Councillors and 1 Community Councillor.
28. The terms of office of the five independent members and the Community Council Member have not expired and so no further appointments of independent members or a Community Council Member are presently required.
29. The term of office for a Councillor sitting on the Standards Committee can be no longer than the period until the next ordinary Local Government Elections; but a Councillor may be re-appointed for one further consecutive term.

Democratic Services Committee

30. The Local Government (Wales) Measure 2011 (section 12) states that the Democratic Services Committee cannot include more than one member of the Cabinet, who must not be the Leader.

Audit Committee

31. The Local Government (Wales) Measure 2011 (section 82) provides that there must be at least one lay member on the Audit Committee or up to a third of the total membership. The current and recommended composition of the Audit Committee includes four non - councillor 'Independent Members' seats and 8 Councillors. This proportion of Independent Members is one third of the Committee members, which is the maximum permitted by law.
32. The Committee can include no more than one Cabinet member, who may not be the Leader. The Audit Committee is subject to the political balance rules. Statutory Guidance recommends that all Members of the Committee should display independence of thinking and unbiased attitudes, and must recognise and understand the value of the audit function.

33. The Council has power to determine the size and membership of its Audit Committee and make appointments to it, subject to compliance with the statutory provisions in Part 6, Chapter 2 of the Local Government (Wales) Measure 2011. The recommended extension to the leave of absence for Mr Arundale may be approved by Council pursuant to these powers

Planning Committee

34. The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 (made under s.39 of the Planning Wales Act 2015), provide that where wards have more than one elected Member, only one Member may sit on the planning committee (but this rule is not applicable to authorities comprised solely of multiple Member wards). This allows other ward Members to perform the representative role for local community interests. This statutory requirement is reflected in the Planning Committee Procedure Rules, Rule 1.1A. In submitting nominations for the Planning Committee, political groups will need to comply with this rule.

Parent Governor Representatives on Education Scrutiny Committees

35. As noted in the body of the report, under the Parent Governor Representatives and Church Representatives (Wales) Regulations 2001 and the Scrutiny Procedure Rules, the Council is required to appoint two parent governor representatives to the Children and Young People's Scrutiny Committee, following an election process conducted in accordance with the Regulations. The term of office of a parent governor representative must be between two and four years. A parent governor representative is disqualified from continuing in office if they resign or become disqualified from holding office as a parent governor, but not upon expiry of their term of office as a parent governor.
36. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Council Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

37. There are no direct financial implications arising from this report. However, in respect of the leave of absence request, for any period where there are fewer serving Co-opted Audit Committee Members there would be a reduction in the need for payments associated with the preparation and attendance of Committee Meetings, in accordance with the rates applicable through the Members' Schedule of Remuneration.

RECOMMENDATIONS

The Council is recommended to:

- a. approve the allocation of seats on Committees for the municipal year 2020/21 as set out in **Appendix A**;
- b. receive nominations from Party Groups in respect of the seats allocated to each Group as identified in **Appendix B**;
- c. appoint Members to each Committee in accordance with the nominations received from Party Groups as detailed on the amendment sheet;
- d. request the Monitoring Officer to make appointments in respect of any remaining vacancies in accordance with any further nominations or changes received from the relevant political groups following this meeting, and to report to the next Council meeting the details of all appointments to committees for information;
- e. approve the recommendation of the Audit Committee to grant the request for an extension of the leave of absence for Mr Ian Arundale until the end of the 2020/21 municipal year; and
- f. approve the reappointment of Ms Karen Dell'Armi as parent governor representative on the Children and Young People's Scrutiny Committee for a further two year term commencing on 27th November 2020.

DAVINA FIORE

Director of Governance and Legal Services and Monitoring Officer

20 November 2020

Appendix A – Distribution of Seats Municipal Year 2020/21
Appendix B - Proposed Committee Appointments (To Follow)