

REPORT TO:	Council
REPORT NO:	COGC/23/19
DATE:	5 June 2019
LEAD MEMBER:	Councillor Mark Pritchard (Organisation – Finance, Performance, Health & Safety and Governance)
CONTACT OFFICER:	Sioned Wyn Davies (Tel: 292202)
SUBJECT:	Appointment of Members to Committees, Scrutiny Committees and Various Panels
WARD:	N/A

1. PURPOSE OF THE REPORT

To consider appointments to Committees, Scrutiny Committees and various Panels set up by the Council as part of its Constitution.

2. EXECUTIVE SUMMARY

- 2.1 At the Meeting in May, 2019, Members were appointed to the Executive Board, and the sizes and political balance of the standing committees and scrutiny committees (copy attached as Appendix 1 to this report) were agreed in principle.
- 2.2 It was also agreed that the current Chairs, Vice-Chairs and Members of Committees, Panels and Groups continue, pending further consideration of appointments at today's Extraordinary Meeting

3. RECOMMENDATIONS

- 3.1 **That the Council considers appointing Members to the standing committees and scrutiny committees so as to give effect to the wishes of the relevant Political Groups to which seats are allocated and considers which seats are to be made available to the non-aligned Members.**
- 3.2 **That the Council consider appointing the Chairs of the Scrutiny Committees and the Democratic Services Committee in accordance with the provisions of the relevant sections of the Local Government (Wales) Measure 2011.**

- 3.3 That the Council consider appointing the Chairs and Vice-Chairs of the Planning Committee and Environmental Licensing Committee, together with Vice-Chairs of the Democratic Services Committee and Scrutiny Committees in accordance with political balance.
- 3.4 That the Council appoints Members to the various Panels/Group as set out in Appendix 3 so as to give effect to the wishes of the Political Groups to which seats are allocated and considers which seats are to be made available to the non-aligned Members.
- 3.5 That the terms of reference of the Panels/Group, as set out in Appendix 4, be approved.

REASONS FOR RECOMMENDATIONS

To appoint Members to the standing committees, scrutiny committees and various Panels set up by the Council as part of its Constitution and to appoint relevant Chairs and Vice-Chairs.

4. BACKGROUND INFORMATION

- 4.1 The Council's membership is divided into different political groups and the following figures reflect the numbers of Members in the declared groups of the Council:

Independent	-	17 seats
Labour Group	-	12 seats
Conservative Group	-	8 seats
Wrexham Independent Group	-	8 seats
Plaid Cymru	-	3 seats
Liberal Democrats	-	2 seats
Total		50 seats

There are also 2 non-aligned Members on the Council

- 4.2 Members are reminded that Section 15 of the Local Government and Housing Act, 1989, as amended by the Local Government Act 2000, provides that where the Council is divided into different political groups at the time of the Annual Meeting, it is under a duty to review the representation of the different political groups on Council committees at or as soon as practicable after the Meeting, and then to determine the allocation to those political groups of the seats to which appointments are made.
- 4.3 In reviewing the political balance arrangements and allocating seats to political groups on Committees, the Council is obliged to follow the principles established by Section 15 which are:-
 - (a) that not all the seats are allocated to the same political group;
 - (b) that the political group with an overall Council majority gets a majority of seats allocated;
 - (c) subject to (a) and (b), the number of seats on the ordinary Committees of the Council which are allocated to each political group must bear the same proportion to the total of **all seats on the ordinary Committees** of the Council as is borne by the number of members of the group to the membership of the Council.

- 4.4 In relation to Sub-Committees, (a) and (b) above apply, but not (c). This is replaced by a requirement that the number of seats on the Sub-Committee allocated to each political group must bear the same proportion to the number of all the seats on that Sub-Committee as is borne by the number of members of the group to the membership of the Council. Panels and Working Groups are not subject to the political balance requirements of the Act, but it has been customary in Wrexham to appoint them similarly on a politically balanced basis.
- 4.5 Where there are non-aligned Members the legislation requires that the Council must make available any remaining non-allocated seats to the non-aligned Members in the same proportion that their number bears to the total membership of the Council.
- 4.6 Having determined the allocation to the relevant political groups and non-aligned Members of seats on Committees and Sub-Committees, the Council then has a duty to make appointments to those Committees and Sub-Committees so as to give effect to the wishes of the declared political groups to which the seats are allocated.
- 4.7 Section 5 of the Council's Constitution states that the Executive Board will consist of up to 10 Members, comprising the Council Leader and up to 9 other Councillors, one of whom shall be the Deputy Leader, and all such appointments to the Executive Board shall be made by the Council annually at its Annual meeting. Section 15 of the Local Government and Housing Act 1989 (i.e. political balance) does not apply to the Board membership.
- 4.8 The proposed allocation of seats to the standing committees, Scrutiny Committees, Panels/Groups, set up by the Council, are detailed in Appendices 1 and 3 and take into account the following:
- 4.8.1 **Standards Committee** - In accordance with Regulation 12 of the Standards Committee (Wales) Regulations 2001 a Standards Committee is not to be regarded as a body to which Section 15 of the Local Government and Housing Act 1989 applies (i.e. political balance). However, it has been customary in Wrexham to appoint Members to the Committee on a politically balanced basis which it is legally at liberty to do if it so chooses. Regulation 9 of the Standards Committee (Wales) Regulations 2001 also states that the membership of the Standards Committee may not include more than one Member who is also a Member of the Executive and Regulation 8 states that the Leader of the Council cannot be a Member of the Standards Committee. The Regulations also state that the members of the Standards Committee shall elect a Chair and Vice-Chair from amongst the independent members of that Committee.
- 4.8.2 **Audit Committee** – Section 82 of the Local Government (Wales) Measure 2011 states that the membership of the Audit Committee may not include more than one Member who is also a Member of the Executive and that this must not be the Leader of the Council. Statutory Guidance made under Section 85 of the Local Government (Wales) Measure 2011 also states that the rules within Section 15 of the Local Government and Housing Act 1989 do not apply to Audit Committees (i.e. political balance). However, if political balance arrangements were applied to the Standards and Audit Committees the proposed allocation of seats to the committees when taken together is as identified in Appendix 1 to this report.

- 4.8.3 **Audit Committee *Chair** – In accordance with Section 83 of the Local Government (Wales) Measure 2011 the Chair of the Committee is to be appointed by the committee members themselves. The person appointed to Chair this Committee can be a councillor or a lay member but, in the former case, must not be a member who is also a member of an executive group as defined in the Measure. The only exception to this is where there are no opposition groups, the person who is to Chair the Committee may then be a member of an executive group but must not be a member of the local authority's executive.
- 4.8.4 **Planning Committee** – In accordance with the new Regulation 6 of The Size and Composition of Local Planning Authority 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 Planning Committee and in accordance with the Council's Constitution (Section 9) Executive Board Members shall not be eligible for appointment to the Planning Committee.
- 4.8.5 **Democratic Services Committee** – Section 12 of the Local Government (Wales) Measure 2011 states that the membership of this Committee may not include more than one Member who is also a Member of the Executive and that this must not be the Leader of the Council.

- 4.8.6 **Democratic Services Committee *Chair** - Section 14 of the Local Government (Wales) Measure 2011 states that the person appointed to chair this committee must not be a member of an executive group. The only exception to this is where there are no opposition groups. In this case, any member of the committee can be appointed as chair provided that the member is not a member of the local authority's executive.

*NB. These Member Roles as Chair do not attract a senior salary for the 2019/20 municipal year.

- 4.8.7 **Appointments Committee** - The Council's Constitution – Section 11 (paragraph 9), the Council's Officer Employment Procedure Rules, states that the Committee must include at least one member of the Executive Board, but must not comprise a majority of the executive (i.e. a Committee of 10 Members must not include more than 5 Executive Board Members.)
- 4.8.8 It is recommended that Members of the Grievance Committee should not also be appointed to the Investigation and Disciplinary Committee as this could lead to a conflict of interests
- 4.8.9 **Constitution Working Group** – Established by Council in March 2015 comprising 10 Members of which no more than 2 shall be Executive Board Members. The Chair shall be appointed by the Working Group, who will be a non-executive Member.

- 4.8.10 **Chairs of Scrutiny Committees** – are allocated in accordance with the provisions of Sections 66 to 75 of the Local Government (Wales) Measure 2011 relating to the appointment of Chairs of Scrutiny Committees, as follows:

- (i) The political groups represented in the executive can only appoint as many chairs as are proportionate to their combined share of the council's overall membership, rounding down if this does not equal a whole number of chairs. Therefore, the

Independent Group, the Conservative Group and the Wrexham Independent Group taken together are entitled to 3 chairs between the 3 groups.

- (ii) There is no requirement for these 3 chairs to be politically balanced across the 3 groups. It is for the executive groups together to decide upon the allocation of their entitlement to chairs between them.
- (iii) In accordance with the provisions of Sections 66 to 75 of the Local Government (Wales) Measure 2011 the remaining 2 chairs are the 'property' of the groups not represented in the executive namely the Labour, Plaid Cymru and Liberal Democrat groups. Applying the Welsh Government Guidance to this calculation requires one of these opposition chairs to be appointed from the Labour Group. The remaining chair has to be appointed by the relevant scrutiny committee from either the Plaid Cymru or Liberal Democrat group members on that committee as neither of these groups has an automatic entitlement to that chair when the Guidance is applied.

4.8.11 Chairs and Vice-Chairs of the Planning Committee and Environmental Licensing Committee, together with Vice-Chairs of the Democratic Services Committee and Scrutiny Committees have been allocated on a fully proportional basis.

4.8.12 Appendix 3 shows the proposed size and political balance of the various Panels/Group set up by the Council as part of its Constitution and attached at Appendix 4 are the recommended terms of reference of those Panels/Groups.

5. IMPLICATIONS

5.1 **Policy Framework** - These allocations fall to be determined by the Council under the Council's Constitution

5.2 **Budget** - The proposals can be met from the existing cash limited budget.

5.3 **Legal** - The principles of political balance where applicable are identified in the body of the report as are the full legal explanations of the impact of the Local Government (Wales) Measure 2011 and statutory guidance issued thereunder.

5.4 **Staffing** - Not applicable.

5.5 **Equalities/Human Rights** - There are no specific equality and human rights issues arising from this report. Any impacts will be considered as part of EIA CCS/EIA00080/2015 - Committee Administrative Processes.

5.6 **Risks** - Failure to appoint in accordance with the law and/or the Council's Constitution could impact on Council Governance.

6. CONSULTATION

6.1 Group Leaders have been consulted for their nominations.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
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