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| Meeting of: | Annual Meeting |
| Date of Meeting: | Monday, 14 September 2020 |
| Relevant Scrutiny Committee: | All Scrutiny Committees |
| Report Title: | Scrutiny Committees: Appointment, Membership, Terms of Reference and Allocation of Chairmen Positions |
| Purpose of Report: | To allocate the appointment of the five Scrutiny Committee Chairmen positions |
| Report Owner: | Rob Thomas, Managing Director |
| Responsible Officer: | Jeff Rees, Head of Democratic Services |
| Elected Member and Officer Consultation: | The Leader, Managing Director and Monitoring Officer have been consulted on the contents of the report. |
| Policy Framework: | Matters contained within this report are to be dealt with at the Council's Annual Meeting. |
| <p>Executive Summary:</p> <ul style="list-style-type: none"> • The procedure to be used to determine the allocation of seats across Committees was agreed at the Annual Meeting in 2015, a summary of which is attached at Appendix A. • A requirement exists, under the Local Government (Wales) Measure 2011, regarding the allocation of Scrutiny Committee Chairmen positions. In essence, any Group, or Groups, represented on the Executive are entitled (when taken together) to a proportion of Scrutiny Committee Chairmen positions equivalent to their total number of seats (when taken together) on the Council. Once this calculation has been done, the remaining Scrutiny Committee Chairmen positions become the "property" of the non-executive Groups (again, to be allocated proportionate to the total number of seats held by the respective Groups on the Council). The calculation relating to political balance will be circulated prior to the meeting. • Section 7 of the Council's Constitution sets out the Terms of Reference, general role and specific functions of the Scrutiny Committees, a copy of which is attached at Appendix C. | |

Recommendations

- 1.** That the Scrutiny Committees, together with their Membership and Terms of Reference, be appointed for the ensuing Municipal year.
- 2.** That the Council endorse the allocation of specific Scrutiny Committee Chairmen as notified by the relevant Group Leaders.
- 3.** That the one remaining Scrutiny Committee Chairman position be determined at the first meeting of the respective Committee.

Reason for Recommendations

- 1-3.** In order to comply with the relevant legislation.

1. Background

- 1.1** Council agreed at the Annual Meeting in 2015 the procedure to be used to determine the allocation of seats across Committees (as summarised in Appendix A).
- 1.2** Attached at Appendix B is the calculation relating to the political balance requirement for Committees in accordance with the Local Government and Housing Act 1989. For clarity, the Public Protection Licensing Committee will be included as done previously, the Statutory Licensing Committee will not as it does not need to be politically balanced (although it can be and, in fact, is) as it does not constitute a Committee created under the Local Government Act 1972. Furthermore, the membership of both Committees is the same and, as such, only one need count in terms of the overall political balance calculations.
- 1.3** Attached at Appendix C is an extract from Section 7 of the Council's Constitution which sets out the Terms of Reference, general role and specific functions of the Scrutiny Committees.
- 1.4** A requirement exists, under the Local Government (Wales) Measure 2011, regarding the allocation of Scrutiny Committee Chairmen positions. In essence, any Group, or Groups, represented on the Executive are entitled (when taken together) to a proportion of Scrutiny Committee Chairmen positions equivalent to their total number of seats (when taken together) on the Council. Once this calculation has been done, the remaining Scrutiny Committee Chairmen positions become the "property" of the non-Executive Groups (again, to be allocated proportionate to the total number of seats held by the respective Groups on the Council).
- 1.5** In calculating the above, the Measure provides that the figure relating to a Group, or Groups, represented on the Executive must, in all cases, be rounded down. The figure for non-Executive allocations is to be rounded up, or down, as appropriate to the nearest whole number, including zero.
- 1.6** As such, the allocation for the appointment of the five Scrutiny Committee Chairmen positions remains as follows:

Conservative – 31.91% = 1.59 = (rounded up) 2

Labour - 29.79%

Vale Independents – 17.02%

Llantwit First Independents – 8.51%

Plaid Cymru - 8.51% = 0.43 = (rounded down) 0

} = 55.32% = 2.77 = (rounded down) 2

- 1.7** It can be seen from the above that one of the five Scrutiny Committee Chairmen positions therefore currently stands unallocated. The Welsh Government Statutory Guidance on the Local Government (Wales) Measure 2011 (issued in June 2012) provides for such a situation. The Statutory Guidance provides that, should there be any unallocated Chairs following the use of the formula to calculate entitlement, then the position is to be appointed by the Members of that Committee. That will need to be done at the first meeting of the respective Committee.

2. Key Issues for Consideration

- 2.1** The Leader of the Labour Group and Coalition has confirmed that the Chairmen positions on the following Scrutiny Committees will be retained:

- Corporate Performance and Resources
- Environment and Regeneration.

- 2.2** The Leader of the Conservative Group has confirmed the Group will be retaining the Chairmen positions on the following Scrutiny Committees:

- Healthy Living and Social Care
- Learning and Culture.

- 2.3** As indicated above, one remaining position (Homes and Safe Communities) will then be determined at the first meeting of the Committee.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations (Wales) Act sets out effective transparency as a key part of improving the delivery of public bodies.

- 3.2** The Act requires public bodies to communicate and explain the processes of selecting its well-being objectives and how these objectives have been chosen, how decisions are taken in line with these objectives and what difference these objectives have made.

- 3.3** The importance of presenting the report to Council is to ensure that transparency has taken place and to inform the Council and the public of the above arrangements which are required to be undertaken annually to comply with the Council's Constitution.

4. Resources and Legal Considerations

Financial

- 4.1** Under the provisions of the 2020 Annual Report of the IRPW the Council is able to pay a Senior Salary to Members in the positions agreed by the Council.

Employment

- 4.2** There are no direct employment implications as a consequence of this report.

Legal (Including Equalities)

- 4.3** The Local Government Measure 2011 sets out the requirements for the allocation of Scrutiny Committee Chairmen positions. The above Measure also requires the Council in law to discharge certain overview and scrutiny functions, details of which are set out in Section 7 of the Council's Constitution.

5. Background Papers

Council Constitution

Local Government and Housing Act 1989

Local Government (Committees and Political Groups) Regulations 1990

Local Government (Wales) Measure 2011

THE VALE OF GLAMORGAN COUNCIL

ANNUAL MEETING: 14TH SEPTEMBER 2020

ALLOCATION OF SEATS ON COMMITTEES

Prior to the Annual Meeting in 2015, some Leaders raised issues/concerns regarding the potential anomalies which occur in looking at Committees on a 'line by line' basis. That, in turn, resulted in officers giving further, and careful, attention to the matter ahead of the 2015 Annual Meeting.

It had become increasingly difficult to track the anomalies resulting from the various adjustments which had become necessary over the years as a result of political changes. Consequently, a revised political balance table, designed to reflect accurately the various parties' entitlement to seats was drawn up. Council also considered, and approved, the process to be followed at the Annual Meeting to bring about "as far as practicable", a reflection of overall political balance across individual, and all, Committees.

As part of the above, the opportunity was taken to give specific consideration initially to the allocation of seats across the five Scrutiny Committees. It is considered prudent to do this for a variety of reasons, including:

- the various references in existing, and emerging, legislation and White Papers to the importance of Scrutiny within Councils and their decision-making processes;
- statutory guidance which reinforces the associated legislative provisions by stating that Overview and Scrutiny Committees should be politically balanced;
- to illustrate that overall political balance is reflected as accurately as possible across the five Scrutiny Committees.

The "true" entitlement to seats on Scrutiny Committees for each Group in 2020/21 remains (as was the case in 2019/20):

- Conservative – (rounded up) 16
- Labour – (rounded up) 15
- Vale Independents – (rounded up) 9
- Plaid Cymru – (rounded down) 4
- Llantwit First Independents – (rounded down) 4
- Independent: Councillor Mahoney – (rounded down) 1
- Independent: Councillor Penrose – (rounded down) 1.

The apportionment of seats in 2020/21 will, therefore remain as:

- Conservative – 16
- Labour – 15

- Vale Independents – 9
- Plaid Cymru – 4
- Llantwit First Independents – 4
- Independent: Councillor Mahoney – 1
- Independent: Councillor Penrose – 1.

One seat was gained each by Councillors Mahoney and Penrose on Healthy Living and Social Care Scrutiny Committee as a result of the Plaid and Llantwit First Independent Groups being required to give up a seat on Scrutiny Committees. This brings both Groups and both Members to their true entitlement. However, both Members have written to me indicating their intention to give up their seats on the above Scrutiny Committee. Both seats will remain vacant as there is no entitlement to any other political group to fill these vacancies as they are at their entitlements.

| | No. | CONSERVATIVE | | LABOUR | | Vale Indep | | PLAID | | LLANTWIT FIRST | | INDEPENDENT (Cllr Penrose) | | INDEPENDENT (Cllr Mahoney) | |
|---|---------------|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------|--------------|----------------------------|-------------|----------------------------|-------------|
| | | (15) | 65.11% | (14) | 60.77% | (8) | 34.72% | (4) | 17.36% | (4) | 17.36% | (1) | 4.34% | (1) | 4.34% |
| | | Allow | Actual | Allow | Actual | Allow | Actual | Allow | Actual | Allow | Actual | Allow | Actual | Allow | Actual |
| Committees | | | | | | | | | | | | | | | |
| Scrutiny - | | | | | | | | | | | | | | | |
| Corporate Performance and Resources | 10 | 3.19 | 3 | 2.98 | 3 | 1.70 | 2 | 0.85 | 1 | 0.85 | 1 | 0.21 | 0 | 0.21 | 0 |
| Environment and Regeneration | 10 | 3.19 | 3 | 2.98 | 3 | 1.70 | 2 | 0.85 | 1 | 0.85 | 1 | 0.21 | 0 | 0.21 | 0 |
| Healthy Living and Social Care | 10 | 3.19 | 3 | 2.98 | 3 | 1.70 | 2 | 0.85 | 0 | 0.85 | 0 | 0.21 | 1 | 0.21 | 1 |
| Homes and Safe Communities | 10 | 3.19 | 4 | 2.98 | 3 | 1.70 | 1 | 0.85 | 1 | 0.85 | 1 | 0.21 | 0 | 0.21 | 0 |
| Learning and Culture | 10 | 3.19 | 3 | 2.98 | 3 | 1.70 | 2 | 0.85 | 1 | 0.85 | 1 | 0.21 | 0 | 0.21 | 0 |
| Scrutiny Committees Total (A) | | 15.95 | 16.00 | 14.90 | 15.00 | 8.50 | 9.00 | 4.25 | 4.00 | 4.25 | 4.00 | 1.05 | 1.00 | 1.05 | 1.00 |
| | | | +1 | | | | -1 | | -1 | | -1 | | +1 | | +1 |
| Appeals | 6 | 1.91 | 2 | 1.79 | 2 | 1.02 | 1 | 0.51 | 0 | 0.51 | 1 | 0.13 | 0 | 0.13 | 0 |
| Audit * | 7 | 2.23 | 2 | 2.09 | 2 | 1.19 | 1 | 0.60 | 1 | 0.60 | 1 | 0.15 | 0 | 0.15 | 0 |
| Community Liaison | 13 | 4.15 | 4 | 3.87 | 4 | 2.21 | 2 | 1.11 | 1 | 1.11 | 1 | 0.28 | 1 | 0.28 | 0 |
| Democratic Services | 10 | 3.19 | 3 | 2.98 | 3 | 1.70 | 2 | 0.85 | 1 | 0.85 | 1 | 0.21 | 0 | 0.21 | 0 |
| Democratic Services Sub | 3 | 0.96 | 1 | 0.89 | 1 | 0.51 | 1 | 0.26 | 0 | 0.26 | 0 | 0.06 | 0 | 0.06 | 0 |
| Discretionary Housing Payments Review # | 7 | 2.23 | 2 | 2.09 | 1 | 1.19 | 1 | 0.60 | 0 | 0.60 | 1 | 0.15 | 0 | 0.15 | 1 |
| Early Retirement / Redundancy | 7 | 2.23 | 2 | 2.09 | 2 | 1.19 | 1 | 0.60 | 0 | 0.60 | 1 | 0.15 | 1 | 0.15 | 0 |
| Investigating | 7 | 2.23 | 2 | 2.09 | 2 | 1.19 | 1 | 0.60 | 0 | 0.60 | 1 | 0.15 | 0 | 0.15 | 1 |
| Licensing - Public Protection / Statutory | 15 | 4.79 | 5 | 4.47 | 5 | 2.55 | 3 | 1.28 | 1 | 1.28 | 1 | 0.32 | 0 | 0.32 | 0 |
| Planning | 17 | 5.43 | 6 | 5.06 | 5 | 2.89 | 3 | 1.45 | 2 | 1.45 | 1 | 0.36 | 0 | 0.36 | 0 |
| Public Rights of Way Sub | 5 | 1.60 | 2 | 1.49 | 2 | 0.85 | 1 | 0.43 | 0 | 0.43 | 0 | 0.11 | 0 | 0.11 | 0 |
| Senior Management Appointment | 6 | 1.91 | 2 | 1.79 | 2 | 1.02 | 1 | 0.51 | 0 | 0.51 | 1 | 0.13 | 0 | 0.13 | 0 |
| Standards ** | 3 | 0.96 | 1 | 0.89 | 1 | 0.51 | 1 | 0.26 | 0 | 0.26 | 0 | 0.06 | 0 | 0.06 | 0 |
| Trust | 7 | 2.23 | 2 | 2.09 | 2 | 1.19 | 1 | 0.60 | 1 | 0.60 | 0 | 0.15 | 1 | 0.15 | 0 |
| Voluntary Sector Joint Liaison *** | 8 | 2.55 | 3 | 2.38 | 2 | 1.36 | 1 | 0.68 | 1 | 0.68 | 1 | 0.17 | 0 | 0.17 | 0 |
| Welsh Church Act Estate | 7 | 2.23 | 2 | 2.09 | 2 | 1.19 | 1 | 0.60 | 1 | 0.60 | 0 | 0.15 | 0 | 0.15 | 1 |
| Panels / Forums / Groups | | | | | | | | | | | | | | | |
| Appointment of LA Governors Panel | 6 | 1.91 | 2 | 1.79 | 2 | 1.02 | 1 | 0.51 | 1 | 0.51 | 0 | 0.13 | 0 | 0.13 | 0 |
| Equalities Consultative Forum **** | 6 | 1.91 | 2 | 1.79 | 2 | 1.02 | 1 | 0.51 | 1 | 0.51 | 0 | 0.13 | 0 | 0.13 | 0 |
| Glamorgan Heritage Coast Advisory Group | 7 | 2.23 | 2 | 2.09 | 2 | 1.19 | 1 | 0.60 | 1 | 0.60 | 1 | 0.15 | 0 | 0.15 | 0 |
| Joint Consultative Forum | 7 | 2.23 | 2 | 2.09 | 2 | 1.19 | 1 | 0.60 | 1 | 0.60 | 1 | 0.15 | 0 | 0.15 | 0 |
| Total number of Seats on Cttees | 204 | 49.11 | 49.00 | 45.91 | 46.00 | 26.18 | 26.00 | 13.16 | 13.00 | 13.16 | 13.00 | 3.29 | 3.00 | 3.29 | 3.00 |
| NOT ACTUAL SHARE (B) | | 49.11 | 49.00 | 45.91 | 46.00 | 26.18 | 26.00 | 13.16 | 13.00 | 13.16 | 13.00 | 3.29 | 3.00 | 3.29 | 3.00 |
| Legal entitlement (excluding allocated Scrutiny Committee seats) | | | | | | | | | | | | | | | |
| TOTAL ACTUAL SHARE (A and B) | 204.05 | 65.06 | 65.00 | 60.81 | 61.00 | 34.68 | 35.00 | 17.41 | 17.00 | 17.41 | 17.00 | 4.34 | 4.00 | 4.34 | 4.00 |
| Amended ACTUAL SHARE | 203.00 | 65.00 | +1 | 61.00 | -1 | 35.00 | -1 | 17.00 | -4 | 17.00 | -3 | 4.00 | +4 | 4.00 | +4 |
| Total allocated***** | 203.00 | | | | | | | | | | | | | | |
| PR Exempt Below: | | | | | | | | | | | | | | | |
| Licensing Subs *** | | 3 This is drawn proportionally from Licensing Cttee Members. | | | | | | | | | | | | | |

1 seat gained each by Councillors Mahoney and Penrose on Healthy Living and Social Care Scrutiny as a result of the Plaid and Llantwit First Independent Groups being required to give up a seat on Scrutiny Committees. This brings both Groups and both Members to their true entitlement.

1 seat gained by Conservative Group on Homes and Safe Communities Scrutiny at the expense of the Vale Independents, bringing both Groups to their true entitlements on Scrutiny Committees

Equal entitlement Plaid / Llantwit First - seat to Llantwit First

Equal entitlement Cllrs Mahoney / Penrose - seat to Cllr Penrose

1 seat given up by Labour to reach their true overall entitlement

1 seat gained each by Conservatives and Plaid (Mathematical calculation)

1 seat gained by Labour (Mathematical calculation)

Equal entitlement Plaid / Llantwit First - seat to Llantwit First

Equal entitlement Plaid / Llantwit First - seat to Plaid

Equal entitlement Plaid / Llantwit First - seat to Plaid

Note Plaid Group have due to their over entitlement, given up seats on Healthy Living and Social Care Scrutiny, Discretionary Housing Review Payments, Early Retirement / Redundancy and Investigating Committees

Note: Llantwit First have due to their over entitlement, given up seats on Healthy Living and Social Care Scrutiny, Welsh Church Act Estate and Trust Committees

The above over entitlements have been taken up by Councillors Mahoney and Penrose to enable them to reach their overall entitlements

The total number of seats across all Committees to be allocated is 204, however only 203 seats can be allocated on the basis of the mathematical calculation and the legal entitlements of each political Group and individual Member. This will leave one seat unallocated and therefore vacant on the Discretionary Housing Payments Review Panel

SECTION 7

7. OVERVIEW AND SCRUTINY COMMITTEES

7.1 Introduction

7.1.1 The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees (this Council's are called "Scrutiny Committees") should be powerful Committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

7.1.2 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

7.2 Scrutiny Committees

In order to achieve this, the Council has appointed five Scrutiny Committees which between them will:

7.2.1 review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions, whether by the Executive or another part of the Council, but with the exception of any matter which is specifically identified in the terms of reference of any other Scrutiny Committee;

7.2.2 make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;

7.2.3 consider any matter which affects the Council's area or its inhabitants; and

7.2.4 exercise the right to call-in for reconsideration of decisions made, but not yet implemented, by the Executive and Officers.

In undertaking the above, Scrutiny Committees shall, in particular, have regard to

- compliance with Council policy;
- consideration of the need for changes to policy and/or practice;
- Continuous Improvement.

7.3 Role, Scope and Terms of Reference

The role, scope and terms of reference of the Scrutiny Committees are described in the table below:

| Committee Title | Scope | |
|-------------------------------------|---|---|
| | Corporate Outcomes Objectives | Plan and Council Functions |
| Corporate Performance and Resources | Overall monitoring of Corporate Health | <ul style="list-style-type: none"> • Corporate Policy and Performance • Communications • Customer Relations • Corporate Performance • Finance • ICT • Property • Legal • Democratic • Human Resources • Surplus Land and Property • Capital Schemes • Revenue Proposals over £300,000 • Public Services Board |
| Environment and Regeneration | <p>An Environmentally Responsible and Prosperous Vale.</p> <ul style="list-style-type: none"> • Promoting regeneration, economic growth and employment. • Promoting sustainable development and protecting our environment. | <ul style="list-style-type: none"> • Economic Development • Tourism • Countryside • Regeneration • Waste Management and Cleansing, Highways & Engineering and Grounds Maintenance • Planning • Transportation • Fleet Management, Cleaning and Security |

| | | |
|--------------------------------|---|---|
| Homes and Safe Communities | An Inclusive and Safe Vale. <ul style="list-style-type: none"> Reducing poverty and social exclusion. Providing decent homes and safe communities. | <ul style="list-style-type: none"> Public Housing Public Housing Maintenance Public Protection including all Shared Regulatory Services functions Community Safety Private Sector Housing and Renewal Areas Crime and Disorder Matters (as required under the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007) |
| | | <ul style="list-style-type: none"> Families First, Flying Start and Communities First |
| Learning and Culture | An Aspirational and Culturally Vibrant Vale. <ul style="list-style-type: none"> Raising overall standards of achievement. Valuing culture and diversity. | <ul style="list-style-type: none"> Schools (Pupil Support, School Improvement and School Support) Post 16 Education and Training Libraries Community Education and Youth Service Equalities Welsh Language Arts Development |
| Healthy Living and Social Care | An Active and Healthy Vale. <ul style="list-style-type: none"> Encouraging and promoting active and healthy lifestyles. Safeguarding those who are vulnerable and promoting independent living. | <ul style="list-style-type: none"> Adult Services Children and Young People's Services Social Services Business Management and Innovation Leisure, Parks, Sport and Play |

7.4 **Specific Functions**

7.4.1 **Policy Development and Review**

The Scrutiny Committees may:

- (a) assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

- (d) question Members of the Executive and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
- (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (f) consider the impact of policies to assess if they have made a difference.

7.4.2 Scrutiny

The Scrutiny Committees may:

- (a) review and scrutinise the decisions by, and performance of, the Executive and/ or Committees and Council Officers in relation to individual decisions and over time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question Members of the Executive and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (d) make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committees and local people about their activities and performance; and
- (f) question and gather evidence from any person (with their consent).

7.4.3 Finance

Scrutiny Committees may exercise overall responsibility for the finances made available to them.

7.4.4 Annual Report

The Scrutiny Committees must report annually to the Full Council on their workings, with recommendations for their future Work Programmes and amended working methods if appropriate.

7.4.5 Officers

Scrutiny Committees may exercise overall responsibility for the Work Programme of the Officers employed to support their work; it being noted that Officers supporting the scrutiny function also undertake non-scrutiny related duties.