

Meeting of:	<b>Annual Meeting</b>
Date of Meeting:	<b>Monday, 10 May 2021</b>
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Quasi-Judicial Committees and Other Bodies: Appointment, Terms of Reference and Membership
Purpose of Report:	To appoint the Quasi-Judicial Committees and Other Bodies, together with their Terms of Reference and membership for the Municipal Year
Report Owner:	Rob Thomas, Managing Director
Responsible Officer:	Jeff Rees, Head of Democratic Services
Elected Member and Officer Consultation:	Managing Director Monitoring Officer / Head of Legal and Democratic Services
Policy Framework:	Matters considered within the report are to be dealt with at the Council's Annual Meeting.
<p>Executive Summary:</p> <ul style="list-style-type: none"> <li>• The procedure agreed at the Annual Meeting in 2015 to determine the allocation of seats across Committees is summarised in Appendix A.</li> <li>• Members are reminded of the need to pay particular regard to legislation which came into force on 5th May, 2017 governing the size and composition of Planning Committees.</li> <li>• The Size and Composition of Local Planning Authorities Committees (Wales) Regulations 2017 (which came into effect on 5th May, 2017) bring into effect, and provide the detailed interpretation for, Section 39 of the Planning (Wales) Act 2015, so far as it relates to the size and composition of Committees discharging functions.</li> <li>• Set out at Appendix B is the calculation relating to the political balance requirement for Committees in accordance with the Local Government Act 1989. The membership of the Quasi-Judicial Committees will be circulated prior to the meeting as Supplementary Information based on information provided by Group Leaders.</li> </ul>	

## **Recommendations**

1. That the Council agree the revised allocation of seats on Committees taking into account the political balance calculations attached at Appendix B to the report.
2. That the Council endorse the entitlement of the vacant seats on the following Committees:
  - Discretionary Housing Payments Review Committee;
  - Voluntary Sector Joint Liaison Committee; and
  - Glamorgan Heritage Coast Advisory Groupto Councillor O. Griffiths (subject to Recommendation (3) below).
3. That, subject to Recommendation (2) above, the Council endorse the entitlement to the vacant seat on the Licensing Committee to Councillor O. Griffiths subject to him giving up one seat from his entitlement to seats on the Council.
4. That the Quasi-Judicial Committees and Other Bodies, together with their Terms of Reference (Appendix C) and Membership, as set out in the Supplementary Information to the report, be appointed for the ensuing Municipal Year.
5. That, having regard to the Planning Committee, membership be agreed as outlined in paragraphs 2.12 to 2.14 of the report.

## **Reason for Recommendations**

1-5. In order to comply with the relevant legislation.

### **1. Background**

- 1.1 Members are reminded of the procedure agreed at the Annual Meeting in 2015 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 will be circulated prior to the meeting. 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 a list of Quasi-Judicial Committees and other bodies, together with existing Terms of Reference. The membership of the Quasi-Judicial Committees will be circulated prior to the meeting as Supplementary Information based on information provided by Group Leaders.

## **2. Key Issues for Consideration**

- 2.1** Following the resignation of Councillor O. Griffiths from the Labour Group, the political balance entitlements to seats across the Council's other Committees (excluding the allocation of seats on Scrutiny Committees which was dealt with under the previous report), have been recalculated as shown in Appendix B.
- 2.2** The effect of the resignation has resulted in the Labour Group currently having an over-entitlement of a further 3 seats on the Council's other Committees. Following consultation with the Leader of the Council, he has indicated that he intends to give 3 seats, i.e. one seat upon each of:
- Discretionary Housing Payments Review Committee;
  - Voluntary Sector Joint Liaison Committee; and
  - Glamorgan Heritage Coast Advisory Group.
- 2.3** This will bring the Labour Group to their legal entitlement of seats across the Council's other Committees.
- 2.4** Members will further note from Appendix B that there is an entitlement to 3 seats on the Council's other Committees to Councillor O. Griffiths.
- 2.5** In addition to the above matters, the Labour Group's entitlement to seats on the Public Protection / Statutory Licensing Committee and Public Rights of Way Sub-Committee have reduced by one seat on each due to the mathematical calculations. Consequently, there is now an equal entitlement to one of the three Independent Members of the Council relating to the Licensing Committee.
- 2.6** Both Councillors Penrose and Mahoney have confirmed that they do not wish to take up their seat. Councillor O. Griffiths has indicated he wishes to take the seat on the Licensing Committee. Subject to Council endorsement, Councillor O. Griffiths will be required to give up a seat on one of the bodies indicated in paragraph 2.2 post the Annual Meeting to ensure his legal entitlement to seats on the Council is achieved. Councillor O. Griffiths will therefore need to advise Democratic Services which two of the three Committees in paragraph 2.2 above he intends taking up.
- 2.7** In regard to the Public Rights of Way (PROW) Sub-Committee, there is now an equal entitlement to one seat to either the Plaid Cymru Group or Llantwit Major First Independents. Both Group Leaders have confirmed that they do not wish to take up the seat on the PROW Sub-Committee and consequently there will be a vacant seat.
- 2.8** Councillor Mahoney has indicated that he will not be taking up his seat on the Welsh Church Act Estate Committee.
- 2.9** No other Groups on the Council are entitled to these vacant positions as they have reached their legal entitlements to seats on the Council, to do so would represent an over entitlement.
- 2.10** In considering this report, Members are reminded of the need to pay particular regard to legislation which came into force on 5th May, 2017 governing the size and composition of Planning Committees.

- 2.11** The Size and Composition of Local Planning Authorities Committees (Wales) Regulations 2017 (which came into effect on 5th May, 2017) bring into effect, and provide the detailed interpretation for, Section 39 of the Planning (Wales) Act 2015, so far as it relates to the size and composition of Committees discharging functions.
- 2.12** The Regulations require Local Authority Planning Committees in Wales to be structured and operated in accordance with the following requirements:
- The Planning Committee must contain no fewer than 11 Members and no more than 21 Members, but no more than 50% of the Authority Members (rounded up to the nearest whole number).
  - Where Wards have more than one Elected Member, only one Member may sit on the Planning Committee, in order to allow other Ward Members to perform the representative role for local community interests.
- 2.13** Whilst the second bullet point above does not apply to a Local Authority that comprises solely of multiple Member Wards (due to the need to maintain political balance on the Committee), the Vale of Glamorgan Council is one of the Councils to which both of the above provisions do apply. Failure to adhere to the requirements of the Regulations would affect the validity of decisions taken by the Planning Committee. It is therefore necessary for the Regulations to be taken into account in appointing the Planning Committee.
- 2.14** In addition to the above, the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 also came into force on 5th May, 2017. These Regulations provide that:
- Each meeting of the Planning Committee must have a quorum of 50% to make decisions.
  - The use of substitute Members is prohibited.

### **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 why 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 2019 Annual Report of the IRPW the Council is able to pay a Senior Salary to Members in those 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 and Housing Act 1989 requires all Committees to be politically balanced.
- 4.4** The size and composition of the Planning Committee must have regard to the Local Planning Authorities Committee (Wales) Regulations 2017.

## **5. Background Papers**

Council Constitution

Local Government (Wales) Measure 2011

Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017

Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017.

## THE VALE OF GLAMORGAN COUNCIL

ANNUAL MEETING: 10<sup>TH</sup> MAY 2021

### **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 2021/22 is as follows:

- Conservative – (rounded up) 16
- Labour – (rounded up) 14
- 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
- Independent: Councillor O. Griffiths – (rounded down) 1.

The apportionment of seats is therefore:

- Conservative – 16

- Labour – 14
- Vale Independents – 9
- Plaid Cymru – 4
- Llantwit First Independents – 4
- Independent: Councillor Mahoney – 1
- Independent: Councillor Penrose – 1
- Independent: Councillor O. Griffiths – 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 previously 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 previously indicating they will not be taking 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 legal entitlements.

Proportionality By Individual Committee Size NOT ACTUAL SIZE

Size of Cttees and "Allow Columns" must be manually entered (See Split Table).

Committees	No.	CONSERVATIVE		LABOUR		Vale Indep		PLAID		LLANTWIT FIRST (4) 17.36%		INDEPENDENT 1 (Cllr Penrose) (1) 4.34%		INDEPENDENT 2 (Cllr Mahoney) (1) 4.34%		INDEPENDENT 3 (Cllr O Griffiths) (1) 4.34%	
		(15) 65.11%	(13) 56.43%	(8) 34.72%	(4) 17.36%	(4) 17.36%	(1) 4.34%	(1) 4.34%	(1) 4.34%	(1) 4.34%	(1) 4.34%	(1) 4.34%	(1) 4.34%	(1) 4.34%	(1) 4.34%	(1) 4.34%	(1) 4.34%
		Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual
<b>Scrutiny -</b>																	
Corporate Performance and Resources	10	3.19	3	2.77	3	1.70	2	0.85	1	0.85	1	0.21	0	0.21	0	0.21	0
Environment and Regeneration	10	3.19	4	2.77	3	1.70	1	0.85	1	0.85	1	0.21	0	0.21	0	0.21	0
Healthy Living and Social Care	10	3.19	3	2.77	3	1.70	2	0.85	0	0.85	0	0.21	1	0.21	1	0.21	0
Homes and Safe Communities	10	3.19	3	2.77	3	1.70	2	0.85	1	0.85	1	0.21	0	0.21	0	0.21	0
Learning and Culture	10	3.19	3	2.77	3	1.70	2	0.85	1	0.85	1	0.21	0	0.21	0	0.21	0
<b>Scrutiny Committees Total (A)</b>		<b>15.95</b>	<b>16.00</b>	<b>13.85</b>	<b>15.00</b>	<b>8.50</b>	<b>9.00</b>	<b>4.25</b>	<b>4.00</b>	<b>4.25</b>	<b>4.00</b>	<b>1.05</b>	<b>1.00</b>	<b>1.05</b>	<b>1.00</b>	<b>1.05</b>	<b>0.00</b>
			-		-1		-		-		-		-		-		+1
Appeals	6	1.91	2	1.66	2	1.02	1	0.51	0	0.51	1	0.13	0	0.13	0	0.13	0
Community Liaison	13	4.15	4	3.60	4	2.21	2	1.11	1	1.11	1	0.28	1	0.28	0	0.28	0
Democratic Services	10	3.19	3	2.77	3	1.70	2	0.85	1	0.85	1	0.21	0	0.21	0	0.21	0
Democratic Services Sub	3	0.96	1	0.83	1	0.51	1	0.26	0	0.26	0	0.06	0	0.06	0	0.06	0
Discretionary Housing Payments Review	7	2.23	2	1.94	2	1.19	1	0.60	0	0.60	1	0.15	0	0.15	1	0.15	0
Early Retirement / Redundancy	7	2.23	2	1.94	2	1.19	1	0.60	0	0.60	1	0.15	1	0.15	0	0.15	0
Governance and Audit *	7	2.23	2	1.94	2	1.19	1	0.60	1	0.60	1	0.15	0	0.15	0	0.15	0
Investigating	7	2.23	2	1.94	2	1.19	1	0.60	0	0.60	1	0.15	0	0.15	1	0.15	0
Licensing - Public Protection / Statutory	15	4.79	5	4.15	4	2.55	3	1.28	1	1.28	1	0.32	0	0.32	0	0.32	0
Planning	17	5.43	6	4.70	5	2.89	3	1.45	2	1.45	1	0.36	0	0.36	0	0.36	0
Public Rights of Way Sub	5	1.60	2	1.38	1	0.85	1	0.43	0	0.43	0	0.11	0	0.11	0	0.11	0
Senior Management Appointment	6	1.91	2	1.66	2	1.02	1	0.51	0	0.51	1	0.13	0	0.13	0	0.13	0
Standards **	3	0.96	1	0.83	1	0.51	1	0.26	0	0.26	0	0.06	0	0.06	0	0.06	0
Trust	7	2.23	2	1.94	2	1.19	1	0.60	1	0.60	0	0.15	1	0.15	0	0.15	0
Voluntary Sector Joint Liaison ***	8	2.55	3	2.21	2	1.36	1	0.68	1	0.68	1	0.17	0	0.17	0	0.17	0
Welsh Church Act Estate	7	2.23	2	1.94	2	1.19	1	0.60	1	0.60	0	0.15	0	0.15	1	0.15	0
<b>Panels / Forums / Groups</b>																	
Appointment of LA Governors Panel	6	1.91	2	1.66	2	1.02	1	0.51	1	0.51	0	0.13	0	0.13	0	0.13	0
Equalities Consultative Forum ****	6	1.91	2	1.66	2	1.02	1	0.51	1	0.51	0	0.13	0	0.13	0	0.13	0
Glamorgan Heritage Coast Advisory Group	7	2.23	2	1.94	2	1.19	1	0.60	1	0.60	1	0.15	0	0.15	0	0.15	0
Joint Consultative Forum	7	2.23	2	1.94	2	1.19	1	0.60	1	0.60	1	0.15	0	0.15	0	0.15	0
<b>Total number of Seats on Cttees</b>	<b>204</b>	<b>49.11</b>	<b>49.00</b>	<b>42.63</b>	<b>45.00</b>	<b>26.18</b>	<b>26.00</b>	<b>13.16</b>	<b>13.00</b>	<b>13.16</b>	<b>13.00</b>	<b>3.29</b>	<b>3.00</b>	<b>3.29</b>	<b>3.00</b>	<b>3.29</b>	<b>0.00</b>
					-3												+3
<b>NOT ACTUAL SHARE (B)</b> <i>Legal entitlement (excluding allocated Scrutiny Committee seats)</i>		<b>49.11</b>	<b>49.00</b>	<b>42.63</b>	<b>45.00</b>	<b>26.18</b>	<b>26.00</b>	<b>13.16</b>	<b>13.00</b>	<b>13.16</b>	<b>13.00</b>	<b>3.29</b>	<b>3.00</b>	<b>3.29</b>	<b>3.00</b>	<b>3.29</b>	<b>0.00</b>
<b>TOTAL ACTUAL SHARE (A and B)</b>	<b>204.06</b>	<b>65.06</b>	<b>65.00</b>	<b>56.48</b>	<b>60.00</b>	<b>34.68</b>	<b>35.00</b>	<b>17.41</b>	<b>17.00</b>	<b>17.41</b>	<b>17.00</b>	<b>4.34</b>	<b>4.00</b>	<b>4.34</b>	<b>4.00</b>	<b>4.34</b>	<b>0.00</b>
<b>Amended ACTUAL SHARE</b>	<b>202.00</b>																
<b>Total allocated*****</b>	<b>202.00</b>	<b>65.00</b>	<b>-</b>	<b>56.00</b>	<b>-4</b>	<b>35.00</b>	<b>-</b>	<b>17.00</b>	<b>-</b>	<b>17.00</b>	<b>-</b>	<b>4.00</b>	<b>-</b>	<b>4.00</b>	<b>-</b>	<b>4.00</b>	<b>+4</b>
<b>PR Exempt Below:</b>																	
<i>Licensing Subs ***</i>																	

**NOTE**

- Figures are calculated by individual Cttee size, and are NOT the figures to be used for the Actual Seat Allocation.
- To calculate the Actual Seat Allocation, one must calculate the Proportionality by Total Number of Seats (i.e. Total Number of Seats in the Authority by number of Councillors in the Group). The figures must then be compared and brought to size.

**KEY**

- \* Governance and Audit Committee - 7 Members plus 1 Lay Member
- \*\* Standards Committee does not include Lay Members
- \*\*\* Voluntary Sector Joint Liaison Committee does not include 7 Voluntary Sector and 1 CTC/TCC rep
- \*\*\*\* Equalities Equalities Consultative Forum (6 Members - to be chaired by the Cabinet Member for Performance and Resources)

\*\*\*\*\*Total allocation after rounding down is 202 seats. This means that after all changes there will be two Committees with a vacancy



(a) **Appeals Committee (6 Members, none of whom should be members of either the Early Retirement / Redundancy Committee or the Investigating Committee)**

Terms of Reference:

With delegated powers:

- (1) To hear and determine appeals against decisions on disciplinary proceedings instituted against Chief Officers (excluding the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services).
- (2) To hear and determine matters relating to grievance appeals from Chief Officers.
- (3) To hear and determine appeals arising from local government reorganisation.
- (4) To consider and make recommendations to Cabinet on all matters relating to re-grading appeals by all Chief Officers.
- (5) To hear and determine appeals against the redundancy of Council employees issued with redundancy notification.
- (6) To hear and determine appeals against the redundancy of employees employed by school governing bodies following notice of school closure.

N.B. Pursuant to the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and the Amendment Regulations 2014, where in the case of the dismissal of

- a Chief Officer
- a Deputy Chief Officer

a committee or sub-committee is discharging the function of the dismissal, at least one member and not more than half of the members of that committee or sub-committee are to be members of the Executive.

Separate mechanisms are in place to deal with dismissal and disciplinary issues affecting the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services.

**N.B. Appeals Panel [for Employees]** – Appeals for employees (except for Chief Officers, the Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer), the Head of Democratic Services and schools employed staff) are undertaken by an Appeals Panel established by Full Council on 26<sup>th</sup> June 2013 (Minute No. 143). The Appeals Panel consists of one elected Member drawn from a pool of three Elected Member nominees, the Managing Director or Service Director (as nominated by the Managing Director) and the Head of Human Resources or substitute as nominated by the Head of Human Resources. The pool of three Members (from which one Member is drawn) to be determined as a result of

nominations from Group Leaders from the three largest political parties, as set out in Appendix 1 to the report to Council on 26<sup>th</sup> June, 2013.

**(b) Discretionary Housing Payments Review Committee (7 Members)**

Terms of Reference:

With delegated powers to determine reviews made under the Discretionary Financial Assistance Regulations 2001, as amended by the Discretionary Financial Assistance Regulations 2008, and any statutory modifications made thereunder in the light of guidance on the operation of Discretionary Housing Payments issued by the Department for Work and Pensions under the Discretionary Housing Payments Scheme.

**(c) Investigating Committee (7 Members, none of whom should be members of the Appeals Committee)**

Terms of Reference:

With delegated powers:

- (1) To act in accordance with the procedures laid down by the JNC Conditions of Service for Chief Officers and in accordance with the Local Authorities (Standing Orders) (Wales) Regulations 2006 and the Local Authorities (Standing Orders) (Wales) Regulations (Amendment) Regulations 2014 and any statutory modifications made thereunder in all matters of discipline and capability.
- (2) To determine such matters as appropriate with delegated powers on behalf of the Council in relation to non-statutory Chief Officers and statutory Chief Officers, with the exception of the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services.
- (3) To recommend, where considered appropriate, in the case of the Head of Paid Service, Monitoring Officer, Chief Finance Officer and the Head of Democratic Services referral of the issue to an independent person in accordance with the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and the Local Authorities (Standing Orders) (Wales) Regulations (Amendment) Regulations 2014 and any statutory modifications made thereunder.

**\*N.B. The “second hearing” as referred to within the Chief Officers’ Hand Book in respect of non-statutory Chief Officers and statutory Chief Officers, with the exception of the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services, shall be a referral to the Appeals Committee in accordance with ACAS guidelines.**

**(d) Planning Committee (17 Members)**

N.B. The Size and Composition of Local Planning Authorities Committees (Wales) Regulations 2017 require Local Authority Planning Committees in Wales to be structured and operated in accordance with the following requirements:

- The Planning Committee must contain no fewer than 11 Members and no more than 21 Members, but no more than 50% of the Authority Members (rounded up to the nearest whole number).
- Where Wards have more than one Elected Member, only one Member may sit on the Planning Committee, in order to allow other Ward Members to perform the representative role for local community interests.

Whilst the second bullet point above does not apply to a Local Authority that comprises solely of multiple Member Wards (due to the need to maintain political balance on the Committee), the Vale of Glamorgan Council is one of the Councils to which both of the above provisions do apply.

In addition to the above, the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 provide that:

- Each meeting of the Planning Committee must have a quorum of 50% to make decisions.
- The use of substitute Members is prohibited.

**Terms of Reference:**

With delegated powers

- (1) To deal with all matters relating to development control, including planning applications.
- (2) To deal with all matters relating to building control, including dangerous and dilapidated buildings and structures, and trees.
- (3) To consider and determine applications for modification of the Definitive Map and Statement made under Section 53 of the Wildlife and Countryside Act 1981 and any statutory modifications made thereunder.

**N.B.** The Planning Committee have delegated some of these functions to the Public Rights of Way Sub-Committee and resolved that responsibility for Rights of Way/ Highway related functions contained in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009, other than those allocated to the Planning Committee or the Public Rights of Way Sub-Committee, be delegated to the Head of Regeneration and Planning, as set out in Appendix A to the report to the Planning Committee on 20<sup>th</sup> May, 2010, and that

- (i) In all the sub-sections contained in Appendix A, pre-order consultation shall always include Local Ward Members.
- (ii) In all the sub sections contained in Appendix A, pre-order consultation with

Local Ward Members would afford Members the right to request that the matter be reported to the relevant Committee/Sub-Committee.

**(e) Public Rights of Way Sub-Committee (5 Members)**

Terms of Reference:

- (1) To consider and determine under delegated powers applications for Footpath Orders made under Sections 25, 26, 118 and 119 of the Highways Act 1980 and Orders made under Sections 53(3)(b), 53(3)(c) and 54 of the Wildlife and Countryside Act 1981 in respect of modifications of the Definitive Map.
- (2) To consider and determine under delegated powers applications for Footpath and Bridleway Orders affected by development under Section 257 of the Town and Country Planning Act 1990 where opposition which has been raised as a result of pre-order consultation remains unresolved.

(N.B. See also terms of reference of the Planning Committee above.)

**(f) Public Protection Licensing Committee (15 Members)**

Terms of Reference

- (1) To determine all licensing matters and any other matters of a licensing nature, with the exception of Licensing Act 2003 and Gambling Act 2005 licensing functions and any matters and such other licensing functions which fall within the remit of the:
  - (i) Council, any of its committees or the Executive.
  - (ii) The Joint Committee for Shared Regulatory Services.
- (2) All Licensing matters will be considered by the Public Protection Licensing Committee or Public Protection Licensing Sub Committee as deemed necessary, exercising plenary powers and meeting on such specific occasions as necessary.
- (3) The Public Protection Licensing Committee or Public Protection Licensing Sub Committee shall be empowered to do anything which is necessarily incidental to the exercise of the delegated function and all delegations and or authorisations shall be construed accordingly (unless they are expressly limited) in order to facilitate the determination of any matters considered by them.
- (4) The Public Protection Licensing Committee or Public Protection Licensing Sub Committee shall be empowered to adopt or modify any such rules of procedure including, but not limited to, the Statement of Principles for taxi licensing in order to facilitate the determination of any matters considered by them.
- (5) To determine all licensing matters delegated to the Committee, including applications for Hackney Carriage, Private Hire Vehicles, Street Trading

Licences, any other matters of a licensing nature.

- (6) To review and update conditions attached to existing licences/certificates/permits/consents and to agree new conditions required due to changes in legislation and or changes in trends or practices.
- (7) Any function in relation to the making of an Alcohol Consumption in Designated Public Places Order under the provisions of the Criminal Justice and Police Act 2001.

**(g) Statutory Licensing Committee (15 Members)**

Terms of Reference

- (1) To determine all matters regulated by the Licensing Act 2003 and the Gambling Act 2005 and any statutory modifications made thereunder in accordance with the Council's Statements of Licensing Policy.
- (2) All Licensing Act 2003 and Gambling Act 2005 functions and matters will be considered by the Statutory Licensing Committee or Statutory Licensing Sub Committee as deemed necessary, exercising plenary powers meeting on such specific occasions as necessary.
- (3) The Statutory Licensing Committee or Statutory Licensing Sub Committee shall be empowered to do anything which is necessarily incidental to the exercise of the delegated function and all delegations and or authorisations shall be construed accordingly (unless they are expressly limited) in order to facilitate the determination of any matters considered by them.
- (4) The Statutory Licensing Committee or Statutory Licensing Sub Committee as deemed necessary shall be empowered to adopt or modify any such rules of procedure in order to facilitate the determination of any matters considered by them.

**(h) Standards Committee (9 Members, including 5 independent members: 3 Councillors other than the Leader and not more than 1 member of the Executive; and 1 member of a town/community council wholly or mainly in the Council's area)**

Terms of Reference:

- (1) To promote and maintain high standards of conduct by Councillors, Co-Opted Members and church and parent governor representatives.
- (2) To assist Councillors, Co-Opted Members and church and parent governor representatives to observe the Members' Code of Conduct.
- (3) To advise the Council on the adoption or revision of the Members' Code of Conduct.

- (4) To monitor the operation of the Members' Code of Conduct.
  - (5) To advise, train or arrange to train Councillors, Co-Opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct.
  - (6) To grant dispensations to Councillors, Co-Opted Members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
  - (7) To deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman.
  - (8) To exercise (1) to (7) above in relation to the community councils wholly or mainly in its area and the Members of those community councils.
  - (9) To overview complaints handling and Ombudsman investigations.
- (i) **Standards Committee Appointments Committee (3 Members – the Elected Members who sit on the Standards Committee)**

Terms of Reference:

To appoint the Independent Members to the Standards Committee, having regard to the Appointment Panel's recommendations and to deal with other matters requiring a decision for the appointment of a non-Council member of the Standards Committee.

- (j) **Appointment of Local Authority Governors Advisory Panel (6 Members – to be chaired by the Cabinet Member for Education and Regeneration)**

Terms of Reference:

A representative of the Vale Governors' Association (AVAGO), as determined by the management committee of that Association, will be invited to attend the Panel in an advisory capacity (i.e. without voting rights). In the event of any of the six members or the AVAGO representative being unable to attend, named substitutes will be eligible to take their place to ensure that all these groups are adequately represented when the Panel meets.

The Advisory Panel for the Appointment of Local Authority Governors will be responsible for making recommendations to the Cabinet regarding the appointment and removal of Local Authority Governors in line with the approved criteria contained within this policy. If the Cabinet do not endorse any recommendations of the Panel regarding any Local Authority Governor appointments, they will refer them back to the Panel in the first instance, stating appropriate reasons for doing so. In the event of failure by the Panel to recommend an appointment, that appointment will then be made by the Cabinet, so as to ensure that the Council meets its obligation to fill vacancies within six months of their notification.

**(k) Community Liaison Committee (13 Members)**

Terms of Reference:

- (1) To discuss local government matters of mutual concern in attendance with one representative, or nominated substitute, from each Town / Community Council, and from any other organisation considered appropriate.
- (2) To refer, as appropriate, reports / recommendations to Cabinet.

**N.B.** Only Members of the Vale of Glamorgan Council will have voting rights. However, if requested by Town and Community Councillors, a vote will be obtained from Town and Community Councillors as an indication of their views, which will be reported in the minutes and, if the Committee requests, included in any related report / recommendations referred to Cabinet.

**(l) Democratic Services Committee (10 Members)**

To comprise of Councillors only – to be politically balanced with no more than 1 executive Member, who cannot be the Leader.

Full Council to appoint Chairman, who must not be a member of any political group on the Executive.

Terms of Reference:

- (1) To designate the Head of Democratic Services.
- (2) To keep under review the provision by the Authority of adequate resources to discharge Democratic Services functions.
- (3) To make reports and recommendations in respect of (2) above to Full Council at least annually.
- (4) To have regard to Welsh Ministerial guidance when exercising its functions.
- (5) To be responsible for overseeing the Council's approach to Member Development.

Frequency of Meetings

The Committee must meet at least once a year.

**(m) Democratic Services Sub-Committee (3 Members)**

Terms of Reference

To hear and determine any complaints from Members regarding a refusal by the Head

of Democratic Services to grant family absence under the Family Absence for Elected Members of Local Authorities (Wales) Regulations 2013.

**(n) Early Retirement / Redundancy Committee (7 Members - none of whom should be members of the Appeals Committee)**

Terms of Reference:

With delegated powers:

- (1) To determine individual applications for Early Retirement / Voluntary Redundancy / Flexible Retirement.
- (2) To determine compulsory redundancies from schools and other areas of the Council where statutory payments are prescribed.

**(o) Governance and Audit Committee (7 Members plus 1 Lay Member)**

Composition

The membership of the Governance and Audit Committee is to be determined by Council subject to:

At least two thirds of the members must be Vale of Glamorgan Councillors of whom no more than 1 member may be a member of the Cabinet who must not be the Leader.

- (a) Up to one third of the members may be from outside the Council and at least one member must be a lay member.

Chairing the Committee

The Governance and Audit Committee shall be chaired and vice-chaired by persons elected by its members. The Chairman and Vice Chairman may be a Vale of Glamorgan Councillor or a lay member, but must not be a member of any Group which has Members on the Executive.

Voting

All Governance and Audit Committee members, including lay members, have the right to vote on any issue considered by the Committee.

Frequency of meetings

The Committee must meet at least once a year.

Terms of Reference:

- (1) To consider the external auditor's annual report and other relevant reports; and



- to make recommendations on their implementation to Cabinet and/or Council as appropriate.
- (2) To consider specific reports as agreed with the external auditor and to make recommendations on their implementation to Cabinet and/or Council as appropriate.
  - (3) To maintain an overview of Contracts Procedure Rules, Financial Regulations; and Officers' Codes of Conduct and behaviour and to make recommendations to Cabinet and/or Council as appropriate.
  - (4) To monitor Council policies on "Raising Concerns at Work" and the anti-fraud and bribery strategy and the Council's complaints procedure and to make recommendations to Cabinet and/or Council as appropriate.
  - (5) To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.
  - (6) To review the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
  - (7) Overall responsibility for the maintenance and operation of the Whistleblowing Policy.
  - (8) To consider the Council's draft Annual Performance Self-Assessment report and if deemed necessary may make recommendations for changes to the Council.
  - (9) To receive the Council's finalised Annual Self-Assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year.
  - (10) At least once during the period between two consecutive ordinary elections of Councillors to the Council, consider the independent Panel Performance Assessment report into which the Council is meeting its performance requirements.
  - (11) To receive and review the Council's draft response to the report of the independent Panel Performance Assessment and if deemed necessary may make recommendations for changes to the statements made in the draft response to the Council.
  - (12) To review and assess the Council's ability to deal with complaints effectively.
  - (13) To make reports and recommendations in relation to the Council's ability to deal with complaints effectively.
  - (14) Review and scrutinise the Authority's financial affairs.

- (15) Make reports and recommendations in relation to the Authority's financial affairs.
- (16) Review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the Authority.
- (17) Make reports and recommendations to the Authority on the adequacy and effectiveness of those arrangements.
- (18) Oversee the Authority's internal and external audit arrangements, and
  - Review the financial statements prepared by the Authority.
- (19) A Local Authority may confer on its Governance and Audit Committee such other functions as the Authority considers suitable to be exercised by such a Committee.
- (20) It is for the Governance and Audit Committee to determine how to exercise its functions.

With delegated powers:

- (1) To approve the Internal Audit Charter.
- (2) To approve the risk-based Internal Audit Plan and to approve significant interim changes to the risk-based Internal Audit Plan.
- (3) To oversee the Council's Internal Audit arrangements (including the performance of the providers of Internal Audit).
- (4) To contribute to the Quality Assurance and Improvement Programme and, in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.
- (5) To consider and approve the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's risk management, internal control and corporate governance arrangements.
- (6) To consider and approve summaries of special internal audit reports as requested.
- (7) To consider and approve reports dealing with the management and performance of the providers of internal audit services.
- (8) To consider reports from internal audit on agreed recommendations not implemented within a reasonable timescale and approve necessary remedial action.
- (9) To comment on the scope and depth of external audit work and to ensure it gives value for money.

- (10) To commission work from internal and external audit.
- (11) To review and determine on any issue referred to it by the Head of Paid Service, Section 151 Officer, Monitoring Officer or by a Director, or any Council body.
- (12) To approve measures to ensure the effective development and operation of risk management and corporate governance in the Council.
- (13) To consider the Council's arrangements for corporate governance and to approve necessary actions to ensure compliance with best practice.
- (14) To approve the external auditor's report to those charged with governance on issues arising from the audit of accounts.

**(p) Joint Consultative Forum (7 Members)**

**Composition**

- (1) The Forum shall consist of seven elected members of the Council. In the event of an elected member being unable to attend the place will be taken by the Member's named substitute.
- (2) The employee representatives shall consist of a total of twelve representatives in the employ of the Council nominated collectively by the appropriate Trade Unions with the Teaching Association Trade Unions being provided with four representatives. In the event of an employee representative being unable to attend a meeting a substitute member in the employ of the Council can be nominated.
- (3) The Chairperson of the Forum will be a Vale of Glamorgan Councillor, elected at the first meeting of the Joint Consultative Forum by all Elected Members, following the local government elections for the duration of the current administration.
- (4) The Vice Chairperson of the Forum will be elected by the Trade Unions representatives and will chair the Forum in the absence (and at the request) of the Chairperson.
- (5) The quorum at a meeting will be three elected members and six trade union / employee representatives.
- (6) The Standing Joint Secretary to the Forum will be the Head of Human Resources. (In his / her absence the Operational Manager for Human Resources will act as substitute). The Joint Secretary for the employee representatives shall be nominated on an annual basis by the appropriate trade unions.

**Terms of Reference:**

- (1) To consider any relevant matter referred to it by a Committee, Elected Member

or the Head of Paid Service of the Council or by the Employees' Group.

- (2) To make recommendations to the Cabinet on the above and on the application of the terms and conditions of service and the education, training and welfare of employees of the Council.
- (3) To discharge any other functions specifically assigned to the Forum.

**(q) Senior Management Appointment Committee (6 Members, including Leader and Deputy Leader)**

Terms of Reference:

With delegated powers to select for and to interview and appoint to the Management Structure and to appoint the lay member to the Governance and Audit Committee.

N.B. In order to assist the process in respect of joint appointments (i.e. with partner organisations), the Council has granted delegated authority to the Managing Director, in consultation with the Leader, to agree the arrangements for the involvement of the partner organisation in the decision-making process.”

**(r) Standards Committee Appointment Panel (1 Community Councillor, 1 Lay Person (to be appointed by the Monitoring Officer) and 1 Vale of Glamorgan Councillor from each political group (who is not a member of the Standards Committee)**

Terms of Reference:

To consider applications to fill Independent Member vacancies on the Standards Committee and make recommendations to the Appointments Committee.

**(s) Trust Committee (7 Members)**

Terms of Reference:

With delegated powers to consider and deal with matters in which the Council acts as Trustee, except those matters within the terms of reference of the Welsh Church Act Estate Committee.

**(t) Voluntary Sector Joint Liaison Committee (8 Members plus 7 Voluntary Sector representatives and 1 representative as nominated by the Community Liaison Committee from Town and Community Councils)**

Terms of Reference:

- (1) To refer, as appropriate, reports and recommendations to the Council's Cabinet and the Executives of Voluntary Sector organisations.

- (2) To appoint a Chairman and Vice-Chairman from amongst the eight Members of the Council and an Honorary Vice-Chairman from amongst the seven representatives from the Voluntary Sector.
- (3) To advise the Council of the needs, views and concerns of the Voluntary Sector. To report on the work of those organisations grant funded by the Council, either in full or in part.
- (4) To act as a consultative forum where the Voluntary Sector and the Council may, in partnership, put forward policy proposals for discussion and decision.
- (5) To facilitate and promote joint working between the Council and the Voluntary Sector.
- (6) In accordance with the statutory provisions, only Members of the Council will have voting rights. However, where there is no consensus, this will be reported in the minutes and placed before the Cabinet prior to a decision being taken.
- (7) To review the Compact and associated Annual Work Plan and to monitor and report on progress made towards achieving the actions contained within the Compact and the Plan.
- (8) To consider reports of the Cabinet and other Committees of the Council which have a bearing and impact on the Voluntary Sector.

**(u) Welsh Church Act Estate Committee (7 Members)**

Terms of Reference:

- (1) Delegated authority to administer and manage the Welsh Church Act Estate as vested in the Council.
- (2) Authority to negotiate with other authorities and the Welsh Government to rationalise the ownership of Welsh Church Act properties administered by other authorities, but actually located within the Vale of Glamorgan.
- (3) To ensure that the Wales Programme for Improvement is observed in all areas of the Committee's responsibility.

**(v) Equalities Consultative Forum (6 Members – to be Chaired by the Cabinet Member for Performance and Resources)**

Terms of Reference:

- (1) To act as a consultative forum in relation to the equalities policy and procedures developed by the Council.
- (2) To facilitate the promotion of equal opportunities and the elimination of discrimination both within the Council and the wider community.

- (3) To consider reports from Departments and representative organisations on equalities related subjects and new initiatives; and to make recommendations to the Council on changes to policies and procedures where appropriate.
- (4) To advise the Council of the views and concerns of equality organisations and of the residents of the Vale.
- (5) To facilitate and promote joint working between the Council and equality organisations.

#### Composition of the Forum

The Forum will be chaired by the Cabinet Member for Performance and Resources. In her or his absence, a Chair will be nominated for each particular meeting by the members of the Forum in attendance.

In addition to the Chair, membership will consist of five Elected Members as determined by the Annual Meeting of Council.

The membership of external organisations on the Forum will be reviewed on an ongoing basis by the Head of Performance and Development, in consultation with the Chair, to ensure that all equality strands are represented wherever possible.

#### Frequency of Meetings

As required, but as a minimum once every six months.

#### **(w) Glamorgan Heritage Coast Advisory Group (7 Members)**

One representative from each of the following:

Natural Resources Wales; Friends of the Glamorgan Heritage Coast; One Voice Wales; Bridgend County Borough Council; National Farmers Union / Farmers Union of Wales / Farming and Wildlife Advisory Group; Glamorgan Wildlife Trust; Dunraven Estates; Country Landowners Association; Merthyr Mawr Estates, Crown Estates Commissioners and Vale of Glamorgan Tourist Association.

#### Terms of Reference:

- (1) To act as a forum for discussion twice yearly with major interest groups and appropriate organisations.
- (2) To promote awareness and interest in the Heritage Coast.
- (3) To report discussions to the Cabinet and to advise on relevant matters.

(x) **Central South Consortium Joint Education Service Joint Committee**  
**(1 Member)**

The revised Governance Model for the Consortium includes a streamlined Joint Committee, which consists of a reduced number of Leaders or nominated representatives. Each constituent Local Authority appoints one Member, which (according to the National Model) should be the Leader or nominated representative.

Representative – Cabinet Member for Education and Regeneration.

(y) **Shared Regulatory Services Joint Committee (2 Members)**

The Joint Working Agreement provides for each of the three constituent Authorities to appoint substitutes for its two named Members.

Representatives – Cabinet Member for Legal, Regulatory and Planning Services and the Chairman of the Public Protection Licensing Committee.

Substitutes – Cabinet Member for Neighbourhood Services and Transport and the Vice-Chairman of the Public Protection Licensing Committee.

(z) **Local Authority Trading Company “The Big Fresh Catering Company”**

**Terms of Reference:**

The Shareholder Committee has authority to undertake all the functions of the Council as shareholder under the Companies Act 2006, and all relevant legislation and associated guidance in respect of its shareholder duties including but not limited to the following matters:

- To determine any shareholder agreement between the Council and the company;
- To agree any reserved matter required by the Articles of Association or Shareholder Agreements. Shareholder reserve powers are any or all powers of the directors (or any of them) as restricted in such respects, to such an extent and for such a duration as the Controlling Shareholder may from time to time, by notice in writing to the LATC prescribe.
- To exercise control as owners of the company for the development of the company’s strategic direction; business plan and other matters;
- To meet at least once a year and receive an annual report and business plan from the company and to consider the annual audited accounts for consideration and approval including any financial plan for the coming year with cash flow and forecast;
- To agree the operational and financial parameters of the company as required by the Articles of Association including any services to be traded by the company during the coming financial year;
- To determine any guidance, note for duties of directors (including conflicts of interests)
- To approve and adopt any conflict of interest policy for the Committee;

- To make decisions that only the Council as shareholder can make by law e.g. altering a company's Articles of Association and using, where applicable the written resolution procedure to do so, as prescribed by the Companies Act 2006. Unless it has been set out in, or is ancillary or conducive towards doing anything in, the LATC's then current business plan, the directors and/or the LATC may not do anything other than in the ordinary course of business, without the prior written consent of the Controlling Shareholder as required by the LATC's Articles of Association.
- To appoint and dismiss directors of the Company (where power to do so is reserved to the shareholder). As required by the Articles of Association the Controlling Shareholder is required to appoint the Managing Director of the LATC, and appoint and remove as appropriate, the Council Officer, the Council Councillor, and Expert Director in accordance with the LATC's Articles of Association.
- To appoint and remove any Company Secretary appointed and Auditor;
- To ensure that the company does not lose its status as a "Teckal" compliant company within the meaning of the legislation and regulations in force or as amended from time to time;
- To agree any loan agreements or draw-down of Council financing (subject to funds being made available by the Council and any previous authorised delegations);
- To provide annual updates to the Learning and Culture Scrutiny Committee. Part of the role of the Shareholder Committee will require it to ensure that the financial and propriety controls that apply to local authority-controlled companies as set out in the Local Government and Housing Act 1989 will need to be complied with. This and other matters will be monitored by the Shareholder Committee and reported on for scrutiny to the relevant Scrutiny Committee.