

Meeting of:	Annual Meeting
Date of Meeting:	Monday, 10 May 2021
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). • 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. The membership of the Scrutiny Committees will be circulated prior to the meeting as Supplementary Information based on information provided by Group Leaders. 	

Recommendations

- 1.** That Council endorse the entitlement of the vacant seat on the Healthy Living and Social Care Scrutiny Committee to Councillor O. Griffiths.
- 2.** That the Scrutiny Committees, together with their Membership and Terms of Reference, be appointed for the ensuing Municipal year.
- 3.** That the Council note the allocation of specific Scrutiny Committee Chairmen as notified by the relevant Group Leaders.

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 are the calculations relating to the political balance requirement for Committees in accordance with the Local Government and Housing Act 1989.
- 1.3** These have been recalculated following the recent resignation of Councillor O. Griffiths from the Labour Group to become an Independent Member on the Council. As a consequence of this resignation and the subsequent reduction in the size of the Labour Group from 14 to 13, the total allocation of seat entitlement for the Labour Group actually reduces from 15 to 14 across the five Scrutiny Committees as indicated in Appendix B. The Leader has confirmed that he intends to give up one seat on the Healthy Living and Social Care Scrutiny Committee. This will bring the Labour Group to their legal entitlement to seats across the five Scrutiny Committees.
- 1.4** This will leave a vacancy, however, Members will further note from Appendix B that there is an entitlement to one seat on a Scrutiny Committee to Councillor O. Griffiths.
- 1.5** 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. The membership of the Scrutiny Committees will be circulated prior to the meeting as Supplementary Information based on information provided by Group Leaders.
- 1.6** Part 6 of the Local Government (Wales) Measure 2011 requires the politically proportional allocation of Scrutiny Committee Chairmen for Councils where in general the membership will be divided among several political groups.
- 1.7** The broad aim of the related sections is a requirement for Local Authorities to make provision for the allocation of Scrutiny Committee Chairmen on a

proportionate basis, with the additional proviso that the political group (or groups) which comprise the Executive of the Council cannot allocate a greater number of Scrutiny Committee Chairmen to its group(s) than is proportionate to its (combined) representation on the Full Council (i.e. all Members, whether or not they are Members of political groups) rounding down if this does not equal a whole number (including zero) of Chairmen.

- 1.8** In regard to the Executive’s entitlement, it is for the Executive group(s) together to decide upon the allocation of their entitlement to Chairmen between them.
- 1.9** The remaining Scrutiny Committee Chairmanships are the “property” of those groups not represented in the Executive. If there is only one such group, that group is entitled to all the remaining Scrutiny Committee Chairmanships, if there is more than one non-Executive group, each gets a share of the Scrutiny Committee Chairmanships in proportion to that group’s numerical strength within the combined total of opposition groups. The calculation of Scrutiny Committee Chairmanships for opposition groups should not take any account of Councillors who are not Members of political groups on the Authority.
- 1.10** 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.
- 1.11** The calculation / allocations shown below reflect the above, and take into account that the Labour, Vale Independents and Llantwit First Independents Groups have formed a coalition. The calculations below now reflect the reduction in the size of the Labour Group following the resignation of Councillor O. Griffiths and as can be seen, there is no change to the combined entitlement of Scrutiny Chairmen positions for the Coalition Administration. (Members are asked to note that the emboldened figures below in brackets indicate the comparative calculations based on the former Labour Group size of 26 which then included Councillor O. Griffiths.) As such, the allocation for the appointment of the five Scrutiny Committee Chairmen positions for 2021/22 will be as follows:

Labour	27.66%	} 25 seats of 47 = 53.19% (55.32%) of the 5 Chairs seats available which is $0.5319 \times 5 = 2.66$ (2.77) (rounded down)	2 seats
Vale Independents	17.02%		
Llantwit First Independents	8.51%		
Opposition Groups are then entitled to the 3 remaining seats; each Opposition Group being entitled to their proportional share of the total Opposition Group seats rounded to the nearest whole number (including zero)			
Conservative	15 seats of 19 = 78.95% of the 3 Chairs seats available which is $0.7895 \times 3 = 2.37$ (rounded down)		2 seats

Plaid Cymru	4 seats of 19 = 21.05% of the 3 Chair seats available which is $0.2105 \times 3 = 0.63$ (rounded up)	1 seat
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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 The Leader of the Plaid Cymru Group will retain the Homes and Safe Communities Scrutiny 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: 10TH 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 confirmed that 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	INDEPENDENT 1	INDEPENDENT 2	INDEPENDENT 3				
		(15)	65.11%	(13)	56.43%	(8)	34.72%	(4)	17.36%	(4)	17.36%	(Cllr Penrose)	(Cllr Mahoney)	(Cllr O Griffiths)	(1)	4.34%	(1)
		Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual
Scrutiny -																	
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
Scrutiny Committees Total (A)		15.95	16.00	13.85	15.00	8.50	9.00	4.25	4.00	4.25	4.00	1.05	1.00	1.05	1.00	1.05	0.00
			-		-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
Panels / Forums / Groups																	
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
Total number of Seats on Cttees	204	49.11	49.00	42.63	45.00	26.18	26.00	13.16	13.00	13.16	13.00	3.29	3.00	3.29	3.00	3.29	0.00
					-3												+3
NOT ACTUAL SHARE (B) <i>Legal entitlement (excluding allocated Scrutiny Committee seats)</i>		49.11	49.00	42.63	45.00	26.18	26.00	13.16	13.00	13.16	13.00	3.29	3.00	3.29	3.00	3.29	0.00
TOTAL ACTUAL SHARE (A and B)	204.06	65.06	65.00	56.48	60.00	34.68	35.00	17.41	17.00	17.41	17.00	4.34	4.00	4.34	4.00	4.34	0.00
Amended ACTUAL SHARE	202.00																
Total allocated*****	202.00	65.00	-	56.00	-4	35.00	-	17.00	-	17.00	-	4.00	-	4.00	-	4.00	+4
PR Exempt Below:																	
Licensing Subs ***		3 This is drawn proportionally from Licensing Cttee Members.															

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

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	<p>An Inclusive and Safe Vale.</p> <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) • Families First, Flying Start and Communities First
Learning and Culture	<p>An Aspirational and Culturally Vibrant Vale.</p> <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	<p>An Active and Healthy Vale.</p> <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.