

Meeting of:	Annual Meeting
Date of Meeting:	Monday, 23 May 2022
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Scrutiny Committees: Appointment, Membership, Terms of Reference and Allocation of Chair Positions
Purpose of Report:	To allocate the appointment of the five Scrutiny Committee Chair positions
Report Owner:	Rob Thomas, Chief Executive
Responsible Officer:	Jeff Rees, Head of Democratic Services
Elected Member and Officer Consultation:	The Leader, Chief Executive 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.
Executive Summary:	<ul style="list-style-type: none"> A requirement exists, under the Local Government (Wales) Measure 2011, regarding the allocation of Scrutiny Committee Chair positions. In essence, any Group, or Groups, represented on the Cabinet are entitled (when taken together) to a proportion of Scrutiny Committee Chair positions equivalent to their total number of seats (when taken together) on the Council. Once this calculation has been done, the remaining Scrutiny Committee Chair positions become the "property" of the non-Cabinet 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 B. 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 notes seats which have been given up by the respective Group Leaders in order that they achieve their legal entitlements to seats on the Council's Scrutiny Committees as indicated within the Supplementary Information:
 - Labour – one seat on Homes and Safe Communities Scrutiny Committee
 - Conservatives – one seat on Homes and Safe Communities Scrutiny Committee
 - Plaid Cymru – one seat on Homes and Safe Communities Scrutiny Committee
 - Llantwit First Independents – one seat on Environment and Regeneration Scrutiny Committee.
2. That Council endorses the allocation of one vacant seat to each of the Independent Members of the Council as set out in the Supplementary Information.
3. That the Scrutiny Committees, together with their Membership and Terms of Reference, be approved for the ensuing Municipal year.
4. That the Council note the allocation of specific Scrutiny Committee Chairs as notified by the relevant Group Leaders as set out in paragraphs 2.1 to 2.3 of the report.

Reason for Recommendations

- 1-4. In order to comply with the relevant legislation.

1. Background

- 1.1 Attached at Appendix A are the calculations relating to the political balance requirement for Committees in accordance with the Local Government and Housing Act 1989.
- 1.2 The "true" entitlement to seats on Scrutiny Committees for each Group in 2022/23 is as follows:
 - Labour – (rounded up) 27
 - Conservative – (rounded up) 14
 - Plaid Cymru – (rounded up) 9
 - Llantwit First Independents – (rounded down) 4
 - Independent: Councillor Campbell (rounded down) 1
 - Independent: Councillor Mahoney (rounded down) 1
 - Independent: Councillor Morgan (rounded down) 1
 - Independent: Councillor Perry (rounded down) 1.
- 1.3 The apportionment of seats is therefore:

- Labour – 27
 - Conservative – 14
 - Plaid Cymru – 9
 - Llantwit First independents – 4
 - Independent: Councillor Campbell – 1
 - Independent: Councillor Mahoney – 1
 - Independent: Councillor Morgan – 1
 - Independent: Councillor Perry – 1.
- 1.4** Members will note that each political Group is required to give a seat up on one of the Council's five Scrutiny Committees so that each Group reach their legal entitlement of seats across all five of the Scrutiny Committees. The following Group Leaders have indicated below which of the Scrutiny Committees they will be giving a seat up on:
- Labour – one seat on Homes and Safe Communities
 - Conservative – one seat on Homes and Safe Communities
 - Plaid Cymru – one seat on Homes and Safe Communities
 - Llantwit First Independents – one seat on Environment and Regeneration
- 1.5** That the allocation of seats to the four Independent Members will be set out within the further Supplementary Information which will be circulated to Members prior to the Annual Meeting.
- 1.6** Attached at Appendix B 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.
- 1.7** Part 6 of the Local Government (Wales) Measure 2011 requires the politically proportional allocation of Scrutiny Committee Chairs for Councils where in general the membership will be divided among several political groups.
- 1.8** The broad aim of the related sections is a requirement for Local Authorities to make provision for the allocation of Scrutiny Committee Chairs on a proportionate basis, with the additional proviso that the political group (or groups) which comprise the Cabinet of the Council cannot allocate a greater number of Scrutiny Committee Chairs 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 Chairs.
- 1.9** In regard to the Cabinet's entitlement, it is for the Cabinet group(s) together to decide upon the allocation of their entitlement to Chairs between them.

- 1.10** The remaining Scrutiny Committee Chairs are the “property” of those groups not represented in the Cabinet. If there is only one such group, that group is entitled to all the remaining Scrutiny Committee Chairs, if there is more than one non-Cabinet group, each gets a share of the Scrutiny Committee Chairs in proportion to that group’s numerical strength within the combined total of opposition groups. The calculation of Scrutiny Committee Chairs for opposition groups should not take any account of Councillors who are not Members of political groups on the Authority.
- 1.11** In calculating the above, the Measure provides that the figure relating to a Group, or Groups, represented on the Cabinet must, in all cases, be rounded down. The figure for non-Cabinet allocations is to be rounded up, or down, as appropriate to the nearest whole number, including zero.
- 1.12** The calculation / allocations shown below reflect the above, and take into account that the Labour and Llantwit First Independents Groups have formed a coalition. As such, the allocation for the appointment of the five Scrutiny Committee Chair positions for 2022/23 will be as follows:

Labour Llantwit First Independents	29 seats of 54 = 53.70% of the 5 Chair seats available which is $0.5370 \times 5 = 2.69$ (rounded down)	2 seats
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	13 seats of 21 = 61.90% of the 3 Chair seats available which is $0.6190 \times 3 = 1.86$ (rounded up)	2 seats
Plaid Cymru	8 seats of 21 = 38.10.% of the 3 Chair seats available which is $0.3810 \times 3 = 1.14$ (rounded down)	1 seat

- 1.13** The seats on Scrutiny Committees indicated in paragraph 1.13 will require allocating amongst the Independent Members on the approval of the Council.

2. Key Issues for Consideration

- 2.1** The Leader of the Labour Group and Coalition has confirmed that the Chair positions on the following Scrutiny Committees will be taken:
- Corporate Performance and Resources
 - Environment and Regeneration.
- 2.2** Details of the Chairs of Scrutiny Committees the Leader of the Conservative Group will be taking will be confirmed in the Supplementary Information to be circulated to Members prior to the meeting.

- 2.3 Details of the Chair of the Scrutiny Committee the Leader of the Plaid Cymru Group will be taking will be confirmed in the Supplementary Information to be circulated to Members prior to the meeting.
- 2.4 That the Council have regard to the Groups' membership of Committees and the proposed allocation of seats to the Independent Members on the Council as set out in the Supplementary Information circulated prior to the Annual Meeting.

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 2022 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 Chair 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

Proportionality By Individual Committee Size NOT ACTUAL SIZE

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

	No.	LABOUR		CONSERVATIVE		PLAID		LLANTWIT FIRST		INDEPENDENT 1 (Cllr Campbell)		INDEPENDENT 2 (Cllr Mahoney)		INDEPENDENT 3 (Cllr Morgan)		INDEPENDENT 4 (Cllr Perry)	
		(25)	(46%)	(13)	(24%)	(8)	(15%)	(4)	(7%)	(1)	(2%)	(1)	(2%)	(1)	(2%)	(1)	(2%)
Committees		Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual	Allow	Actual
Scrutiny -																	
Corporate Performance and Resources	11	5.09	5	2.65	3	1.63	2	0.81	1	0.20		0.20		0.20		0.20	
Environment and Regeneration	11	5.09	5	2.65	3	1.63	2	0.81	1	0.20		0.20		0.20		0.20	
Healthy Living and Social Care	12	5.56	6	2.89	3	1.78	2	0.89	1	0.22		0.22		0.22		0.22	
Homes and Safe Communities	12	5.56	6	2.89	3	1.78	2	0.89	1	0.22		0.22		0.22		0.22	
Learning and Culture	12	5.56	6	2.89	3	1.78	2	0.89	1	0.22		0.22		0.22		0.22	
Scrutiny Committees Total (A)		26.86	28	13.97	15	8.60	10	4.29	5	1.06	0	1.06	0	1.06	0	1.06	0
Appeals	6	2.78	3	1.44	1	0.89	1	0.44	1	0.11	0	0.11	0	0.11	0	0.11	0
Community Liaison	13	6.02	6	3.13	3	1.93	2	0.96	1	0.24	0	0.24	0	0.24	0	0.24	0
Democratic Services	10	4.63	5	2.41	2	1.48	1	0.74	1	0.19	0	0.19	0	0.19	0	0.19	0
Democratic Services Sub	3	1.39	1	0.72	1	0.44	1	0.22	0	0.06	0	0.06	0	0.06	0	0.06	0
Discretionary Housing Payments Review	7	3.24	3	1.69	2	1.04	1	0.52	1	0.13	0	0.13	0	0.13	0	0.13	0
Early Retirement / Redundancy	7	3.24	3	1.69	2	1.04	1	0.52	1	0.13	0	0.13	0	0.13	0	0.13	0
Governance and Audit *	6	2.78	3	1.44	1	0.89	1	0.44	1	0.11	0	0.11	0	0.11	0	0.11	0
Investigating	7	3.24	3	1.69	2	1.04	1	0.52	1	0.13	0	0.13	0	0.13	0	0.13	0
Licensing - Public Protection / Statutory	15	6.94	7	3.61	4	2.22	2	1.11	1	0.28	0	0.28	0	0.28	0	0.28	0
Planning	17	7.87	8	4.09	4	2.52	3	1.26	1	0.31	0	0.31	0	0.31	0	0.31	0
Public Rights of Way Sub	5	2.31	2	1.20	1	0.74	1	0.37	1	0.09	0	0.09	0	0.09	0	0.09	0
Senior Management Appointment	6	2.78	3	1.44	1	0.89	1	0.44	1	0.11	0	0.11	0	0.11	0	0.11	0
Standards **	3	1.39	1	0.72	1	0.44	1	0.22	0	0.06	0	0.06	0	0.06	0	0.06	0
Trust	7	3.24	3	1.69	2	1.04	1	0.52	1	0.13	0	0.13	0	0.13	0	0.13	0
Voluntary Sector Joint Liaison ***	8	3.70	4	1.93	2	1.19	1	0.59	1	0.15	0	0.15	0	0.15	0	0.15	0
Welsh Church Act Estate	7	3.24	3	1.69	2	1.04	1	0.52	1	0.13	0	0.13	0	0.13	0	0.13	0
Panels / Forums / Groups																	
Appointment of LA Governors Panel	6	2.78	3	1.44	1	0.89	1	0.44	1	0.11	0	0.11	0	0.11	0	0.11	0
Equalities Consultative Forum ****	6	2.78	3	1.44	1	0.89	1	0.44	1	0.11	0	0.11	0	0.11	0	0.11	0
Glamorgan Heritage Coast Advisory Group	7	3.24	3	1.69	2	1.04	1	0.52	1	0.13	0	0.13	0	0.13	0	0.13	0
Joint Consultative Forum	7	3.24	3	1.69	2	1.04	1	0.52	1	0.13	0	0.13	0	0.13	0	0.13	0
Total number of Seats on Cttees	211	70.83	70.00	36.84	37.00	22.69	24.00	11.31	18.00	2.84	0.00	2.84	0.00	2.84	0.00	2.84	0.00
NOT ACTUAL SHARE (B) <i>Legal entitlement (excluding allocated Scrutiny Committee seats)</i>		70.83	70.00	36.84	37.00	22.69	24.00	11.31	18.00	2.84	0.00	2.84	0.00	2.84	0.00	2.84	0.00
TOTAL ACTUAL SHARE (A and B)	210.99	* 97.69	98.00	50.81	52.00	31.29	34.00	15.60	23.00	3.90	0.00	3.90	0.00	3.90	0.00	3.90	0.00
Amended ACTUAL SHARE	207.00																
Total allocated*****	211.00	97.00	Lose 1	51.00	Lose 1	31.00	Lose 3	16.00	Lose 7	4.00	Gain 4	4.00	Gain 4	4.00	Gain 4	4.00	Gain 4
PR Exempt Below:																	
Licensing Subs ***		3 - This is drawn proportionally from Licensing Cttee Members.															

Labour, Conservatives, Plaid Cymru and Llantwit First Independents to lose 1 seat on Scrutiny Committees each - Independent Members to each gain a seat on Scrutiny Committees

1 seat equal entitlement to one of the Independents
1 seat equal entitlement to one of the Independents

1 seat equal entitlement to one of the Independents
1 seat equal entitlement to one of the Independents

Plaid Cymru to lose 2 seats from Committee entitlement / Llantwit First Independents to lose 6 seats from Committee entitlement

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.
- * In the case of Labour Group the decimal point of 0.69 will simply be lost as it represents an "over-representation" which cannot be allocated as the Group has reached its overall legal entitlement to seats on committees.

KEY

- * Governance and Audit Committee - does not include Lay Members [two thirds Elected Members one third lay members]
- ** 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)

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 Cabinet 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 review or scrutinise decisions made, or actions taken, by the Public Services Board;

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

7.2.5 exercise the right to call-in for reconsideration of decisions made, but not yet implemented, by the Cabinet 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 Cabinet 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 Cabinet 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 Cabinet 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 Cabinet 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 Cabinet 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.