

Report To: Council

Date of Meeting: 28<sup>th</sup> March 2019

Lead Member / Officer: Councillor Mark Young / Democratic Services Manager

Report Author: Steve Price

Title: Annual Review of Political Balance and Appointment of Scrutiny Chairs

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### **1. What is the report about?**

This report contains information and requests decisions on committee-related issues.

### **2. What is the reason for making this report?**

As the new municipal year starts in May it is appropriate for Council to consider changes in political balance in accordance with statutory requirements and be aware of how Scrutiny chairing and remuneration arrangements work.

### **3. What are the Recommendations?**

- (i) That Council appoints the chair and membership of the Democratic Services Committee for the 2019/20 municipal year; and
- (iii) That Council considers the political balance arrangements for the allocation of committee seats.

### **4. Report details**

#### Annual Review of Political Balance

4.1 The Local Government and Housing Act 1989 and supporting Regulations make provision for political balance in the membership of the Council to be reflected in the membership of the Council's committees (though Cabinet is not covered by this requirement in the Act).

4.2 The members of the Council are divided into different political groups, a group being two or more councillors who sign a notification to the authority declaring that they wish to be recorded as being a member of a particular group. The Council has an obligation to ensure that the number of seats on certain committees (these are identified by statute) are allocated to each political group in the same proportion as the number of members within a group to the membership of the Council. For example, if Group A's membership represents a third of the members of the Council, then Group A would be allocated a third of the seats on the committees that have to be politically balanced. This requirement can be set aside but only if no member of the Council votes against doing so.

4.3 The Council is required to consider at least annually how the membership of its committees relates to the size of the groups. The current political balance figures and membership of the committees are shown in appendixes 1 and 2 respectively.

#### Democratic Services Committee

4.4 Section 11 of the Local Government (Wales) Measure 2011 requires the Council to appoint a committee to review the adequacy of provision by the authority of staff, accommodation and other resources to discharge democratic services functions, and to make reports and recommendations to the authority in relation to such provision.

4.5 The members of the Democratic Services Committee must be appointed by Full Council. There are to be no co-opted members. Under the Measure there may be no more than one member of the Cabinet on the Committee (who cannot be the Leader), but Council in May 2012 decided that the membership would be 11 councillors and would not include members of the Cabinet.

4.6 The Committee must be politically balanced and Council must appoint its chair who must not be a member of any of the political groups represented on the Cabinet. For Denbighshire, this means that the chair will be a member of the Labour or Plaid Cymru groups. The existing chair is Councillor Alan James.

4.7 The existing membership of the Democratic Services Committee is shown in appendix 2.

#### Appointment of Chairs of Scrutiny Committees

4.8 According to the principles for allocating Scrutiny chairs in the 2011 Local Government (Wales) Measure the Groups represented in the Cabinet (Independents and Conservatives) will be entitled to 1 of the 3 scrutiny chairs, and it will be for those groups to decide amongst themselves which of their eligible members will be a chair. The Labour and Plaid Cymru Groups are entitled to appoint 1 scrutiny chair each.

4.9 Neither the Measure nor the associated statutory guidance make provisions for changing or re-appointing scrutiny chairs, except where the political make-up of Cabinet changes or where a scrutiny chair is vacated for some reason. The appointment of chairs for the new municipal year is therefore a matter for the political groups to consider and to report any changes.

#### Independent Remuneration Panel for Wales' Annual Report

4.10 The Independent Remuneration Panel for Wales (IRPW) is required to produce an annual report setting out the levels at which members are to be paid for various duties and responsibilities for the following year.

4.11 The Local Government (Wales) Measure 2011 requires local authorities to implement the recommendations of the Panel. As no decisions are required clarification was recently received confirming that local authorities are not required to discuss the IRPW's annual report at a full Council meeting.

4.12 In line with its remit, the Democratic Services Committee will consider the annual report at its meeting later this month. If any proposals were made to change the scheme within Denbighshire, for example by changing which committee chair roles received remuneration, the changes would need to comply with the IRPW's determinations and be approved by full Council.

**5. How does the decision contribute to the Corporate Priorities?**

The decisions and information arising from this report are central to the functioning of the democratic and committee systems which are essential elements of the Council's governance arrangements and contribute to the Council's corporate priorities.

**6. What will it cost and how will it affect other services?**

There are no identified costs arising from recommendations in this report to undertake an annual review of the allocation of committee seats according to political balance requirements.

**7. What are the main conclusions of the Well-being Impact Assessment?**

A Well-being Impact Assessment is not required for this report.

**8. What consultations have been carried out with Scrutiny and others?**

Council and the political groups within the Council are being consulted on the issues raised in this report.

**9. Chief Finance Officer Statement**

There are no additional costs arising from the recommendations in this report.

**10. What risks are there and is there anything we can do to reduce them?**

Failure to review the membership of committees would be detrimental to the Council's governance arrangements and contrary to statutory requirements

**11. Power to make the Decision**

Local Government and Housing Act 1989; Local Government (Wales) Measure 2011; Section 111 Local Government Act 1972.