

GWYNEDD COUNCIL



Report to a meeting of Gwynedd Council

Date of Meeting: 19 May 2022

Title of Item: The Council's political balance

Contact Officer: Geraint Owen,
Head of Democracy Services

1. DECISION

The Council is asked to:

- 1.1 adopt the list of committees and sub-committees to be established for the 2022/23 municipal year, as noted in Appendix A (to follow), and to adopt the allocation of seats as noted in the appendix.
- 1.2 delegate the authority to the Head of Democracy Services to make appointments to the committees on the basis of political balance, and in accordance with the wishes of the political groups.
- 1.3 adopt the chairpersonships of scrutiny committees on the basis of political balance as follows:

Education and Economy Scrutiny Committee	Seat to be allocated to: Group (to be confirmed)
Communities Scrutiny Committee	Group (to be confirmed)
Care Scrutiny Committee	Group (to be confirmed)
- 1.4 adopt the higher salaries for 2022/23, and to ask the Democratic Services Committee to review the list for 2023/24.
- 1.5 confirm the allocation of the political groups support officers' posts and hours for the duration of this Council term unless a substantial change takes place in the political balance of the Council or that a political group has fewer than 10% of members.
- 1.6 adopt the seat allocation for the Snowdonia National Park Authority and the North Wales Fire and Rescue Authority for the term of this Council unless a review is required because of changes in the political balance or a lack of commitment from an individual member.
- 1.7 nominate members to represent the Council on the Police and Crime Panel for the duration of this Council term in accordance with the allocation given to Gwynedd.

BACKGROUND AND RATIONALE

2. THE COUNCIL'S POLITICAL BALANCE

- 2.1.1 In accordance with Section 15 of the Local Government and Housing Act 1989, the Council must ensure that the constitution of its committees and sub-committees reflects the strength of various political groups on the Council.
- 2.1.2 The Council is required to do so at least annually at the Annual Meeting of the Council. It must also be reviewed at any other meeting of the Council when a change to the political balance occurs.
- 2.1.3 At the beginning of the new Council term there is also a requirement to review the allocation of any political posts between the groups.
- 2.1.4 Statutory requirements also state the need to adopt the list of committees and sub-committees to be established for the municipal year.
- 2.1.5 At the time of writing this report, the exact political balance of the Council was not known.
- 2.1.6 In accordance with this Council's procedures, a meeting of the Council's Business Group will be held, namely a meeting of the political group Leaders. They will discuss the matter in order to submit recommendations to the Full Council.
- 2.1.7 The Business Group will meet on 16 May 2022 and feedback from the Business Group's discussions will be reported at the Council meeting.

2.2 ALLOCATION OF SEATS ON COMMITTEES

- 2.2.1 To remind members, the four main rules in the Local Government and Housing Act 1989 in relation to the allocation of seats are noted here:-
 - 2.2.2 (a) Every seat on a committee cannot be allocated to the same political group;
 - (b) The majority of seats on a committee must be allocated to a political group if the number of persons who are members of that group constitute a majority of the Council's members;
 - (c) Subject to paragraphs (a) and (b) above, the number of seats on ordinary committees allocated to each political group will be the same as the number of total seats the members of that group have on the Council;
 - (ch) Subject to paragraphs (a), (b) and (c) above, the number of seats on a committee allocated to each political group will be the same proportion of seats on the committee as the number of seats the members of that group have on the Council.
- 2.2.3 In order to ensure that these rules are adhered to, the Council has been dealing

with committees in different blocks in the past. This makes it easier to ensure that rule (c) in paragraph 2.2.2 above is also adhered to.

3. CHAIRMANSHIPS AND VICE-CHAIRMANSHIPS

3.1 **Scrutiny Committees** - In accordance with the requirements of sections 66-75 of the Local Government Bill (Wales) 2011 ("the Bill") it is a requirement to allocate the chairpersonships of scrutiny committees in order to ensure, as far as possible, that political balance is reflected in those chairpersonships and that the groups that are not represented on the executive are given a fair proportion of the chairpersonships.

3.2 There are no statutory or constitutional provisions to control the appointments to the vice-chairpersonships.

3.3 At the time of writing this report, neither the exact political balance of the Council nor the executive's membership were known. Consequently, and in accordance with this Council's procedures, the Council's Business Group was asked to discuss the matter in order to submit recommendations regarding scrutiny chairpersonships, in line with the statutory rules, to the Full Council.

3.4 There are no statutory or constitutional provisions to control the appointments to the chairmanships of the remaining committees (other than as noted below)

Governance and Audit Committee – In accordance with the requirements of Part 1 of the Local Government and Elections (Wales) Act 2021, a Lay Member will be the Chair of the Governance and Audit Committee. It is a matter for the Committee to appoint a chair from among the Lay Members appointed by the Council on 03/03/2022.

Democratic Services Committee - In accordance with section 14 of the Bill, the chairperson of the Democratic Services Committee shall be appointed by the Full Council. It cannot appoint a member of a political group which is represented on the executive. As the executive's membership is not yet known, the Full Council will appoint a Chair for the Democratic Services Committee at its meeting on 23 June 2022.

Licensing Committee - a member of the executive cannot chair the Licensing Committee.

3.5 The committees themselves will elect their chairpersons in these cases subject to the procedural rules limiting the term of a Chairperson to two years.

4. HIGHER SALARIES

4.1 The latest guidance of the Independent Remuneration Panel for Wales states that Gwynedd Council has a right to appoint 18 higher salaries. There has been no change to the maximum higher salaries for 2022/23.

4.2 Previously, 18 higher salaries were allocated as follows:

- Leader
- Deputy Leader
- Up to 8 other Cabinet members
- The Leader of the largest Opposition*
- Committee Chairs
 - Scrutiny Committees (x3)

- Audit and Governance Committee
 - Planning Committee
 - Licensing Committee (the Central and General Licensing committees count as one Committee)
 - Pensions Committee
- 4.3 As is highlighted above, the Chairpersonship of the Governance and Audit Committee is to be appointed to a Lay Member. Alternative arrangements now exist for remuneration for that role.
- 4.4 The above was reported to the Democratic Services Committee on 17 February 2022. Members of the Democratic Services Committee resolved to recommend to the full Council:
- a) that the list of higher salaries continues to include the same roles, save for the Chair of the Governance and Audit Committee (a new list is provided at the end of the Appendix A table)
 - b) that members of the Democratic Services Committee review the list further for 2023/24.

5. POLITICAL GROUPS' SUPPORT OFFICERS

- 5.1 In accordance with the requirements of the Local Government (Committees and Political Groups) Regulations 1990 it is also a requirement to review the allocation of political support between the groups in accordance with the strength of the groups eligible for them.
- 5.2 The Council is reminded that there are some limitations on such posts; only groups which have 10% of seats on the council are eligible to have political support and there is a restriction of three to each council.
- 5.3 In the case of this Council, therefore, and subject to receiving formal confirmation of the membership of the political groups, only the Plaid Cymru and Independent groups are eligible. Within the budget available, the hours are divided between the groups in accordance with the comparative strength of the groups, i.e. on the basis of the Council's political balance.
- 5.4 The posts and allocation of hours will stand for the term of this Council. They will need to be reviewed if there is a significant change to the political balance and/or that a party has fewer than 10% of members.

6. OUTSIDE BODIES

- 6.1 The Council has representation on a significant number of outside bodies. There is a long list of such bodies, which vary significantly - some are national, others local in nature, some are charities, companies and so forth. The majority of representatives are nominated by the Cabinet Members.
- 6.2 However, it is the Council that decides on and approves allocations of the seats to bodies that require political balance. There are two of these, namely
- Snowdonia National Park Authority, and

- North Wales Fire and Rescue Authority

- 6.3 The members nominated to represent the Council on outside bodies will serve on these bodies for the Council term unless there is a significant change in the political balance or a lack of commitment from an individual member. It is essential that these representatives commit fully to the role and attend the various bodies regularly.
- 6.4 Police and Crime Panel. The Council will be required to identify members to represent the Council on the Police and Crime Panel. The membership of the panel will reflect political balance across North Wales as far as possible. Information about the allocation of seats on the Panel which will be available to Gwynedd is not known at the time of writing the report. The Council will be required to identify representatives during the Council meeting.
- 6.5 Members nominated to the Police and Crime Panel will be required to have the necessary knowledge and experience in order for the Police and Crime Panel to fulfil its functions effectively, and this should be taken into consideration when nominating representatives. The names will be submitted to the Home Office for approval.

7. ANY CONSULTATIONS UNDERTAKEN PRIOR TO RECOMMENDING THE DECISION

- 7.1 As usual, the Council's Business Group will be consulted on 16 May, 2022.
- 7.2 It has been noted in the report that the Democratic Services Committee was consulted regarding the Higher Salaries element.

7.3 THE STATUTORY OFFICERS' OBSERVATIONS

Monitoring Officer:

I'm content with the propriety of the report noting that further information is to be included. It correctly reflects the legal position.

Statutory Finance Officer:

Nothing to add to the report in terms of financial propriety.

APPENDIX A - ALLOCATION OF SEATS ON COMMITTEES

A	Plaid Cymru	Independent	Llais Gwynedd	Labour Liberal Democrats	Individual Member	Total
Education and Economy Scrutiny Committee						18
Communities Scrutiny Committee						18
Care Scrutiny Committee						18
Governance and Audit						12

B	Plaid Cymru	Independent	Llais Gwynedd	Labour Liberal Democrats	Individual Member	Total
Democratic Services						15
Strategic Planning						15
Central Licensing						15
Language						15
Chief Officers Appointment						15
Employment Appeals						7

Number of seats						148
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C	Plaid Cymru	Independent	Llais Gwynedd	Labour Liberal Democrats	Individual Member	Total
Pensions						7
Local Joint Consultative Committee						11
SACRE						7
Joint Planning Policy Committee						8

Total seats						181
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Note that the 17 higher salaries allocated for the 2022/23 financial year are as follows:

- Leader
- Deputy Leader
- Up to 8 other Cabinet members
- The Leader of the largest Opposition*
- Committee Chairs
 - Scrutiny Committees (x3)
 - Planning Committee
 - Licensing Committee (the Central and General Licensing committees count as one Committee)
 - Pensions Committee