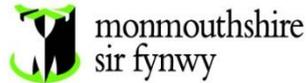


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Wednesday, 10 May 2023

## Notice of Reports Received following Publication of Agenda.

### County Council

Thursday, 18th May, 2023 at 2.00 pm

Attached are reports that the committee will consider as part of the original agenda but were submitted to democratic services following publication of the agenda.

Item No	Item	Pages
7.	Representation of Political Groups	1 - 10

**Paul Matthews**  
Chief Executive

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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

**SUBJECT: REPRESENTATION OF POLITICAL GROUPS - REVIEW**  
**MEETING: COUNCIL**  
**DATE: 18 MAY 2023**  
**DIVISION/WARDS AFFECTED: ALL**

### 1. PURPOSE

The Council is required to review at, or as soon as practicable after, the Council's annual meeting, the representation of different political groups on the bodies to which the Council makes appointments.

### 2. RECOMMENDATIONS

- 2.1 That the Council decides to accept the report (and appendices) as a review under Section 15 of the Local Government and Housing Act 1989 and to initially allocate ordinary committees with the numbers as indicated below as a fair representation:

Committee	Welsh Labour	Welsh Conservatives	Independent Group	Green Independent Group
Scrutiny (x4) (9)	16	15	3	2
Licensing & Regulatory (12)	6	5	1	0
Planning (16)	8	6	1	1
Democratic Services (12)	6	4	1	1
Audit (8) note – there are also 4 lay members	4	3	1	0
Aggregate Entitlement (84)	40	33	7	4

### 3. KEY ISSUES

- 3.1 The Council must determine the allocation to the different political groups of all the seats to be filled by appointment by the Council and exercise its power of appointment to the body concerned so as to give effect to such wishes about who is to be appointed to the seats on that body which are allocated to a particular group as are expressed by that group.
- 3.2 The Council is required “to make only such determinations as give effect, so far as reasonably practicable to” the following principles:
- (a) that not all the seats on the body are allocated to the same political group;
  - (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;

- (c) (subject to (a) and (b)), the number of seats on the ordinary committees which are allocated to each political group bears the same relationship to the total seats on all the committees as the number of members of that group bears to the Council's membership;
- (d) identical to (c) but relates to other bodies where the Council is entitled to fill seats by appointment.

3.3 The following are bodies to which s15 applies:

- (a) ordinary committees and sub-committees;
- (b) advisory committees and sub-committees of an advisory committee;
- (c) any such of the following bodies (or classes of bodies) which is a body at least 3 seats on which are from time to time to be filled by appointments made by the Council (so far as relevant to the Council):
  - (i) a fire authority constituted under a combination scheme;
  - (ii) a superannuation committee;
  - (iii) a National Parks Committee;
  - (iv) a joint committee (with one or more other authorities) whose function is to discharge council (as opposed to executive) functions and is not purely advisory.

This is not a full list but comprises the most likely classes of bodies to which the Council makes appointments. Thus it will be seen that if the Council is asked to make appointments to any other body the political balance rules do not apply even if the Council is asked to appoint 3 or more members.

3.4 In certain cases the Council/committee does not have to comply with the statutory requirements. The exceptions are as follows:

- (a) alternative arrangements approved by the Council following notice of the proposed arrangement being included in the agenda for the relevant meeting of Council and without any member of the Council/committee voting against the proposal (s17 and Reg. 20).
- (b) the committee or sub-committee is established exclusively to discharge functions or to advise in respect of part of the area of the authority and where that area of that part does not exceed one-half of the total area of the authority or the population of that part does not exceed one-half of the total population of the area. In addition, that part must consist of one or more electoral divisions and all the members of the authority who are elected for that electoral division (or those electoral divisions) (and only those members) are entitled to be members of the area committee or sub-committee.

3.5 In accordance with s70 of the Local Government (Wales) Measure 2011, the appointment of Scrutiny Committee Chairs will be done in accordance with the political balance of the Local Authority (rounded to the nearest whole number).

#### **4. REASONS**

To comply with the requirements of the Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990 as amended.

**5. RESOURCE IMPLICATIONS**

Nil

**6. CONSULTEES**

Political group leaders  
SLT  
Democratic Services

**7. AUTHOR:**

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## APPENDIX A

### Methodology applied to appointments

1. The guiding principles are set out in para 3 of the main report.
2. Appointments by the Council

The principles are considered separately for ordinary committees, advisory committees and for other bodies to which appointments must be made. Ordinary committees are committees that take action on behalf of the Council. The other form of committee, the advisory committee, is one appointed to advise the Council on any matter relating to the discharge of its functions

(a) Ordinary Committees

According to the draft circular issued in 1990, a suitable sequence for applying the principles will be:

- (i) calculate the total seats with votes on all the ordinary committees;
- (ii) calculate the proportion that each political group forms of the total membership of the authority (and that membership does not include a chairman who is no longer a councillor but remains a member of the Council by virtue of section 26 of the 1972 Act); the “total membership of the authority” does, however, include vacant seats;
- (iii) apply those proportions to the total number of ordinary committee seats to give the aggregate entitlement of each group; the requirement (here as elsewhere) to apply the proportions “so far as reasonably practicable” can be met by rounding up entitlements of a half or more; if this results in a greater aggregate than the number of seats available, the fractional entitlement(s) closest to a half should be rounded in the other direction until entitlements balance the available seats;
- (iv) apply the proportions to the number of members on each ordinary committee to give a provisional entitlement to seats on that committee;
- (v) where the provisional entitlement gives only one group the seats on the committee, adjust the entitlement so that the next largest group has a seat (thus applying the principle in 3(a));
- (vi) where one group has a majority of the membership of the Council, but does not have a majority on any committee as a result of the provisional entitlement, increase its share on that committee so that it does have a majority (thus applying the principle in 3(b));
- (vii) finally, adjust the seats on each committee so that the total allocated to each group is as near as possible to their

aggregate entitlement, while preserving the results reached at steps (v) and (vi) (thus applying the principle in 3(c)).

This sequence of steps has been adopted in this report.

(b) Advisory Committees

The intention of the provision is to ensure that those seats to be filled by councillors are (in the absence of unanimous agreement to the contrary) shared fairly between the political groups.

It is, therefore, necessary for the Council first to decide how many of the seats on each advisory committee are to be filled by members of the Council; the statutory requirements then only apply to those seats; the allocation of those seats can conveniently be made by following steps (ii), (iv), (v) and (vi) above.

(c) Other Bodies (see para 4(c) of the main report)

The intention is to ensure a fair distribution of the available seats among the political groups; since a majority group would reasonably be entitled to all the seats where the authority makes only one or two appointments, the duty to allocate seats to political groups only applies where the Council appoints to three or more seats.

The allocation can conveniently be made by following steps (ii), (iv), (v) and (vi) above.

3. Appointments by Committees

Where an ordinary committee appoint a sub-committee with executive powers, the relevant principles are as contained in paragraphs 3(a), (b) and (d) of the main report: the allocation can be conveniently carried out by following steps (ii), (iv), (v) and (vi) above.

When an advisory sub-committee is appointed, the committee will first need to determine how many seats are to be filled by members of the Council (not just members of the committee). The duty to allocate to political groups then applies only to those seats. The same steps can be followed.

## APPENDIX B

### Appointments by Council

1. The following committees are appointed by the Council with the number of seats shown:

<i>Committee</i>	<i>Seats</i>
Planning	16
Licensing and Regulatory	12
Governance and Audit (excluding 4 lay members)	8
Place Scrutiny	9
People Scrutiny	9
Performance and Overview Scrutiny	9
Public Services Scrutiny	9
Democratic Services	12
<b>Total</b>	<b>84</b>

Note:

- (i) Member/Officer Working Groups are not Committees or Sub-Committees;
  - (ii) the Standards Committee is not subject to the political balance rules;
  - (iii) the Joint Advisory Group (Teachers/LGE) is a Cabinet advisory committee;
  - (iv) political balance rules do not apply to Area Committees;
  - (v) the Investment Committee membership is stipulated by the May 18 Council decision and not subject to political balance rules;
  - (vi) SACRE will be allocated in accordance with the Constitution.
2. The rest of this appendix deals with the appointment of committees only. The rules applying to other bodies are the same as for sub-committees and are considered in Appendix C.
- (a) Total number of members for the purpose of political balance - 46
    - Labour 22
    - Conservative 18
    - Independent Gp 4
    - Green Independent Gp 2
  - (b) Provisional statutory entitlement multiplier (i.e. the relevant number of members divided by 46):
    - Labour 0.478
    - Conservative 0.391
    - Independent Gp 0.087
    - Green Independent Gp 0.043

(d) Aggregate entitlement of seats (i.e. 84 multiplied by the relevant figure in paragraph (c) above):

Labour	40.15
Conservative	32.84
Independent	7.30
GIG	3.65

Rounding up/down gives:

Labour	40 seats
Conservative	33 seats
Independent	7 seats
GIG	4 seats
<b>Total</b>	<b>84 Seats</b>

**APPENDIX C – OTHER BODIES (INDICATIVE FOR DRAFT)**

<b>Total seats on body</b>	<b>Lab</b>		<b>Con</b>		<b>Ind Gp/ GIG</b>	
<b>3</b>	1.434	<b>2</b>	1.173	<b>1</b>	0.39	<b>0</b>
<b>4</b>	1.912	<b>2</b>	1.564	<b>2</b>	0.52	<b>0</b>
<b>5</b>	2.39	<b>2</b>	1.955	<b>2</b>	0.65	<b>1</b>
<b>6</b>	2.868	<b>3</b>	2.346	<b>2</b>	0.78	<b>1</b>
<b>7</b>	3.346	<b>3</b>	2.737	<b>3</b>	0.91	<b>1</b>
<b>8</b>	3.824	<b>4</b>	3.128	<b>3</b>	1.04	<b>1</b>
<b>9</b>	4.302	<b>4</b>	3.519	<b>4</b>	1.17	<b>1</b>
<b>10</b>	4.78	<b>5</b>	3.91	<b>4</b>	1.3	<b>1</b>
<b>11</b>	5.258	<b>5</b>	4.301	<b>4</b>	1.43	<b>2</b>
<b>12</b>	5.736	<b>6</b>	4.692	<b>4</b>	1.56	<b>2</b>
<b>13</b>	6.214	<b>6</b>	5.083	<b>5</b>	1.69	<b>2</b>
<b>14</b>	6.692	<b>7</b>	5.474	<b>5</b>	1.82	<b>2</b>
<b>15</b>	7.17	<b>7</b>	5.865	<b>6</b>	1.95	<b>2</b>
<b>16</b>	7.648	<b>8</b>	6.256	<b>6</b>	2.08	<b>2</b>

Notes:

1. Above calculations used using the ratios determined in Appendix B.

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