

Full Council

14 March 2017



Report of: Shahzia Daya, Service Director – Legal and Democratic Services

Title: WEST OF ENGLAND COMBINED AUTHORITY (“WECA”) – OVERVIEW AND SCRUTINY ARRANGEMENTS

Ward: CITYWIDE

Recommendations

1. Full Council to agree to give effect to the Overview and Scrutiny and Audit Order 2017 and provide nominations to the West of England Combined Authority Overview and Scrutiny Committee and Audit Committee.
2. Full Council to agree to the establishment of a voluntary joint scrutiny committee between the Overview and Scrutiny Committee established under the Order mentioned in recommendation 1 above, and North Somerset Council.

Summary:

This report sets out arrangements for the appointment of representatives to sit on the West of England Combined Authority Scrutiny Committee and Audit Committee.

The significant issues in the report are:

The WECA, at its first meeting on 1 March 2017 established its Overview and Scrutiny Committee, and its Audit Committee, and the respective Orders require these committees to comprise members from the constituent councils.



Policy

- 1 Appointments to these statutory committees must be made in accordance with the proportionality of representation of political groups across the areas of the constituent councils.

Consultation

- 2 The report reflects the views of the WECA and the constituent Councils. A report on the establishment of its Overview and Scrutiny Committee, and its Audit Committee, was presented to the WECA first meeting on 1 March 2017. This report reflects the recommendations in that report.

Context

- 3 The West of England Combined Authority Order 2017 (“WECA Order”) came into force on the 8th February 2017. WECA is now constituted as a separate legal body.
- 4 In accordance with The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 the WECA is required to establish two statutory committees:
 - i) Overview and Scrutiny Committee and
 - ii) Audit Committee
- 5 The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 shall come in to force on 8th May 2017. Appointments to these statutory committees must be made in accordance with the proportionality of representation of political groups across the areas of the constituent councils (table 1). The political nominations from the constituent councils is calculated based on population (table 2)
- 6 The political proportionality calculations relevant to the two statutory committees are shown

Table 1 Overview and Scrutiny Committee & Audit Committee

(* Independents are not a political group)

Party	Total Nos of seats	Percentage of members when taken together	Committee seats based on membership of 11
Conservatives	91	44.17%	5 (4.86%)
Labour	58	28.16%	3 (3.10%)
Liberal Democrats	39	18.93%	2 (2.08%)
Green	12	5.83%	1 (0.64%)
Independent*	5	2.43%	0 (0.27%)
No Party	1	0.49%	0 (0.05%)
TOTAL	206	100%	11

Table 2 Population figures for the 3UA area

Area	Population per area	Percentage of area
Bristol	449,328	49.44%
SGC	274,661	30.22%
B&NES	187,874	20.67%
TOTAL	908,863	

Table 3 shows the nominations list relevant to a Committee of 11 (nominations 1 -11), these nominations will apply to the Statutory Committees of Overview and Scrutiny and Audit.

Table 3 – Nominations

Seat Number	Council		Nomination
1	Bristol	1 st Nomination	Labour
2	SGC	1st Nomination	Conservative
3	B&NES	1 st Nomination	Conservative
4	Bristol	2nd Nomination	Labour
5	SGC	2 nd Nomination	Conservative
6	B&NES	2nd Nomination	Liberal Democrat
7	Bristol	3 rd Nomination	Green
8	SGC	3 rd Nomination	Liberal Democrat
9	Bristol	4 th Nomination	Labour
10	Bristol	5 th Nomination	Conservative
11	Bristol	6 th Nomination	Conservative

Additional Voluntary Scrutiny Arrangements

- 7 The organisational arrangements as set out in the proposed WECA Constitution make provision for the establishment of three Advisory Boards, and the establishment of a joint committee between the constituent councils of the WECA and North Somerset Council. (To comprise the Mayor of the WECA, the Mayor of Bristol and the Leaders of Bath and North East Somerset, North Somerset and South Gloucestershire Councils). The constituent councils are being requested to agree to participate in the joint committee on the basis of waived proportionality in accordance with their current participation in the Senior Leaders Board.
- 8 As a consequence of setting up this Joint Committee consideration has been given to adapting the proposed WECA Scrutiny Arrangements to take account of the involvement of North Somerset Council (who are not part of WECA).
- 9 North Somerset Council will be asked to participate in a voluntary joint scrutiny arrangement with the Mayor of the WECA and the constituent councils. North Somerset will be asked to make appointments to a voluntary joint scrutiny arrangement to give best effect to the proportionality calculations for the four Unitary Authorities area. The nomination from North

Somerset Council to the voluntary scrutiny arrangement cannot displace the proportionality calculations for the statutory Overview and Scrutiny committee. The political proportionality and population figures for the 4UA area are shown in Tables 4 and 5 below. North Somerset Council will, on the basis shown below, be asked to make 2 Conservative nominations to the voluntary joint scrutiny arrangement.

- 10 It is proposed that this voluntary joint scrutiny arrangement comes into effect on the same date as the statutory Overview and Scrutiny comes into effect i.e. 8th May 2017.-

Table 4 Voluntary Joint Scrutiny Arrangement

Party	Percentage of members when taken together	Total Nos of seats	Committee seats based on membership of 13
Conservatives	127	49.80%	(6*) 7
Labour	60	23.53%	3
Liberal Democrats	43	16.86%	2
Green	13	5.10%	1
Independent	11	4.31%	1*
No Party	1	0.39%	
TOTAL	255	100%	13

* Independents are not a political group, in order to achieve proportionality on a committee of 13 it is necessary to discount the allocation to the Independents and allocate the seat to the Conservatives to better reflect the proportionality figure

Table 5 Population figures for the 4UA area

Area	Figure	%of area
Bristol	449,328	40.16%
SGC	274,661	24.55%
North Somerset	209, 944	18.76%
B&NES	184,874	16.52%
TOTAL	1,118,807	100

- 11 On the basis shown above North Somerset will be asked to make 2 conservative nominations to the voluntary joint scrutiny arrangement.

Proposal

- 12 The Council is asked to agree the above proposal and note that nominations will be progressed via the party group whips.

Other Options Considered

Not applicable

Risk Assessment

Not applicable

Public Sector Equality Duties

The obligations in relation to the public sector equalities duty under section 149 of the Equality Act 2010 (PSED) have been assessed at each stage of the development process. It has been concluded that the immediate decision primarily relates to the arrangements that are required to be in place to enable the WECA Order to be lawfully implemented rather than decisions that could be deemed to impact on the rights of groups or individuals with a protected characteristic or others protected under the PSED.

Legal and Resource Implications

Legal

The West of England Combined Authority came into force on 8 February 2017.

The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016 requires the establishment by WECA of an Overview and Scrutiny Committee, and an Audit Committee.

(Legal advice provided by Shahzia Daya Service Director, Legal and Democratic Services, and Monitoring Officer)

Financial

Other than officer time, that will be contained within existing budgets, there are no specific financial implications arising from the recommendations.

(Financial advice provided by Chris Holme, Interim Head of Corporate Finance)

Land - None.

Personnel - None.

Appendices: None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None