

LOCAL GOVERNMENT (WALES) MEASURE 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – Overview and Scrutiny

Section 70 – Appointments to be made by political groups

Section 71 – Failure to make appointments in accordance with section 70

Section 72 – Changes in composition of executive

Section 73 – Occasional vacancies in committee chairs

Section 74 – Appointment provision determined by authority

81. These sections set out the procedures for authorities where sections 67 or 68 do not apply, which in general will be those authorities where the membership is divided among several political groups.
82. The broad aim of these sections is the 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 comprises the executive of the council cannot allocate a greater number of scrutiny 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). If the entitlement to chairs of the group(s) in the executive is not a whole number, the entitlement is to be rounded down to the nearest whole number. The principles for allocating scrutiny chairs to political groups comprising the executive are in the new subsection (3) of section 70.
83. The remaining scrutiny chairs are then to be allocated to opposition political groups, each opposition group's allocation being in proportion to that group's numerical strength within the combined total of opposition groups (subsection (4) of section 70). The calculation of scrutiny chairs for opposition groups should not take any account of councillors who are not members of political groups on the authority.
84. *Section 71* sets out what is to happen if any committee chairs are not appointed in accordance with section 70. The executive group(s) cannot get more appointments. The opposition groups that have fully used their initial appointment allocation get additional appointments in proportion to their initial appointments. If all of the opposition groups have failed to fully use their initial appointment allocation or if an opposition group is entitled to an additional appointment, but does not use it, the power of appointment in these cases falls to the committees.
85. If the composition of the executive changes, the allocation of the scrutiny chairs must be re-visited and changes may need to be made to the allocations, as set out in section 72. The procedure if a scrutiny chair falls vacant is set out in section 73.

86. [Section 74](#) permits a local authority to waive the requirement to follow the procedures above if an alternative appointment procedure is agreed by all political groups, with the proviso that the alternative procedure does not result in the majority party allocating a greater number of scrutiny chairs from its party than the section 70 procedure would permit.