

CYNGOR SIR POWYS COUNTY COUNCIL.

**Democratic Services Committee
20th April, 2021**

REPORT AUTHOR: Head of Legal and Democratic Services

SUBJECT: Constitution

REPORT FOR: Decision

1. Purpose of Report

1.1 The Committee is asked to consider possible revisions to the Constitution for consideration at a Council meeting on 30th April 2021 and which may impact on the allocation of seats of committees which will be decided at the Council AGM in May 2021. In addition the Committee is asked consider a variety of other changes which will be required by the Local Government and Elections (Wales) Act 2021.

2. Possible Revisions to the Constitution

2.1 Title of the Economy, Residents, Communities and Governance Scrutiny Committee

The Committee is asked to review the title of the Economy, Residents, Communities and Governance Scrutiny Committee in light of the renaming of the Audit Committee to become the Governance and Audit Committee as required by Local Government and Elections Act (Wales) 2021. It is considered that it is inappropriate to have 2 committees with the word "Governance" in their titles as this would be confusing, and it is suggested that DSC considers recommending to Full Council that the name of the existing Economy, Residents, Communities and Governance Scrutiny Committee is changed to become the "Economy, Residents and Communities Scrutiny Committee".

It should be noted that the terms of reference for the new Economic residents and Communities Scrutiny Committee will not be changed as the word "Governance" was only included within its previous title to refer to the fact that the scrutiny committee was to cover certain corporate services.

Members should also note that the proposed amendment has been discussed with and approved by the Chair of the ERCG.

Proposed Recommendation to the County Council:	Reason for Recommendation:
1. That the title of the Economy, Residents, Communities and Governance Scrutiny Committee should be changed to become the Economy, Residents and Communities Scrutiny Committee with effect from 1st May 2021;	To reflect the renaming of the Audit Committee as the Governance and Audit Committee as required by Local Government and Elections Act (Wales) 2021 and thereby avoid confusion.

<p>2. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the change set out in Recommendation 1 above.</p>	
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2.2 The Membership of Scrutiny Committees

With the exception of the Governance and Audit Committee, all other scrutiny committees are made up of 14 members, including any lay members on the relevant committee.

As such the Learning and Skills Scrutiny Committee consists of 14 members including 5 lay members (3 parent governor representatives; 1 Church in Wales Diocese representative; 1 Roman Catholic Church Diocese representative); the Economy, Residents, Communities and Governance Scrutiny Committee consists of 14 members including Non-Voting Co-optee for crime and disorder. On the other hand, the Governance and Audit Committee consists of 14 members plus 1 lay/independent member.

The reduced number of democratically elected Councillors serving on scrutiny committees, particularly on the Learning and Skills Scrutiny Committee, has been raised, and in the circumstances the Democratic Services Committee is asked to consider the matter and decide whether or not it wishes to recommend to Full Council that the membership of all scrutiny committees should be amended to 14 Councillors **plus** any lay /independent members required on the relevant committee. In this way parity would be given to the membership of the Governance and Audit Committee.

Proposed Recommendation to the County Council:	Reason for Recommendation:
<p>3. That Rule 7.4 of the Constitution is amended with effect from 12th May 2021 so that</p> <ul style="list-style-type: none"> • the membership of Economy, Residents, Community and Governance Scrutiny Committee (Economy, Residents, and Community Scrutiny Committee) is A maximum of 14 Councillors – Politically Balanced - plus 1 Non-Voting Co-optee for crime and disorder; • The membership of the Learning and Skills 	<p>To allow for participation of more Councillors in Scrutiny meetings.</p>

<p>Scrutiny Committee is a maximum of 14 Councillors - Politically Balanced – plus; 3 parent governor representatives; 1 Church in Wales Diocese representative; 1 Roman Catholic Church Diocese representative,</p>	
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2.3 Amendments to the Provision of Notices, Summons, Agendas, Decisions and Retention of Documents

The Local Government and Elections Act (Wales) 2021 (the 2021 Act) has made changes to Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 which require our standing orders to be amended to require Notices, Summons and Agendas for Meetings to be published on the Council’s Website rather than being physically published on the notice board in County Hall.

Where a member of the public is not able to access documents published on the website, there will continue to be provision for those document to be available for inspection or copies provided upon payment of a charge for postage and any other printing and handling costs.

To reflect the changes required by the 2021 Act amendments to Rules 4.23.1 to 2.23.6, Rules 14.9; 14.12 to 14.1 and 14.30.7 are proposed for consideration by the Committee.

Proposed Recommendation to the County Council:	Reason for Recommendation:
<p>4. That the amendments to Rules 4.23.1 to 4.23.6, 14.9; 14.12 to 14.1 and 14.30.7 as set out in Sections 4 and 14of the Constitution attached to the report are approved</p> <p>5. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the changes set out in Recommendation 4 above.</p>	<p>To reflect the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 required by the Local Government and Elections Act (Wales) 2021</p>

2.4 Remote Attendance

The current arrangements which provide for remote attendance at meetings are provided for by Emergency Coronavirus Regulations from Welsh Government and these are due to come to an end. The 2021 Act requires that amendment are made to our Constitution to allow for the continuation of remote attendance meetings.

As such, the Committee are asked to consider the amendments to Rules 4.27.1 to 4.27.2 as set out in Section 4 of the Constitution (attached).

Proposed Recommendation to the County Council:	Reason for Recommendation:
<p>6. That the amendments to Rules 4.27.1 to 4.27.2 as set out in Section 4 of the Constitution attached to the report are approved</p> <p>7. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the changes set out in Recommendation 6 above.</p>	<p>To reflect the changes required by the Local Government and Elections Act (Wales) 2021</p>

2.5 Extra Functions for Governance and Audit Committee

The Local Government and Elections Act (Wales) 2021 (the 2021 Act) requires the Governance and Audit Committee in future to review and assess the authority's ability to handle complaints effectively and to make reports and recommendations in relation to the authority's ability to handle complaints effectively.

To reflect the changes required by the 2021 Act the insertion of paragraphs (da) and (db) are proposed to page 35 of Section 13 of the Constitution for consideration by the Committee as set out in Appendix B to the Report.

When reviewing section of the Constitution to deal with the insertion of paragraphs (da) and (db) as indicated above, it was discovered that the Constitution had not been amended to include certain functions given to the Governance and Audit Committee by the Local Government Measure 2011. These functions are set out in paragraphs (a) – (d) and (e) –(f) on page 34 and 35 an Appendix B attached. Although the Constitution was not amended to reflect those functions, the Audit Committee has in fact been carrying out those functions.

In the circumstances, the Committee is asked to recommend to Council the insertion of paragraphs (a) – (d) and (e) –(f) into page 34 and 35 of Section 13 of the Constitution as set out in appendix B to the report.

Proposed Recommendation to the County Council:	Reason for Recommendation:
<p>8. That paragraphs (a) – (f) are inserted into page 34 and 35 of Section 13 of the Constitution as set out in Section 13 of the Constitution (attached) to the report.</p>	<p>To reflect the changes required by the Local Government and Elections Act (Wales) 2021 and the Local Government Measure 2011.</p>

Relevant Policy (ies):	
Within Policy:	Y
Within Budget:	Y

Relevant Local Member(s):	N/A
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Person(s) To Implement Decision:	Wyn Richards
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Date By When Decision To Be Implemented:	
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Background Papers used to prepare Report: