

## Democratic Services Committee

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Meeting Venue

**By Zoom**

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Meeting date

**Monday, 24 April 2023**

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Meeting time

**10.00 am**

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For further information please contact

**Carol Johnson**

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carol.johnson@powys.gov.uk



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

18 April 2023

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Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod.

Rhowch wybod pa iaith rydych am ei defnyddio erbyn hanner dydd, ddau ddiwrnod gwaith cyn y cyfarfod.

You are welcome to speak Welsh or English in the meeting.

Please inform us of which language you wish to use by noon, two working days before the meeting.

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### AGENDA

<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>
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To receive apologies for absence.

<b>2.</b>	<b>MINUTES OF PREVIOUS MEETING</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee as a correct record.

(Pages 3 - 8)

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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To receive and consider declarations of interests from Members relating to items to be considered on the agenda.

<b>4.</b>	<b>CONSTITUTION</b>
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To consider a report from the Head of Legal Services and Monitoring Officer.

(Pages 9 - 14)

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**MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD  
AT BY ZOOM ON FRIDAY, 17 FEBRUARY 2023**

**PRESENT**

County Councillor E Vaughan (Chair)

County Councillors D Bebb, A Davies, I Harrison, P Lewington, P E Lewis and  
S L Williams

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from County Councillors L Brighthouse, K Healy, H Hulme and DW Meredith and County Councillor G Breeze who was on other Council business.

**2. MINUTES OF PREVIOUS MEETING**

The Chair was authorised to sign the minutes of the meeting held on 9 January 2023 as a correct record.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

The Public Participation Strategy was taken next.

**4. PUBLIC PARTICIPATION STRATEGY**

The Committee considered the Public Participation Strategy which had been updated following a 12-week public consultation. The Committee welcomed the opportunities for the public to engage with the Authority.

**RESOLVED**

**that the Powys Public Participation Strategy be approved for publication and distribution through our main communication channels.**

**5. PROPOSAL FOR REVISIONS TO THE SCRUTINY COMMITTEE STRUCTURE AND NUMBERS OF SEATS ON COMMITTEES**

The Committee considered the report on the proposals for the revisions to the scrutiny committee structure and number of seats on committees.

The Committee noted the various reasons for the proposed changes and the discussions which had taken place, as detailed in the report.

**Pensions and Investment Committee, Governance and Audit Committee and Finance Panel.**

It was moved and duly seconded to recommend to Full Council that no changes should be made to the Pensions and Investment Committee, Governance and Audit Committee and Finance Panel.

<b>RECOMMENDATION to Full Council:</b>	<b>Reason for Recommendation:</b>
<p><b>That there is no change to the following committees:</b></p> <ul style="list-style-type: none"> <li>• <b>Pensions and Investment Committee</b></li> <li>• <b>Governance and Audit Committee</b></li> <li>• <b>Finance Panel.</b></li> </ul>	<p><b>To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022.</b></p>

### **Scrutiny Committees**

The Head of Legal Services and Monitoring Officer advised that Group Leaders had agreed that the number of seats on scrutiny committees should be 11 or 12. However, he advised that the Conservative Group Leader had advised that he does not accept that he had agreed to such changes.

The following comments were made:

- The level of scrutiny should not change because some members have outside employment and a member's work on the Council should not come second to this. In response, officers advised that it was important that the Council should reflect the population and the diversity agenda sought to attract people from all walks of life to become members.
- Although the largest group has vacancies on committees, a large number of its members are on the Cabinet and so ineligible to serve on committees and so the number of members available to sit on committees is reduced.
- The active involvement and engagement of members on committees is more important than the numbers on committees and the quality of scrutiny was important.
- There are sometimes clashes with other council meetings or work in wards.
- The work level of non-aligned members should be considered. In response, the Head of Legal Services and Monitoring Officer advised that groups had offered vacant seats to non-aligned members after the annual meeting in May 2022, but this needs to be actively promoted.
- The workload for each committee varies considerably.
- Online meetings now make it easier for members to attend meetings and then do other work in their wards, rather than having to travel to meetings.
- Attendance details at committee meetings was not available.

It was moved and duly seconded to recommend to Full Council that the numbers of seats on all three scrutiny committees should be reduced to 11 Members, plus the addition of co-opted Members where required.

<b>RECOMMENDATION TO FULL COUNCIL:</b>	<b>REASON FOR RECOMMENDATION:</b>
<p><b>(i) that the numbers of seats on all three scrutiny committees should be reduced to 11 Members, plus the addition of co-opted Members where required</b></p>	<p><b>To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022.</b></p>

(ii) <b>that the Head of Legal Services and the Monitoring Officer prepare revisions to Section 7 of the Constitution for consideration by the Council to reflect the above.</b>	
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### **Democratic Services Committee, Employment and Appeals Committee and Licensing Act 2003 Committee**

The Committee was advised that the Chairs of these Committees considered the number of seats should not fall below 12. Comment was made that the number of seats should be the same as scrutiny committees.

It was moved and duly seconded to recommend to Full Council that the numbers of seats on the Democratic Services Committee, Employment and Appeals Committee and Licensing Act 2003 Committee should be reduced to 11 Members.

<b>RECOMMENDATION TO FULL COUNCIL:</b>	<b>REASON FOR RECOMMENDATION:</b>
(i) <b>that the numbers of seats on the Democratic Services Committee, Employment and Appeals Committee and Licensing Act 2003 Committee should be reduced to 11 Members</b>  (ii) <b>that the Head of Legal Services and the Monitoring Officer prepare revisions to Section 9 of the Constitution for consideration by the Council to reflect the above.</b>	<b>To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022.</b>

Councillor S Williams left the meeting.

### **Planning, Taxi Licensing and Rights of Way Committee**

In response to a question regarding the current 21 seats on the committee, the Head of Legal and Monitoring Officer advised that this was historical. The following comments were made:

- the reasons for members not being able to attend meetings should be established before the number of seats are reduced
- reducing the number of seats on committees would make it easier to fill vacancies.
- from the public point of view Planning is more visible. Reducing the number of seats would make the council's activities more remote and maintaining a wider representation was important.

The Committee noted that the Planning Committee Chair's preference was that the number of seats should not change.

It was moved and duly seconded to recommend to Full Council to reduce the number of seats on the Planning, Taxi Licensing and Rights of Way Committee be reduced to 17 members. On the Chair's casting vote the following was agreed.

<b>RECOMMENDATION TO FULL COUNCIL:</b>	<b>REASON FOR RECOMMENDATION:</b>
<p>(i) that the numbers of seats on the Planning, Taxi Licensing and Rights of Way Committee be reduced to 17 Members.</p> <p>(ii) that the Head of Legal Services and the Monitoring Officer prepare revisions to Section 9 of the Constitution for consideration by the Council to reflect the above.</p>	<p>To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022.</p>

### **Remit of the scrutiny committees**

The Committee considered the proposed changes to the remit of the scrutiny committees, with the scrutiny of corporate services being shared across all three committees rather than the one currently. It was noted that the current chair of the Health and Care Scrutiny preferred there to be no change, but other chairs supported the proposals. Comment was made that some Childrens services interconnect with Adult Services and so it was important to ensure that such links are scrutinised.

It was moved and duly seconded to recommend to Full Council to change the scrutiny committees as follows and there to be no change for the Finance Panel:

<b>RECOMMENDATION to Council:</b>	<b>Reason for Recommendation:</b>
<p>(i) that the following three scrutiny committees should be established with effect from the AGM in May 2023:</p> <ul style="list-style-type: none"> <li>• Children and Young People Scrutiny Committee with a remit of: Children's Services, Education; Legal Services</li> <li>• Economy and Environment Scrutiny Committee with a remit of: HTR; Property, Planning and Public Protection; Digital and Economy; Finance Service</li> <li>• Adults and Housing Scrutiny</li> </ul>	<p>To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022.</p>

<p><b>Committee with a remit of: Adults Services; Commissioning; Housing; Community Services; Workforce and OD</b></p> <p><b>(ii) That there be no changes to the Finance Panel and</b></p> <p><b>(iii) That the Head of Legal Services and the Monitoring Officer prepare revisions to Section 7 of the Constitution to reflect the above.</b></p>	
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### **Public Service Board [PSB]**

The Committee noted the review of PSBs and that no comments had been received on the proposed changes from the current non councillor members of the PSB.

It was moved and duly seconded to amend the PSB as recommended by officers.

<b>RECOMMENDATION to Council:</b>	<b>Reason for Recommendation:</b>
<p><b>(i) that the membership of the PSB be: 9 members in total made up as follows: Vice-Chairs of the 3 Scrutiny Committees + 2 additional representatives from the scrutiny committees (on a politically balanced basis = Independents (1); Conservatives (1); Liberal Democrats (2) Labour (1), Independents for Powys (1))</b></p> <p><b>(ii) that the remit of the scrutiny committees be amended to consider Towards 2040 and Transformation and Democratic Services</b></p> <p><b>(iii) that the Head of Legal Services and the Monitoring Officer prepare revisions to Section 7 of the Constitution for consideration by the Council to reflect the above.</b></p>	<p><b>To respond to the request by political group leaders to review the numbers of seats on committees following the reduction in the numbers of Members in May 2022.</b></p>

### **Review of Senior Salaries**

The Committee noted the views of the Group Leaders regarding the payment of senior salaries. It was moved and duly seconded to support these views.

<b>RECOMMENDATION to Full Council</b>	<b>Reason for Recommendation:</b>
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<p>(i) the Chair of the PSB Scrutiny Committee should not receive a remuneration in accordance with the IRPW report for consideration by the Council.</p> <p>(ii) that the Chair of the Employment Committee should continue to receive a remuneration in accordance with the IRPW report following changes to the terms of reference of the committee.</p>	<p>To consider consequential changes to the Members' Schedule of Remuneration arising from the change to the Council's scrutiny committee structure and changes to the terms of reference of the Employment Committee.</p>
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Councillor A Davies left the meeting.

<b>6.</b>	<b>NEW WAYS OF WORKING</b>
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The Committee considered the report.

Comment was made that committees should have flexibility to determine how they meet, either face to face, online only or hybrid.

**Resolved to:**

- i. continue with the current working arrangements,
- ii. task Scrutiny Chairs to determine, with their committee, how they would like to work and
- iii. that each Committee meet at least twice a year face to face.

It was considered that due to the small number of members remaining in the meeting that a recommendation should be made to Full Council.

It was moved and duly recommended to recommend the New Ways of Working to Full Council.

**Resolved to recommend the New Ways of Working to Full Council.**

**County Councillor E Vaughan (Chair)**



## CYNGOR SIR POWYS COUNTY COUNCIL.

## Democratic Services Committee

24-04-2023

**REPORT AUTHOR:** Head of Legal Services and the Monitoring Officer**SUBJECT:** Constitution – Section 4**REPORT FOR:** Decision**1. Purpose of Report**

1.1 The purpose of the report is to consider possible amendments to Section 4 of the Constitution relating to:

- Written text/ preamble as background to a Motions submitted to Council;
- Seconding of Motions (Rule 4.41);
- Urgent Motions and the need for a costed analysis (new Rule 4.43.5);

**2. Written text / Preamble as background to a Motion.**

2.1 The motions submitted to Council over the past year have included a range of text introducing and supporting the motion, some of which has been quite lengthy. A review of the introductory text for motions submitted in the past year in the table below shows the number of words used by proposers of motions

Date	Item Number	Description	Preamble Word Count
26 May 2022	nil	nil	0
22 July 2022	15	School Closures	511
	16	Rural Fuel Duty Relief Scheme	147
	17	Dydd Gwyl Dewi	79
13 Oct 2022	11	Air ambulance	94
	12	School Transport	263
	13	Drainage and Flooding	273
	14	Nature Emergency	1789
08 Dec 2022	11	Commit to serve good quality meat and dairy products	341
	12	Fair's fare on Powys energy and water resources	163
	13	Powys Schools	363
23 Feb 2023	nil	nil	0
02 March 2023	12	Cynnig Iaith 2023 / 2023 Language Proposal	1098

- 2.2 The Committee is asked to consider whether a limit should be set to the number of words used in introductory text for Motions to Council.
- 2.3 In considering this matter, the Committee may wish to take into account the following:-
- The average number of words used in preambles since July 22 has been 510;
  - The proposers of motions are allowed 5 minutes to speak at Council and seconders 3 minutes;
  - The preamble does not form part of the Motion before Council and as such information contained in the preamble cannot be amended, although it can be corrected as part of the debate in Council.
- 2.4 If the Committee decides that a limit should be placed on the number or words allowed in preambles to motions, the Committee is asked to consider the following suggested new Rule to be recommended to Full Council for insertion within the Constitution:

“4.37.3 The preamble to any motion must contain no more than ..... words without the consent of the Chair.”

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<p><b>1. That the Committee decides</b></p> <p><b>(a) whether it wishes to recommend setting a limit to the number of words used in introductory text/ preamble for Motions to Council; and</b></p> <p><b>(b) if a limit is set, the suggested new wording for the Constitution as set out in paragraph 2.4 of the report</b></p>	<p><b>To consider whether to limit the text accompanying Motions to Council.</b></p>

### **3. Seconding of Motions.**

- 3.1 Section 4, Rule 4.41 of the Constitution limits for the number of motions which can be proposed by a Member for any Council meeting to 2 motions for each meeting . A Member has questioned whether a similar rule should exist for those seconding motions as the Constitution currently is silent on this subject.
- 3.2 The Committee is therefore asked to consider whether or not the Constitution should be amended to restrict the number of motions that a member can second to 2 motions for each Council meeting.
- 3.3 If the Committee decides that a limit should be placed on the number of motions that a Member be second at any one Council meeting , the Committee is asked to consider the following suggested amendment to Rule 4.41 to be recommended to Full Council for insertion within the Constitution:

**“Two Motions per Councillor**

4.41 No Councillor may give notice of, **or second**, more than 2 motions for any Council meeting, except with the consent of the Chair. Following debate and / or amendments a motion will be taken as a single motion.”

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<p><b>2. That the Committee decides:</b></p> <p><b>(a) whether it wishes to recommend to Council the amendment of Rule 4.41 to the effect that a Councillor cannot second more than two motions to Council for any Council meeting; and</b></p> <p><b>(b) if a limit is set, the suggested amendment to Rule 4.41 for the Constitution as set out in paragraph 3.3 of the report</b></p>	<p><b>To revise the number of motions which a Councillor can second for any Council meetings.</b></p>

**4. Urgent Motions and the need for a Costed Analysis**

4.1 In accordance with Rule 4.37.1 of the Constitution every motion submitted to Council must be accompanied by a costed analysis of the financial and resource implications that motion would have on the Council.

4.2 The Rules in relation to urgent motions (Rule 4.43) do not indicate whether or not a costed analysis is required for urgent motions under Rule 4.43 which provides as follows:

**“Urgent Motions**

4.43.1 An urgent motion complying with Rule 4.37.2 may be presented, with the permission of the Chair, provided it has been received by the Monitoring Officer by 5.00 p.m. on the day prior to the Council meeting

4.43.2 Subject to Rule 4.43.3 below, the Chair has general authority to agree to take an urgent motion which is not on the agenda, and the discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency;

4.43.3 The general authority referred to above is qualified in that an urgent motion should not be taken unless:

4.43.3.1 the matter dealt with in the motion has arisen between the deadline for the submission of motions and the date of the meeting; and

4.43.3.2 the motion requires an urgent decision in the public interest which cannot be dealt with by other means (including referring the motion for consideration and decision to the Cabinet or a committee), or left to be decided at a subsequent meeting.

4.43.4 In all cases, the reason for the urgency shall be clearly stated on the motion, and the Chair will explain to the Council the reason why he or she has accepted a motion not listed on the agenda as urgent”

- 4.3 As urgent motions can be submitted up to 5 p.m. on the day prior to the Council meeting it may not be possible to undertake a costed analysis in the timescale available . The Committee is therefore asked to consider whether or not the requirement for a costed analysis should be excluded for urgent motions.
- 4.4 If the Committee decides that the requirement for a costed analysis should be excluded for urgent motions, the Committee is asked to consider the following suggested new Rule 4.43.5 to be recommended to Full Council for insertion within the Constitution:

“4.43.5 For the avoidance of doubt an urgent motion does not need to be accompanied by a costed analysis of the financial and resource implications that motion.”

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<p><b>3. That the Committee decides:</b></p> <p>(a) <b>whether or not the requirement for a costed analysis should be excluded for urgent motions; and</b></p> <p>(b) <b>if the requirement is to be excluded, the suggested new Rule 4.43.5 for the Constitution as set out in paragraph 4.4 of the report</b></p>	<p><b>To exclude the requirement for a costed analysis for urgent motions.</b></p>

## **5. Amendment to Motions.**

- 5.1 The Committee is asked to consider possible inconsistencies in the wording of Rule 4.49.1.5 of The Constitution which reads as follows:

### **“Amendments to Motions**

- 4.49.1 Subject to Rules 4.49.2 to 4.49.9 below an amendment to a motion must be relevant to the motion and will either be:
- 4.49.1.1 to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;
  - 4.49.1.2 to leave out words;
  - 4.49.1.3 to leave out words and insert or add others; or
  - 4.49.1.4 to insert or add words or additional recommendations;
  - 4.49.1.5 to substitute another proposition which is committed to writing and received by the Head of Legal and Democratic Services and / or the Head of Democratic Services no later than 5 p.m. on the day prior to the meeting.

as long as the effect of Rules 4.49.1.2 to 4.49.1.4 is not to negate or would otherwise change the material substance of the original motion.”

5.2 Members will see that the combined effect of the section highlighted in yellow above is that amendments to motions can be moved to leave words out and/or to insert words and or additional recommendations provided that the amendment not to negate or would otherwise change the material substance of the original motion. Members may take the view that this restriction is appropriate to avoid amendments being proposed which would negate the original motion when the same could be achieved by voting down the motion.

5.3 However, members will also see from Rule 4.49.1.5 an amendment can be proposed to **substitute** another proposition provided that the amendment is committed to writing and received by the Head of Legal and Democratic Services and / or the Head of Democratic Services no later than 5 p.m. on the day prior to the meeting. Such a substituted proposition could negate or would otherwise change the material substance of the original motion and if received as late as 5.00pm on the day before a Council meeting would run the risk of not being accompanied by a by a costed analysis of the financial and resource implications that motion as required by Rule 4.37.1.

5.4 The Committee is asked to consider the following options:-

Option 1 - to remove Rule 4.49.1.5 from the Constitution so as to remove the opportunity for a substitute amendment which negates or would otherwise change the material substance of the original motion; or

Option 2 - To retain Rule 4.49.1.5 but amend to require the motion to be received and to have a costed analysis of the financial and resource implications that motion to be received at least 2 days before a Council meeting in accordance with as required by Rules 4.37.1 and 4.49.2.1; or

Option 3 - To retain Rule 4.49.1.5 and to exclude the need for costed analysis of the financial and resource implications the amendment.

Recommendation:	Reason for Recommendation:
<p>4. That the Committee recommend one of the options set out in paragraph 5.4 of the report</p> <p>5. That the Head of Legal Service and the Monitoring Officer be asked to prepare a draft revision of Section 4 of the Constitution to reflect the decisions in 5 above for consideration by the Council.</p>	<p>To exclude the requirement for a costed analysis for urgent motions.</p>

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

<b>Relevant Local Member(s):</b>	<b>N/A</b>
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<b>Person(s) To Implement Decision:</b>	<b>Clive Pinney</b>
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<b>Date By When Decision To Be Implemented:</b>	
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Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
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**Background Papers used to prepare Report:**