

## MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD BY TEAMS ON TUESDAY, 20 APRIL 2021

### PRESENT

County Councillor J Charlton

County Councillors L V Corfield, S C Davies, D O Evans, D Jones-Poston,  
D Rowlands and R Williams

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from County Councillors S Hayes, K Silk, E Vaughan and S Williams.

### 2. MINUTES OF PREVIOUS MEETINGS

The Chair was authorised to sign the minutes of the meetings held on 18 March 2020 and 19 October 2020 as correct records.

In response to a question, the Head of Democratic Services advised that a recommendation from the 19 October 2020 minutes had been referred back to the Committee, by County Council, for further consideration. This was recommendation (ii) under Item 4 - 1 Speaking at Council meetings and this would need to be considered at the next Committee meeting.

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 4. CONSTITUTION

The Committee considered the report regarding proposed changes to the Constitution.

#### **Title of the Economy, Residents, Communities and Governance Scrutiny Committee**

The Committee noted that the Audit Committee is now titled the Governance and Audit Committee as required by Local Government and Elections (Wales) Act 2021. The Head of Legal and Democratic Services confirmed that this minor change had already been made, with the agreement of the relevant Chairs and that members had been advised of this. As a result, it is recommended that "Governance" is taken out of the title of the existing Economy, Residents, Communities and Governance Scrutiny Committee.

It was moved and duly seconded to recommend to County Council to amend the title of the Economy, Residents, Communities and Governance Scrutiny Committee as detailed in the report.

<b>Recommendation to County Council</b>	<b>Reason for Recommendation:</b>
<b>1. That the title of the Economy, Residents, Communities and Governance</b>	<b>To reflect the renaming of the Audit Committee as the Governance and Audit Committee</b>

<p><b>Scrutiny Committee should be changed to become the Economy, Residents and Communities Scrutiny Committee with effect from 1st May 2021;</b></p> <p><b>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.</b></p>	<p><b>as required by Local Government and Elections (Wales) Act 2021 and thereby avoid confusion.</b></p>
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### **The Membership of Scrutiny Committees**

The Committee noted that the membership of the two scrutiny committees, as detailed in the report, is currently 14 which includes independent members. Concerns have been raised that this means that the number of democratically elected members is reduced.

It was noted that a Non-Voting Co-optee for crime and disorder has not been appointed for some time to the Economy, Residents, Communities and Governance Scrutiny Committee (Economy, Residents, and Communities Scrutiny Committee). The Head of Legal and Democratic Services advised that a representative has been sought from the Dyfed Powys Police Crime Panel and a representative will be sought again.

It was moved and duly seconded to recommend to County Council to amend the membership of the Scrutiny Committees as detailed in the report.

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

## **Amendments to the Provision of Notices, Summons, Agendas, Decisions and Retention of Documents**

The Committee noted the changes which Councils are required to make as a result of the Local Government and Elections (Wales) Act 2021 (the 2021 Act) changes to Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001. The 2021 Act means that notices etc only now need to be published on the Council's website.

In response to comments regarding the fact that not everybody has access to the web and that they should not be disadvantaged, the Head of Legal and Democratic Services advised that officers would discuss with the Communications Team how meetings are advertised using a range of social media and other methods.

It was moved and duly seconded to recommend to County Council to amend the Provision of Notices, Summons, Agendas, Decisions and Retention of Documents as detailed in the report.

<b>Recommendation to County Council</b>	<b>Reason for Recommendation:</b>
<p><b>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 14 of the Constitution attached to the report are approved.</b></p> <p><b>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.</b></p>	<p><b>To reflect the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 required by the Local Government and Elections (Wales) Act 2021.</b></p>

## **Remote Attendance**

The Committee noted that the 2021 Act requires that amendments are made to the Constitution to allow for the continuation of remote attendance meetings, which was provided for by Emergency Coronavirus Regulations from Welsh Government. These Regulations are due to expire.

It was moved and duly seconded to recommend to County Council to allow remote attendance to continue as detailed in the report.

<b>Recommendation to County Council</b>	<b>Reason for Recommendation:</b>
<p><b>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</b></p> <p><b>7. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the</b></p>	<p><b>To reflect the changes required by the Local Government and Elections (Wales) Act 2021.</b></p>

<b>changes set out in Recommendation 6 above.</b>	
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### **Extra Functions for Governance and Audit Committee**

The Committee noted that the 2021 Act requires the Governance and Audit Committee to review and assess the authority's ability to handle complaints effectively and to make reports and recommendations in respect of this. The Constitution needs to reflect these new functions.

The Head of Legal and Democratic Services also advised that in addition the Constitution had not been amended to include certain functions given to the Governance and Audit Committee by the Local Government Measure 2011. Although the Constitution was not amended to reflect those functions, the Audit Committee has been carrying out those functions.

It was moved and duly seconded to recommend to County Council to insert the extra functions for the Governance and Audit Committee as detailed in the report.

<b>Recommendation to County Council</b>	<b>Reason for Recommendation:</b>
<b>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.</b>	<b>To reflect the changes required by the Local Government and Elections (Wales) Act 2021 and the Local Government Measure 2011.</b>

<b>5.</b>	<b>AMENDMENTS TO THE FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES (WALES) REGULATIONS 2013</b>
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The Committee received the report regarding the changes to the Regulations in respect of Family Absences for members.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That the Amended Regulations and Guidance from Welsh Government be noted.</b>	<b>To update the Committee on new Legislation / Regulations / Guidance affecting the Council.</b>

The Committee noted that at the last Council meeting it was agreed that the Committee would review how motions agreed by Council are dealt with and the impact of these on the Council. The Head of Legal and Democratic Services advised that a tracker was being developed and a report would be brought to the next Committee for consideration.

**County Councillor J Charlton [Chair]**