

CYNGOR SIR POWYS COUNTY COUNCIL.

**County Council
30th April, 2021**

REPORT AUTHOR: Head of Legal and Democratic Services

SUBJECT: Constitution

REPORT FOR: Decision

1. Purpose of Report

- 1.1 The Council is asked to consider possible revisions to the Constitution which may impact on the allocation of seats of committees which will be decided at the Council AGM in May 2021.
- 1.2 In addition the Council is asked consider a variety of other changes which will be required by the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”).
- 1.3 All the above changes to the Constitution were considered and approved by the Democratic Services Committee on 20th April, 2021.

2. Recommended Revisions to the Constitution

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

The Council is asked to review the title of the Economy, Residents, Communities and Governance Scrutiny Committee in light of the re-naming of the Audit Committee to become the Governance and Audit Committee as required by Local Government and Elections Act (Wales) 2021 which took effect on 1st April 2021. It is considered that it is inappropriate to have 2 committees with the word “Governance” in their titles as this would be confusing.

The Democratic Services Committee recommends 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 Economy, 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 scrutinise certain corporate services.

Members should also note that the proposed amendment has been discussed with and approved by the Chair of the Economy, Residents, Communities and Governance Scrutiny Committee .

Recommendation to the County Council:	Reason for Recommendation:
1. That the title of the Economy,	To reflect the renaming of the Audit

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

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 Democratic Services Committee considers that the reduced number of democratically elected Councillors serving on scrutiny committees, particularly on the Learning and Skills Scrutiny Committee, should be reconsidered, and the Democratic Services Committee recommends 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.

Members should also note that the proposed amendment has been discussed with and approved by the Chair of the Learning and Skills Scrutiny Committee, whose committee is most affected by the proposed amendment.

Recommendation to the County Council:	Reason for Recommendation:
<p>3. That Rule 7.4 of the Constitution (as set out in a draft revised Section 7 of the Constitution which is attached) 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 	<p>To allow for participation of more Councillors in Scrutiny meetings.</p>

<p>(Economy, Residents, and Communities Scrutiny Committee) is a maximum of 14 Councillors – Politically Balanced- plus 1 Non-Voting Co-optee for crime and disorder;</p> <ul style="list-style-type: none"> • 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, 	
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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. We will continue to publish these documents on the notice board in County Hall (the pandemic allowing) notwithstanding that there will no longer be legal duty to do so.

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.

The Democratic Services Committee has asked officers to consider putting in place the possible use of social media to bring Notices , Summons and Agendas to the attention of the public.

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 Council.

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 draft revised Sections 4 and 14 of the Constitution attached to the report) are approved and to take effect as from 1st May 2021.</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>

<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>	
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2.4 Remote Attendance

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

As such, the Council is asked to consider the amendments to Rules 4.27.1 to 4.27.2 as set out in Section 4 of the Constitution (attached) so as to allow for remote attendance meetings in the future..

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 and to take effect as from 1st May 2021.</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 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 Sections 13 of the Constitution attached 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) in in the draft revised Section 13 of the Constitution (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, Democratic Services Committee recommends to Council the insertion of paragraphs (a) – (d), (da) , (db) and (e) –(f) into pages 34 and 35 of Section 13 of the Constitution as attached to the report. These changes will also be reflected in the Terms of Reference of the Governance and Audit Committee as set out in Section 7 of the Constitution (attached).

Recommendation to the County Council:	Reason for Recommendation:
<p>8. That paragraphs (a) – (d), (da) , (db) and (e) –(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 and in Section 7 of the Constitution (attached) with effect from 1st May 2021.</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
Date By When Decision To Be Implemented:	

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Background Papers used to prepare Report: