

## **SECTION 9 – REGULATORY AND OTHER COMMITTEES**

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- 9.1 The Council will appoint the Committees to discharge the functions set out in Section 13 of this Constitution.

### **The Democratic Services Committee**

- 9.2.1 The Council will appoint a Democratic Services Committee to discharge the functions described in Section 13 of this Constitution.<sup>1</sup>
- 9.2.2 The Committee shall consist of 14 Members to achieve so far as reasonably practicable a political balance.
- 9.2.3 No more than one Member of the Cabinet may be a member of the Committee and that Cabinet Member cannot be the Leader.
- 9.2.4 The Chair of the Democratic Services Committee is appointed by Full Council at its Annual Meeting and the Chair may be removed from office by a motion to remove to Council which is put on the agenda pursuant to Rule 4.38.1. The Chair must not be a member of an Executive Group (meaning a political group some or all of whose members comprise, or are included in, the Cabinet of the Authority, unless there are no opposition groups [meaning a political group none of whose members are included in the Cabinet of the Authority] in which case the Chair may be a member of an Executive Group but must not be a member of the Cabinet).
- 9.2.5 The Committee may appoint one or more sub-committees and may arrange for the discharge of any of its functions by such a sub-committee.
- 9.2.6 The Committee is to appoint the Chair of any Sub-Committee.
- 9.2.7 The Vice-Chair of the Committee is appointed by the Committee and the Vice-Chair of any Sub-Committee is appointed by the Sub-Committee
- 9.2.8 The Vice-Chair of the Democratic Services Committee and the Chair and Vice-Chair of a Sub-Committee may be removed from office by a motion to remove which is put on the agenda of the Democratic Services Committee pursuant to Rule 4.38.1

### **Regulatory Committees and Sub-Committees**

- 9.3.1 The Council will appoint such Regulatory Committees as it considers appropriate to the exercise of its functions. These will include a Planning, Taxi Licensing and Rights of Way Committee of 21 Members<sup>1</sup>, a Licensing Act 2003 Committee of 14 Members, an Employment and Appeals Committee of 14 Members, [a Governance and Audit Committee of 15 Members](#), and a Pensions and Investments Committee of 5 Members plus the Portfolio Holder for Finance together with a Staff and Employers Representative.
- 9.3.2 Any Regulatory Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the Regulatory Committee's terms of reference.
- 9.3.3 Subject to Rule 9.3.4 below, Cabinet Members cannot be members of Regulatory Committees and / or their Sub-Committees.
- 9.3.4 Cabinet Members may be members of the following Regulatory Committees and / or their Sub-Committees in the manner described below:
- 9.3.4.1 Pensions and Investment Committee;
  - 9.3.4.2 Employment and Appeals Committee where dealing with

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<sup>1</sup> See Rule 11, of the Local Government (Wales) Measure 2011.

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shortlisting and appointments in accordance with Rules 11.45, 11.52, and 11.56.

- 9.3.5 The quorum of any Sub-Committee of a Regulatory Committee will be 25% of the membership save that the quorum of the Taxi Licensing Sub-Committee shall be at least 3 Members and the quorum of the Licensing Sub-Committee of the Licensing Act 2003 Committee shall be at least 3 Members.
- 9.3.6 A Regulatory Committee and / or Sub-Committee will appoint a Chair and Vice-Chair at the first meeting of the Committee / Sub-Committee following the Council's Annual Meeting.
- 9.3.7 A Chair and Vice-Chair of a Regulatory Committee may be removed from office by a motion to remove which is put on the agenda pursuant to Rule 4.38.1

### 9.4 Governance and Audit Committee.

9.4.1 The role, scope and Membership of the Governance and Audit Committee is set out below:

<p><b><u>Governance and Audit Committee</u></b>  <u>Membership:</u>  <u>14 Councillors plus</u>  <u>1 Independent /</u>  <u>Lay Member</u></p>	<ul style="list-style-type: none"> <li>• <u>To approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).</u></li> <li>• <u>Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified</u></li> <li>• <u>Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised</u></li> <li>• <u>To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements</u></li> <li>• <u>Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan.</u></li> <li>• <u>Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented</u></li> <li>• <u>Consider and approve the annual letter, regulatory plan and specific reports as agreed.</u></li> <li>• <u>Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions</u></li> <li>• <u>Comment on the scope and depth of the external audit work, to ensure it gives value for money</u></li> <li>• <u>Assess and approve the annual statement of accounts,</u></li> </ul>
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	<p><u>external audit opinion and management representation in relation to annual audit findings</u> <u>Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted</u></p> <ul style="list-style-type: none"><li>• <u>regularly monitor treasury management reports</u></li></ul>
	<p><b><u>Local Government Measure 2011 (Section 81) as amended by the Local Government and Elections (Wales) Act 2021 (Section 115)</u></b></p> <ul style="list-style-type: none"><li>• <u>review and scrutinise the authority's financial affairs</u></li><li>• <u>make reports and recommendations in relation to the authority's financial affairs</u></li><li>• <u>review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority</u></li><li>• <u>make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements</u></li><li>• <u>review and assess the authority's ability to handle complaints effectively</u></li><li>• <u>make reports and recommendations in relation to the authority's ability to handle complaints effectively</u></li><li>• <u>oversee the authority's internal and external audit arrangements, and</u></li><li>• <u>review the financial statements prepared by the authority</u></li></ul>

9.4.2 The Committee can make reports and / or recommendations to the Cabinet and / or Scrutiny Committees and / or the Full Council, in connection with the discharge of any function of the authority;

### **Membership of the Governance and Audit Committee**

9.4.3 The Governance and Audit Committee will comprise 14 Councillors, appointed to achieve as far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of the total membership).<sup>2</sup>

9.4.4 In accordance with Section 82 of The Measure:

9.4.4.1 At least one member of the Governance and Audit Committee must be a voting Lay Member;

9.4.4.2 An act of the Governance and Audit Committee will be invalid if the membership of the committee breaches any of the membership requirements set out in Rules 7.5.1 and 7.5.2.1.

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9.4.4.3 The Chair of the Governance and Audit Committee is appointed by the Committee at the first meeting following the Council's Annual Meeting and the Chair:

- cannot be a member of the Cabinet;
- can be a Lay Member or a Co-Opted Member;
- can only be a member of an executive group if there are no opposition groups. (See Rule 7.5.4 below);

9.4.4.4 The Measure does not require a Cabinet Member to be a member of the Governance and Audit Committee but a maximum of one member of Cabinet (but not the Leader) may be a member of the Governance and Audit Committee;

9.4.4.5 The Chair of the Governance and Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Governance and Audit Committee pursuant to Rule 4.38.1

9.4.5 The Vice-Chair of the Governance and Audit Committee will be appointed annually by the Committee at the first meeting following the Council's Annual Meeting who may appoint a Councillor, the Lay Member or a Co-Opted Member. (see Rule 9.4.6 below)

9.4.6 The Vice-Chair of the Governance and Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Governance and Audit Committee pursuant to Rule 4.38.1

9.4.7 A person presiding at an Governance and Audit Committee can only be a member of an executive group if there are no opposition groups.

### **Who May Sit on the Governance and Audit Committee**

9.4.8 In accordance with Section 82 of The Measure no more than one member of the Cabinet may be a member of the Governance and Audit Committee (but there is no requirement for Full Council to appoint a member of the Cabinet to the Governance and Audit Committee ). The Leader cannot be a member of the Governance and Audit Committee.

### **Work Programme**

9.4.9 The Chair in consultation with the Committee will determine its own work programme

### **Meetings of the Governance and Audit Committee**

9.4.10 The Governance and Audit Committee must also meet if:

- (a) the Full Council resolves that the Committee should meet; or
- (b) at least one third of the members of the Governance and Audit Committee requisition a meeting by one or more notices in writing to the chair.

9.4.11 For the purposes of attendances of members or Officers at the Governance and Audit Committee only, in accordance with Section 83(6) of The Measure, a person is not obliged to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.

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### Rules of Procedure and Debate

9.45 The Council Procedure Rules in Section 4 will apply.

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<sup>i</sup> To comply with The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 a Planning Committee must have between 11 and 21 Members.