

<b>MEETING</b>	Full Council
<b>DATE</b>	18 May 2017
<b>TITLE</b>	Amendments to the Constitution in light of a review of the Scrutiny Procedure and to the Committee's Standing Orders.
<b>PURPOSE</b>	<p>Ensure that the scrutiny procedure adopted in March 2017 is implemented through amendments in the constitution.</p> <p>Implement changes to the Planning Committee's arrangements deriving from new legal requirements</p>
<b>RECOMMENDATION</b>	<ol style="list-style-type: none"> <li>1. To adopt the changes in Section 7 ( Appendix 1) of the Constitution, "Scrutiny Committees" in accordance with the report to implement the review of the scrutiny procedure.</li> <li>2. To adopt the changes to terms of reference of the Audit Committee and Language Committee in response to the scrutiny review and to change the name of the Audit Committee of the Audit and Governance Committee ( Appendix 2).</li> <li>3. To note the changes in Section 9 of the Constitution, "Regulatory Committees and Others" in order to comply with the requirements ( Appendix 3).</li> <li>4. To note the amendment of the constitution to reflect the change to the name of the Regulatory Department to the Environment Department.</li> </ol>
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## 1. Background

In its meeting on 2 March 2017, the Council resolved to make the changes to the procedure of the Scrutiny Committees. As these changes have constitutional implications, before they

can be formally implemented, the constitution needs to be changed and I was requested to prepare a report to the Council, recommending the necessary changes.

In addition to these changes, regulations were published by the Government during March 2017, setting the legal requirements regarding the arrangements of Planning Committees. It is therefore required for the Council to change the standing order for the Committees to implement this requirement.

As the Regulatory Department is changing its name to the Environment Department, this change needs to be reflected in the Constitution. It will not mean a significant change.

## **2. Amending the Scrutiny Procedure**

Section 7 of the Constitution provides for the Scrutiny Committees. As the Scrutiny system is statutory, this Part is a combination of provisions that are required by law as well as arrangements by the Council. The decision in March encompasses not only changes to the committees' framework and remit, but also the scrutiny procedure. These recommendations reflect the constitutional changes that derive from this decision.

There are one or two specific points we will be drawing attention to:

- The Well-being of Future Generations Act 2015 has a requirement that the Council appoints a Scrutiny Committee to scrutinise the work of the Public Services Board. This requirement in Section 35 of the Act encompasses a wide range of matters, including the decisions of the board and governance. This specific field has been attributed to the Communities Scrutiny Committee. However, it should be noted that it is the work of the Public Services Board, which is specifically scrutinised here and not the implementation and effect of the Act in its wider sense. Considering the cross-authority nature of the Act, it will be relevant as a consideration and a scrutiny subject across all committees.
- In its decision in March, a proposed remit was set for the Scrutiny Committees. However, the recommendation in this report suggests making one specific amendment. In March, the field of "Housing" was placed within the remit of the Communities Scrutiny Committee. However, the nature of this work in the context of the Council better lends itself to the Care Scrutiny Committee. In addition to this, it would mean allowing the Adults Health and Wellbeing Department to report to one Scrutiny Committee. Therefore, it is recommended that this change is made.
- As a result of this decision changes to the terms of reference of the Audit and Language Committees have been recommended to give them effect. It is also recommended that the Audit Committee's name is changed to Audit and Governance Committee.

## **3. Planning Committee Regulations**

Following the Planning (Wales) Act 2015 and the Government's Positive Planning programme, there have recently been changes to a range of matters regarding the planning procedures in Wales. The focus of this work has included appeal arrangements, strategic planning, enforcement, applications for approval and decision-making arrangements.

Stemming from this agenda, two sets of regulations were published by the Government regarding Planning Committees in March this year:

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017,

The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017

Between them, these Regulations mean changes to the arrangements of the Planning Committees in Wales. The new requirements can be summarised in the following way:

- The size of the Planning Committee is restricted to no fewer than 11 and no more than 21 members,
- In a multi-member ward, only one member of the ward can be appointed to the Planning Committee
- The Committee's quorum is increased to at least half the membership.
- The use of substitutes in the Planning Committee is not permitted.

These are statutory requirements that have been set by the Government and therefore they are required to be implemented with constitution amended accordingly. The necessary amendments to the Constitution are set out in the Appendix and I have exercised my powers under Section 2.6.2 of the Constitution to effect the changes.

### **Environment Department**

As the Regulatory Department will now be using the name Environment Department, it is noted that the changes will need to be made in the Constitution to reflect this change.

### **Recommendation:**

- 1. To adopt the changes in Section 7 of the Constitution, "Scrutiny Committees" in accordance with the report to implement the review of the scrutiny procedure.**
- 2. To adopt the changes to terms of reference of the Audit Committee and Language Committee in response to the scrutiny review and to change the name of the Audit Committee of the Audit and Governance Committee.**
- 3. To note the changes in Section 9 of the Constitution, "Regulatory Committees and Others" in order to comply with the statutory requirements.**
- 4. To note the amendment of the constitution to reflect the change to the name of the Regulatory Department to the Environment Department.**

**Iwan G D Evans**

**Head of Legal Services / Monitoring Officer**

### **Background documents**

2 March 2017 Council Report - Review of the Scrutiny Procedure

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017,

The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017