

Report to	Council
Date of meeting	13 April 2021
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Steve Price, Democratic Services Manager
Title	Amendments to the Constitution

1. What is the report about?

1.1. This report relates to amendments to the Council's Constitution to reflect sections of the Local Government and Elections (Wales) Act 2021 that are being commenced.

2. What is the reason for making this report?

2.1. For Council to update the Constitution's provisions for remote attendance at meetings and for the Council's Corporate Governance and Audit Committee.

3. What are the Recommendations?

3.1. That Council amends the Constitution by replacing the existing wording in Section 4.17 with the following:

“Remote attendance is permitted at all meetings, committees and sub-committees provided that those participating are able to speak to and be heard by each other. In the case of meetings which are required by law to be broadcast, participants are able to speak to and be heard by each other and to see and be seen by each other”;

3.2. That Council amends the name of the Corporate Governance and Audit Committee to the 'Governance and Audit Committee';

3.3. That Council authorises the Monitoring Officer to amend the wording of Section 13 of the Constitution relating to the Corporate Governance and Audit Committee's terms of reference and responsibilities, in order to reflect the 2021 Act's provisions relating to complaints and performance assessment duties which come into force from the 1st May 2021.

4. Report details

- 4.1. To allow local authorities to continue to function under Covid-19 restrictions the Welsh Government introduced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 which came into force on 22 April 2020. The Regulations permit remote attendance at meetings irrespective of the provisions contained in a local authority constitution. These Regulations are temporary and will no longer apply after the 30th April 2021. However, from that time the provisions of Section 47 of the Local Government and Elections (Wales) Act 2021 (referred to from hereon as the 'Act') will come into force.
- 4.2. Section 47 of the Act requires local authorities to make arrangements from the 1st May to ensure their meetings are capable of being held remotely.
- 4.3. Currently, the law does not require local authorities to broadcast meetings though Denbighshire has been broadcasting certain meetings since 2013. With the Covid-19 closure of buildings the Council has been broadcasting almost all of the meetings that the public would normally have been able to attend. Under the Act Denbighshire will have to broadcast meetings of full Council and Welsh Ministers are expected to make regulations in respect of other meetings that must be broadcast.
- 4.4. The Council has a statutory 'audit' committee called the Corporate Governance and Audit Committee. The Act changes this Committee's name to the 'Governance and Audit Committee'. The Act also extends the Committee's statutory remit to reviewing and assessing the Council's ability to handle complaints effectively, and to make reports and recommendations thereon. It also creates a role for the Committee in the new performance assessment process.
- 4.5. From May 2022 the Act will bring changes to the Committee's membership that will require the Committee's chair to be a lay-member and a third of the

membership to be lay-members. A further amendment to the Committee's terms of reference will be required at that time.

5. How does the decision contribute to the Corporate Priorities?

5.1. These decisions do not directly contribute to the Corporate Priorities.

6. What will it cost and how will it affect other services?

6.1. The decisions sought today are not expected to increase costs. The Welsh Government will set out in Regulations which meetings must be broadcast which may consequentially affect broadcasting costs.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. An assessment is not required for this report.

8. What consultations have been carried out with Scrutiny and others?

8.1. The provisions of the 2021 Act have been discussed at an informal briefing with elected members, with the Corporate Governance and Audit Committee and the Standards Committee.

9. Chief Finance Officer Statement

There are no immediate financial implications arising from this report, though the Council will need to await further broadcasting regulations for clarity on those costs. The extension of the lay-membership of the Governance and Audit Committee from May 2022 will require funds for attendance and time commitment allowances.

It is hoped that any increase in costs can be kept within existing service area budgets, however any issues can be raised through the annual budget setting process.

10. What risks are there and is there anything we can do to reduce them?

10.1. The decisions sought are statutory requirements.

11. Power to make the decision

11.1. Section 47 of the Local Government and Elections (Wales) Act 2021

(arrangements and conditions for persons who are not in the same place to attend local authority meetings);

11.2. Section 115 of the Local Government and Elections (Wales) Act 2021 (new

name and functions of audit committees);

11.3. Section 37 of the Local Government Act 2000 (to prepare and keep up-to-date a written constitution).