

CEREDIGION COUNTY COUNCIL

Report to:	Democratic Services Committee
Date:	20.09.2023
Title:	Democratic Services Committee Terms of Reference
Purpose of report:	To consider amendments to the Democratic Services Committee Terms of Reference

Background

The Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales, supporting provisions within the Local Government Act 2000, the Local Government (Wales) Measure 2011 and the Local Government and Elections (Wales) Act 2021, section 13.0 Democratic Services Committees Statutory Guidance provide an outline of the functions of the Democratic Services Committee.

The current Terms of Reference, as published in the Council's Constitution have been reviewed to reflect the content of the guidance, and it is recommended that the following amendments are made to the Terms of Reference of the Democratic Services Committee.

a) Introduction

To include a reference in the introduction to the Local Government and Elections (Wales) Act 2021 and the Welsh Government Statutory and Non-Statutory Guidance for Principle Councils in Wales.

Also to include the following statement: *'DSC meetings and sub-committees are to be open to the public as is normal in council meetings and subject to the same regime of accessibility in general'*. (as per section 13.15 of the Statutory and Non-Statutory Guidance)

b) Terms of Reference

To include the following within the 'Terms of Reference' of the Committee section: *'The Democratic Services Committee can decide how it carries out these functions'* (as per section 13.10 of the Statutory and Non-Statutory Guidance)

c) Membership

To stipulate within the 'Membership' section that the 6 Members will be 'politically balanced', and: *'It should consist solely of councillors and cannot include more than one member of the executive or assistant to the executive. Any executive member must not be the council leader'*. (as per section 13.11 of the Statutory and Non-Statutory Guidance)

d) Chairman

To include the following within the 'Chairman' section: *'The Chair must not be a member of any of the political groups represented in executive. The exception to this is when a council has no opposition groups. In this case, any member of the DSC can be appointed as chair provide the member is not a*

member of the executive.' (as per section 13.12 of the Statutory and Non-Statutory Guidance)

e) Frequency of Meetings

The guidance stipulates that the DSC committee must meet at least once a year, however the current Terms of Reference stipulates that the Committee will meet at least three times in any municipal year. It is recommended that the section 'Frequency of Meetings' is amended to state: *'The Committee is required to meet at least once in any municipal year, however the Democratic Services Committee will aim to meet at least 3 times in any municipal year'*. It is also recommended that where the Terms of Reference state that meetings may be convened if the full Council so decides or at least a third of the member of the Committee demands a meeting, that the following statement is added: *'There is no limit on the maximum number of meetings a DSC may hold.'* (as per section 13.15 of the Statutory and Non-Statutory Guidance)

The above recommended amendments can be viewed in the draft revised Democratic Services Committee Terms of Reference via track-changes in Appendix A.

Next Steps

For Members of the Democratic Services Committee to consider the draft amendments to the Democratic Services Committee Terms of Reference, and to make recommendations to the Council with regards to including the revised Terms of Reference in the Council's Constitution. The guidance also stipulates that the procedures relating to the operation of the Democratic Services Committee should be included in the Council's Constitution. Subject to approval by Council, any amendments will be put forward to the Constitution Working Group for adoption.

Recommendations: To consider the draft revised Terms of Reference, and to make recommendations to Council in relation to the proposed amendments.

Appendices: Democratic Services Committee Terms of Reference with proposed amendments

Background documents: Welsh Government Statutory and Non Statutory Guidance for Principal Councils in Wales;
The Local Government Act 2000;
The Local Government (Wales) Measure 2011;
The Local Government and Elections (Wales) Act 2021.

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Date: 03.08.2023