

DEMOCRATIC SERVICES COMMITTEE

31ST JANUARY 2014

FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

INDEX OF REPORT ITEM

PART 1 – Doc. Code: DSC-310114-REP-FS -DM

SECTION B	MATTER FOR INFORMATION	
Report Item	Page Nos	Wards Affected
1. Report taken to Council 22 nd January 2014 re Democratic Services Committee	2-3	All

PART 1, SECTION B
ITEM 1

REPORT TAKEN TO COUNCIL 22ND JANUARY 2014 Re: DEMOCRATIC SERVICES COMMITTEE

1. Purpose of Report

To advise Members of Democratic Services Committee of a report taken to Council of 22nd January 2014.

2. Background

The report which appears below was taken to the Council meeting of 22nd January 2014. The report reflects statutory changes and a slight increase in the scope of matters which can be considered by the Democratic Services Committee. I will report on the Council's decision orally.

“CHANGES TO THE CONSTITUTION

1. Democratic Services Committee

1.1 Purpose of Report

To update the Constitution in accordance with statutory changes.

1.2 Background

1.2.1 When Democratic Services Committees were established under the Local Government (Wales) Measure 2011 Chapter 2 the Welsh Government wanted to ensure that they would be free standing and not combined with any other committees. To this end the 2011 Measure was drafted in such a way as to give Democratic Services Committees very limited specific functions and, rather unusually, a provision was included prohibiting those Committees from exercising any other function. Representations were made at the time that Democratic Services Committees were being given too narrow a role. Provision has now been included in the Local Government (Democracy) (Wales) Act 2013 allowing Local Authorities to refer certain matters to their Democratic Services Committees for review. These matters are:-

- (a) The support and advice available to Members of the Authority, and
- (b) The terms and conditions of office of those Members.

1.2.2. As an aside, the meaning of (b) is obscure since Members do not hold office under terms and conditions.

1.2.3. It is suggested that the following amendments be made to the Constitution in order to ensure that the Democratic Services Committee may receive such referrals:-

1.3 **Recommendation**

Insert the following in the Democratic Services Committee Procedure Rules:-

“6.1.4. To review at the request of full Council any matter relevant to the support and advice available to Members of the Authority and the terms and conditions of office of those Members provided that the Committee must make reports and recommendations to Council following such review (footnote Section 11A Local Government (Wales) Measure 2011).” And that similar provision be inserted in Annex E1 of Part 3 of the Constitution.

1.4 **List of Background papers**

Local Government (Wales) Measure 2011
Local Government (Democracy) (Wales) Act 2013

1.5 **Wards Affected**

All

1.6 **Officer Contact**

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