

<b>ISLE OF ANGLESEY COUNTY COUNCIL</b>	
<b>Report to:</b>	<b>Executive / Council</b>
<b>Date:</b>	<b>18.02.2018 / 27.02.2018</b>
<b>Subject:</b>	<b>Proposed amendment to paragraph 4.5.4 of the Constitution in relation to education representatives on Scrutiny Committees</b>
<b>Portfolio Holder(s):</b>	<b>Councillor Dafydd Rhys Thomas</b>
<b>Head of Service:</b>	<b>Lynn Ball – Head of Service (Council Business) / Monitoring Officer</b>
<b>Report Author:</b> Tel: E-mail:	<b>Mared Wyn Yaxley – Solicitor</b> <b>01248 752566</b> <a href="mailto:mwyys@ynysmon.gov.uk">mwyys@ynysmon.gov.uk</a>
<b>Local Members:</b>	<b>Not a specific ward issue</b>

<b>A –Recommendation/s and reason/s</b>
<p>1. That Council :</p> <p>1.1 Agrees to remove the requirement to have “one representative of other faiths or denominations” on a Scrutiny Committee when it deals with Education matters (i.e. sits as a Local Education Authority Scrutiny Committee) as is currently included in paragraph 4.5.4.4 of the Constitution (as shown in <b>ENCLOSURE 1</b>), so that paragraph 4.5.4 reads as included in <b>ENCLOSURE 2</b></p> <p>1.2 Authorises the Council’s Head of Function (Council Business) / Monitoring Officer to make the necessary changes to the Constitution to reflect the removal of the requirement noted in 1.1 above.</p>

<b>B – What other options did you consider and why did you reject them and/or opt for this option?</b>
<p>Section 4.5 of the Constitution includes the Scrutiny Procedure Rules.</p> <p>Paragraph 4.5.4 of the Council’s Constitution deals with the legislative requirement to have education representatives with voting rights on Scrutiny Committees when dealing with education matters. The current wording of 4.5.4 is included in <b>Enclosure 1</b>.</p> <p>There is a legislative requirement to appoint Parent Governor representatives and Church representatives to Overview and Scrutiny Committees dealing wholly or partly with education matters. The relevant Act and Regulation are noted in section FF of this report.</p> <p>In addition to the above statutory requirements, this County Council decided to include</p>

a further provision, by way of local choice, to have “one representative of other faiths or denominations” (4.5.4.4 of the Constitution). It is understood that only one other local authority decided to include this requirement. The proposal now is to remove this requirement by deleting 4.5.4.4 of the Constitution so that paragraph 4.5.4 reads as per **Enclosure 2**.

The removal of 4.5.4.4 is satisfactory in terms of the legal requirement. The absence of a further representative of a religious denomination on the Scrutiny Committees does not prejudice their ability to discharge their legal and constitutional responsibilities.

There are Roman Catholic and Church in Wales Schools on the Isle of Anglesey and there are representatives from these denominations on the Scrutiny Committees accordingly (4.5.4.2 and 4.5.4.1 respectively). However, there are no other religious denomination schools in the County. There are no schools which fall within the “other faiths or denominations” category on Anglesey. It would therefore be difficult to determine who would be included within the definition of “other faiths or denominations”.

In addition to this, in light of recent limited interest in recruiting to the other vacancies for co-opted members to serve on Scrutiny Committees, it is anticipated that there would be similar difficulties to recruit someone from “other faiths or denominations”.

The options available to the County Council include:

(a) To maintain the status quo i.e. leave the requirement under 4.5.4.4.

The status quo has been to include the requirement in the Constitution but there has not been a representative in Scrutiny Committee meetings and so it seems futile to have a Constitutional requirement which is not observed.

If the clause is to remain in the Constitution, in order to satisfy the requirement, a selection process would need to be conducted. It may prove challenging to ascertain who is eligible to be included in the pool. From experience in relation to the other recruitment processes, it may prove difficult to appoint an individual.

(b) Remove 4.5.4.4 from the Constitution

There is no legislative requirement as the inclusion was a local choice in any event.

Deleting this requirement would ensure the Constitution reflects practice. There would be a cost saving as no recruitment process would need to be undertaken. Co-opted members are also entitled to receive allowances for the meetings which they attend.

It is proposed that option (b) is adopted so that 4.5.4 of the Constitution reads as **Enclosure 2**.

### **C – Why is this a decision for the Executive?**

As the report proposes to amend the Scrutiny Procedure Rules, which are part of the Constitution, then this report must be considered by the Executive before a final decision is made by Council.

### **CH – Is this decision consistent with policy approved by the full Council?**

Yes, where relevant

**D – Is this decision within the budget approved by the Council?**  
There are no budgetary implications.

<b>DD – Who did you consult?</b>		<b>What did they say?</b>
1	<b>Chief Executive / Senior Leadership Team (SLT)</b> (mandatory)	Feedback received is supportive
2	<b>Finance / Section 151</b> (mandatory)	No comment
3	<b>Legal / Monitoring Officer</b> (mandatory)	Supportive
4	<b>Human Resources (HR)</b>	
5	<b>Property</b>	
6	<b>Information Communication Technology (ICT)</b>	
7	<b>Procurement</b>	
8	<b>Scrutiny</b>	Comments included as part of the report.
9	<b>Local Members</b>	Not a specific ward issue
10	<b>Any external bodies / other/s</b>	

<b>E – Risks and any mitigation (if relevant)</b>	
1	<b>Economic</b>
2	<b>Anti-poverty</b>
3	<b>Crime and Disorder</b>
4	<b>Environmental</b>
5	<b>Equalities</b>
6	<b>Outcome Agreements</b>
7	<b>Other</b>

**F - Appendices:**  
**Enclosure 1 :** Paragraph 4.5.4 as currently appears in the Constitution  
**Enclosure 2:** Proposed new paragraph 4.5.4 in the Constitution

**FF - Background papers (please contact the author of the Report for any further information):**

- Local Government Act 2000
- The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001

## **ENCLOSURE 1**

### **4.5.4 Education Representatives**

Each relevant Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- 4.5.4.1 One Church in Wales representative
- 4.5.4.2 One Roman Catholic representative
- 4.5.4.3 Two parent governor representatives; and
- 4.5.4.4 One representative of other faiths or denominations

A Scrutiny Committee in this paragraph is a Scrutiny Committee of the Local Education Authority, where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters and may only attend as co-opted members of the Committee for discussion of those other matters if invited to do so.

## **ENCLOSURE 2**

### **4.5.4 Education Representatives**

Each relevant Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- 4.5.4.1 One Church in Wales representative
- 4.5.4.2 One Roman Catholic representative
- 4.5.4.3 Two parent governor representatives

A Scrutiny Committee in this paragraph is a Scrutiny Committee of the Local Education Authority, where the Committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. When the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters and may only attend as co-opted members of the Committee for discussion of those other matters if invited to do so.