



ANNUAL COUNCIL - 8TH MAY 2013

SUBJECT: CONSTITUTIONAL MATTERS

REPORT BY: INTERIM HEAD OF LEGAL SERVICES & MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To ask members to note the matters that require consideration at the Annual Meeting of the Council in accordance with the Council Procedure Rules.
- 1.2 To consider a recommendation to amend the Council's Constitution.
- 1.3 To update Members on the proposals to implement the All Wales Framework Constitution and future issues that will require a decision of Full Council.

2. SUMMARY

- 2.1 This report asks Members to note those matters that require consideration at the Annual General Meeting of Council in accordance with the Council's Constitution. It also proposes an amendment to the current Constitution to amend Standing Orders to permit certain meetings to extend beyond four hours. It also provides an update for members in relation to the All Wales Framework Constitution and future issues that will require a decision of Full Council.

3. LINKS TO STRATEGY

- 3.1 The requirement to establish and maintain the Council's Constitution is set out in the Local Government Act 2000.

4. THE REPORT

- 4.1 The Council's Procedure Rules require the Annual Meeting to appoint at least one overview and scrutiny committee, a Standards Committee and such other Committees the Council considers appropriate to deal with the matters which are neither reserved to the Council nor are executive functions. The Constitution provides for the appointment of the following committees:-

- 1) Audit Committee
- 2) Democratic Committee
- 3) Licensing Committee
- 4) Planning Committee
- 5) Policy and Resources Scrutiny Committee
- 6) Education for Life Scrutiny Committee
- 7) Health, Social Care and Wellbeing Scrutiny Committee
- 8) Regeneration and Environment Scrutiny Committee
- 9) Standards Committee

- 10) Investigating and Disciplinary Committee
- 11) Appeals Committee
- 12) Appointments Committee
- 13) Rights of Way Sub Committee

4.2 It is not proposed that any changes be made to the current arrangements in relation to the committees at this Annual Meeting. This includes the number of members allocated to each committee. Members are therefore asked to note the existing arrangements.

4.3 The nominations for the members to each Committee will be reported verbally at the Council meeting.

5. TERMS OF REFERENCE OF COMMITTEES

5.1 There are no changes to the terms of reference for any of the Committees. Members are therefore recommended to note the existing Terms of Reference set out in Parts 2 and 3 of the Constitution.

6. POLITICAL BALANCE - ANNUAL REVIEW

6.1 The Annual Meeting is required to decide the allocation of seats to political groups in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees & Political Groups) Regulations 1990 as amended.

6.2 The basis of the statutory requirements provide that committee seats should be allocated to political groups in so far as practicable in the same proportion as these groups have to be total membership of the Council.

6.3 There has been no change to political balance of the Authority and Members are therefore asked to note that the current allocations remain as present.

7. SCHEME OF DELEGATION

7.1 There is no proposal to vary the current Scheme of Delegation and the Members of the Council are therefore asked to note the existing Scheme set out at Part 3 of the Council's Constitution.

8. PROPOSED AMENDMENT OF COUNCIL PROCEDURE RULES

8.1 The current Council Procedure Rule 9 provides that:- " Any meeting of the Council or a Committee or sub committee which has sat for a total period of three hours shall stand adjourned unless the majority of the members present, by vote without discussion, determine to continue to sit. Provided that the meeting may not be extended by longer than one hour and that no meeting in any event continue beyond 9.00pm.

8.2 Currently the only exception to this Rule relates to the Licensing Committee where the four-hour restriction is not applicable.

8.3 It is proposed that this restriction should be lifted in relation to the meetings of the Planning Committee, the Investigating and Disciplinary Committee and the Appeals Committee, on the basis that the four-hour restriction could potentially cause difficulties for the any of the named Committees when conducting difficult and complex matters.

- 8.4 It is recommended that the four-hour restriction be lifted in relation to meetings of the Planning Committee, the Investigating and Disciplinary Committee and Appeals Committee subject to the requirement that the Committee take appropriate breaks to ensure the comfort of those participating in the meeting.

9. ALL WALES FRAMEWORK CONSTITUTION UPDATE

- 9.1 Members will recollect from the report to Council in January that there were "teething problems" with the availability of the computer package to support the implementation of the new framework document. A recent update has indicated that these problems have been resolved and consequently the proposed adoption of the new framework will commence shortly.

10. FUTURE ISSUES

- 10.1 Welsh Government have recently issued guidance on the issue of remote attendance. This will need to be reported to Council and decisions reflected in the Council's Constitution. A report will be forthcoming at next Council.

11. EQUALITIES IMPLICATIONS

- 11.1 There are none arising from the contents of this Report.

12. FINANCIAL IMPLICATIONS

- 12.1 There are none arising from the contents of this Report.

13. PERSONNEL IMPLICATIONS

- 13.1 There are none arising from the contents of this Report.

14. CONSULTATIONS

- 14.1 The Report reflects the views of the consultees (where appropriate).

15. RECOMMENDATIONS

- 15.1 Members are asked to note the information provided at paragraphs 4,5,6 and & 7 of the Report in relation to the Constitutional arrangements.
- 15.2 Members are asked to consider the recommendation set out at paragraph 8.4 of the Report.
- 15.3 If Members are minded to approve the recommendation authorisation be given to the Council's Interim Head of Legal Services and Monitoring Officer to update the Constitution as appropriate.

16. REASONS FOR THE RECOMMENDATIONS

- 16.1 To comply with the requirements of the Council's Constitution.
- 16.2 To avoid potential breaches of the Council's Procedure Rules.

17. STATUTORY POWER

17.1 Local Government Act 2000

Author: Gail Williams, Interim Head of Legal Services/Monitoring Officer
Consultees: Stuart Rosser Interim Chief Executive
Nicole Scammell Acting Director Corporate Services
Cllr K. Reynolds Deputy Leader
Cllr C. Forehead, Cabinet member

Background Papers:
Report to Council 28th January 2014
Council Constitution ([LINK TO WEB SITE](#))