



## DEMOCRATIC SERVICES COMMITTEE - 28TH SEPTEMBER 2017

**SUBJECT: UPDATE ON THE COUNCIL'S CONSTITUTION**

**REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To provide the Committee with a six monthly update and overview of the Council's Constitution.

### **2. SUMMARY**

- 2.1 To provide the Committee with an update and overview of the Council's Constitution.

### **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 and contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 as it sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. It sets the framework for the decision making roles and responsibilities which will impact on future generations.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales.

### **4. THE REPORT**

#### Background

- 4.1 The Council's Constitution was formally adopted by full Council in May 2002. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that the decision making processes are efficient, transparent and available to local people. The Constitution is a 'living document' in that it is constantly being updated and revised to reflect new government legislation and improvements and changes in procedures gained in light of experience.

- 4.2 Members will recall that at its meeting on 12th May 2016, Council endorsed the following recommendations:
- (a) the Council's Interim Head of Legal Services/Monitoring Officer provide six monthly updates to the Democratic Services Committee on the Council's Constitution; and
  - (b) the Terms of Reference of the Democratic Services Committee was revised to include the role of overseeing the Council's Constitution.

#### Updates to the Constitution

- 4.3 The purpose of this report is to provide the Committee with its second six monthly update regarding the Council's Constitution as outlined in the recommendation set out at paragraph 4.2(a) above.
- 4.4 As mentioned above, the Constitution is a "living document" and as such changes made as and when required to incorporate for example alterations to delegations, terms of reference of committees or the addition of new legislation. In this respect a number of changes have been made to the Constitution in the last six months, all of which have been considered and endorsed by Full Council. The changes are set out in Appendix 1 to this report.
- 4.5 Members were advised in the report presented on 1st March 2017 that changes were in the process of being made to the Constitution regarding the structure, roles and responsibilities of the licencing committees. These changes have now been made and are referenced in Appendix 1 following the report to Council on 24<sup>th</sup> January 2017.
- 4.6 In addition, Members were advised that prior to the AGM, Heads of Service would be consulted as to whether any changes were required to the Scheme of Delegation. The proposed changes were subsequently endorsed at the AGM on 18<sup>th</sup> May 2017.
- 4.7 Members will be aware that the Council Agenda now includes a statement confirming that the use of the Welsh language is welcome at the meeting subject to the requirement that a minimum notice period of 3 working days is required to do so. In addition a simultaneous translation will be provided if requested. As a result of these arrangements it will be necessary to make minor amendments to the Protocol for Webcasting of Council Meetings, which is contained in the Constitution; this currently states that at least a five day notice period is required. In order to regularise the position a formal Report will be referred to Council to update the Constitution to reflect the new arrangements.
- 4.8 Members are asked to note the contents of the report.

### **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the Constitution sets out a clear framework for how the Council operates in particular the decision making responsibilities, which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

### **6. EQUALITIES IMPLICATIONS**

- 6.1 There are none arising from this report.

## **7. FINANCIAL IMPLICATIONS**

7.1 There are none arising from this report.

## **8. PERSONNEL IMPLICATIONS**

8.1 There are none arising from this report.

## **9. CONSULTATIONS**

9.1 This report has been circulated to the consultees for information only.

## **10. RECOMMENDATIONS**

10.1 That Committee note the content of this report.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To update members of the Committee in accordance with their terms of reference.

## **12. STATUTORY POWER**

12.1 Local Government Act 2000.

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Background Papers:

The Council's Constitution is available on the Council's Website and in the Members Library