



ANNUAL COUNCIL – 9TH MAY 2019

SUBJECT: CHANGES TO THE CONSTITUTION

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To deal with those matters that require consideration at the Annual Meeting of the Council in accordance with the Council Procedural Rules.
- 1.2 To note and endorse the proposed changes to Part 2 the Articles of the Constitution and Part 3 the Scheme of Delegation set out in the Council's Constitution as attached at Appendix 1 and Appendix 2 respectively and track changed in italics.
- 1.3 To ask Council to delegate authority to the Head of Legal Services and Monitoring Officer to make the necessary changes to the Council's Constitution to give effect to the changes referred to in the Report.

2. SUMMARY

- 2.1 This report sets out details of those matters that require consideration at the Annual Meeting of Council. It also proposes changes to the Scheme of Delegation and changes to Part 2 the Articles of the Constitution.

3. RECOMMENDATIONS

- 3.1 Members are asked to note the information contained in this report.
- 3.2 Members are asked to approve the recommendations that are set out at paragraphs 5.3, 5.4, 5.10, 5.12 and 5.15 below.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To comply with relevant legislation and the Council's Constitution.

5. THE REPORT

Background

- 5.1 The Council's Constitution was formally adopted by the 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 in light of experience.
- 5.2 The Council's Procedure Rules require at the Annual Meeting to appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees the Council consider 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 Services Committee
 3. Licensing and Gambling Committee
 4. Taxi and General Committee
 5. Planning Committee
 6. Standards Committee
 7. Investigating and Disciplinary Committee
 8. Appeals Panel
 9. Appointments Committee
 10. Pensions Compensation Committee
- 5.3 In relation to the Overview and Scrutiny Committees, Council at its meeting on 16th April 2019 endorsed changes to the Scrutiny Committee Structure. As such the Constitution has been amended to include the following Overview and Scrutiny Committees together with the amended Terms of Reference, with the membership to remain at 16 per committee and the committee cycle to remain at six weekly.
1. Education Scrutiny Committee
 2. Policy and Resources Scrutiny Committee plus Partnership Scrutiny Committee
 3. Social Services Scrutiny Committee
 4. Housing and Regeneration Scrutiny Committee
 5. Environment *and Sustainability* Scrutiny Committee
- Members are asked to note the Terms of Reference for each of the Scrutiny Committees included in Appendix 1 and to endorse the change of name in respect of the Environment Scrutiny Committee to the Environment *and Sustainability* Scrutiny Committee.
- 5.4 It is not proposed that any further changes be made to the Committee structure as set out above at the Annual Meeting. This includes the number of Members allocated to each Committee. The current arrangements reflect a fair political balance. Members are therefore asked to note the existing arrangements at paragraphs 5.2 and 5.3.
- 5.5 The nominations for the Members to each Committee will be reported at the Annual Meeting.

5.6 TERMS OF REFERENCE OF COMMITTEES

- 5.7 As outlined in paragraph 5.3 the changes to the Terms of Reference for the Scrutiny Committees have been updated. There is a minor change proposed to the Audit Committee's Terms of Reference to update the titles of officers who report to this Committee, together with the changes proposed to the Planning Committee Terms of Reference which are track changed in Appendix 1.

5.8 GENERAL CHANGES TO PART 2 – ARTICLES OF THE CONSTITUTION

- 5.9 In addition to the changes outlined in paragraph 5.7 above members attention is drawn to the other amendments proposed in Part 2 of the Constitution which have also been track changed for ease of reference. In general the changes include some general minor changes, an updated Policy Framework, the deletion of Article 10 in relation to Area Forums and Community Partnerships which are no longer relevant, minor changes to Article 13; the deletion of non applicable provisions included in Article 15 together with updated information provided in Article 16.
- 5.10 Members are asked to note and endorse the changes to Part 2 of the Constitution as track changed in italics in Appendix 1 to this report and to delegate authority to the Head of Legal Services and Monitoring Officer to amend the Constitution as necessary. Members are also asked to note the Terms of Reference for the other Committees listed in paragraphs 5.2 and 5.3 above.

5.11 POLITICAL BALANCE – ANNUAL REVIEW

- 5.12 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 and Political Groups) Regulations 1990 as amended.
- 5.13 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 in relation to the total membership of the Council.
- 5.12 There has been no change to political balance of the Authority since last reported to council on 13th December 2018 and Members are therefore asked to note that the current allocations remain as present.

SCHEME OF DELEGATION

- 5.14 Following consultation with all Heads of Service, a number changes are proposed to the Scheme of Delegation set out in part 3 of the Constitution and which for ease of reference are track changed in Appendix 2 to this report . The changes represent updates regarding legislation, together with changes to job titles, delegated responsibility of relevant functions and an updated list of plans schemes and strategies.
- 5.15 Members are asked to note and endorse the changes identified as track changes in italics in Appendix 2 to this report and to delegate authority to the Head of Legal Services and Monitoring Officer to amend the Constitution as necessary.

6. ASSUMPTIONS

6.1 There are no assumptions contained within this report.

7. LINKS TO RELEVANT COUNCIL POLICIES

7.1 The requirement to establish and maintain the Council's Constitution is set out in the Local Government Act 2000 and contributes 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 globally responsible Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language

8. WELL-BEING OF FUTURE GENERATIONS

8.1 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.

9. EQUALITIES IMPLICATIONS

9.1 None arising from the content of this report.

10. FINANCIAL IMPLICATIONS

10.1 None arising from the content of this report.

11. PERSONNEL IMPLICATIONS

11.1 None arising from the content of this report.

12. CONSULTATIONS

12.1 All consultation responses have been incorporated into the report.

13. STATUTORY POWER

13.1 Local Government Act 2000

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Appendix 1 Part 2 Articles of the Constitution

Appendix 2 Part 3 Scheme of Delegation

Background papers - Report to Council 13th December 2018 – Review of Political Balance