



DEMOCRATIC SERVICES COMMITTEE – 1ST MARCH 2017

SUBJECT: UPDATE ON THE COUNCIL'S CONSTITUTION

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To provide the Committee with an update and overview of the Council's Constitution following consideration of a report by Council at its meeting on 12th May 2016.

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 At the meeting of Council on 12th May 2016, members were advised that whilst a cross-party working group was established to review the Council's Constitution with a view to implementing the All Wales Model Framework Constitution, the document was not implemented across the whole of Wales as a result of various difficulties including with the IT software package.
- 4.3 Members were reminded that the Constitution was thoroughly reviewed following the Report to Council in January 2014 and since that date routine reports have been presented to Council in relation to ad hoc changes to the Council's Constitution as a result of changes to legislation etc.
- 4.4 In light of the circumstances outlined above, Council endorsed the following recommendations
- 4.4.1 the implementation of the All Wales Model Framework Constitution cease and that the Cross Party Constitution Working Party be formally disbanded;
 - 4.4.2 the Council's Interim Head of Legal Services/Monitoring Officer provide six monthly updates to the Democratic Services Committee on the Council's Constitution;
 - 4.4.3 the Terms of Reference of the Democratic Services Committee be revised to include the role of overseeing the Council's Constitution and that the Council's Interim Head of Legal Services/Monitoring Officer is given delegated authority to make the necessary amendments to the Democratic Services Committee existing Terms of Reference as set out in the Council's Constitution.

Updates to the Constitution

- 4.5 The purpose of this report is to provide the Committee with its first update regarding the Council's Constitution as outlined in the recommendation set out at paragraph 4.4.2 above.
- 4.6 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 will have been considered and endorsed by Full Council. The changes are set out in Appendix 1 to this report.
- 4.7 At the time of preparing this report, changes are also in the process of being made to the Constitution regarding the structure, roles and responsibilities of licencing committee.
- 4.8 Prior to the AGM, Directors and Heads of Service will also be asked to consider whether there are any changes required to the Scheme of Delegation which will be presented to Council for consideration in the annual report.
- 4.9 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.

Author: Lisa Lane, Corporate Solicitor
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Gail Williams, Interim Head of Legal Services and Monitoring Officer
Cath Forbes-Thomson, Interim Head of Democratic Services
Cllr Christine Forehead, Cabinet Member HR & Governance/Business Manager

Background Papers: The Council's Constitution is available on the Council's Website and in the Members Library.

Report to Council – 24th January 2017 – Review of Licensing Committees Structure and Terms of Reference

Report to Council – 22nd November 2016 – Planning Site Visits

Report to Council – 11th October 2016 – Authorisation of Officers – Community/Partnership Grant Schemes

Report to Council – 19th July 2016 – Amendments to Authorisation of Officers within the Public Protection Division

Report to Council – 7th June 2016 – Amendments to the Council's Constitution

Report to Annual Council – 12th May 2016 – Constitutional Matters

Report to Council – 17th May 2007 – Rights of Way Functions