



ANNUAL COUNCIL – 10TH MAY 2018

SUBJECT: CONSTITUTIONAL MATTERS

REPORT BY: INTERIM 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 3 of the Scheme of Delegation set out in the Council's Constitution as attached at Appendix 1 and marked in bold and italics.
- 1.3 To note and endorse the changes to the Report Template at Appendix 2 and marked in bold and italics to include reference to the Corporate Plan together with an optional conclusion paragraph and minor changes to existing guidance.
- 1.4 To ask Council to delegate authority to the Interim 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 General Meeting of Council. It also proposes changes to the Scheme of Delegation and Report Template.

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 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

4. BACKGROUND

- 4.1 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 gained in light of experience.

5. THE REPORT

- 5.1 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 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 & Gambling Committee
4. Taxi & General Committee
5. Planning Committee
6. Policy & Resources Scrutiny Committee (includes Partnerships Scrutiny Committee)
7. Education for Life Scrutiny Committee
8. Health, Social Care & Wellbeing Scrutiny Committee
9. Regeneration & Environment Scrutiny Committee
10. Standards Committee
11. Investigating and Disciplinary Committee
12. Appeals Panel
13. Appointments Committee
14. Rights of Way Cabinet Committee

- 5.2 It is not proposed that any changes be made to the current Committee structure as set out 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.

- 5.3 The nominations for the Members to each Committee will be reported at the Council meeting.

6. TERMS OF REFERENCE OF COMMITTEES

- 6.1 Members will recall that at the meeting of Full Council on 17th April 2018, changes to the Terms of Reference of the Scrutiny Committees were endorsed. There are no further changes proposed to the Terms of Reference to any of the Committees referred to in paragraph 5.1. Members are asked to note the existing Terms of Reference set out in Part 2 of the Constitution.

7. POLITICAL BALANCE – ANNUAL REVIEW

- 7.1 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 and Political Groups) Regulations 1990 as amended.
- 7.2 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 in relation

to the total membership of the Council.

- 7.3 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.

8. SCHEME OF DELEGATION

- 8.1 Following consultation with all Heads of Service, minor changes are proposed to the Scheme of Delegation set out in part 3 of the Constitution and which for ease of reference is attached to this report at Appendix 1 and identified in bold and italics. The changes represent updates regarding legislation, together with changes to job titles and responsibility of relevant functions.
- 8.2 Members are therefore asked to note and endorse the changes identified in bold and italics in Appendix 1 to this report and to delegate authority to the Interim Monitoring Officer to amend the Constitution as necessary.

9 CHANGES TO THE REPORT TEMPLATE

- 9.1 The current Report Template is contained within Part 4 of the Council's Constitution as an Appendix to the Executive Procedure Rules which is attached at Appendix 2 to this report. Members attention is drawn to paragraph 3 of the report entitled Links to Strategy which currently includes reference to the Well-being Goals within the Well-being of Future Generations Act 2015. At its meeting on 17th April 2018 Full Council approved the Corporate Plan and in order to enhance and embed the strategic link between the Corporate Plan and key decisions being taken by the Council it is proposed that reference to the Corporate Plan is incorporated at paragraph 3 of the Report Template. In conjunction with this proposed change, officers will develop guidance to sit alongside the new paragraph and will trial the new Report Template for a period of three months prior to full implementation. In addition a conclusion paragraph will be incorporated into the template as identified in Appendix 2 and the guidance contained within the existing paragraphs has been reviewed and updated to provide further clarity.
- 9.2 Members are asked to endorse the changes to the Report Template at Appendix 2 as marked in bold and italics and to delegate authority to the Interim Monitoring Officer to amend the Council's Constitution accordingly.

10. WELL-BEING OF FUTURE GENERATIONS

- 10.1 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.

11. EQUALITIES IMPLICATIONS

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

12. FINANCIAL IMPLICATIONS

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

13. **PERSONNEL IMPLICATIONS**

13.1 None arising from the content of this Report.

10. **RECOMMENDATIONS**

10.1 Members are asked to note the information contained in this Report.

10.2 Members are asked to approve the recommendations that are set out at paragraphs 5.2, 6.1, 7.3, 8.2 and 9.2

11. **REASONS FOR THE RECOMMENDATIONS**

11.1 To comply with the relevant legislation and the Council's constitution.

12. **STATUTORY POWERS**

Local Government Act 2000

Author: Lisa Lane, Interim Monitoring Officer, lanel@caerphilly.gov.uk

Consultees: Christina HARRY, Interim Chief Executive
Dave Street, Corporate Director of Social Services and Housing
Mark S. Williams, Interim Corporate Director of Communities

Appendices:

Appendix 1 Part 3 of the Council's Constitution
Appendix 2 Updated Report Template

Background papers:

The Constitution is available on the Council's website