

Report To: Corporate Governance Committee

Date of Meeting: 18th November 2015

Lead Member / Officer: Gary Williams, Monitoring Officer/Head of Legal, HR and Democratic Services.

Report Author: Lisa Jones/Gary Williams

Title: Council Constitution

1. What is the report about?

1.1 To provide the Committee with an update on the future adoption of a new model constitution for Wales.

2. What is the reason for making this report?

2.1 The Corporate Governance Committee terms of reference require any intended changes to the Council Constitution to be considered first before formal adoption by the Full Council.

3. What are the Recommendations?

3.1 That the Corporate Governance Committee note the contents of the report and provide comment on the proposed changes prior to wider consultation with members

4. Report details.

4.1 Members of the Committee will recall a previous report in July 2015 which considered proposed amendments to the Articles of the Constitution, proposals regarding the delegation of decision making to Cabinet members and amendments to the Officer Employment Rules.

4.2 This report seeks members' views on proposed amendments to the Officer Scheme of Delegation. The proposed scheme is attached as Appendix 1 to the report. The scheme has been updated to reflect changes in the senior management structure of the Council and the transfer of responsibilities that have taken place as a result. It is intended to present a report to Cabinet in December to seek their approval of the scheme in order that the executive function delegations have been appropriately authorised.

4.3 The Constitution Working Group met on 13th October to consider the codes and protocols contained in Part 5 of the Constitution. In particular the Group considered in detail the Protocol on Member/Officer Relations. An amended version of the protocol is attached as Appendix 2 to this report.

4.4 The Committee has in the past considered potential amendments to its own terms of reference. In particular there has been discussion of potential areas of work that could be transferred to the Standards Committee. Ultimately the Committee's view was that it did not want to transfer areas of work to that Committee. There have however been matters that have been discussed at Committee such as risk management and complaints where there has been some concern that there is potential duplication in the role of this Committee and that of Scrutiny. A proposed amended terms of reference for this committee is attached at Appendix 3 for discussion which attempts to provide an updated version and reflect those discussions.

4.5 It is intended to hold a member workshop to brief the wider membership on the changes that have been considered by the Committee and seek their views before taking a report to Council in February 2016 to seek approval of the amended Constitution.

5. How does the decision contribute to the Corporate Priorities?

5.1 A fit for purpose modern constitution will contribute to the priority of becoming a high performing Council providing assurances on governance and decision making, ethical behaviour, robust contracting and partnership rules and allowing the public and third parties to see who is the responsible decision maker on issues affecting them.

6. What will it cost and how will it affect other services?

6.1 There are no direct costs associated with this report.

7. What consultations have been carried out?

7.1 To date only the Councils Constitution Working Group, this Committee and SLT have been involved in the debate on the key proposals in the new constitution.

8. Chief Finance Officer Statement

8.1 There are no significant financial implications arising from the report.

9. What risks are there and is there anything we can do to reduce them?

9.1 There is a risk that a Constitution that is not amended to keep up to date with corporate and legislative changes ceases to be fit for purpose.

10. Power to make the Decision

10.1 The Local Government Act 2000 requires all councils to have a constitution.