

Report To: Full Council

Date of Meeting: 5th July 2016

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 present the full council with the new Wales Model Constitution for comments and adoption.

2. What is the reason for making this report?

2.1 It is the legal responsibility of the Full Council to adopt a Constitution in accordance with the Local Government Act 2000.

3. What are the Recommendations?

3.1 That the Full Council consider the Constitution attached as Appendix 1 and adopt the same. One hard copy of the appendix has also been placed in the Member's room for ease of reference given the volume of the document.

4. Report details.

4.1 Over the past twelve months, the Constitution Working Group consisting of cross party representation have been meeting to consider the proposed changes; prior to the Monitoring Officer reporting each step of progress to Corporate Governance Committee. A number of areas were debated including greater transparency and advance notice of decision making by either a Member or Senior Officer, in respect of certain decisions they were about to make under delegated powers; whether members of the public should be able to put questions to the Cabinet or full council; limits on the timing of a meeting; the Chair signing off all legal documents under seal; substitutes on committees and amending the protocol on member officer relations. The new model Constitution is intended to be a more user friendly version than the current model and written in plain language to enable the reader to understand the democratic decision making processes and identify decision makers more easily and to enable council officers to access and understand processes in a more efficient way rather than relying on legal or democratic services to provide an interpretation.

4.2 A Member workshop was also held on the 1st March 2016 in order to introduce the wider membership to the proposed new Constitution and to debate and enable the Monitoring Officer to obtain a steer on the changes proposed.

4.3 Member's attention is drawn in particular to the following changes; during the presentation of this report, the Monitoring Officer will take Members through the model section by section in any event.

- Extended Definition section.
- Section 3 sets out how members of the public can get information and get involved
- Section 4 Updated Policy framework
- Section 9 - Lists all the regulatory and other committees, including the Joint Committees.
- Section 11 – sets out who are the statutory 'Proper' Officers of the Council and their functions and areas of responsibility.
- Section 12 – Finance, Contracts and Legal Matters and removing the requirement for the Chair of the Council to sign each and every contract or property transaction made under seal.
- Section 13 sets out the revised Cabinet Member Scheme of Delegation and a revised Officer Scheme of Delegation.
- Section 16 sets out the revised Financial Procedure Rules.
- Section 17 sets out minor changes to the thresholds under the contract procedure rules.

At the time of writing this report, Section 13 with regard to the Lead Member scheme and the advance publication of officer decisions and also section 17 regarding threshold levels in the contract procedure rules, is yet to be debated by Cabinet and Members may wish to read item nos 5 and 6 of the Cabinet reports to be presented on the 28th June 2016.

4.4 The new Constitution contains the following Codes and Protocols; these have remained unchanged as the consultation process confirmed they were fit for purpose and working already:

- Standards Committee hearings procedure
- Code of Conduct for Employees
- Role descriptions for Members
- Members' Self Regulatory Protocol
- Protocol for Liaison with Members
- Protocol on Members' Access to Information
- Protocol on Role of Chair and Leader in Representing the Council
- Protocol and Guidance for Elected Members Appointed to Outside Bodies

The new Constitution also contains the following which have recently been updated and approved by the Full Council or by a Committee as appropriate:

- Whistleblowing Policy
- Contract Procedure Rules
- Revised Member Code of Conduct
- Code of Best Practice for Councillors and Officers Dealing with Planning Matters

- Officer Scheme of Delegation

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.
- 5.2 Where possible, the Working Group have considered whether any changes could also reduce beaurocracy and cost by streamlining or ending certain procedures in order to achieve savings or deliver a function more efficiently.

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 The Councils Constitution Working Group, Corporate Governance Committee, SLT and the wider membership via a workshop, have been involved in the debate on the key proposals in the new constitution.

8. Chief Finance Officer Statement

- 8.1 There are no financial implications as a result of this 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.