

Report To:	Full Council
Date of Meeting:	19th February 2019
Lead Member / Officer:	Hugh Evans, Leader/Gary Williams, Head of Legal, HR and Democratic Services
Report Author:	Gary Williams, Head of Legal, HR and Democratic Services
Title:	Annual Constitution Review

1. What is the report about?

This report is about the Council's Constitution and a review of its provisions, in particular, the application of political balance to the composition of the Cabinet.

2. What is the reason for making this report?

- 2.1** The Committee is as part of its terms of reference required to monitor and review the Council's Constitution. This report refers to the updates required to be made to the Council's Constitution to take into account decisions of Council and Cabinet and any legislative or operational changes that have taken place since the last review.

3. What are the Recommendations?

- 3.1** That Members note and approve the changes to the Constitution set out in Appendix 1.
- 3.2** That Members approve the amended terms of reference for the Corporate Governance Committee as set out in Appendix 2

4. Report details

- 4.1** In accordance with the Monitoring Officers' obligations to keep the Council's Constitution fit for purpose, and in accordance with the delegations made to the Monitoring Officer to update the Constitution following member decisions or new legislative duties or powers which the document should reflect, the following changes have been made and are reported to you:
- Updated the Officer Scheme of Delegation with legislation not previously captured;
 - Updated the Cabinet Scheme of Delegation following changes to portfolios
 - Following consultation with Standards Committee amended the procedure for dealing with conduct hearings.
 - Updated the Planning Committee membership to reflect the new number of members.

- Updated the Head of Highways and Environment scheme of delegation in order to implement and operate the Sustainable Drainage Body (SuDS) and the power to set the level of fixed penalty notices in accordance with the range legally set by the Welsh Government.

Extracts of those areas of the Constitution that have been amended are attached as Appendix 1. The relevant changes are shown in red.

- 4.2 The Corporate Governance Committee has discussed aspects of the CIPFA Practical Guidance for Audit Committees guidance document as part of the regular Internal Audit Update reports that it receives. At the meeting of the Committee held on 21st November 2018 members were informed that the Chief Internal Auditor had compared the Committee's current terms of reference with the guidance and had made some proposed alterations in order to comply with that guidance.

In addition to some minor changes, one aspect of the terms of reference that needed to be considered by the Committee was the reference at paragraph 7.1 to complaints. These are not currently reported to the Committee but are in fact reported to Performance Scrutiny. The Committee felt that the terms of reference should be amended to require that an annual report on the number and nature of the complaints received by the Council should be reported to it in order that it could be assured that there was an effective system of dealing with complaints and that any recurring themes arising out of individual complaints was being addressed from the corporate governance perspective. The Council's performance in the handling of complaints would remain a matter for Scrutiny.

There is attached at Appendix 2 a copy of a draft amended terms of reference with the changes shown in red.

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

A fit for purpose modern constitution providing assurances on governance and decision making, ethical behaviour, and allowing the public and third parties to see who is the responsible decision maker on issues affecting them supports the Council in achieving its corporate priorities.

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

There are no direct costs associated with this report.

7. What are the main conclusions of the Well-being Impact Assessment?

There is no requirement for an assessment for this report.

8. What consultations have been carried out with Scrutiny and others?

The Corporate Governance Committee considered the changes to the Constitution referred to in this report and agreed that they should be recommended to Council.

9. Chief Finance Officer Statement

There are no direct financial consequences of this report. However it is important that the Council has an up to date, fit for purpose Constitution which forms a key element of the council's governance framework.

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

There is a risk that without regular review the Constitution will become out of date and not fit for purpose.

11. Power to make the Decision

Section 2 Council Constitution

Part II Local Government Act 2000