

Report to	Governance and Audit Committee
Date of meeting	16 March 2022
Lead Member / Officer	Gary Williams, Monitoring Officer
Report author	Gary Williams, Monitoring Officer
Title	Constitution Update

1. What is the report about?

- 1.1. The report is about updates required to the Constitution as a result of changes to legislation.

2. What is the reason for making this report?

- 2.1. To inform the Committee of changes required to the Constitution as a result of various provisions of the Local Government and Elections (Wales) Act 2021.

3. What are the Recommendations?

- 3.1. That the Committee notes the changes required to the Constitution as set out in the appendices to the report.

4. Report details

- 4.1. The Council is required to have a Constitution by virtue of s37 Local Government Act 2000, and to keep it up to date.
- 4.2. The Constitution provides at sections 2.6.2 and 2.6.3 authority for the Monitoring Officer to make changes where they are required to comply with any legislative provision.

4.3. The Local Government and Elections (Wales) Act 2021 has introduced a number of changes that require amendments to the Constitution. The Monitoring Officer has therefore made changes to the Constitution to reflect the new legislative provisions.

4.4. The main changes that have been made relate to:

- the change to the term of office of elected members from four years to five (section 1)
- the requirement to allow remote attendance at meetings of the authority (section 4)
- the requirement to webcast Council meetings (section 4)
- the possibility of job sharing Cabinet roles, (section 5)
- the possibility of the role of Leader being occupied by Joint leaders (section 6)
- new statutory functions for the Chief Executive and the removal of the role of Head of Paid Service, (section 11)
- the requirement to have a Constitution Guide, (section 2)
- the requirement to have a Petition Scheme, (section 3)
- changes to the functions of the Standards Committee (section 8)
- changes to the functions, composition and name of the Governance and Audit Committee, (section 13)
- to recognise the existence of Corporate Joint Committees (section 10)

4.5. The various changes that have been made are set out in the appendices to this report. Where changes have been made, they are shown in red in order that members may be able to identify the respective changes.

4.6. The Monitoring Officer has previously briefed members in respect of these changes as part of the consultation process in which the Council participated in respect of this legislation. The Monitoring Officer will explain the changes contained within the appendices in greater detail at the meeting.

4.7. In addition to the changes required by the Local Government and Elections (Wales) Act 2021 there is a change required to section 1 of the Constitution by the County of Denbighshire (Electoral Arrangements) Order 2021 which

increases the number of Councillors to 48 from 47 following the forthcoming local government elections.

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

5.1. This report has no direct impact on the corporate priorities.

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

6.1. The changes to the Constitution itself do not have any direct cost associated with them, however, some of the changes that are described within it will have a cost such as the increase in the number of councillors and the increase in the number of lay persons required to be members of the Governance and Audit Committee.

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

7.1. An assessment is not required for this report.

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

8.1. There have been no consultations with Scrutiny, however, there were a number of workshops with members during the course of the development of the proposals contained within the Local Government and Elections (Wales) Act 2021.

9. Chief Finance Officer Statement

9.1. 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?

10.1. There is a risk that if the necessary changes are not made that the Constitution will not accurately reflect legislative requirements.

11. Power to make the decision

11.1. s37 Local Government Act 2000