

Committee: **Special Council**

Date of Meeting: **26<sup>th</sup> October, 2022**

Report Subject: **Amendments to the Constitution**

Portfolio Holder: **Councillor S. Thomas - Leader/Executive Member**  
**Corporate Overview & Performance**

Report Submitted by: **Head of Legal and Corporate Compliance/Monitoring Officer**

Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair *	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
	X						X	X CWG

1. **Purpose of the Report**

The purpose of the report is for Council to approve and adopt proposed changes to the Constitution.

2. **Scope and Background**

By virtue of the Local Government Act 2000 there is a statutory requirement upon Councils to adopt a Constitution. The current Constitution was last amended in 2021.

The Monitoring Officer has a duty to review the Constitution in order to ensure that it reflects the current structure and operation of Council functions and decision making.

The purpose of the Constitution is to describe functions, membership, delegated powers and procedural rules which will:-

- Enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;
- Support the active involvement of citizens in the process of local authority decision making;
- Help Councillors represent their constituents more effectively;
- Enable decisions to be taken fairly, efficiently and effectively;
- Create an effective means of holding decision makers to public account;
- Ensure that no one will scrutinise a decision in which they are directly involved;

- Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- Provide a means of improving the delivery of services to the community;
- Promote the principles of democracy.

The amendments are proposed as a consequence of changes arising out of the Council's Annual General meeting, and also to reflect current operational practice and any changes in legislative requirements.

The proposed changes are summarised at appendix 1.

Details of the changes are attached on the 2021 version (current version) of the Constitution and proposed changes are shown for the purposes of clarity as tracked changes.

The Constitution Working Group considered and approved the proposed amendments at a meeting held on 3<sup>rd</sup> October 2022.

### 3. **Options for Recommendation**

#### 3.1 Option 1:

Consider and approve the suggested amendments and incorporate these into the existing Constitution.

#### Option 2:

Do not approve some or all of the amendments and revert back to the Constitutional Working Group for further consideration.

### 4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

There is a statutory responsibility upon all Councils to adopt a Constitution and keep it under review.

### 5. **Implications Against Each Option**

#### 5.1 *Impact on Budget*

There are no financial implications associated with this report.

#### 5.2 *Risk*

If the Constitution is not revised on a regular basis there is a risk of non-compliance with legislation and the risk of successful challenge in a number of areas would be increased.

5.3 *Legal*  
There a legal duty on the Monitoring Officer to review the Constitution.

5.4 *Human Resources*  
There are no staffing implications arising out of this report.

## 6. **Supporting Evidence**

6.1 *Performance Information and Data*  
The changes are necessary to keep the Constitution up to date and relevant in accordance with the requirements of the Local Government Act 2000.

6.2 *Expected outcome for the public*  
A Constitution that accurately sets out how the Council operates, how decisions are made and the procedures which are followed in the democratic process.

6.3 *Involvement (consultation, engagement, participation)*  
The Constitution Working Group were consulted on 2<sup>nd</sup> September and key officers have been consulted in the past 6 weeks.

6.4 *Thinking for the Long term (forward planning)*  
This review will ensure the Council meets its current statutory obligations and plans for the longer term, providing assurance in respect of the Council's governance arrangements.

6.5 *Preventative focus*  
The review and amendments will lessen the risk of the Council operating *ultra vires* and reduce the chances of a successful challenge through the courts or other regulatory avenues.

6.6 *Collaboration / partnership working*  
It should be noted that the Monitoring Officer is currently working with others on an All-Wales basis to produce an updated Constitution template which will reflect all the changes arising as a consequence of the Local Government Wales Act 2021.

6.7 *Integration(across service areas)*  
The report potentially impacts all areas of the Council's services.

6.8 *EqIA (screening and identifying if full impact assessment is needed)*  
There are no Equality implications in relation to the suggested amendments.

## 7. **Monitoring Arrangements**

7.1 The Constitution is published on the Council's Corporate website. Any future amendments will be subject to consultation with Heads of Service, the Corporate Leadership Team and the Constitution Working Group before proceeding to full Council for formal approval.

**Background Documents /Electronic Links**  
See appendices attached.