

Committee: **Council**

Date of Meeting: **23rd November, 2023**

Report Subject: **Proposed Amendment to the Constitution**

Portfolio Holder: **Councillor Steve Thomas – Leader/Cabinet Member
Corporate Overview & Performance**

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

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	9.11.23						23.11.23	

1. **Purpose of the Report**

The purpose of the report is to seek Council approval for a proposed change to paragraph 11.10.3 of the Constitution.

2. **Scope and Background**

Members of the Council will be aware that recruitment to the post of Chief Executive will commence shortly.

It is therefore timely to review the appointment procedure referenced in paragraph 11.10.3 of the Council's Constitution.

The existing paragraph states:

“11.10.3 Appointment of Chief Executive

(a) The Full Council will approve the appointment of the Chief Executive, following the recommendation of such appointment by a Committee or Sub-Committee of the Council. The Committee or Sub-Committee must include at least one Member of the Cabinet.

(b) The Full Council may only make or approve the appointment of the Chief Executive where no well-founded objection has been made by any Member of the Cabinet.”

It is proposed to amend the above paragraph to read as follows:

“11.10.3 Appointment of Chief Executive

The Full Council will interview and appoint the Chief Executive. A shortlisting exercise will first be undertaken by a Committee or Sub-Committee of the Council, and the Committee or Sub-Committee must include at least one

Member of the Cabinet. There will then be a suitable candidate assessment process to determine candidates to be interviewed by Full Council.”

3. **Options for Recommendation**

3.1 **Option 1:**

Consider and approve the suggested amendment and incorporate into the existing Constitution.

Option 2:

Do not approve the proposed amendment, and/or propose alternative wording.

4. **Evidence of how 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 regular review.

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short and long term impact)***

There are no financial implications associated with this report.

5.2 ***Risk including Mitigating Actions***

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 several areas would be increased.

5.3 ***Legal***

There is a legal duty on the Monitoring Officer to review the Constitution and ensure it is fit for purpose and reflects legal and operational practice.

5.4 ***Human Resources***

There are no staffing implications arising out of this report.

5.5 ***Health and Safety***

There are no Health and Safety implications arising out of this report.

6. **Supporting Evidence**

6.1 ***Performance Information and Data***

The Constitution must be kept 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)***

Key members and officers have been consulted in the past 3 weeks.

6.4 ***Thinking for the Long term (forward planning)***

The Council must meet its statutory obligations and plans for the longer term, providing assurance in respect of the Council's governance arrangements.

6.5 ***Preventative focus***

Any changes to the Constitution should seek to 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***

Not applicable.

6.7 ***Integration (across service areas)***

Not applicable.

6.8 ***Decarbonisation and Reducing Carbon Emissions***

There are no implications to the decarbonisation and reducing carbon emissions plans as a consequence of this report.

6.9 ***Integrated Impact Assessment (IIA)***

There are no Equality implications arising in relation to the suggested amendment.

7. **Monitoring Arrangements**

7.1 The Constitution is published on the Council's Corporate website. Any future amendments will be subject to consultation before proceeding to full Council for formal approval.

Background Documents /Electronic Links

- The Constitution may be found on the Council's website.