

Committee: **Council**
Date of Meeting: **10th October, 2019**

Report Subject: **Amendments to the Constitution**

Portfolio Holder: **Councillor N. Daniels - Leader / Executive Member Corporate Services**

Report Submitted by: **Andrea Jones, Head of Legal & Corporate Compliance**

Report Written by: **Andrea Jones, Head of Legal & Corporate Compliance**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
06 09 19	10 09 19						10.10.19	Constitution Working Group 04 09 19

1. Purpose of the Report

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

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

The Council's Corporate Leadership Team and Constitution Working Group have been consulted and provided with an opportunity to put forward additional proposals / amendments.

In order to minimise costs, copies of the revised version of the Constitution will be placed in the member's room and the document is also available electronically on request.

2. Scope and Background

By virtue of the Local Government Act 2000 there is a statutory requirement for Councils to establish a Constitution. The current Constitution was last amended in 2018.

The Monitoring Officer has a duty to review the Constitution on a regular basis 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 a powerful and 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.

Recent changes have been made, notably following staff restructures, and the Council's AGM. The amendments proposed will ensure a more accurate reflection of any new arrangements which have arisen.

Proposed changes:

The proposed changes are summarised at appendix 1.

Details of the change are attached on the 2018 version (current version) of the Constitution and proposed changes are shown for the purposes of clarity as tracked changes (in red).

The Constitution Working Group considered and approved the proposed amendments at a meeting held on 4th September 2019.

3. Options for Recommendation

- 3.1 Consider and approve the suggested amendments and incorporate these into the existing Constitution.
- 3.2 Consider the amendments and suggest changes or further amendments as appropriate.
- 3.3 The preferred option is 3.1.

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

Efficient Council

To demonstrate clear and visible leadership to deliver a viable and resilient Council.

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***

N/A

5.3 ***Legal***

The report aims to prevent the risk of non-compliance with statutory obligations and minimise the risk of successful challenge.

5.4 ***Human Resources***

To ensure minimal risk to challenge in respect in respect of the Council's HR policies.

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.

6.3 ***Involvement (consultation, engagement, participation)***

N/A

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

This will ensure the Council meets its current statutory obligations and plans for the longer term, providing stakeholders with assurance around its governance arrangements.

6.5 ***Preventative focus***

The report will prevent the risk of operating ultra vires.

6.6 ***Collaboration / partnership working***

N/A

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

The report will impact all service areas across the Council.

6.8 ***EqIA(screening and identifying if full impact assessment is needed)***

There are no Equality implications in relation to the suggested amendments to the attached policies.

7. **Monitoring Arrangements**

- 7.1 The Constitution will remain a live document that is published on the Council's Corporate website. Any further substantial 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

Attached as appendices