

CEREDIGION COUNTY COUNCIL

Report to: Council

Date of meeting: 13 July 2023

Title: Report on amendments to the Constitution and Constitution Guide

Purpose of the report: To consider amendments to the Constitution and Constitution Guide

For: Decision

Cabinet Portfolio and Cabinet Member: Cllr Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection

Background:

The Constitution is published on the Council's website and is a live document. The Monitoring Officer is authorised to make minor amendments to the Constitution and update as necessary. The currently published version of the Council's Constitution is available at:

<https://www.ceredigion.gov.uk/media/9959/constitution-eng.pdf>

Most recently, changes to the Constitution were approved by Council on the 20th of October 2022. (Report and meeting minutes –

(<https://council.ceredigion.gov.uk/ieListDocuments.aspx?CId=149&MId=276&Ver=4&LLL=0>)

A meeting of the Cross-Party Constitution Working Group took place on the 25th of April 2023 during which the amendments presented in this report were considered. An additional meeting took place on the 22nd of June 2023 to consider further amendments and changes made in response from comments from the working group.

Changes to the Constitution Guide (Appendix 1 – Extract)

- Updated Management Structure on Page 12

Proposed Changes to the Constitution

All changes are summarised below and are shown in the appendices using 'tracked changes'.

Part 1 Summary and Explanation (Appendix 2)

- Minor updated to 9. Glossary of Service Terms for Porth Cymorth Cynnar and Porth Gofal Targeted Intervention:

- Addition of 'housing' and removal of 'lifelong learning & skills' from Porth Cymorth Cynnar.
- Removal of 'housing' from Porth Gofal Targeted Intervention.

Part 2 Articles (Appendix 3)

Art. 5.2 – Chair of Committees

- Removed prohibition on the Vice-Chair of the Council serving concurrently as Chair or Vice Chair of any Committee of the Council.

Art. 11 – Officers

- Added Deputy Electoral Registration Officer to Functions and Areas of Responsibility of Corporate Directors.
- Updated table to reflect that the Schools and Culture service has been renamed Schools and Lifelong Learning and has two Corporate Lead Officers: the Corporate Lead Officer Schools and Corporate Lead Officer Lifelong Learning.

Part 3 Responsibility for Council Functions

Part 3.3 Committees of the Council (Appendix 4)

- Inserted the Terms of Reference of the Charity Trustee Committee in full including the amendments the Charity Trustee Committee recommended Council consider at its meeting on the 22nd of March 2023 ([link to agenda/minutes](#))

Part 3.5 E Delegations to the Corporate Lead Officer Democratic Services and Head of Democratic Services (Appendix 5)

- Added "7. To act as Deputy Electoral Registration Officer."

Part 3.5 G Delegations to The Corporate Lead Officer Policy, Performance & Public Protection (Appendix 6)

- Para 3.3 Corrected "Equalities Act 2010" to "Equality Act 2010".
- Added para. 3.15 stating the CLO Policy Performance & Public Protection is "responsible for ensuring compliance with the Armed Forces Covenant Duty pursuant to section 343AB of the Armed Forces Act 2006 and any guidance issued under section 343AE of the same act".

Part 3.5 H Delegations to the Corporate Lead Officer Economy & Regeneration (Appendix 7)

- Changed reference at para. 16 from CLO Porth Gofal Targeted Intervention to CLO Porth Cymorth Cynnar due to movement of Housing functions.
- Added new para. 55 requiring referral of 'any application in which a serving local ward member has declared a prejudicial interest' to the Development Management Committee.

Part 3.5 I Delegations to the Corporate Lead Officer Porth Cymorth Cynnar (Appendix 8)

- Removal of the function in Para 1. 'To secure and determine the allocation of County Council grant support for arts and culture.'

- Added new para 1. 'Strategic housing functions, housing standards and Homelessness prevention', which has been moved from Part 3.5 J Delegations to the Corporate Lead Officer Porth Gofal and CLO Porth Cynnal.
- Added to para 2. 'Specific powers and duties' paras 2.1.3 – 2.1.5 and 2.2 – 2.10, which have been moved from Doc J Delegations to the CLO Porth Gofal and CLO Porth Cynnal as these relate to housing.

Part 3.5 J Delegations in respect of Corporate Lead Officer Porth Cynnal Specialist Through Age Services (Statutory Director of Social Services/Responsible Individual) and Corporate Lead Officer Porth Gofal Targeted Intervention (Deputy Director Of Social Services) (Appendix 9)

- Removal of para 1 'Strategic housing function, housing standards and Homelessness prevention' as this has been moved to the delegations for the CLO Schools and CLO Lifelong Learning.
- Removal of para 2 'Specific powers and duties' as these have all been moved to Doc I Delegations to the CLO Porth Cymorth Cynnar.

Part 3.5 K Delegations to the Corporate Lead Officer Schools and the Corporate Lead Officer Lifelong Learning (& Chief Education Officer) (Appendix 10)

- Renamed section to cover delegations for the CLO Schools and CLO Lifelong Learning (previously CLO Schools and Culture) due to the creation of new CLO Lifelong Learning post and movement of 'culture' functions to the new Lifelong Learning post.
- Amended wording to state that the CLO Lifelong Learning is designated and appointed Chief Education Officer and Lead Director for Children and Young People's services roles.
- Added that the CLO Schools is designated and appointed Deputy Chief Education Officer.
- The document has been split into sections for:
 - Functions Delegated to the Corporate Lead Officer Schools and the Corporate Lead Officer Lifelong Learning
 - Functions Delegated to the Corporate Lead Officer Lifelong Learning
- All functions previously delegated to CLO Schools and Culture are now delegated to both CLO Schools and CLO Lifelong Learning.
- "1. Grants To secure and determine the allocation of County Council grant support for arts and culture" added to Functions Delegated to the CLO Lifelong Learning, having been moved from Doc I Delegations to the CLO Porth Cymorth Cynnar.

Part 4 Rules of Procedure

Part 4 Document C Budget and Policy Framework Procedure Rules (Appendix 11)

- Added requirement at para. 2.3 for 5-day adjournment if Cabinet intends to approve firm proposals for the budget other than those recommended by the Section 151 Officer, to provide time for the Section 151 Officer to prepare a report in the impact of the proposals for Cabinet. Such requirement to adjourn

to be removed or reduced where the Section 151 Officer confirms the report is unnecessary or is completed sooner.

- Added requirement at para. 2.5 for 5-day adjournment if Council intends to substitute its own proposals in place of those recommended by Cabinet to allow time for Section 151 Officer to prepare a report for Council on the impact of the Council's proposals. Such requirement to adjourn to be removed or reduced where the Section 151 Officer confirms the report is unnecessary or is completed sooner. Provision included for the fact that the Council meeting must be reconvened before 11th March of the financial year preceding that for which the Budget and Council Tax are being set, in order to satisfy the requirements of the Local Government Finance Act 1992.
- Replaced the word 'it' with 'Council' at para. 2.6.
- Renumbering for improved readability.

Part 4 Document H Officer Employment Procedure Rules (Appendix 12)

- Added '(Chief Executive, Corporate Directors and Corporate Lead Officers)' to title of para 2.
- Added para 2.5.3 setting out shortlisting committee requirements.
- Added 2.9 stating "Paragraphs 2.1 to 2.6 above will also apply where the Council proposes to permanently appoint a Chief Officer at any level of remuneration."
- Added new Para 3. 'RECRUITMENT OF CHIEF EXECUTIVE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS (Chief Executive, Corporate Directors and Corporate Lead Officers):'
 - WHERE REMUNERATION IS GREATER THAN £100,000 FOR A PERIOD NO LONGER THAN 12 MONTHS; OR
 - WHERE REMUNERATION IS LESS THAN £100,000 FOR A PERIOD NO LONGER THAN 24 MONTHS'
 - This new paragraph sets out the procedural requirements for the recruitment of a temporary Chief Executive, Chief Officer or Deputy Chief Officer.

Part 4 Document I The Development Management Committee - Operational Procedures (Appendix 13)

- At '5)b How to make a request to speak at the Committee':
 - Changed deadline for submitting requests to speak at the Committee from the 'Tuesday' before the committee to the 'day' before the committee.
 - Minor formatting/grammar.

Part 5 Codes and Protocols

Part 5 Document K Protocol on Member Officer-Officer Relations (Appendix 14)

- At 1.2, changed "the National Assembly for Wales" to "Senedd Cymru" (approved by the working group 15/3/22)
- At 2.1 Added that Councillors (Members) must not act as if they are Officers and Officers must not act as if they are Councillors.
- At 2.4 Added reference to breach of the 'Principles Governing the Conduct of Elected and Co-opted Members of Local Authorities in Wales' included in Code

of Conduct at Part 5 Doc J of the Constitution as example of instance of inappropriate behaviour.

- Added “5.3 Where there is a matter of dispute or dissatisfaction, such contact should go to the Corporate Lead Officer, Corporate Director or Chief Executive”.
- At 5.10 Added that “advice should be sought from the relevant Corporate Lead Officer”.
- At 8.2 Removed the word ‘exceptional’
- Added “10.2 Members should not engage in negotiations with developers, business partners, business tenants, consultants or advisers without officers present.”
- Updated references to Corporate Director/Corporate Lead Officer/Corporate Manager where necessary.
- Updated wording throughout:
 - ‘Department’ to ‘Service’
 - ‘his/her’ and ‘she/he’ to ‘they’/‘their’

Part 5 Document L Code of Conduct for Local Government Employees (Appendix 15)

- Replace with the revised Code of Conduct for Local Government Employees approved by Cabinet 4/4/23
- [Link to agenda/minutes for report](#) – see minute 190

Part 6 Management Structure (Appendix 16)

Inserted updated Management Structure, which has been updated to reflect staff and organisation changes including:

- Arwyn Morris replaced as CLO Customer Contact & ICT with Alan Morris.
- ‘Schools and Culture’ replaced with ‘Schools and Lifelong Learning’
 - Elen James CLO Lifelong Learning (Secondment)
 - Clive Williams CLO Schools (Secondment)
- Sian Howys replaced as CLO Porth Cynnal – Specialist Through Age Services with Audrey Somerton-Edwards (Interim).
- Greg Jones replaces Elen James as CLO - Porth Cymorth Cynnar (Secondment).

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| Wellbeing of Future Generations: | <p>Has an Integrated Impact Assessment been completed? If, not, please state why Summary: This report does not represent a change in policy or strategy Long term: Collaboration: Involvement: Prevention: Integration:</p> |
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Recommendation(s): That the Council resolves to:

1. Approve the Constitution Guide as amended (at **Appendix 1**);
2. Approve the changes to the Constitution (at **Appendices 2 – 16**); and
3. Authorise the Monitoring Officer to update the Council's Constitution to reflect the above changes.

Reasons for recommendations:

- Adherence to legislation
- Ensuring that the Constitution and Constitution Guide are fit for purpose

Overview and Scrutiny: n/a

Policy Framework: Constitution

Corporate Priorities: n/a

Finance and Procurement implications: None

Legal Implications: Compliance with legislative requirements and statutory guidance

Staffing implications: None

Property / asset implications: None

Risk(s): Without these changes the Constitution will not be updated and fit for purpose.

Statutory Powers: Local Government and Elections (Wales) Act 2021
<https://www.legislation.gov.uk/asc/2021/1/contents>
 Elections Act 2022
<https://www.legislation.gov.uk/ukpga/2022/37/contents>

Background Papers: Report to Council – 20 October 2022 and Meeting Minutes available at:
<https://council.ceredigion.gov.uk/ieListDocuments.aspx?CId=149&MId=276&Ver=4&LLL=0>

Appendices: **Appendix 1** – Constitution Guide Extract
Appendix 2 – PART 1 - Summary and Explanation
Appendix 3 – PART 2 ARTICLES
Appendix 4 – PART 3 RESPONSIBILITY FOR COUNCIL FUNCTIONS
Appendix 5 – PART 3.5 E Delegations to the CLO Democratic Services
Appendix 6 – PART 3.5 G Delegations CLO Policy Performance and Public Protection

Appendix 7 – PART 3.5 H Delegations to the CLO Economy and Regeneration
Appendix 8 – PART 3.5 I Delegations to the CLO Porth Cymorth Cynnar
Appendix 9 – PART 3.5 J Delegations to CLO Porth Gofal and CLO Porth Cynnal
Appendix 10 – PART 3.5 K Delegations to the CLO Schools and the CLO Lifelong Learning
Appendix 11 – PART 4 DOCUMENT C_Budget and Policy Procedure Rules
Appendix 12 – PART 4 DOCUMENT H Officer Employment Procedure Rules
Appendix 13 – Part 4 Document I Development Management Committee Operational Procedures
Appendix 14 – PART 5 DOCUMENT K Protocol on Member-Officer Relations
Appendix 15 – Part 5 Document L Code of Conduct for Local Government Employees
Appendix 16 – PART 6 Management Structure

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| Corporate Officer: | Lead | Elin Prysor – Corporate Lead Officer: Legal & Governance (& Monitoring Officer) |
| Reporting Officer: | | Elin Prysor |
| Date: | | 22/06/2023 |