

CEREDIGION COUNTY COUNCIL

Report to: Council

Date of meeting: 14th December 2023

Title: Amendments to the Constitution

Purpose of the report: To consider amendments to the Constitution
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 (19/7/23) 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 13th of July 2023. (meeting minutes – [Council Minutes 13.07.2023](#))

A meeting of the Cross-Party Constitution Working Group took place on the 26th September 2023 and 14th of November 2023 during which the amendments presented in this report were considered and approved.

Current position

Proposed Changes to the Constitution

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

1)Part 2 Articles

Article 6

Overview and Scrutiny Committee

6.3.2.7.7: Add - Councillor Calls for Action

Article 8

Democratic services Committee -amend terms of reference update

Article 9.1 - Ethics and Standard Committee –Terms of Reference

Specify Vice-chair is a lay member

Article 9.2 Governance and Audit Committee –amend Terms of Reference

specify Vice-chair will be a lay member

New Article 9.3 Charity Trustee Committee

- Terms of Reference
- Vice-Chairs-change to voting
- quorum 3 out of 10.

Joint Committee for the National Adoption Service;

Article 16 – add

2) Part 3 Responsibility for Council Functions

Minor changes e.g. replacement of ‘Chairman’ and ‘Vice-Chairman’ for Charity Trustee Committee with ‘Chair’ and ‘Vice Chair’

Part 3.2 (Table 2) – Responsibility of Council Functions

Add in new paragraph 26:

Functions in respect of Section 108 – Local Government and Elections (Wales) Act 2021

- a) S91 (a) self-assessment: report
- b) section 91(8) (response to recommendations about report
- b) S91(8) response to report of panel performance assessment);
- c) S92(1) appointment of performance assessment panel;
- d) S93(1) response to recommendations about response to report of panel assessment
- e) S93(5) response to recommendations about response to report of panel;
- f) S96(1) Auditor General for Wales reports:
response to recommendations from the Auditor General for Wales,
- g) S96(5) response to recommendations about response to the Auditor General for Wales,
- h) S102 request to the Welsh Ministers for support and assistance

Part 3.3 Table 3 -

Democratic Services Committee-reference to remote pilot exercise
Governance & Audit Committee-reference to remote pilot exercise

Charity Trustee Committee – New table

Scheme of Delegation to Officers

Part 3.5 Doc G – CLO-Policy, Performance & Public Protection

Add Single Use Plastic Products to the table under the Environmental Protection (Single-Use Plastic Products) (Wales) Act 2023.

Doc K - CLO-Lifelong Learning - reviewed functions

Doc J – CLO-Porth Cynnal targeted Intervention Services
-Amendment - Through Age Wellbeing

3) Part 4 Rules of Procedure

Contract Procedure Rules

Doc G Tender Acceptance /Framework-align para 18.2 Update

4) PART 5- Codes & Protocols

DOCUMENT O E-Petitions Protocol update

Doc P Roles & Responsibilities of the Director of Social Services- Update

Doc R: Protocol for attendance at local Authority meetings & electronic broadcasts

5) Part 6 Management Structure-

amended

6) Part 7- Section 4

Mid Wales CJC-Sub-Committee representation

Joint Committee for the National Adoption Service;

Add new table

PROPOSAL

It is proposed that Council approves the changes to the Constitution as set out in Appendix 1-10

| | |
|---|--|
| 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> |
|---|--|

| | |
|---------------------------|--|
| Recommendation(s): | <p>That the Council resolves to:</p> <ol style="list-style-type: none"> 1. Approve the changes to the Constitution (at Appendices 1 – 10); and 2. Authorise the Monitoring Officer to update the Council’s Constitution to reflect the above changes. |
|---------------------------|--|

| | |
|-------------------------------------|---|
| Reasons for recommendations: | <ul style="list-style-type: none"> • Adherence to legislation • Ensuring that the Constitution is 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 – 13th July 2023 and Meeting Minutes available at:
[Council Meeting Minutes 13.7.23](#)

Appendices:

Corporate Officer: **Lead** Elin Prysor – Corporate Lead Officer: Legal & Governance (& Monitoring Officer)

Reporting Officer: Elin Prysor

Date: 14.12.2023

