

# ANNUAL MEETING OF THE COUNCIL

## 24<sup>TH</sup> MAY 2017

### AMENDMENTS TO THE COUNCIL CONSTITUTION

To update the Constitution to reflect recently introduced regulations and amendments by the Constitutional Review Working Group

#### Recommendations / key decisions required:

1. To amend the Council's Constitution (parts 3.1, 4.1 and 5.2) to include the changes to the size and composition of planning Committees which came into force on the 5<sup>th</sup> May 2017, and any additional amendments recommended by the Constitutional Review Working Group
2. To amend Part 4.5 (Scrutiny Procedure Rules), 5.6 (Protocol for Communication with Elected Members) and Part 4.1, CPR 22 (Filming of Meetings) to take into account and clarify recommendations made by the Constitutional Review Group.
3. To adopt the Councillors' and Co-opted Members' Salaries and Allowances Scheme for 2017/18 (Part 6.1)
4. To approve any necessary changes to the Constitution arising from decisions made earlier in the meeting.
5. That the Monitoring Officer be authorised to make any minor amendments, correct typographical or drafting errors and ensure all cross-references within the Constitution are correct and that these be reported to the Constitutional Review Working Group as and when necessary.
6. Other than the above amendments, the Constitution remains unchanged.

#### Reasons:

Under Article 14 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution to ensure that the aims and principles contained therein are given full effect and to formulate recommendations for changes. Changes to the Constitution will only be approved by the full Council.

Relevant scrutiny committee to be consulted NO

Exec Board Decision Required NO

Council Decision Required YES

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Leader of the Council

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# COUNTY COUNCIL ANNUAL MEETING 24<sup>TH</sup> MAY 2017

## AMENDMENTS TO THE COUNCIL CONSTITUTION

### Planning Committee – Size and Composition

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 came into force on the 5<sup>th</sup> May. The regulations require planning committees in Wales to be structured and operated in accordance with the following requirements:

- The planning committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the authority members (rounded up to the nearest whole number).

Note: National Park Authorities are excluded from the requirement that the planning committee shall consist of no more than 50% of the authority members.

- Where wards have more than one elected member, only one member may sit on the planning committee, in order to allow other ward members to perform the representative role for local community interests.

Note: This does not apply to a local authority that comprises solely of multiple member wards due to the need to maintain political balance on the committee.

In addition, the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 also come into force on 5 May. The regulations require the following:

- Each meeting of the planning committee must have a quorum of 50% to make decisions; and
- The use of substitute members is prohibited.

Failure to adhere to the requirements of the aforementioned regulations will affect the validity of decisions taken by the planning committee. It is therefore necessary for the Council's constitution to be amended in order to ensure that planning committees are appointed in accordance with these requirements prior to making decisions.

### Scheme of Allowances

Constitutionally, responsibility for adopting a Scheme of Members' Allowances rests with the Council but the Independent Remuneration Panel for Wales (IRPW) now prescribes the amounts to be paid with a view to providing a consistent national framework for councillor remuneration. Council considered changes for 2017/18 at its meeting on the 26<sup>th</sup> April 2017 (Minute 9.1 refers)

A copy of the Allowances Scheme adopted by Council for 2016/17 amended for implementation for the 2017/18 Municipal Year is attached for consideration (Part 6.1) of the Constitution.

## Other amendments

The report also contains some additional amendments to reflect the recommendations of the Constitutional Review Working Group at its meeting held on the 16<sup>th</sup> December 2016.

All suggested changes to the Constitution are contained in the attached appendices, with deletions stricken through and revised text in italic print (red in online copy).

Other than the Appenices attached, there are no other changes to the constitution.

DETAILED REPORT ATTACHED ?	YES
	<p>Appendix 1 – Part 3.1 Responsibility for Functions (Table 3)</p> <p>Appendix 2 – Part 4.1 – Council Procedure Rules</p> <p>Appendix 3 – Part 4.5 – Scrutiny Procedure Rules</p> <p>Appendix 4 - Part 5.2 Code of Conduct for Councillors and Officers in Planning Matters</p> <p>Appendix 5 – Part 5.6 - Protocol for Communications with Elected Members</p> <p>Appendix 6 – Part 6.1 Councillors' &amp; co-opted member's scheme of allowances</p> <p>Appendix 7– Article 15 Suspension, Interpretation and Publication of the Constitution</p>

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Linda Rees Jones**                      **Head of Administration & Law**

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

### 1. Policy, Crime & Disorder and Equalities

Adoption and any amendment to the Constitution is a matter for Full Council

### 2. Legal

The Council is required to comply with the Local Government Act 2000 and in the drafting and subsequent operation of the Constitution.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed Linda Rees Jones Head of Administration & Law

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

#### 1. Scrutiny Committee

N/A

#### 2. Local Member(s)

N/A

#### 3. Community / Town Council

N/A

#### 4. Relevant Partners

N/A

#### 5. Staff Side Representatives and other Organisations

N/A

**Section 100D Local Government Act, 1972 – Access to Information**

**List of Background Papers used in the preparation of this report:**

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Welsh Government Letter re size and composition of Planning Committees		<a href="http://gov.wales/docs/desh/publications/170404-the-size-and-composition-of-planning-committees-en.pdf">http://gov.wales/docs/desh/publications/170404-the-size-and-composition-of-planning-committees-en.pdf</a> <a href="http://gov.wales/docs/desh/publications/170404-the-size-and-composition-of-planning-committees-cy.pdf">http://gov.wales/docs/desh/publications/170404-the-size-and-composition-of-planning-committees-cy.pdf</a>
Local Government Act 2000		<a href="http://www.legislation.gov.uk/ukpga/2000/22/pdfs/ukpga_20000022_en.pdf">http://www.legislation.gov.uk/ukpga/2000/22/pdfs/ukpga_20000022_en.pdf</a>