

COUNTY COUNCIL
22ND OCTOBER 2020

ANNUAL REVIEW OF THE CONSTITUTION

To update the Constitution to reflect amendments by the Constitutional Review Working Group and the requirement to annually review the Council Constitution.

Recommendations/key decisions required:-

- 1. To consider the following recommendations of the Constitutional Review Working Group following its annual review of the Constitution:-**
 - a) To amend Article 6 of the Constitution to update and ‘tidy up’ Scrutiny Remits (in accordance with a WAO Scrutiny Fit for the Future? recommendation)**
 - b) To recall the delegations granted to the Chief Executive, The Director of Corporate Services and the Head of Administration and Law in the Scheme of Delegation to Officers (which have never been exercised by them) with view to the function being exercised by the Executive Board (Part 3 Table 4 Responsibility for Functions and Part 3.2 Scheme of Delegation to Officers)**
 - c) To update Council Procedure Rules (Part 4.1) to stipulate a revised agenda order for ordinary meetings of the Council and to reflect remote attendance.**
 - d) To update Scrutiny Procedure Rules (Part 4.5) to reflect the advice of the Centre for Public Scrutiny that Executive Board Members should attend their respective Scrutiny Committee to present their reports and be held to account.**
 - e) To update Part 5.6 – Protocol for communications with elected members to reflect the decision of Council to hold paperless meetings.**
- 2. 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.**
- 3. That subject to recommendations 1 above, the Council Constitution be adopted for 2020/21.**

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

Directorate Chief Executive's	Designations:	Tel Nos.01267 224010
Name of Head of Service:	Head of Administration & Law	LRJones@carmarthenshire.gov.uk
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Gaynor Morgan		

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Council is required to review its Constitution on an annual basis and has established the Constitutional Review Working Group to present recommendations for constitutional change.

There have been no legislative changes during 2019/20 and to date for 2020/21 which require changes to be made to the Council's Constitution. The Council adopted Part 6.1 of the Constitution to reflect the IRPW prescribed amounts to be paid to Councillors for 2020/21 at its Annual meeting held on the 8th June 2020, however in view of the Covid-19 pandemic, the full annual review of the Constitution was deferred to a future meeting

The Constitutional Review Group met on the 4th August 2020, 15th September 2020 and 1st October 2020 to consider whether any changes were necessary going forward, and any recommended changes are included in this report. The proposals put forward by CRWG involve:

- (a) recommendations of Audit Wales "Scrutiny Fit for the Future?" report, and
- (b) recalling the delegated authorities currently exercisable by (but never exercised by) the Chief Executive, Head of Administration and Law and the Director of Resources (now known as the Director of Corporate Services) to authorise the instigation of legal proceedings by officers arising out of alleged defamatory statements provided such action is supported by Counsel's Advice, (commonly referred to as the "libel indemnity"), , and to reserve the right to exercise that power to the Executive Board under its existing personnel function.

Other than the issues raised, no other amendments are being put forward.

DETAILED REPORT ATTACHED?

Appendix 1 – Article 6 Scrutiny Committees

Appendix 2 – Part 4.1 Council Procedure Rules

Appendix 3 – Part 4.5 Scrutiny Procedure Rules

Appendix 4 - Part 5.6 Protocol for Communication with Elected Members

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
YES	YES	NONE	NONE	NONE	NONE	NONE

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 Acts 1972 and 2000, and the Local Government (Wales) Measure 2011, 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

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
Carmarthenshire Council Constitution		http://www.carmarthenshire.gov.wales/home/council-democracy/the-council/councils-constitution/
Local Government Act 2000		http://www.legislation.gov.uk/ukpga/2000/22/pdfs/ukpga_20000022_en.pdf