

COUNTY COUNCIL
19TH MAY 2021

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. In accordance with the determinations made by the Independent Remuneration Panel for Wales, to adopt the Councillors' and Co-opted Members' Salaries and Allowances Scheme for 2021/22, as detailed within Part 6.1 of the Constitution.
2. To approve the constitutional changes, which have come about as a result of the legislative changes in Local Government and Elections (Wales) Act 2021 and any additional recommendations put forward by the Constitutional Review Working Group.
3. 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.
4. That subject to recommendations 1 – 3 above, the Council Constitution be adopted for 2021/22.

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.

A number of changes are proposed to various elements of the Constitution as a result of the Local Government and Elections (Wales) Act 2021.

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:

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Name of Head of Service:

Head of Administration &
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COUNTY COUNCIL

19TH MAY 2021

ANNUAL REVIEW OF THE CONSTITUTION

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.

The following changes are recommended to Council by the Constitutional Review Working Group:-

Local Government and Elections (Wales) Act 2021

The Local Government and Elections Wales Act 2021 has and will introduce a number of legislative changes and these changes will come into force on different dates, the constitution has been updated to reflect the changes known to date and further reports will be submitted to CRWG and Council as and when Ministers introduce further parts of the Act. The relevant Articles of the Constitution which have been changed are attached and highlighted in red/strikethrough. Articles of the Constitution which have no changes are not included but are available to view on the Authority's website.

Part 3.2 Scheme of Delegation to officers

The scheme of delegation is currently being updated to reflect the Council's current organisational structure and any legislative changes. These changes will go to CRWG separately and will be subject to a further report to Council

Councillors' and Co-opted Members' Salaries and Allowances Scheme (Part 6.1)

Constitutionally, responsibility for adopting a Scheme of Members' Allowances rests with the Council but the Independent Remuneration Panel for Wales (IRPW) determines the amounts to be paid with a view to providing a consistent national framework for councillor remuneration. The report contains the IRPW determinations for 2021/22 which were payable from 1st April 2021. Councillors appointed to new posts Senior/Civic Salaries at the AGM will be paid any revised salary from the start of the municipal year (19th May 2021)

Other than the issues raised, no other amendments are being put forward, and Council is asked to adopt its Constitution for 2021/22..

<p>DETAILED REPORT ATTACHED?</p>	<p>YES – relevant parts which require a change as a result of the LG & Elections Wales Act 2021 and the proposed Scheme of Allowances for 2021-22</p> <p>Part One – Summary and Explanation</p> <p>Part 2 –Articles:-</p> <ol style="list-style-type: none"> 1. The Constitution 2. Members of the Council 3. Citizens and the Council 4. The Full Council 7. The Executive / Board 9. The Standards Committee 10. Joint Arrangements 11. Officers 13. Finance, Contracts and Legal Matters 14. Review and Revision of the Constitution 15. Suspension, Interpretation and Publication of the Constitution <p>Part 3:-</p> <ol style="list-style-type: none"> 1. Responsibility for Functions <p>Part 4:-</p> <ol style="list-style-type: none"> 1. Council Procedure Rules 2. Access to Information Procedure Rules 4. Executive Procedure Rules 8. Officer Employment Procedure Rules <p>Part 5:-</p> <ol style="list-style-type: none"> 4. Officers' Code of Conduct 5. Protocol on Member / Officer Relations <p>Part Six -</p> <ol style="list-style-type: none"> 1. Councillors' & Co-opted Members' Scheme of Allowances 2. Appendix A – Job Profiles for Councillors, Co-opted Members and Office Holders.
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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, Local Government (Wales) Measure 2011, Local Government (Democracy) (Wales) Act 2013 and the Local Government Elections (Wales) Act 2021 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 and Elections (Wales) Act 2021		https://www.legislation.gov.uk/asc/2021/1/contents/enacted
Independent Remuneration Panel for Wales Annual Report (February 2021)		https://gov.wales/sites/default/files/publications/2021-02/Independent%20Remuneration%20Panel%20for%20Wales%20-%20Annual%20Report%202021.pdf