

Meeting of:	Council
Date of Meeting:	Wednesday, 10 March 2021
Relevant Scrutiny Committee:	All Scrutiny Committees
Report Title:	Review of the Council's Constitution / Officer Delegations
Purpose of Report:	To seek Council approval for to amend the name of Council's Audit Committee. To seek Council approval to amend the current Scheme of Officer Delegations to include an additional officer delegation in the Council's Constitution.
Report Owner:	The Leader
Responsible Officer:	Ms. D. Marles, Monitoring Officer / Head of Legal and Democratic Services
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	The adoption and subsequent changing of the Constitution is a matter for Full Council
Executive Summary:	<ul style="list-style-type: none"> In accordance with Section 115 of the Local Government and Elections (Wales) Act 2021, to obtain Council's approval to rename the Audit Committee to Governance and Audit Committee from April 2021 and to amend the Council's Constitution accordingly. To obtain Council's approval to add an additional delegation to the relevant officer delegation as set out in paragraph 2.7 and to amend the Council's Constitution accordingly.

Recommendations

1. THAT the renaming of the Council's Audit Committee to Governance and Audit Committee be approved and the Constitution be amended accordingly.
2. THAT the change to the relevant officer delegation as set out below in paragraph 2.7 be approved and the Constitution be amended accordingly.

Reasons for Recommendations

1. To comply with Section 115, Local Government and Elections (Wales) Act 2021 and to amend the Council's Constitution accordingly.
2. To update the officer delegation scheme and relevant provisions within the current Constitution.

1. Background

- 1.1 The Constitution remains under review on an ongoing basis. Under Section 2.4 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.
- 1.2 Section 2.62 of the Constitution provides for any changes considered by the Monitoring Officer to be required to be made to remove any inconsistency, ambiguity or typographical correction to be made in a report to the next full Council meeting for information.

2. Key Issues for Consideration

- 2.1 The Local Government and Elections (Wales) Act 2021 has been the culmination of several years of policy consultation with certain aspects of the Act shaped by discussions between the Minister for Housing and Local Government, local government leaders via the WLGA. Specific elements of the Act relate to the reform of performance and Governance.
- 2.2 Section 115 of the Act will commence from April 2021 with the requirement to rename the Audit Committee the Governance and Audit Committee.
- 2.3 New functions to the Terms Of Reference of the renamed Committee in relation to the Council 's performance assessment and how the Council makes reports and recommendations in relation to the Authority's ability to handle complaints effectively will also require introducing and are subject to Regulations which are awaited from Welsh Government. To enable these further changes to be made to the Terms of Reference of the Committee, it is intended to seek the Managing Director's Emergency Powers on receipt of the new Regulations to make the necessary changes by 1st April 2021.
- 2.4 The amended Committee Terms of Reference will be reflected in the relevant report to the Annual Meeting in May 2021.

- 2.5** Further changes will be also required in due course when other elements of the Act are implemented such as additional Lay Members and the Chairman of the Committee being a Lay Member. These changes are subject to commencement May 2022.
- 2.6** The responsibility for Council functions are functions which must not be the responsibility of an Authority's Cabinet in the relevant Schedule of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as amended in 2009. Such functions can be delegated, including to Officers within the Constitution and the Council's Scheme of Delegation including permitting the Returning Officer to re-designate new polling places and polling districts where such becomes unavailable or unsuitable before an election.
- 2.7** Section 25 of the Constitution - Officer Delegations - requires an amendment to the Officer Delegations as follows. The below new delegation be granted to the Monitoring Officer / Head of Legal and Democratic Services in her designation as the Council's Returning Officer.
"Authority to the Council's Returning Officer to re-designate polling places and polling stations where they become unavailable or unsuitable before or during an election."

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** Amendments to the name and terms of reference of the committee is a requirement to comply the new Act and an internal matter however, elements of the Act will have a positive impact on the Council's five ways of working.
- 3.2** The Officer Delegation directly contributes to the long-term future by ensuring that the Council's Constitution continues to operate with full effect.
- 3.3** The Officer Delegation also contributes to the prevention of the Constitution becoming obsolete or non-effective in achieving its aims and principles.

4. Resources and Legal Considerations

Financial

- 4.1** There are no financial implications as a direct result of this report.

Employment

- 4.2** There are no employment implications as a direct result of this report.

Legal (Including Equalities)

- 4.3** The Council is required to comply with the Local Government Act 2000 and subordinate legislation in the drawing up and subsequent operation of the Constitution.
- 4.4** The Local Government and Elections (Wales) Act Commencement Order No.2 brings into force section 115 on 1st April 2021.

- 4.5** Pursuant to legislation in force including under Section 188(1) and Schedule A1 of the Representation of the Peoples Act 1983, a Returning Officer has the legal power to designate polling places and polling stations.

5. Background Papers

Council's Constitution; Local Government and Elections (Wales) Act 2021.