



## **ANNUAL MEETING OF COUNCIL – 9<sup>TH</sup> MAY, 2024**

**SUBJECT: AMENDMENTS TO THE COUNCIL'S CONSTITUTION**

**REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to ask Council to consider and endorse the track changes to the Scheme of Delegation as set out in Part 3 of the Constitution attached at Appendix 1.
- 1.2 To consider and endorse the changes to the Terms of Reference as track changed in Part 2 of the Constitution at Appendix 2.
- 1.3 To consider and endorse the changes to the Planning Code of Practice at Appendix 3.
- 1.4 To update the Member Training and Development Protocol to include cyber security training and safeguarding training together with the ancillary updates relating to committee titles and delegate authority for the Head of Democratic Services in consultation with the Cabinet Member and Chair of the Democratic Services Committee to deem certain training as mandatory all of which are shown as track changes in Appendix 4.
- 1.5 To consider whether Council wishes to appoint a Presiding Member (and Deputy Presiding Member) into the Council structure and if endorsed the appointed members to be undertake certain administrative functions as the Chair of the Council
- 1.6 To note the updated Integrated Impact Assessment at Appendix 6 and the increase in the font size for the Report Template to Arial 12 to comply with the guidance on accessibility of documents.
- 1.7 To authorise the Head of Legal Services and Monitoring Officer to make the necessary changes to the Constitution to give effect to the decisions of Council under this report.

### **2. SUMMARY**

- 2.1 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these decisions are efficient, transparent and accountable to local people.
- 2.2 This report seeks to update Terms of Reference, the Scheme of Delegation, the

Member Training and Development Protocol and the Planning Code of Practice as described more fully in this report together with changes to the text size of the report template and updates to the Integrated Impact Assessment.

- 2.3 The report also seeks a decision from Council as to whether a Presiding Member and Deputy Presiding Member should be appointed and if so the duties annexed to these posts together with the term of such appointment and any remuneration payable to a Presiding Member.
- 2.4 Any changes authorised by Council will be affected by the Head of Legal Services and Monitoring Officer

### **3. RECOMMENDATIONS**

Council is asked to

- 3.1 Approve the changes to the Constitution shown as track changes in the attached at appendices 1, 2, 3 and 4.
- 3.2 Consider whether to appoint a Presiding Member and if appointed the term of office and whether to make a senior salary payment and the appointment of a Deputy Presiding Member and to annex administrative functions to these roles.
- 3.3 Endorse the updated Integrated Impact Assessment at Appendix 6 and the increase in the font size of the Report Template to Arial 12.
- 3.4 To authorise the Head of Legal Services and Monitoring Officer to make the necessary changes to the Constitution to give effect to the changes approved by Council.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To keep the Constitution under review and updated and to consider the appointment of a Presiding Member in addition to the separate Mayoral function.

### **5. THE REPORT**

#### **Part 2 and Part 3 of the Constitution and the Planning Code of Practice**

- 5.1 Following consultation with all Heads of Service, minor changes are proposed to the Terms of Reference of various Committees included in Part 2 of the Constitution and the Scheme of Delegation set out in Part 3 of the Constitution, which are shown track changed at Appendices 1 and 2 to this report. The changes represent changes and updates regarding legislation, together with job titles and inclusion of relevant functions.
- 5.2 Minor procedural changes have also been made to the Planning Code of Practice which is included in Part 5 of the Constitution
- 5.3 Council is therefore asked to consider and endorse the track changes identified in Appendices 1, 2 and 3 to this report and to delegate authority to the Head of Legal Services and Monitoring Officer to amend the Constitution, as necessary.

## **Member training and Development Protocol**

- 5.4 The Member Training and Development Protocol is included at Part 5 of the Council's Constitution that sets out a framework and process for identifying and delivering mandatory and non-mandatory training based on Members individual roles.
- 5.5 The proposed changes are to include Cyber Security training and Safeguarding training as part of the Mandatory Training requirements for members going forward and to include a provision whereby the Head of Democratic Services in consultation with the relevant Cabinet Member and the Chair of Democratic Services Committee may consider certain training as mandatory throughout the term of the Council. The other track changes identified are simply bringing the committee titles up to date in line with current arrangements. The training is mandatory to ensure all councillors have the necessary knowledge to enable them to operate with the confines of relevant legislation and guidance, have an understanding of the governance arrangements of the council and discharge the regulatory functions of the council.
- 5.6 Members will be aware that by making the Cyber Security and Safeguarding training mandatory, those members who refuse to attend the training or do not have a good reason for being unable to attend will be reported to the Standards Committee. Further it is hoped that the Leaders of the political groups will encourage their members to attend all training events, in particular mandatory training.
- 5.7 Council is asked to endorse these changes and to delegate authority to the Head of Legal Services and Monitoring Officer to amend the Constitution, as necessary.

## **Presiding Member and Deputy Presiding Member**

- 5.8 The ability to appoint a Presiding member was introduced by the Local Government (Democracy) (Wales) Act 2013 which amended the Local Government Act 1972.
- 5.9 The decision whether to appoint a Presiding Member rests with the Council who may also determine the functions and the term of office. This may include the appointment of the Presiding Member annually or for the duration of the council, subject to the following limits:-
- (a) the presiding member's resignation or disqualification,
  - (b) a successor becoming entitled to act as presiding member,
  - (c) the principal council determining not to have an office of presiding member, or
  - (d) an ordinary council election under section 26 of the Local Government Act 1972
- 5.10 The functions of the Presiding Member may include any functions of the Chairperson of the Council relating to its meetings and proceedings. The ceremonial and civic functions could then become a stand-alone role to be undertaken by the Mayor (or in his or her absence the Deputy Mayor).
- 5.11 A member of the Cabinet may not be elected as the Presiding Member. If remunerated a Presiding Member is entitled to a Band 3 Senior Salary and the post will count towards the Senior Salary Cap for this Council which is 18 posts.
- 5.12 Where a Presiding Member is appointed the Council **must appoint** a Deputy Presiding Member; a member of the Cabinet may not be elected as the deputy Presiding Member. The term of office follows the provisions as set out in paragraph

5.6. A deputy presiding member may do anything authorised or required to be done by the presiding member. The post of deputy presiding member will not be remunerated.

- 5.13 Council is asked to consider whether to adopt a Presiding Member and Mayoral Model. The Presiding Member would be responsible for the administrative functions as the Chair of the Council as set out in Article 5 of the Council's Constitution (reproduced at Appendix 5) involved with chairing Council meetings and upholding and promoting the purposes of the Constitution together with those duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013.
- 5.14 The role of the Presiding Member would be to chair meetings of the full Council and ensure Council meetings were conducted in line with the Council's Constitution.
- 5.15 It is proposed the Presiding Member undertake all other administrative functions relating to the application of the Council's Constitution previously aligned to the Mayor. This would include a number of functions set out in the Council Procedural Rules in Part 4 of the Constitution such as the urgency provisions relating to Questions by Members, Urgent Cabinet Decisions and the casting vote.
- 5.16 The transfer of the above functions to the Presiding Member would leave the Mayor free to act as the ceremonial head of the Council and to represent the Council at all civic and ceremonial functions.
- 5.17 To conclude Council is asked to consider whether it wishes to adopt a Presiding Member and Mayoral model as outlined above. If Council wishes to make changes to the existing arrangements it is recommended that the Head of Legal Services and Monitoring Officer be authorised to make such amendments to the Constitution.

### **Report Template and updated Integrated Impact Assessment**

- 5.18 Council is asked to note that the Integrated Impact Assessment (IIA) has recently been updated as set out at Appendix 6. This document along with the standard Report Template is included in the Constitution at Part 4. Following officer discussions regarding accessibility of our documents it is proposed that the font size for the Report Template is increased to Arial 12. This change will be introduced for all reports being presented to Council, its Committees and Cabinet from 1<sup>st</sup> September 2024.
- 5.19 Council is therefore asked to consider and endorse the changes in paragraph 5.18 and to delegate authority to the Head of Legal Services and Monitoring Officer to amend the Constitution, as necessary.

## **6. ASSUMPTIONS**

- 6.1 Not applicable.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 Due to the nature of this report, there is no requirement for an IIA to be undertaken.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 Should Council decide to appoint and remunerate both a Presiding Member and Mayor and Deputy Mayor the posts will be entitled to the salaries set by the Independent Remuneration Panel for Wales at Band 3 for the Presiding Member and Mayor (£27,999) and Band 5 for a Deputy Mayor (£22,406). Whilst the Presiding Member salary will count towards the maximum cap of 18 senior salaries for the council, the Mayor and Deputy Mayor do not. The Deputy Presiding Officer does not receive any additional payment.

## **9. PERSONNEL IMPLICATIONS**

- 9.1 There are no personnel implications arising from this report.

## **10. CONSULTATIONS**

- 10.1 The report has been circulated to the consultees below and any responses have been incorporated within the report.

Cllr Dix does not see the need for a presiding member and deputy. It will take most of the responsibilities currently provided by the Mayor. He believes the new roles will be another drain on council budgets. He assumes the mayor will still get the allowance, lots of cost and no benefit. He suggests that the mayor is kept and money saved to employ more frontline staff.

Cllr Whittle suggests preliminary meetings to discuss the idea and to look at the advantages and disadvantages.

## **11. STATUTORY POWER**

- 11.1 Local Government Act 1972 and 2000  
Local Government Democracy Wales Act 2013

Author: Robert Tranter, Head of Legal Services and Monitoring Officer  
Consultees: Dave Street Deputy Chief Executive  
Richard (Ed) Edmunds Corporate Director Education and Corporate Services  
Kath Peters Service Manager – Service Improvement and Partnerships  
Lisa Lane, Deputy Monitoring Officer and Head of Democratic Services  
Leaders of the political groups

### Appendices:

- Appendix 1 Part 3  
Appendix 2 Part 2  
Appendix 3 Planning Code of Practice  
Appendix 4 Member Training and Development Protocol  
Appendix 5 Extract from the Constitution  
Appendix 6 IIA

