



## **ANNUAL MEETING OF COUNCIL – 8<sup>TH</sup> MAY 2025**

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

**REPORT BY: DIRECTOR OF LEGAL, DEMOCRATIC SERVICES AND MONITORING OFFICER**

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

- 1.1 The purpose of this report is to ask Council to consider and endorse the following
  - 1.1.1 The track changes to the Scheme of Delegation as set out in Part 3 of the Constitution attached at Appendix 1.
  - 1.1.2 The track changes in Part 2 of the Constitution at Appendix 2.
  - 1.1.3 The changes the Call-in procedure at Appendix 3.
  - 1.1.4 To consider the continuation of the role of the Mayor and Deputy Mayor.
  - 1.1.5 To delegate authority to the Director of Legal, Democratic Services and Monitoring Officer to amend the Constitution, as necessary.

### **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 the Scheme of Delegation in Part 3 of the Constitution together with the changes in Part 2 of the Constitution as set out in Appendices 1 and 2 to this report.
- 2.3 The report also asks Council to consider the proposed change to the Call-in procedure as outlined in Appendix 3 to the report.
- 2.4 The report also seeks a decision from Council as to the continuation of the role of Mayor and/or deputy Mayor.

- 2.5 To delegate any changes endorsed by Council to the Constitution to the Director of Legal, Democratic 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, and 3.
- 3.2 Consider the role of Mayor and Deputy Mayor going forward after this civic year.
- 3.3 To delegate authority to the Director of Legal, Democratic Services and Monitoring Officer to amend the Constitution, as necessary.

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

- 4.1 To keep the Constitution under review and updated and to review the role of Mayor and deputy Mayor.

### **5. THE REPORT**

#### **Part 2 and Part 3 of the Constitution**

- 5.1 Following consultation with all Directors, minor changes are proposed to the Terms of Reference of the Scrutiny Committees included in Part 2 of the Constitution together with other ancillary changes in addition to the changes to 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 Call-in Procedure**

Under the Council's Constitution, Scrutiny Committees can exercise the right to call-in for reconsideration, decisions made but not yet implemented by Cabinet and Officer decisions. The Call-in Procedure is set out in Appendix 3 to this report for members ease of reference.

Call-in is a key mechanism with which to hold the Cabinet to account because a called-in decision cannot be implemented until it has been considered by the relevant Scrutiny Committee which can examine and question the decision takers on their actions taken.

In Caerphilly there is a particular emphasis on the value of pre-decision scrutiny and to support this function it is important that the Call-in process is

not abused or does not cause unreasonable delay in the implementation of decisions. As such there are safeguards contained within the call-in procedure to prevent such issues for example the number of members required to make a call in and the limited grounds available to members to call a decision in.

Members are asked to consider whether a further safeguard should be introduced to prevent a decision from being called in when it has already been the subject of pre-decision scrutiny. This change will help alleviate the cost and the delay of decisions being called in again despite already having been fully scrutinised. It is felt that this additional safeguard will not diminish the role of scrutiny in any way.

Council may therefore wish to include an additional restriction at para g (vi) which reads "A decision on a report which has already been the subject of pre-decision scrutiny cannot be called in".

### **5.3 The role of Mayor and Deputy Mayor**

Council will recall at its Annual Meeting last year, it elected a Presiding Member and deputy Presiding Member for the remainder of the Council term, with the civic and ceremonial functions of Council to be undertaken by the Mayor and Deputy Mayor.

The election of the Mayor and deputy Mayor takes place each year at the Annual Meeting of Council. Currently the Mayor receives a civic salary and the deputy mayor receives the basic salary.

The Deputy Mayor elected last year will fulfil the role of Mayor for the 2025/26 civic year but members are asked to consider whether it wishes to elect a Mayor and deputy Mayor for the future years.

- 5.4 Members are asked to consider these changes and to delegate authority to the Director of Legal Democratic 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 The Mayor will receive a salary of £29,657. If members do not elect a Mayor after this civic year, a recurring saving will be made.

## **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.

## **11. STATUTORY POWER**

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

Author: Robert Tranter, Director of Legal, Democratic Services and Monitoring Officer

Consultees: Ed Edmunds, Chief Executive  
Leaders of the political groups  
Councillor Gary Johnston, Chair Corporate and Regeneration Scrutiny Committee  
Councillor Andrew Whitcombe, Chair Housing and Environment Scrutiny Committee  
Councillor Donna Cushing, Chair Education and Social Services Scrutiny Committee  
Mark S Williams, Executive Director Corporate and Regeneration  
Lisa Lane, Deputy Monitoring Officer and Head of Democratic Services

Appendices:

- Appendix 1 Part 3  
Appendix 2 Part 2  
Appendix 3 Extract from the Call-in procedure