

<b>REPORT TO:</b>	Council
<b>REPORT NO:</b>	HCCS/29/18
<b>DATE:</b>	28 March 2018
<b>LEAD MEMBER:</b>	Councillor Mark Pritchard (Lead Member for Organisation – Finance, Performance, Health & Safety and Governance)
<b>CONTACT OFFICER:</b>	Sioned Wyn Davies (Tel: 292221)
<b>SUBJECT:</b>	Review of the Constitution

## 1. PURPOSE OF THE REPORT

To consider the need to review the Council's Constitution with a view to adopting the format of the new national model constitution.

## 2. EXECUTIVE SUMMARY

- 2.1 Section 37 of the Local Government Act 2000 requires Welsh County Councils to prepare and keep up-to-date a written constitution containing such information as Welsh Ministers may direct, including a copy of the authority's standing orders, a copy of the authority's code of conduct for Members and such other information as the authority considers appropriate.
- 2.2 Since the Constitution was adopted in 2002 there have been regular updates and revisions to address specific requirements such as structural changes within the Council and relevant legislative changes but there hasn't been a comprehensive review. It is suggested that the Constitution may now benefit from a review and that this would be an opportunity to consider adopting the revised national model or a similar format.
- 2.3 If a review is supported it would require significant input from both the Monitoring Officer supported by the Deputy Monitoring Officer and also Members of the Constitution Working Group if this group is tasked with undertaking the review. It is anticipated that the work involved will take some 12 to 18 months to complete.

## 3 RECOMMENDATIONS

- 3.1 **That a comprehensive review of the Constitution be undertaken by the Constitution Working Group.**

## REASONS FOR RECOMMENDATIONS

- (i) To enable the Council to adopt a Constitution in a simplified format similar to the revised national model.

### 4. BACKGROUND INFORMATION

- 4.1 The current Council constitution was adopted in May 2002 and is based on the national model at that time with a modular format. This format does mean that, for example, not all information about the Executive Board or Scrutiny Committees is in the same parts of the constitution.
- 4.2 In 2013 Monitoring Officers in Wales with support from Welsh Government and the WLGA commissioned a firm of solicitors to produce a new model constitution. The new model produced simplifies the structure of the constitution by putting all the provisions for each topic area in the same place. It is also written in a style that is easier for the public to understand. Since that time a number of Councils in Wales have adopted this model constitution.
- 4.3 In March 2015 the Council approved the establishment of a Constitution Working Group comprising 10 Members on a politically balanced basis, of which no more than 2 shall be Executive Board Members. The Constitution Working Group is chaired by a non-executive Member. The functions of the Constitution Working Group were approved as follows:-
  - a) Consideration of proposed revisions to the Council's Constitution and its political arrangements and to make recommendations to Council as required.
  - b) Consideration annually of nominations for the positions of Mayor and Deputy Mayor and to make recommendations to Council as required.
- 4.4 The Constitution Working Group should be requested to undertake the review of the Constitution. This would require a significant time commitment from Members in attending regular meetings and would need support from the Head of Corporate & Customer Services and the Deputy Monitoring Officer. It is anticipated that this work could take some 12 – 18 months to complete.

### 5. IMPLICATIONS

- 5.1 **Policy Framework** – this work would support the Council Plan Objective 01 – Continuing to modernise our services by facilitating adoption of a simplified plan which is easier to navigate.
- 5.2 **Budget** – There are no direct budgetary implications.
- 5.3 **Legal** – It is a statutory requirement under Section 37 of the Local Government Act 2000 to prepare and keep up-to-date a written constitution containing such information as Welsh Ministers may direct, including a copy of the authority's standing orders, a copy of the authority's code of conduct for Members.
- 5.4 **Staffing** – There are no staffing implications save the staff time to be allocated to bring this work to fruition.
- 5.5 **Equality/Human Rights** – Members are advised of their duty to consider the full Equality Impact Assessment which is available at <http://vmwinqld/equalityisalive/Menu.aspx> report number CCS/EIA00123/2016. Members of the public can request a copy of the full Equality Impact Assessment from the Contact Officer named in the header box of this report.

5.6 **Risks** – no significant risks, although a comprehensive review should assist in clarifying decision making processes.

## 6. CONSULTATION

6.1 The suggested review has been considered by the Constitution Working Group and is fully supportive of the proposal.

## 7. EVALUATION OF OPTIONS

7.1 **Option 1** - Retain the existing format of Constitution which has worked effectively for many years but does require referring to different sections of the Constitution in respect of some decision-making processes.

7.2 **Option 2** - Review the Constitution with a view to adopting a simplified format in accordance with the revised national model.

## 8. SCRUTINY COMMITTEE COMMENTS

8.1 This report has not been considered by Scrutiny.

<b>BACKGROUND PAPERS</b>	<b>LOCATION</b>	<b>WEBSITE INFO.</b>
The Council Constitution	Council website	<a href="http://www.wrexham.gov.uk/english/council/documents/constitution.htm">http://www.wrexham.gov.uk/english/council/documents/constitution.htm</a>