

<b>REPORT TO:</b>	Council
<b>REPORT NO:</b>	HCCS/28/18
<b>DATE:</b>	28 March 2018
<b>LEAD MEMBER:</b>	Councillor Mark Pritchard (Lead Member for Organisation – Finance, Performance and Governance)
<b>CONTACT OFFICER:</b>	Trevor Coxon (Tel: 292202)
<b>SUBJECT:</b>	Annual Review of the Constitution
<b>WARD:</b>	N/A

## 1. PURPOSE OF THE REPORT

To review and adopt revisions to the Council's Constitution.

## 2. EXECUTIVE SUMMARY

- 2.1 Article 14.01 of the Council's Constitution places a responsibility on the Monitoring Officer to monitor and review the Constitution on a regular basis. It is considered good practice that this be undertaken at least annually.
- 2.2 The most recent review of the Constitution was in September 2017 and Council has now been invited in a separate report to consider approval of a comprehensive review of the Constitution by the Constitution Working Group during 2018/19.
- 2.3 In the meantime the Council is invited to approve the following amendments changes prompted by legislative requirements and changes.
  - 2.3.1 Inclusion of the Energy Act 2011 within the list of legislation for Public Protection delegations to the Head of Environment;
  - 2.3.2 Designation of the Customers, Performance Resources and Governance Scrutiny Committee to scrutinise the activity of the Public Service Board (PSB) as required under the Well-being of Future generations (Wales) Act 2015

## RECOMMENDATIONS

### 3.1 That the Constitution be revised in the following respects:

- 3.1.1 **The Scheme of Delegation be updated to include the Energy Act 2011 in the list of legislation for public protection functions delegated to the Head of Environment and Planning.**
- 3.1.2 **The Customers, Performance, Resources and Governance Scrutiny Committee be the committee designated with responsibility for scrutinising the activity of the Public Service Board (PSB) as required under the Well-being of Future generations (Wales) Act 2015**

## REASONS FOR RECOMMENDATIONS

To ensure that the Council's Constitution is updated to meet all legal and good governance requirements.

## 4. BACKGROUND INFORMATION

### Public protection

- 4.1 The Energy Efficiency (Private Rented Property) (England and Wales ) (Amendment) Regulations 2016 made under the Energy Act 2011 come into force on 1<sup>st</sup> April 2018 and contain enforcement powers. In order to ensure that public protection officers are able to exercise those enforcement powers the Energy Act 2011 must be included within the list of legislation delegated to the Head of Environment and Planning.

### Requirement to designate a scrutiny committee to scrutinise the Public Service Board

- 4.2 Wrexham Public Service Board (PSB) is a statutory body consisting of a number of statutory and invited public bodies that operate within the areas of Wrexham County Borough. Public Service Boards were established by the Wellbeing of Future Generations (WFG) (Wales) Act 2015 which established a PSB for each local authority area in Wales. PSBs consist of statutory representatives from local authorities, health boards, Natural Resources Wales and the Welsh Fire and Rescue Authority. PSBs must also invite relevant voluntary organisations along with Welsh Ministers, local Police & Crime Commissioner and the local Chief Constable to participate on the Board.
- 4.3 To ensure democratic accountability, section 35 of the WFG (Wales) Act places a requirement on a local authority to designate one of its overview and scrutiny committees with responsibility for scrutinising the work of the PSB.
- 4.4 Under the Act, the responsible scrutiny committee has extensive powers to review the PSB's governance arrangements as well as any decisions made or actions taken by the PSB. Scrutiny committees also have reporting powers as they are required to share copies of any reports or recommendations made in connection with the PSB's functions or governance arrangements with the Welsh Ministers, the Future Generations Commissioner for Wales and the Auditor General for Wales.

- 4.5 The Act states that the local authority must ensure that the designated Overview and Scrutiny Committee has power to:
- review or scrutinise decisions made or other action taken, by the PSB in the exercise of its functions
  - review or scrutinise the PSBs governance arrangements
  - make reports or recommendations to the PSB with respect to its functions or governance arrangements
  - consider such matters relating to the PSB which Welsh Ministers may refer to it, and report to Welsh Ministers accordingly
  - carry out other functions in relation to the PSB that are imposed on it by the Act
- 4.6 The PSB and the Scrutiny Coordinating Group have previously agreed a protocol for scrutiny of the PSB, under which the scrutiny committee with the responsibility to scrutinise the PSB is the Customers, Performance, Resources & Governance Scrutiny Committee (CPR&GSC). (This Protocol has been reviewed following the issuing of Welsh Government Guidance on Scrutiny of PSBs which was issued in August 2017 and is due to be agreed by scrutiny and the PSB in the coming months.)
- 4.7 However, the legislation requires the local authority to formally designate one of its overview and scrutiny committees with responsibility for scrutinising the work of the PSB. The Scrutiny Coordinating Group has been consulted and has suggested that as CPR&GSC's terms of reference state "To ensure that we are customer focussed and innovative, soundly organised, resourced and governed, in order to deliver the best possible outcomes for the people of Wrexham", this committee should continue with its already established role and be the Scrutiny Committee to act as the committee designated with responsibility for scrutinising the activity of the Public Service Board (PSB) as required under the Well-being of Future generations (Wales) Act 2015. While the legislation states that one scrutiny committee must be designated as having responsibility, the Statutory Guidance on the WFG (Wales) Act indicates that it will be legitimate for Wrexham to continue with its current approach of having a committee with responsibility for overall effectiveness and others responsible for scrutiny of specific issues and the revised Protocol has been drafted to reflect this.

## 5. IMPLICATIONS

- 5.1 **Policy Framework** – The Council Plan contains a Corporate Theme: Organisation – building an effective and efficient organisation that can best support local well-being. This report supports this policy document in seeking to ensure that the Organisation and its corporate structures are fit for purpose and that appropriate internal governance procedures are in place.
- 5.2 **Budget** – There are no budget implications as a result of this report.
- 5.3 **Legal** – There are no specific legal implications as a result of this report.
- 5.4 **Staffing** – There are no direct staffing implications as a result of this report.
- 5.5 **Equality/Human Rights** – Members are advised of their duty to consider the full Equality Impact Assessment which is available at <http://vmwinsqld/equalityisalive/Menu.aspx> report number CCS/EIA00123/2016.

5.6 **Risks** – There are risks to governance arrangements if the Constitution is not updated to reflect legislative change and requirements.

## 6. CONSULTATION

6.1 The proposals have been considered by the Constitution Working Group on 20 February 2018.

## 7. SCRUTINY COMMITTEE COMMENTS

7.1 This has not been considered by a scrutiny committee.

<b>BACKGROUND PAPERS</b>	<b>LOCATION</b>	<b>WEBSITE INFO.</b>
Current Council Constitution	Internet / Intranet	<a href="http://www.wrexham.gov.uk/english/council/documents/constitution.htm">www.wrexham.gov.uk/english/council/documents/constitution.htm</a> <a href="http://www.internal.wrexham.gov.uk/wordpress/key-documents/constitution/">www.internal.wrexham.gov.uk/wordpress/key-documents/constitution/</a>