

# Report

## Democratic Services Committee

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### Part 1

Date: 2 July 2015

Item No: 5

**Subject** **Review of the Council's Constitution**

**Purpose** To agree a process and principles for a review of the Constitution

**Author** Head of Democratic Services

**Ward** All Wards

**Summary** The Corporate Assessment contains a proposed action that states:

Reviewing and updating the Council's constitution ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence;

Empowering members to be more proactive and accountable for their roles and responsibilities;

Strengthening decision-making arrangements to ensure transparency and appropriate safeguards are in place;

This report suggests the opportunity is taken to review the Constitution and to address these issues as part of that review.

**Proposal** **To agree that the Committee undertakes a review of the Constitution and to address the issues raised by the Wales Audit Office as part of that review**

When the review is complete, to make recommendations to the Council

**Action by** Head of Democratic Services

**Timetable** Ongoing

This report was prepared after consultation with:

- Chief Executive
- Monitoring Officer
- Section 151 Officer
- Head of People & Business Change

## Background

As mentioned in the summary, the Corporate Assessment suggest a review of the constitution to help resolve some issues identified by the Wales Audit Office.

This report suggests that the Democratic Services Committee undertakes a review.

The overriding aim of the review is to make the document a worthwhile and understandable document but at the same time we should aim at addressing the issues raised by the Audit Office.

Part of the review should address the points raised about ensuring that roles, responsibilities and accountabilities are clear, and that all members understand and apply their respective roles in relation to each other without compromising independence.

We should also discuss the view that members should be empowered to be more proactive and accountable for their roles and responsibilities.

The Corporate Assessment also stated that we should consider strengthening decision-making arrangements to ensure transparency and appropriate safeguards are in place.

The City Council's existing constitution is, in the main, based on the original model constitution prepared by the Assembly Government in 2001. Members will be aware that the Constitution has been revised and updated in a piecemeal manner as and when necessary over the past. The existing Constitution meets all statutory requirements and there is no doubt that it remains fully fit for purpose.

As the Committee works through the review it may be that we can take the opportunity to look at the format of the Constitution to try to make it more understandable to those not involved in the processes of local government.

## Financial Summary

There will be no additional costs to the authority in carrying out the review.

## Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Carrying out the review prevents the risk of Officer time being taken up on the review with the opportunity cost of other tasks being carried out	M	H	The work will be carried out alongside other tasks by the Head of Democratic Services, the Democratic Administration and Scrutiny Teams, this Committee and the Scrutiny Improvement group	Head of Democratic Services
If we do not carry out a review it is likely that similar points are made when the Corporate Assessment is reviewed next year	H	L	This report suggests we address the points raised in the Corporate assessments incrementally and as part of an overall review	Head of Democratic Services

If we merely address the points raised by the Corporate Assessment an opportunity for a wider review will be lost	M	M	This report suggests we focus on making the document more understandable and relevant	
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### Links to Council Policies and Priorities

The proposed review will help the Council meet the Council's wish to provide the best possible affordable services to members and the public

### Options Available

- Take no action
- Only address the points raised by the Corporate Assessment
- Review the Constitution to make it more relevant and understandable and at the same time look at the issues raised by the Wales Audit Office

### Preferred Option and Why

Review the Constitution to make it more relevant and understandable and at the same time look at the issues raised by the Wales Audit Office.

This option is preferred as the views of the Corporate Assessment are important but the Council should also review how we meet the needs of Councillors and the public with all of our documentation.

### Comments of Chief Financial Officer

There are no financial implications arising from this report.

### Comments of Monitoring Officer

The Council has a statutory duty under Section 37 of the Local Government Act 2000 to prepare and keep up to date its written constitution, setting out its rules of procedure and corporate governance arrangements. The current constitution is based on the modular framework developed back in 2001 and, although it has been regularly updated on a piecemeal basis to cover changes in legislation and organisational structure, it is in need of substantive review. This has been identified as an action point following the latest WAO review and the corporate assessment. Other recommendations for improvement also include clarification of roles and responsibilities and this can also be picked up within the relevant parts of the constitution. A new model constitution has been drafted by the Lawyers in Local Government Group, which can be tailored to the Council's own requirements and this is a more user-friendly document than the original. Therefore, it is recommended that this model constitution is used as the framework for this review. Although the drafting of the new document will be undertaken by officers, the process should be overseen by Democratic Services Committee and specific parts of the constitution should be reviewed as part of the forward work programme, to identify any substantive changes required. The final document will need to be recommended to full council for approval in due course.

### Staffing Implications: Comments of Head of People and Business Change

There are no direct staffing implications arising from this report

### Local issues

There are no local issues as this is a matter relating to the democratic process and is for the Council as a whole to consider.

## **Consultation**

Statutory Officers have been consulted.

Dated: 10 June 2015