

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

COUNCIL

10TH DECEMBER, 2014

**REPORT OF THE DIRECTOR OF
LEGAL AND DEMOCRATIC SERVICES**

Agenda Item No. 10

WELSH MODULAR CONSTITUTION

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1. PURPOSE OF THE REPORT

The purpose of this report is to inform Members of the technical software problems being experienced in formulating the Welsh Modular Constitution and seeking the Council's approval to the recommendation of the Corporate Governance and Constitution Committee following its meeting held on the 13th November, 2014.

2. RECOMMENDATION

It is recommended that Members:

- 2.1 Agree to the recommendation of the Corporate Governance and Constitution Committee at its meeting held on the 13th November, 2014 that no further work being undertaken in producing a Modular Constitution using Exari software.
- 2.2 Agree that the Terms of Reference of the Corporate Governance and Constitution Committee be amended accordingly by the deletion of (d) i.e. *"overseeing the implementation of the new Welsh 'Model Constitution' in respect of (i) incorporating the Council's existing constitutional framework into the new model and (ii) suggesting amendments and recommending changes to the existing framework in place for consideration by Council which can be included in the new model."*

3. BACKGROUND

- 3.1 Members will recall that at the Council's Annual Meeting held in May, 2012 the establishment of the Corporate Governance and Constitution Committee and the following terms of reference were agreed:

"To review the Council's Constitution, and to recommend to Council and/or the Cabinet any changes in respect of:-

- (a) drafting improvements to enhance clarity and remove minor anomalies;

- (b) updating to reflect legislative changes and matters of record; and
 - (c) amendments to the Budget and Policy Framework, Financial and Contracts Procedure Rules (subject to the advice of the Section 151 Officer being sought); and
 - (d) overseeing the implementation of the new Welsh 'Model Constitution' in respect of (i) incorporating the Council's existing constitutional framework into the new model and (ii) suggesting amendments and recommending changes to the existing framework in place for consideration by Council which can be included in the new model."
- 3.2 Following the establishment of the Committee in 2012, one of its main tasks has been the continuation of the necessary preparatory work which would assist the Council in formally adopting the new modular constitution in due course. Members will recall that the development of the new modular Constitution was motivated by the substantial differences that became apparent between the legal requirements on Local Government in Wales compared with those in England as a result of the Welsh Government's legislative powers. This factor, combined with the fact that each Council in Wales now have executive arrangements (Leader and Cabinet), made it timely to present a new constitutional document that would provide a consistent framework across Wales.
- 3.3 During the last Municipal Year the Committee began the work by reviewing sections of the modular constitution in easy to manage 'bite size chunks' through comparison against the Council's current Constitution, and during this process, it was noted that the format of the new constitution was very different to the current format and whilst there was an opportunity to obtain local variations, which is where the work of the Committee would assist through making recommendations to full Council prior to its adoption, problems were experienced with Officers being unable to access the system and then inputting information into the software used to produce the new constitution - resulting in no progress being made in incorporating the Council's existing Constitution into the new constitution with the necessary amendments, where appropriate.
- 3.4 At its meeting held on the 13th November, 2014, on hearing the further problems experienced by Officers in the production of the new constitution, despite their best endeavours, it was unanimously agreed that due to the amount of Officers time taken with no rewarding results and overtaken by other events e.g. proposed mergers with other authorities, that work no longer continue in producing a Modular Constitution and that amendments continue to be made to the Council's current Constitution as and when appropriate. As an aside, I would inform Members that in view of the proposed mergers of local authorities, some Welsh Authorities have also decided not to proceed with a Modular Constitution.
- 3.5 The work of Members of the Corporate Governance and Constitution Committee will continue in the future in dealing with proposed amendments to the Constitution which they will then be asked to review and decide whether or not to recommend their formal acceptance by Council.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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Freestanding Matter

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