

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014 - 2015

**CORPORATE GOVERNANCE AND
CONSTITUTION COMMITTEE**

18TH SEPTEMBER 2014

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

Agenda Item No. 4

**UPDATE ON THE WELSH MODULAR
CONSTITUTION AND THE
COMMITTEE'S WORK PROGRAMME**

1. PURPOSE OF THE REPORT

To (i) update Members on the progress of the Welsh Modular Constitution and (ii) agree a work programme for the Committee for the Municipal Year.

2. RECOMMENDATIONS

2.1 To note the contents of the report; and

2.2 Agree a work programme for the Committee for Municipal Year 2014 – 2015.

3. BACKGROUND

3.1 As a reminder for Members the Committee's terms of reference are set out below:-

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 At present the most important task of the Committee is the continuation of the necessary preparatory work which will assist the Council to formally adopt 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 allow better consistency of interpretations across Wales. Advantage was also taken of the opportunity to simplify the document and present it in a more coherent format.

- 3.3 As Members have noted previously the format of the new modular constitution is very different to the current format; however, not many substantial changes are made. Although the constitution is in a standard format and is consistent with all Welsh Councils, there is an opportunity to obtain local variations which is where the work of this Committee will assist with through making recommendation to full Council prior to its adoption.
- 3.4 In undertaking this piece of work and in accordance with its terms of reference the Committee will oversee the implementation of the new modular 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.
- 3.5 During the last Municipal Year the Committee began this work by reviewing sections of the modular constitution in easy to manage `bite size chunks` through comparison against the Council's current Constitution.
- 3.6 The Committee has already considered the format and content of the modular constitution through an initial review and comparison with the current Constitution in respect of Part 1 Summary and Explanation, Part 3 Responsibility and Functions and Part 4 Rules of Procedure.
- 3.7 As was previously reported to the Committee however problems have been 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. The cause of that delay has now been rectified and Members will be given a further update at the meeting on how the exercise can now be taken forward.
- 3.8 It is suggested that this exercise now form the basis of the Committee's work programme for this Municipal Year.
- 3.9 In addition Members will, throughout the year, be presented with other 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. An example of this is included on the Committee's agenda for this meeting in respect of the changes that are required to be made following

amendments to the Local Authorities (Standing Orders) (Wales) Regulations 2006.

- 3.10 It is recommended that Members give consideration to a work programme for this Municipal Year following receipt of the updates referred to in this report. Officers would then present a draft work programme for consideration at the next Committee meeting.

