

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
CORPORATE GOVERNANCE AND CONSTITUTION COMMITTEE

Minutes of the meeting of the Corporate Governance and Constitution Committee held at the County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale on Thursday, 10th October, 2013 at 5 p.m.

Present:

County Borough Councillor R.Lewis – in the Chair

County Borough Councillors

A.Roberts (Vice-Chair), R.K.Turner and M.Webber

Officers in Attendance:

Mr.P.J.Lucas – Director, Legal and Democratic Services

Mr.A.Willkins – Corporate Solicitor

Ms.K.May – Democratic Services Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from County Borough Councillors P.Jarman and J.Rosser.

2. WELCOME

The Chairman welcomed Members and Officers to the inaugural meeting of this newly established Committee.

3. DECLARATIONS OF INTEREST

RESOLVED – to note that in accordance with the Code of Conduct, there were no declarations of personal interest relating to the agenda.

4. PRESENTATION

The Committee received Mr.P.J.Lucas, Director, Legal and Democratic Services who, with the aid of PowerPoint slides gave his observations under the following headings:

- Terms of Reference of the Committee
- The All Wales Modular Constitution
 - Dickenson Bond commissioned to produce a new Model Constitution for local authorities in Wales
 - New Model presents opportunity to improve on the `Articles` format of the 2001 Wales Constitution adopted by this Council
 - `Exari` software – automate production of Constitution – produces word format of Constitution
 - Move towards a more user-friendly and simplified version

- Not one size fits all – framework to incorporate existing arrangements
- Two Key Roles for the Committee –
 - First Task – Incorporate existing Constitutional framework into new model – 1. Format and 2. Content
 - Ongoing – Suggesting amendments and recommending changes to existing framework for consideration by Council and inclusion in new Model
- Initial Work Programme
 - Review Sections of the Modular Constitution in easy to manage `bite size chunks`
 - Consider format and content of the Modular Constitution through comparison with the current Constitution – incorporating existing framework into new Model
 - Meet approximately every 6 - 8 weeks ahead of 2014 AGM to discuss contents of groupings and suggest comments/make recommendations
 - Present recommendations to Council at the AGM with a view to the Council adopting the New Modular Constitution
- Scrap Metal Dealers Act 2013 – Case Study
 - Replaces existing legislation for motor salvage operators and scrap metal dealers. Every scrap metal dealer now required to have a licence – operating without one will be a criminal offence.
 - As the Act is silent as to who should exercise the functions under the Act (Executive or Council?) by default, under Section 13 of the Local Government Act 2000, it is therefore an Executive function.
 - Regulations have not been kept up-to-date – causing issues when legislation is re-enacted.

Following the comments made by Mr.P.J.Lucas during his presentation, Members indicated that they were content that the new model presents Welsh Councils with an opportunity to improve on the `Articles` format of the 2001 Wales Constitution as adopted by this Council many years ago and that it would assist all Members in moving towards a more user-friendly version using the new `Exari` software.

Members were also happy in having a part to play in looking at each section of the new version and adapting it to suit the Council's needs and following a lengthy discussion it was **RESOLVED** –

1. That at its next meeting to be held on the 14th November, 2013, Members determine its Work Programme for 2013/14 in order that the new Modular Constitution for this Council can be reported to the Annual Meeting in May, 2014.
2. That the following recommendations be made at the next Council meeting to be held on the 30th October, 2013:

- Request the Welsh Government to amend the Functions Regulations as soon as possible to specify the Scrap Metal Dealers Act 2013 as a Council function.
- Request the Welsh Government to amend the Functions Regulations to include a regulation that if legislation is re-enacted responsibility for exercise of the functions under the new Act will be the same as the legislation it replaces

Rhys Lewis

Chairman

The meeting closed at 5.34 p.m.

