



AGENDA ITEM 4

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

OVERVIEW & SCRUTINY

18TH APRIL 2018

CONSULTATION – PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION

JOINT REPORT OF THE SECRETARY OF THE CABINET & DIRECTOR, LEGAL & DEMOCRATIC SERVICES.

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1. PURPOSE OF THE REPORT

- To seek Members views as consultees on proposed amendments to the Council's Constitution, in advance of its consideration by the Corporate Governance & Constitution Committee and Full Council at the Annual General Meeting ('AGM') in May 2018.
- To advise Members of the proposed amendments to the Overview & Scrutiny Procedure Rules, to allow streamlining of procedures.
- To advise Members of other practices to be taken forward to ensure consistency of information reporting across the Council's Committee Structures.
- To commend to Full Council the adoption of the amendments through the Councils constitution, with implementation of the proposals following the Council's 2018 AGM.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Comment on the proposed amendments to the Overview & Scrutiny Procedure Rules, as outlined within section 5 of the report;
- 2.2 Comment on the adoption of consistent practices across the Committee structures to ensure consistency of information for Members as outlined in section 6 and 7 of the report; and
- 2.3 Subject to Members' comments in respect of 2.1 - 2.2 above,

- (i) commend the adoption of the proposed amendments in respect of the Council's Constitution to Full Council at its AGM in May 2018; and
- (ii) instruct the Council's Monitoring Officer and Secretary to the Cabinet to compile a joint report to be presented at the Council's 2018 AGM in respect of the proposed amendments.

3. REASONS FOR RECOMMENDATIONS

- 3.1 Implementation of the proposed amendments would allow greater transparency in respect of decision making and would seek to ensure a consistent and robust approach to Governance across the Authority.
- 3.2 Any Changes to the Council's Constitution needs to be agreed by Full Council.

4. BACKGROUND

- 4.1 In 2016 Members agreed to changes to the General Scheme of Delegation with primarily an expansion of the scrutiny call in procedure to include Key Delegated Decisions, to allow for greater transparency of decision making.
- 4.2 Following on from this, it is suggested that further proposed amendments to the Council Constitution be taken forward for consideration to ensure a consistent, efficient and robust approach to governance within the Authority.

5. OVERVIEW & SCRUTINY PROCEDURE RULES – STREAMLINING OF PROCEDURES

- 5.1. The current process for Members calling in Cabinet or Key Delegated Decisions is outlined within paragraph 17 of the Overview & Scrutiny Procedure Rules (Appendix 1).
- 5.2 With the evolving use of technology it is proposed that in future, Call In forms be submitted electronically (via email) to the Council's Monitoring Officer for consideration and acceptance. The Lead member of the Call In should be the Member to send such correspondence.
- 5.3 Members can either attach to the email a completed Call In form (using the standard template) or list the required detail prescribed in the form in the body of the email itself, which primarily includes:-
 - The decision being called in and the Relevant Decision Maker
 - The three members calling in the decision; and
 - The reason(s) for the Call In.
- 5.4 There will no longer be the requirement for Members to physically sign a Call In form.
- 5.5 This proposal should assist Members to call in a decision in a more efficient and quicker manner.
- 5.6 Subject to agreement of the proposal above, it is further proposed that the Call In period be reduced to three clear working days from the existing five clear

working days. With the proposed changes to the method of Call In as outlined above (5.2 – 5.4), it is proposed that the timescales for Call In should reflect this new more efficient approach.

- 5.7 As stipulated in paragraph 17.2 of the Overview & Scrutiny Procedure rules, currently any urgent decision to be taken by the Cabinet / Key Officer Delegated Decision needs the agreement of the Mayor (or in his/her absence the Deputy Mayor) or where both are absent the Head of Paid Service. Such agreement is reflected via the appropriate signature on the decision document following their consideration of the matter.
- 5.8 In light of the proposals mentioned above, it is proposed that in future following discussions with the Mayor / Deputy mayor regarding the need for a decision to be taken urgently, an electronic signature be utilised on any decision document, to prevent any delay with the decision being made and published.
- 5.9 These proposed amendments are not intended to limit Members opportunity to Call In Cabinet/Key Officer Delegated decisions, but reflect a more common sense approach to the overall decision making process of the Cabinet and Council by utilising technology.

6. REPORTING TO MEMBERS

- 6.1 Members will be aware that from November, 2015 a new report template was piloted at Cabinet meetings and agreed to be taken forward in 2016. All Cabinet reports now ensure that authors of reports acknowledge and report on a range of important issues, highlighting to Members potential impacts and implications of a Cabinet Committees decision. The report format with universal sections such as Consultation, Equality & Diversity Implications, Statutory and Financial implications assists with the production of full and timely information when considering the introduction of new policies / service changes.
- 6.2 The report template also ensures that Officers consider the Well-Being of Future Generations Act, for every decision that is taken forward by the Authority.
- 6.3 For consistency, and general good practice, it is suggested that the template is utilised for all Council and Committee reports as well as Key Officer Delegated Decision reports going forward in the future. This will ensure all Members are provided with the same information as Cabinet, when considering an item at Committee meetings.

7. WORK PROGRAMME

- 7.1 Work Programmes are an important tool for Members to assist them in viewing items that are coming forward to Committee and for other Committees to utilise to prevent duplication of work and assist with pre-scrutiny.
- 7.2 Currently Work Programmes are developed for Cabinet and the Council's Scrutiny Committees and all are available through the Council's website for Members and members of the public to access via the relevant pages.

- 7.3 In order to further assist Members, and members of the public, it is proposed Work Programmes also be accessed via a single dedicated page on the Council's website. This would improve ease of access and increase transparency. This would include access to a Work Programme in respect of full Council.

8. EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 If taken forward the proposed amendments should allow Members greater accessibility in respect of transparency of decision making and a more accessible route to Call In. Taking forward the report template will ensure that all Members are treated equally, with the same level of information provided to all Members.

9. CONSULTATION

- 9.1 Consideration of the report by Overview & Scrutiny Committee Members will form part of the consultation process, along with Members comments of the Cabinet at its meeting on the 19th April. The report and the comments from both Cabinet and O&S will be taken forward to the Council's Corporate Governance & Constitution Committee, whereby a report will then be presented to Full Council at the AGM in May 2018.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no financial implications aligned to this report. The proposed improvements seek to streamline decision making and strengthen the current decision making process.

11. LEGAL IMPLICATIONS AND LEGISLATION CONSIDERED

- Local Government Act 2000
- Parts 2, 3 and 4 of the Council's Constitution

12. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

- 12.1 The proposals within the report are fundamental to all of the Councils Corporate Plan priorities. As an organisation the Council needs to ensure a consistent and efficient process in respect of decision making to ensure functionality of the Council as well as strengthening the Council's Governance arrangements.
- 12.2 The proposals also link to the five ways of working within the Well-being of Future Generations Act, as these proposals are looking at the long term sustainability of the Council.

13. CONCLUSION

- 13.1 Adoption of the processes highlighted within the report will help to illustrate the Council's robust approach to decision making and will strengthen the Council's Governance arrangements.
- 13.2 The proposed changes will require an amendment to the Council's Constitution and it is proposed that these amendments be sought through a Joint Report of the Secretary to the Cabinet and the Council's Monitoring Officer, to be considered at the Council's AGM in May 2018, following consultation with the Overview & Scrutiny Committee and the Councils' Constitution Committee.
- 13.3 It is proposed that subject to agreement at the Council's Annual General Meeting, the proposals be implemented with immediate effect.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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OVERVIEW & SCRUTINY COMMITTEE

18th APRIL 2018.

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LEGAL & DEMOCRATIC SERVICES.**

Item: **CONSULTATION – PROPOSED AMENDMENTS TO THE COUNCILS
CONSTITUTION**

Background Papers

- Council Constitution.
- Council AGM 2016