

Meeting	<b>THE COUNCIL</b>
Date	2, May, 2013
Subject	Amendments to the Constitution.
Purpose of the Report.	To submit minor amendments to the Council's Constitution.
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1. Work is in hand under the auspices of the association which represents Monitoring Officers in Wales, with the support of the Welsh Local Government Association and the Welsh Government, to draw up a standard constitution for the unitary councils in Wales. The motivation for this is the fact that all councils in Wales now operate executive arrangements (Leader and Cabinet), and substantial differences are appearing between the legal requirements on Welsh councils compared to those in England as a result of legislation by the Welsh Government.
2. The standard constitution is expected to be completed during the next few months. It will continue to allow local differences from council to council, but it is hoped that there will be more consistency in interpretation of the Constitution across Wales and that the constitutional document will be easier to understand.
3. The new standard constitution will be presented to Council for adoption in due course. In the meantime a few amendments are needed to the existing Constitution as noted below :-
4. **Language Committee Terms of Reference.**

At present the Language Committee is responsible for overseeing the implementation of the Council's Language Scheme and will also be responsible for responding to the language standards when they are published. At its meeting on the 16, April, the Committee recommended that the following clause be added to the terms of reference .....*"Act as a consultative body on strategies promoting the Welsh language within the county by making recommendations to the Cabinet as necessary."*

5. The Committee would wish to have full responsibility for any strategies to promote the language within the county, instead of the Cabinet, but this is not legally possible under the present legislation. The Cabinet members have

discussed the wishes of the Language Committee and they, in turn, propose that any strategies which they develop to promote Welsh be presented to full Council for adoption (in the same manner as say the strategic plan). It is therefore recommended that " *A strategy to promote the Welsh language within the County*" be added to the list of plans requiring full Council approval.

6. **Council's Rules of Procedure.**

The current Procedure Rule 22(4) states that the Chairman will take the vote by show of hands. As the Council now has an electronic voting system in Siambr Dafydd Orwig, it is recommended that the rule be deleted. This would leave it open to the Chairman of any meeting to decide on the most appropriate way to vote.

7. **Trusts.**

The Council acts as trustee to a number of local trust or charities. A number of these are administered through schools, and others either by the Education Department or the Social Services Department. It is recommended to formalise this by including in the Delegation Scheme to officers that the trusts be administered by the relevant Head of Department in consultation with the local member or members.

8. **Reports from the Ombudsman.**

If the Ombudsman considers that there is maladministration within the Council, he can publish a public report making recommendations. Giving consideration to such a report is not a matter that the Cabinet can deal with. As the Audit Committee has the task of considering the governance arrangements of the Council in general, it is recommended that the Audit Committee is the appropriate body to consider such reports. It is therefore recommended that the following clause be added to the Audit Committee's terms of reference .... "*the power to consider reports from the Public Services Ombudsman for Wales under Section 19 of the Public Services Ombudsman (Wales) Act 2005.*"

9. **Delegation to Officers.**

Following the deletion of the Head of Provider and Leisure Department post the functions of the department were divided between the Head of Social Services, Housing and Leisure, the Head of Education, the Head of Customer Care and the Head of Highways and Municipal. The scheme of delegation to officers should be formally amended to reflect these changes.

10. **Recommendations.**

The Council is asked to make the following amendment to the Constitution :-

- 10.1 To add "*Act as a consultative body on strategies promoting the Welsh language within the county by making recommendations to the Cabinet as necessary*" to the terms of reference of the Language Committee in part 3 of the Constitution.
- 10.2 To add "*A strategy to promote the Welsh language within the County*" to the list of plans or strategies to be decided by full Council in part 3 of the Constitution.
- 10.3 To delete procedure rule 22(4) (Voting by show of hands).
- 10.4 To add the clause "*In consultation with the local member(s) where relevant, to administer any charity or trust which relates to the functions of the department*" to the scheme of delegation to officers in part 3 of the Constitution.
- 10.5 To add "*The power to consider the reports from the Public Services Ombudsman for Wales under Section 19 of the Public Services Ombudsman (Wales) Act 2005*" to the terms of reference of the Audit Committee in part 3 of the Constitution.
- 10.6 To delete section 5 "Head of Provider and Leisure Department" from the scheme of delegation to officers in part 3 of the Constitution and to add the following functions to the responsibilities of the relevant officers:
  - 3.1 Head of Education Department – Catering  
- Cleaning in schools.
  - 8.1 Head of Customer Care Department – Cleaning  
Caretakers
  - 9.1 Head of Highways and Municipal Department- Cleaning of public toilets.
  - 16.1 Head of Social Services, Housing and Leisure Department
    - Home Care
    - Residential and day services
    - Leisure centres
    - Sports development.
- 16.16 To act as a 'responsible person' for the purposes of the Care Standards Act 2000.