

Meeting of:	ANNUAL MEETING OF COUNCIL
Date of Meeting:	15 MAY 2024
Report Title:	CONSTITUTION REVIEW
Report Owner / Corporate Director:	MONITORING OFFICER
Responsible Officer:	LAURA GRIFFITHS GROUP MANAGER LEGAL AND DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	The revised Constitution will require approval by Council and will be published on the Council's website.
Executive Summary:	Members are requested to note the suggestions made in relation to Constitutional amendments and approve further amendments to reflect legislative changes.

1. Purpose of Report

- 1.1 The purpose of this report is for Council to note the Member suggestions made in relation to Constitutional amendments and to approve the recommendations of the Monitoring Officer and to further approve Constitutional amendments to reflect legislative changes.

2. Background

- 2.1 Section 37 of the Local Government Act 2000 requires local authorities to prepare and keep up to date a written constitution containing such information as Welsh Ministers may direct, a copy of the Authority's standing orders, a copy of the Authority's code of conduct for Members and such other information as the Authority considers appropriate.
- 2.2 Following a comprehensive review Council approved the current version of the Constitution in October 2022. It has been in use since 1st December 2022.
- 2.3 The Constitution imposes a duty on the Monitoring Officer to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section.
- 2.4 The period 2023/ 24 has been the first full municipal year since the Constitution was approved. During this period the Monitoring Officer has observed meetings of

different parts of the Member and Officer structure; considered issues raised with her by Members and compared practices in this Council with those in comparable authorities, or national examples of best practice.

2.5 Standing Advisory Council on Religious Education (SACRE)

As a result of legislative changes to the Education Act 1996 brought about by the Curriculum and Assessment (Wales) Act 2021, the requirement that a local authority constitute a Standing Advisory Council on Religious Education (SACRE) has been replaced, subject to a transitional period, by a requirement to constitute a Standing Advisory Council (SAC) on Religion, Values and Ethics. The brief of the SAC is broader than that of SACRE in that it encompasses not only religion, but also values and ethics in accordance with the new Curriculum for Wales Framework. The composition of SAC differs slightly to that of the former SACRE in that the law now requires the representative group for Christian denominations and other religions and denominations of such religions to include representation for persons who hold non-religious philosophical convictions (NRPCs). The Bridgend County Borough Council (BCBC) Constitution therefore needs to be amended to formalise the establishment of SAC.

2.6 Public Services Board

As a result of the regionalisation of Public Services Board with the formulation of the Cwm Taf Public Services Board, there has been the establishment of the Cwm Taf Public Services Board Joint Overview and Scrutiny Committee made up of members from Bridgend County Borough Council, Rhondda Cynon Taf County Borough Council and Merthyr County Borough Council. Additionally, there has been the establishment of the Community Safety Partnership (CSP) Board. The Constitution therefore requires amending to formalise these changes.

3. **Current situation/ proposal**

3.1 The Constitution states that people will have different views on interpretation. In those circumstances it is for the Chair and the Monitoring Officer to clarify. With 51 Elected Members we are unlikely to have consensus on every line of the document. Over the last 12 months there have been a number of points of clarification raised with the Monitoring Officer and a number of proposed amendments have been put forward. These are detailed at **Appendix 1**.

3.2 Council will note that the following amendments have been recommended by the Monitoring Officer:

- Retain 30 minutes for questions and the current order that the questions are considered on the agenda Bridgend County Independents / Democratic Alliance / Independents / Labour. The original questioner has the opportunity to ask one supplementary which must be directly linked to the original question. The additional supplementary is removed from the process and if the topic is one of wider interest it can be considered as a topical debate at a future meeting;
- Cabinet communications are picked up as part of the Communications strategy and feedback provided to Council on alternative methods to Cabinet Member announcements;

- Announcements from the Leader, Mayor and Chief Executive continue but without questions as they are of an informative nature.

3.3 Members will note from Appendix 1 that the Monitoring Officer has also considered other proposals and her comments are set out therein. It is the opinion of the Monitoring Officer that those proposals do not require a constitutional amendment.

3.4 SACRE/SAC

As outlined at paragraph 2.5, it is proposed that the Constitution be amended at Appendix 2 of Section 14 (Responsibility for Executive Functions) to include the SACRE/SAC membership and the following Terms of Reference:

1. *To advise the local authority on matters connected with collective worship in county schools.*
2. *To advise the local authority on matters connected with religious education, or religion, values and ethics which is given in accordance with the agreed syllabus.*
3. *To decide when, within the five-year statutory time scale, the local authority should review its agreed syllabus.*
4. *To consider with the local authority and the Agreed Syllabus Conference any changes required to the agreed syllabus.*
5. *To consider, with the local authority, the support offered to religious education and religion, values and ethics in its schools, with particular regard to methods of teaching, the choice of teaching materials and the provision of training for teachers.*
6. *To offer advice on any other matters related to its function as it sees fit.*
7. *To publish an annual report on its work, which should:*
 - *specify any matters on which it has advised the local authority;*
 - *broadly describe the nature of the advice;*
 - *set out its reasons for offering advice on any matters which were not referred to it in the first place by the local authority; and*
 - *record the membership of SAC/SACRE and the dates of meetings held.*
8. *To participate in the local authority's statutory complaints procedures in those instances where the complaints relate to religious education or religion, values and ethics and/or collective worship.*
9. *To receive and make determinations in respect of applications from headteachers of county schools for the lifting or modifying of the requirements that collective worship in such schools must be wholly or mainly of a broadly Christian character.*

The Membership will include 4 Bridgend County Borough Council Members, Officers from Bridgend County Borough Council, representatives from the Muslim faith, Catholic Church, Humanist Association, Christian denominations, ASCL Union, NAHT, NUT, NEU and a Central South Consortium Joint Education Service (CSCJES) Associate Adviser for SACRE.

3.5 Public Services Board and Community Safety Partnership

It is proposed that the following amendments are made to the Constitution:

- Remove any reference to the Single Integrated Plan (SIP);
- Replace 'Public Services Board' with 'Regional Public Services Board';

- Amend Section 7 of the Constitution ‘Overview and Scrutiny Committees’ to reflect the joint scrutiny arrangements now in place for the Regional Public Services Board, as shown by way of tracked changes at **Appendix 2**;

It is further proposed that Council delegate authority to the Monitoring Officer to make any amendments to the Constitution resulting from the formalisation of scrutiny arrangements for the Regional CSP Board to be reported back to Council for information.

4. Equality implications (including Socio-economic Duty and Welsh Language)

- 4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

- 5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there is no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report. Any amendments approved by Council will be made and published on the Council’s website together with the constitution guide.

6. Climate Change Implications

- 6.1 There are no climate change implications in this report.

7. Safeguarding and Corporate Parent Implications

- 7.1 There are no safeguarding or corporate parenting implications as a result of this report.

8. Financial Implications

- 8.1 There are no financial implications as a result of this report.

9. Recommendations

- 9.1 Council is recommended to:

- Note the proposals put forward by Members and the responses of the Monitoring Officer at **Appendix 1**;
- Approve the amendments to the Constitution as outlined at paragraph 3.2;
- Approve the amendments to the Constitution required for SACRE and the PSB as outlined at paragraphs 3.4, 3.5 and **Appendix 2**;

- Delegate authority to the Monitoring Officer to make any amendments to the Constitution that may be required from the formalisation of scrutiny for the Regional CSP Board with any amendments reported back to Council for information.

Background documents

None