

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

20 DECEMBER 2017

REPORT OF THE MONITORING OFFICER

AMENDMENT OF THE CONSTITUTION

1. Purpose of Report

- 1.1 The purpose of this report is seek approval for the amendment of the Constitution to enable the Authority to meet its requirements in respect of the provision of agenda and minutes in accordance with the Welsh Language Standards.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The amendment of the Constitution will enable the Authority to support its commitment to the Welsh language and to achieving the following Corporate Priorities.

1. **Supporting a successful economy** – taking steps to make the county a good place to do business, for people to live, work, study and visit, and to ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
3. **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 The Welsh Language (Wales) Measure 2011 replaced the Welsh Language Scheme and as a result the Welsh Language Commissioner has determined the appropriate Welsh Language Standards required by this Authority to provide Welsh speakers improved, enforceable rights in relation to the Welsh language.
- 3.2 Standard 41 requires this authority to produce the following documents in Welsh
- (a) agendas, minutes and other papers that are available to the public, which relate to management board or cabinet meetings;
 - (b) agendas, minutes and other papers for meetings, conferences or seminars that are open to the public.
- 3.3 The Authority must comply with Standard 41(a) in every circumstance, except: other

papers that are available to the public, which relate to management board or cabinet meetings and must comply with Standard 41(b) in every circumstance, except other papers for meetings that are open to the public. .

4. Current situation / proposal

4.1 The Local Government Act 1972 requires that all agendas are published at least 3 working days before a meeting, (not including the day of the send out nor the day of the meeting). To achieve this requirement and to meet the intention of the Welsh Language Standards, all information included on the agenda must be translated into welsh and published at the same time as the English version of the agenda. It was identified that the existing provision in the Constitution relating to: Questions by the public; Questions by Members and Motions on Notice could not meet the necessary timelines to produce the welsh version of the agenda.

4.2 Paragraph 10 of Part 4 of the Bridgend County Borough Council Constitution relates to Questions by the public:

10.1 General

Members of the public may ask questions of members of the executive at ordinary meetings of the Council other than the first ordinary meeting following the annual meeting in a year of ordinary elections of councillors to the Council in pursuance of paragraph 2.2(6).

10.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

10.3 Notice of questions

*A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than midday **five clear working days before the day** of the meeting. Each question must give the name and address of the questioner and must name the member of the executive to whom it is to be put.*

4.2.1 Paragraph 11.5 of Part 4 of the Bridgend County Borough Council Constitution relates to Questions by Members:

11.5 Notice of questions

A member may only ask a question under Rule 11.2 or 11.3 if either:

*(a) they have given at least **five clear working days notice** in writing of the question to the proper officer or*

(b) in the opinion of the Mayor or the person presiding the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the proper officer by 10.00 a.m. on the day of the meeting in the case of an afternoon meeting or by 1.00 p.m. on the working day

preceding the day of the meeting in the case of a morning meeting. In the event of an urgent question being asked the requirements of paragraph 11.6 in respect of written answers need not apply.

- 4.2.2 Paragraph 12 of Part 4 of the Bridgend County Borough Council Constitution relates to Motions on Notice:

12.1 Notice

*Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by the member giving notice, must be delivered to the proper officer **not later than five clear working days before the date of the meeting**. These will be entered in a register open to public inspection.*

- 4.3 The 5 clear working days enables the motion or question to be placed on the agenda in English but does not provide sufficient time to arrange Welsh translation for the inclusion of the motion or question before the agenda has to be published as the Authority does not have an internal translation service.
- 4.4 It is proposed that this timescale be extended from five working days to **ten working days** before the date of the meeting for motions and questions as identified in paragraph 4.2 – 4.2.2. This will allow sufficient time to arrange the translation of the motion or question prior to publication of the English and Welsh agenda and enable the Authority to meet the requirements of its Welsh Language Standards and the Local Government Act 1972.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 The Constitution governs the operation of the Authority and thereby has an effect upon the operation of the Policy Framework.

6. Equality Impact Assessment

- 6.1 There are no equality implications in respect of this report.

7. Financial Implications

- 7.1 The cost of translation of the specific parts of the Constitution, and the cost of translating agendas and minutes will be met from the existing corporate budget set aside to meet the costs of certain Welsh Language Standards, which includes standard 41.

8. Recommendation

- 8.1 It is recommended that Council approves the amendment of paragraphs 10, 11 and 12 of Part 4 of the Constitution as outlined in paragraph 4 of the report to extend the timescales from 5 to 10 working days.

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Background documents – None