

# **BRIDGEND COUNTY BOROUGH COUNCIL**

## **REPORT TO COUNCIL**

**20 NOVEMBER 2019**

### **REPORT OF THE MONITORING OFFICER**

#### **REVIEW OF THE CONSTITUTION AND AMENDMENTS TO THE CONSTITUTION**

##### **1. Purpose of Report**

- 1.1 The purpose of the report is to present the findings of the Constitution Working Group and Democratic Services Committee and to approve the amendments to the Constitution.

##### **2. Connection to Corporate Improvement Plan / Other Corporate Priorities**

- 2.1 The Constitution governs the operation of the Authority and thereby connects to the Corporate Improvement Plan and all Corporate Priorities:
- 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 the people in the county.
  - 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.
  - 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 Monitoring Officer received a request from an Elected Member for a review of the Constitution. In accordance with Article 15 of the Constitution, the Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. Any changes will need the approval of Council based on the recommendations of the Monitoring Officer.
- 3.2 The review of the Constitution specifically requested the following to be considered:
- 1) The time period for questions and motions be re-instated at 5 days, now that suitable resources are in place to allow timely translation to Welsh;
  - 2) That following the presentations and announcements by Cabinet members, the Leader, and Chief Executive, Members be allowed to ask non tabled questions for a period of 15 minutes;

3) That the three largest opposition groups, be given 3 minutes (taken from Development Control Committee 3-minute rule) to make announcements or presentations to Council;

4) The timing of Council meetings.

#### **4. Current situation / proposal.**

4.1 The Democratic Services Committee established a cross party Constitution Working Group to review the Constitution. The Working Group met on two occasions and their conclusions are set out in bold and italics in paragraphs 4.2 – 4.8 below:

##### 4.2 Time period for questions and motions

4.2.1 Research has been undertaken into the time period for the submission of Questions on Notice and Motions amongst Welsh local authorities.

4.2.2 The Working Group considered that the questions need to be published on the agendas for Council for reasons of transparency as it could lead to ambiguity if they were not published on the agenda.

4.2.3 In considering the process for questions and motions, the Working Group felt that members of the public attending Council or viewing a webcast would not have access to the reply of the Cabinet Member and that consideration be given to the Cabinet Member reading the response at Council. The Working Group requested that replies to written Questions be sent electronically to Members on the day prior to Council to give Members sufficient time to prepare supplementary questions. As of the last meeting of Council, the Democratic Services Team now email replies to Council Questions to all Members, in order that they have the opportunity to prepare supplementary questions. Hard copies of the replies to Council Questions are placed in the public gallery for members of the public to peruse.

4.2.4 The Working Group questioned whether efficiencies could be made to the Framework in future which could lend itself to the reduction in the number of working days for the submission of Council Questions. The Council operates a National Procurement Service Framework of Welsh translators which became effective from 1 November 2018 and will remain in force until 31 October 2022. There are 30 suppliers available for translation work from English to Welsh on the Framework. No further translators can be added for the duration of the Framework.

4.2.5 ***The Working Group recommended that the time period for the submission of questions and motions remain at 10 clear working days. The Democratic Services Committee further added that there be clearer policing of supplementary questions to ensure they are relevant to the original question and that they are short and concise.***

##### 4.3 Announcements at Meetings of Council

- 4.3.1 ***The Working Group in considering announcements made at Council, recommended that an amendment be made to the Constitution to re-title the Leader's Report to that of Leader's Announcements and that the current announcements made by the Cabinet be shortened.***
- 4.4 Replies to Written Questions
- 4.4.1 A request was made by the Constitution Working Group that research be conducted on the practices of other Welsh local authorities as to whether the Leader and Cabinet Members read out replies to written Questions at Council.
- 4.4.2 ***The Working Group recommended that all Members of Council receive replies to written questions 24 hours prior to the meeting of Council where practicable. The reply will be recorded in the minutes of that meeting of Council.***
- 4.5 Announcements by the 3 Largest Opposition Group Leaders
- 4.5.1 ***The Working Group considered that announcements by Opposition Group Leaders could give rise to political statements being made and did not wish to pursue announcements being made by the Leaders of the 3 largest Opposition Groups.***
- 4.6 Timing of Council Meetings
- 4.6.1 The Working Group considered a proposal to amend the timing of meetings of Council, in that if a certain percentage of Members had voted for a particular start time, then that percentage of Council meetings would start at that time. It was noted that an electronic vote was conducted at Council on 24 July 2019 as to whether or not there was an appetite to explore evening meetings. Of the 45 Members present, 17 Members voted in favour of holding evening meetings.
- 4.6.2 ***The Working Group recommended that as the vote was lost, the holding of evening meetings be not explored further until the next administration.***
- 4.7 Call-in Process
- 4.7.1 The Working Group requested that further research be conducted on the Call-in process in place at other local authorities in Wales.
- 4.7.2 ***The Working Group recommended that the period of notice after publication of a decision be extended from the current 3 clear working days to 5 clear working days in order to have greater transparency and for backbench Members to have a greater opportunity to call-in a decision.***
- 4.7.3 ***The Working Group recommended that the time period for holding an Overview and Scrutiny Committee remains at within 5 clear working days.***
- 4.7.4 ***The Working Group recommended that any Member including a Chairperson who calls-in a decision is excluded from the decision making at that Committee***

***meeting, but would be invited to give evidence to the Committee in support of the Call-in request.***

4.8 The Democratic Services Committee at its meeting on 17 October 2019 considered the findings and approved the recommendations of the Constitution Working Group for consideration by Council.

## **5. Effect upon Policy Framework and 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 Although there are no direct impacts, the Constitution as the key governance framework document for the Authority is critical in demonstrating commitment to the Authority's duties under the Equality Act 2010.

## **7. Well-being of Future Generations (Wales) Act 2015 Implications**

7.1 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.

## **8. Financial Implications.**

8.1 There are no financial implications.

## **9. Recommendation.**

It is recommended that Council:

9.1 Note the research and work undertaken by the Constitution Working Group on behalf of the Democratic Services Committee;

9.2 Approve the recommendations made by the Working Group and amend the Constitution accordingly;

9.3 Delegate authority to the Monitoring Officer to make minor amendments to the Constitution to include amending typographical and drafting errors, updating legislative changes and drafting improvements to enhance clarity and remove minor anomalies.

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**Background documents:** None.