

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

18 OCTOBER 2022

### REPORT OF THE MONITORING OFFICER

#### CONSTITUTION AND CONSTITUTION GUIDE

##### 1. Purpose of report

- 1.1 The purpose of this report is for Cabinet to approve the revised constitution and constitution guide in relation to the Executive functions prior to submission to full Council.

##### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great 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 for all people in the county borough.
  2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
  3. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

##### 3. Background

- 3.1 Section 37 of the Local Government Act 2000 requires Welsh County Councils 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.
- 3.2 Each County Council has its own individual constitution to reflect that Council's particular circumstances with differences as to the documents it believes appropriate to include in its constitution.
- 3.3 Section 45 of the Local Government and Elections (Wales) Act 2021 (the Act) now requires principal councils to publish a constitution guide which explains in ordinary language the content of the Council's constitution. The principal councils must also

publish their constitution and constitution guide electronically and provide a hard copy, on request, either free of charge or at a charge (representing no more than the cost of providing the copy).

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

- 4.1 The All Wales Monitoring Officers' Group, via funding from the Welsh Local Government Association, commissioned Browne Jacobson to draft a new model constitution and a model constitution guide due to provisions coming into force under the Act. A report was presented to Council on 20 January 2021 detailing the main provisions of the Act.
- 4.2 The new model constitution has been considered by each local authority and has become common place. The style of the new constitution is more intelligible to the public and there is less duplication. Whilst the new model contains detailed provisions, adopting the model constitution does not require all of those detailed provisions to be adopted and therefore following a local review by officers, some of the Council's existing detailed provisions concerning procedure rules, codes of conduct and protocols have been retained in order to preserve continuity and retain the valuable work that has been done over the years in reviewing each part of the existing constitution.
- 4.3 Whilst the revised draft constitution (**Appendix 1**) looks quite different from the current version, by its very nature, the document largely comprises the same elements. These include Procedural Rules for Council, the Executive and Scrutiny Committees, Financial Procedure Rules, Contract Procedure Rules and Member Code of Conduct. In reality, the extent of actual changes in terms of how the Council works are quite small as the general view is that significant elements of the current constitution remain "fit for purpose". Consequently, significant elements of the sections governing how the Full Council, the Executive and the Scrutiny Committees operate remain largely the same, if not identical, to the current version.
- 4.4 Attached at **Appendix 2** to this report is a constitution guide based on the Browne Jacobson model guide and adapted to reflect the Council's constitutional arrangements. A guide summarising all the provisions of the constitution is also attached as **Appendix 3**.
- 4.5 The model constitution and guides were considered by the Democratic Services Committee on 7 July 2022 and the Committee recommended that a Working Group be established with support from the Group Manager Legal and Democratic Services to review all aspects of the constitution as part of its improvement journey. **Appendix 4** summarises the issues identified through discussions from the Working Group and sets out a series of recommendations arising from the Group for consideration as a means of improving the Council's good governance. Since the last meeting of the Working Group, it should be noted that further amendments have been made to the Officers' Code of Conduct (Section 20) following consultation with Trade Unions. If Cabinet were minded to approve the recommendations of the Working Group and the constitution in so far as they relate to the Executive functions, then the constitution and guide could be implemented following approval by Full Council to take effect from 1 December 2022.

#### **5. Effect upon policy framework and procedure rules**

5.1 The revised constitution will require approval by Cabinet and Council and will be published on the Council's website together with the constitution guides.

## **6. Equality Act 2010 implications**

6.1 The protected characteristics identified within the Equality Act 2010, 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.

## **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 arising from this report.

## **9. Recommendations**

9.1 It is recommended that Cabinet:

- Approve the recommendations of the Democratic Services Working Group in so far as they relate to the Executive functions (**Appendix 4**);
- Approve the revised constitution (**Appendix 1**) and constitution guide (**Appendix 2 & 3**) in relation to the Executive functions;
- Note that a report will be presented to Council on 19 October 2022 seeking approval to adopt the revised constitution and guide with effect from 1 December 2022.

**K Watson**  
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**September 2022**

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**Background documents:** None