

CYNGOR SIR POWYS COUNTY COUNCIL.

**County Council
7th March, 2017**

REPORT AUTHOR: Democratic Services Committee

SUBJECT: Review of the Constitution

REPORT FOR: Decision

1. Summary

- 1.1 The report recommends that the County Council approve revisions to Sections 4, 5, 7, and 12 of the Council's Constitution.

2. Background

- 2.1 The Council will be aware that the Wales Audit Office (WAO) undertook a review of the Council's governance and financial resilience at the end of 2016. As a result of the feedback to the review the Council has developed an action plan to respond to issues raised by the WAO. A draft of the WAO report has now been received by the Council.
- 2.2 One of the major issues identified by the WAO related to strategic decision making by the Cabinet and the involvement of scrutiny in pre-scrutinising major reports prior to their being considered by the Cabinet. This issue focussed on the development of a forward programme for both the Cabinet and Scrutiny Committees. In addition WAO expressed concern regarding the operation of the Cabinet, including the length of meetings and numbers of items considered. In particular WAO commented on the right to speak at Cabinet meetings by Scrutiny Chairs and Opposition Group Leaders which is not allowed by any other authorities in Wales and was argued to be detrimental to the operation of the Cabinet.
- 2.3 At a meeting held on Tuesday 14th February, involving the Chairs of the Scrutiny and Democratic Services Committees with the Leader and representatives of the Cabinet, a way forward was discussed. As a result it was identified that urgent changes to Sections 5 and 7 of the Constitution were required, which are presented to the Council for consideration.
- 2.4 As a result of that meeting the views of Opposition Group Leaders was sought regarding the withdrawal of their right to speak at Cabinet Meetings. Of the 3 Group Leaders only the Leader of the Welsh Conservative Group was opposed to the proposal.
- 2.5 At the meeting on 14th February, the views of 2 Scrutiny chairs and 1 Vice-Chair was sought and all were in agreement to the proposed changes to the right of Scrutiny Chairs to speak at Cabinet meetings.

- 2.6 With regard to the suggested amendment to the Terms of Reference of the Scrutiny Committees, this has been discussed with the Joint Chairs Steering Group, the People Scrutiny Committee and the Chair of the Place Scrutiny Committee. In all cases there was agreement to amending the Terms of Reference as suggested.
- 2.7 In addition there are two sections of the Constitution (Sections 4 and 12) which have already been revised as part of the current ongoing review of the Constitution and are also presented to the Council for consideration.
- 2.8 In reviewing the terms of reference of the Scrutiny Committees, it has become apparent that there is an imbalance between the role of the Place and People Scrutiny Committees. Therefore following consultation with the People Scrutiny Committee, the Joint Chairs Steering Group, the Chair of the Place Scrutiny Committee and the Democratic Services Committee it is proposed to amend the terms of reference of the scrutiny committees as indicated in the attached Appendices.
- 2.9 The draft revisions to the Constitution were considered by the Democratic Services Committee on 21st February, 2017 and its recommendation is set out below.

3. Summary of Proposed Changes.

- 3.1 The proposed changes are enclosed as Appendices to this report and the proposals are indicated by tracked changes. However for ease of reference the following is a table showing all the proposed changes and the significant changes are clearly marked.

Rule	Subject	Significant Change.
4.15.25	Pay Policy dispensation for officers	Yes – Council has approved this amendment 23/02/17.
4.24.1	Chairing Meetings of Council	Yes – omission required by law
4.30.1	Notice of Questions	
4.49.2	Amendments to Motions	
4.55	Point of Order	
4.81.2	Exclusion of the Public	Yes – omission required by law
5.21	Who May Attend Cabinet Meetings	
5.22.14	Cabinet Work Programme	Yes – arising from Wales Audit Office Corporate Review
5.25	Speaking at Cabinet Meetings	Yes
5.26	Rights of Scrutiny Chairs and Group leaders to Speak at Cabinet Meetings	Yes – arising from Wales Audit Office Corporate Review
7.4	Role of Scrutiny Committees	Yes
7.16	Work Programme	
7.21.1	Arrangements for Scrutiny Committees	
7.41 / 7.42	Finance Scrutiny Panel	
12.5.4	Sealing and Execution of Documents	

4. RECOMMENDATION.

Recommendation to the County Council	Reason for Recommendation:
(i) that Sections 4, 5, and 12 of the Constitution as amended be approved to take effect from the 7 th March, 2017. (ii) that Section 7 of the Constitution as amended be approved to take effect from 18th May, 2017.	To update Sections of the Constitution in response to the WAO review of the Council's governance arrangements, and as part of the ongoing review of the Constitution.

Relevant Policy (ies):			
Within Policy:	Y	Within Budget:	Y / N

Relevant Local Member(s):	
---------------------------	--

Person(s) To Implement Decision:	Clive Pinney, Solicitor to the Council
Date By When Decision To Be Implemented:	March / May 2017.

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk

Background Papers used to prepare Report: