

Meeting of:	Council
Date of Meeting:	Monday, 09 September 2019
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Review of the Council's Constitution
Purpose of Report:	To seek Council approval for additional officer delegations in the Council's Constitution and for an amendment to the terms of reference of the Audit Committee
Report Owner:	Debbie Marles, Monitoring Officer / Head of Legal and Democratic Services
Responsible Officer:	Mark Thomas, Democratic and Scrutiny Services Officer
Elected Member and Officer Consultation:	This report does not require consultation to be undertaken
Policy Framework:	This is a matter for decision by Full Council
Executive Summary:	<ul style="list-style-type: none"> • A request for Council approval for an additional officer delegation within the Council's Constitution in relation to the Head of Regeneration and Planning to approve the making, and where necessary the extension of, temporary traffic regulations relating to temporary road closures for filming. • To make an amendment to the commentary relating to the Chairing of the Audit Committee to include reference to the Vice Chairman.

Recommendation

1. THAT the change to the relevant officer delegations as set out below be approved and the Council's Constitution be amended accordingly.

Head of Regeneration and Planning:

To approve the making, and where necessary the extension of, temporary traffic regulation orders relating to temporary road closures in respect of filming after consultation with the relevant Cabinet Member and notification to the Director of Environment and Housing.

2. THAT a change be made to the Audit Committee commentary under Chairing of the Committee (paragraph 13.16(k) refers) "to include reference to both the Chairman and Vice Chairman roles as below:

Chairing the Committee

The Audit Committee shall be chaired and vice-chaired by persons elected by its members. The Chairman and Vice Chairman may be a Vale of Glamorgan Councillor or a lay member, but must not be a member of any Group which has Members on the Executive."

Reason for Recommendation

1. To update the officer delegation scheme to reflect current responsibilities relating to filming and to streamline existing internal authorisation.
2. To update the Audit Committee commentary in order to reflect current legislation and guidance.

1. Background

- 1.1 The Constitution remains under review on an ongoing basis. Under Section 2.4 of the Constitution the Monitoring Officer has a duty to monitor and review the operation of the Constitution to ensure that the aims and principles contained therein are given full effect.
- 1.2 Section 2.62 of the Constitution provides for any changes considered by the Monitoring Officer to be required to be made to remove any inconsistency, ambiguity or typographical correction to be made in a report to the next full Council meeting for information.

2. Key Issues for Consideration

- 2.1 Under Section 25 of the Constitution - Officer Delegations:

The Director of Environment and Housing and Head of Visible Services and Transport have delegated powers to approve the making, and where necessary extension of, temporary traffic regulation orders relating to temporary road closures after consultation with the relevant Cabinet Member.

However, an additional delegation is proposed for the Head of Regeneration and Planning having specific regard to filming. The delegation to read as:

"To approve the making, and where necessary extension of, temporary traffic regulation orders relating to temporary road closures in respect of filming after consultation with the relevant Cabinet Member and notification to the Director of Environment and Housing."

This is to enable the relevant officer to deal promptly with filming requests.

2.2 Under Section 13 of the Constitution - 13.16, Responsibility for Council Functions: Committees' Terms of Reference, (k) Audit Committee refers:

Chairing the Committee

The Audit Committee shall be chaired by a person elected by its members. The Chairman may be a Vale of Glamorgan Councillor or a lay member, but must not be a member of any Group which has Members on the Executive.

In the absence of the Chairman, additional wording is required in order to reflect that the same principles apply to the Vice Chairman - to read as:

"The Audit Committee shall be chaired and vice-chaired by persons elected by its members. The Chairman and Vice Chairman may be a Vale of Glamorgan Councillor or a lay member, but must not be a member of any Group which has Members on the Executive."

This amendment is consistent with current legislation and guidance.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Officer Delegation directly contributes to the long term future by ensuring that the Council's Constitution continues to operate with full effect.
- 3.2** The Officer Delegation also contributes to the prevention of the Constitution becoming obsolete or non-effective in achieving its aims and principles.
- 3.3** The Audit Committee Terms of Reference directly contributes to the long term future by ensuring that the Council's Constitution continues to operate with full effect.
- 3.4** The Audit Committee Terms of Reference also contributes to the prevention of the Constitution becoming obsolete or non-effective in achieving its aims and principles.

4. Resources and Legal Considerations

Financial

4.1 There are no financial implications as a direct result of this report.

Employment

4.2 There are no employment implications as a direct result of this report.

Legal (Including Equalities)

4.3 The Council is required to comply with the Local Government Act 2000 and subordinate legislation in the drawing up and subsequent operation of the Constitution.

5. Background Papers

Council's Constitution