

Meeting of:	Council
Date of Meeting:	Monday, 15 July 2024
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Amendments to the Council's Constitution
Purpose of Report:	To seek Council approval to amend the Council's Constitution in respect of Section 26 - Officer Delegations Power to Charge a Licensing Application Fee
Report Owner:	V. Davidson, Monitoring Officer / Head of Legal and Democratic Services
Responsible Officer:	V. Davidson, Monitoring Officer / Head of Legal and Democratic Services
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
<p>Executive Summary:</p> <p>To obtain Council's approval to:</p> <ul style="list-style-type: none"> • Include an additional delegation for all Directors or Service Heads for <i>Authority to accept and enter into contracts for the sale of goods and materials to the value of £300,000</i> as referred to in paragraph 2.2 of this report. • Include an additional delegation under the delegations of the Head of Democratic Services as referred to in paragraph 2.3 of this report. • Include an additional delegation under the delegations of Director of Environment and Housing and Head of Shared Regulatory Services as referred to in paragraph 2.4 of this report. 	

Recommendation

1. T H A T the changes to the relevant officer delegations as set out in paragraphs 2.2 to 2.4 of this report be approved and that Section 26 of the Constitution be amended accordingly.

Reason for Recommendation

1. To update the Officer Delegation Scheme within the current Constitution.

1. Background

- 1.1 The Constitution remains under review on an ongoing basis. Under Section 2.4 of the Constitution the Monitoring Officer / Head of Legal and Democratic Services 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. As part of this, a key role is to make recommendations to Council for ways the Constitution could be amended so that current democratic processes operate effectively and efficiently being mindful of arrangements in other comparable Local Authorities.
- 1.2 Having a Constitution which is reviewed and updated regularly serves a valuable and relevant purpose by striking a fair balance between the interests of the various groups within the Council e.g. between the largest political group and opposition group, between all Councillors and between Councillors and officers.
- 1.3 Most importantly the Constitution needs to enable the Council to operate effectively. It must deliver:
 - good governance behaviours
 - effective officer / Member relationships
 - clear and effective decision-making
 - strong accountability
 - clarity and consistency.

2. Key Issues for Consideration

- 2.1 The Monitoring Officer / Head of Legal and Democratic Services has considered various aspects of the Constitution and in the interests of good governance, consistency and public participation recommends to Full Council amendments to some aspects of Section 26 – Officer Delegations as below.

2.2 Officer Delegations – All Directors or Service Heads

Officer delegations –Current Page No	Paragraph No	Amendments
330	New paragraph 2 and the section renumbered to paragraphs 1-20	Authority to accept and enter into contracts for the sale of goods and materials to the value of £300,000 , subject to (a) the Council or the Cabinet having given specific or general approval for the sale and that the appropriate provision has been made in the estimates for the year in question; (b) for amounts greater than £75,000, the prior approval of the relevant Cabinet Member having been obtained.

2.3 Officer Delegations – Head of Democratic Services

Current Page No	Paragraph No	Amendments
351	New 2	Authority, following the receipt of requests, in writing, from a Group Leader of a political party, for amendments to be made to the membership on Council Committees of their group, as and when required during the Municipal Year, after the Council’s Annual General meeting.

Currently any requests by political Group Leaders for Membership Changes on Council Committees during the Municipal year are referred to the Chief Executive for consideration under his Emergency Powers. It is therefore suggested to limit the use of the Chief Executive’s Emergency Powers that a delegation be granted to the Head of Democratic Services to make amendments to memberships of Council Committees following the receipt of a request in writing by a Group Leader of the respective political party.

2.4 Officer Delegations – Director of Environment and Housing and Head of Shared Regulatory Services

Current Page No	Paragraph No	Amendments
365	New 10	Authority to adopt the all-Wales fees for the new mandatory licensing regime for special procedures for body piercing, tattooing, acupuncture, electrolysis, etc. Regulations, due to come into force on 29 th November,

		2024, or on such date as to be appointed by the Welsh Ministers thereafter, in consultation with the relevant Cabinet Member.
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3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1 The proposals contained in the report ensure that the Council can continue to meet its statutory obligations, operational service delivery, strategic aims and wellbeing objectives.

4. Climate Change and Nature Implications

- 4.1 None as a direct result of this report.

5. Resources and Legal Considerations

Financial

- 5.1 None as a direct result of this report.

Employment

- 5.2 None as a direct result of this report.

Legal (Including Equalities)

- 5.3 The Council is required to comply with the relevant legislation requirements

6. Background Papers

None.