

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CONSTITUTION COMMITTEE**

DATE: **WEDNESDAY, 28 JANUARY 2015**

REPORT BY: **CHIEF OFFICER, GOVERNANCE**

SUBJECT: **NEW MODEL CONSTITUTION**

1.00 **PURPOSE OF REPORT**

1.01 For committee to consider whether to recommend to Council adopting a new model constitution.

2.00 **BACKGROUND**

2.01 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.

2.02 The current Council constitution is based on a national model with a modular format. This format does mean that, for example, not all information about Cabinet or Overview & Scrutiny Committees are in the same part of the constitution.

2.03 The Welsh Local Government Association (WLGA) in consultation with the Welsh Government and the Association of Council's Secretaries and Solicitors (now renamed Lawyers in Local Government) recently commissioned a firm of solicitors to review the national model.

2.04 The new model produced simplifies the structure of the constitution by putting all the provisions for each topic area in the same place. For example, there is a section on Overview & Scrutiny which sets out the number and terms of reference for the committees, the Overview & Scrutiny procedure rules, rules for call-ins etc.

2.05 All County Councils in Wales are considering the new model constitution. In the report on constitutional matters submitted to the annual meeting on the 20 May 2014 it was explained that proposals would be brought forward to assess the differences between our current Constitution and the new model constitution and to assess those differences before deciding whether the Council should adopt

the new model. Copies of the new model constitution have been left in Member Services and the group room.

3.00 CONSIDERATIONS

3.01 Each County Council has its own individual constitution to reflect that Council's particular circumstances. Each Council will also have differences as to the documents it believes appropriate to include in its constitution. The national modular format is currently common to County Councils in Wales. As the new model is considered by each Council this may lead to the new model becoming common place.

3.02 It is considered that the new model constitution differs from our existing modular format in the following respects:-

- All information about a specific part of the Council is in the same part of the constitution.
- As a result of the above there is less duplication.
- The style of the new constitution is more intelligible to the public

3.03 Whilst the new model constitution contains detailed provisions, adopting the new model constitution does not require those detailed provisions to be adopted. One option is to adopt the format of the new model constitution but retain the Council's existing detailed provisions concerning procedure rules, codes of conduct and protocols. This option would preserve continuity and retain the valuable work that has been done over the last 2 years in reviewing each part of our existing constitution.

3.04 The committee may consider that the most effective way of progressing consideration of the new model constitution is for a member working group to be formed that can meet informally with relevant officers and report back to the committee on its work.

4.00 RECOMMENDATIONS

4.01 For the committee to agree in principle to adopting the new model constitution subject to a review of its provisions.

4.02 To establish a small working group of 5 to 8 members to consider the differences between the detailed provisions of the new model and Flintshire's existing constitution and make recommendations as to which detailed provisions to adopt to the next annual Council meeting.

5.00 FINANCIAL IMPLICATIONS

5.01 None as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None as a result of this report.

8.00 EQUALITIES IMPACT

8.01 None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 None as a result of this report.

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Draft Model Welsh Constitution.

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