

**CONSTITUTION AND DEMOCRATIC
SERVICES COMMITTEE**

Date of Meeting	Thursday, 7 July 2022
Report Subject	Adoption of the National Model Constitution
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Council is required to publish a constitution setting out the rules, codes and protocols that govern its business. The current document is based on a national model produced by Lawyers in Local Government and the Welsh Local Government Association in 2014. Legislation has changed since then and so a revised model has been prepared. Council needs to update its document in line with those changes.

The Council must also produce a plain language guide to the constitution by way of a summary. A national model of this document has also been prepared.

The Committee will need to appoint a working group to consider the revisions and make recommendations which will ultimately be approved at Council. The aim would be to consider the changes in time for them to be approved at a Council early in 2023 for adoption at the annual meeting later that year.

RECOMMENDATIONS

1	That the Committee appoint a working group of 5 members to consider the updates and revisions to the national model constitution and the plain language guide, before making proposals for their adoption.
2	That the working group report back to this Committee in January with the intention of approving the changes at a Council meeting in early 2023.
3	That the date of this Committee in January be brought forward to enable it to consider the working group's recommendations ahead of the Council meeting on 24 January 2023.

REPORT DETAILS

1.00	EXPLAINING THE CONSTITUTION
1.01	<p>The Local Government Act 2000 requires every County Council to publish a constitution which includes the rules, codes and protocols that govern its business. The act also gives ministers powers to specify what should be included. The contents of the constitution includes</p> <ol style="list-style-type: none">1) Provisions that replicate legislation e.g. the requirement that the first item of business at the Annual Meeting should be appointment of the Chair mirrors a requirement in the Local Government Act 1972;2) Rules that we are required to have but which are not specified e.g. the Local Government Act 1972 requires Councils to have rules on letting contracts but does not specify what those rules should be; and3) Rules that we have chosen to reflect local conventions on how we work e.g. the protocol on production of Councillor newsletters.
1.02	<p>The current constitution is based on a national model commissioned by the Wales Branch of lawyers in Local Government (“LLG”) and the Welsh Local Government Association (“WLGA”) in 2014. The Council made some changes to the national model to reflect local conventions.</p>
1.03	<p>Legislation has changed since it was produced. So in 2021 LLG/WLGA commissioned a firm of solicitors to produce an updated version. Welsh Government were consulted to ensure that the model conforms to its expectations of what should be contained. The model therefore complies fully with the legislative requirements. In addition, and in order to assist Councils whose constitution is not exactly the same as the model, the solicitors also created a list of the updates it had applied.</p>
1.04	<p>The Local Government and Elections (Wales) Act 2021 requires Councils to produce a plain language guide to their constitution. This is because the model constitution is a large document (many hundreds of pages) which is not easily navigated or understood by those unfamiliar with the document. The solicitors produced a model plain language guide as well.</p>
1.05	<p>As noted the document is too large to be easily considered by the whole Committee in an ordinary meeting. The Committee therefore needs to establish a small working group to examine the proposed updates and plain language guide (which will need to reflect our local changes to the model) and make proposals for its adoption. 5 members would be a workable number to consider those changes. It should take 3 or 4 meetings of a couple of hours each to review the changes and guide.</p>
1.06	<p>The working group should report back to this Committee which can consider its proposals. Allowing time for the possible reconsideration of some matters the working group should report back to either the November or January meeting of the Committee. The Committee will then</p>

	recommend the documents to Council for agreement at a meeting ahead of the Annual Meeting (so that it is pre-agreed and capable of being adopted at the Annual Meeting in 2023).
1.07	The January meeting of this Committee is due to take place prior to the Council meeting that month. It would be preferable if this committee could meet earlier in the month to allow it to make recommendations to Council.

2.00	RESOURCE IMPLICATIONS
2.01	The work to create the national model and plain language guide was funded by the WLGA. The work to consider the changes can be accommodated within existing resources.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The model documents have been agreed by Welsh Government and all the monitoring officers in Wales. As described in the report the working group will report to the Committee which will in turn report to Council.

4.00	RISK MANAGEMENT
4.01	The model documents are fully compliant with the legislative requirements for constitutions. They set rules and procedures that ensure the Council works in accordance with legislation and principles such as natural justice thereby reducing the risk of legal challenge.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Current constitution Model Constitution Model Plan Language Guide</p> <p>Contact Officer: Gareth Owens, Chief Officer (Governance) Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Lawyers in Local Government – this is the professional group for monitoring officers. The Wales Branch consists of all the monitoring officers, and their deputies, from the 22 county/county borough Councils, the 2 fire and rescue authorities, the 3 national park authorities and an office of a Police and Crime Commissioner.</p> <p>Natural Justice - principles of law which require government/public bodies to act fairly e.g. consulting people affected by a decision.</p> <p>Welsh Local Government Association – the representative body for all local authorities in Wales. It liaises with Welsh Government, provides advice and assistance to improve governance and helps to co-ordinate activity.</p>