



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CONSTITUTION COMMITTEE

5 JUNE 2023

CONSTITUTION GUIDE

REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

1. PURPOSE OF THE REPORT

Having regard to the provision in Section 45 of the Local Government and Elections (Wales) Act 2021 a Constitution Guide is presented to Members for comment and agreement.

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Consider and comment on the content of the Constitution Guide, attached as Appendix 1 of this report; and
- 2.2 Subject to 2.1 above, endorse the draft Constitution Guide and recommend adoption to Council

3 REASONS FOR RECOMMENDATIONS

- 3.1 The need to provide Members with the Council's draft Constitution Guide, for consideration and comment as required by statute.

4. BACKGROUND

- 4.1 Section 45 of the Local Government and Elections (Wales) Act 2021 (the Act) requires principal councils to publish a Constitution Guide which explains in ordinary language the content of the Council's Constitution. Principal Councils must also publish their Constitution and Constitution Guide electronically and provide on request, either free of charge, or at a charge (representing no more than the cost of providing the copy).

- 4.2 The All-Wales Monitoring Officers' Group, via funding from the Welsh Local Government Association (WLGA) commissioned Browne Jacobson Solicitors to draft a model Constitution Guide having regard to Section 45 of the Act.
- 4.3 Attached at Appendix 1 to this report is a draft Constitution Guide based on the Browne Jacobson Model Guide which is presented to the Constitution Committee for comment and endorsement with the recommendation it be adopted by Full Council.

5 OVERVIEW OF THE DRAFT CONSTITUTION GUIDE.

- 5.1 The draft Constitution Guide is designed to help Members of the public understand how the Council makes decisions; delivers services and explains how the public can get involved in the democratic process. Its aim is to provide an overview of the Council's Constitution and explain key sections of the constitution in clear and simple language.
- 5.2 Section 1 explains why the Constitution is important and how it is reviewed and updated.
- 5.3 Section 2 explains how the Council is structured. It describes the Council's democratic bodies as well as how decisions are made and by whom.
- 5.4 Section 4 explains the roles and responsibilities of elected members and paid officers of the Council. It describes the jobs they do, and how they work together to deliver the Council's functions and priorities.
- 5.5 Section 5 provides a summary of the key policies and procedures that govern how the Council carries out certain functions.
- 5.6 The final section of the guide explains how the public can engage and get involved in local democracy. It explains how councillors are elected, details in respect of contacting Councillors and how questions can be raised through Council meetings.

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 There are no Equality and Diversity implications arising from this report and no Equality Impact Assessment is deemed necessary for the purposes of this report. The requirement to take forward a Constitution Guide to help members of the public to understand how the Council makes decisions and works to deliver services across the County Borough including details of how local people can get involved in democracy would further improve equality and diversity.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from this report.

8. LEGAL IMPLICATIONS

- 8.1 Section 45 of the Local Government and Elections (Wales) Act 2021 ('the 2021 Act') places a duty on the Council to:
1. Prepare and keep up to date a Constitution Guide, which explains, in ordinary language, the content of its Constitution;
 2. Publish the Constitution Guide electronically and in such other manner as it considers appropriate;
 3. Ensure that copies of the Constitution Guide are available at its principal office for inspection by members of the public at all reasonable hours; and
 4. Supply a copy of the Constitution Guide to any person who requests a copy and who pays such reasonable fee as the Council may determine.

9. CONSULTATION / INVOLVEMENT

- 9.1 In accordance with the terms of the reference of the Constitution committee the draft guidance is presented before Members prior to presentation to Council.

10. CONCLUSION

- 10.1 This report advises Members of the need to adopt a Constitution guide to assist the public in understanding the democratic process and the need for Members to consider the draft proposal as outlined within Appendix 1 of the report.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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LIST OF BACKGROUND PAPERS

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[Section 45 of the Local Government and Elections \(Wales\) Act 2021 \(the Act\)](#)