

# CYNGOR SIR

## 22 HYDREF 2020

### ADOLYGIAD BLYNYDDOL O'R CYFANSODDIAD

Diweddar u'r Cyfansoddiad i adlewyrchu diwygiadau gan Weithgor Adolygu'r Cyfansoddiad a'r gofyniad i adolygu Cyfansoddiad y Cyngor yn flynyddol

#### YR ARGYMHELLION/PENDERFYNIADAU ALLWEDDOL SYDD EU HANGEN:

1. Ystyried argymhellion canlynol Gweithgor Adolygu'r Cyfansoddiad yn dilyn ei adolygiad blynyddol o'r Cyfansoddiad:-
  - a) Diwygio Erthygl 6 o'r Cyfansoddiad i ddiweddar a 'thacluso' Meysydd Gorchwyl Craffu (yn unol ag argymhelliaid Swyddfa Archwilio Cymru o ran gwneud Gwaith Craffu yn 'Addas at y Dyfodol')
  - b) Tynnu'n ôl y dirprwyaethau a roddwyd i'r Prif Weithredwr, Cyfarwyddwr y Gwasanaethau Corfforaethol a'r Pennaeth Gweinyddiaeth a'r Gyfraith yn y Cynllun Dirprwyo i Swyddogion (nad ydynt erioed wedi'u harfer ganddynt) gyda golwg ar roi'r swyddogaeth i'r Bwrdd Gweithredol (Rhan 3 Tabl 4 Cyfrifoldeb am Swyddogaethau a Rhan 3. 2 Cynllun Dirprwyo i Swyddogion)
  - c) Diweddar Rheolau Gweithdrefn y Cyngor (Rhan 4.1) i nodi trefn agenda ddiwygiedig ar gyfer cyfarfodydd cyffredin y Cyngor ac i adlewyrchu presenoldeb o bell.
  - d) Diweddar Rheolau'r Weithdrefn Graffu (Rhan 4.5) i adlewyrchu cyngor y Ganolfan Craffu Cyhoeddus y dylai Aelodau'r Bwrdd Gweithredol fynychu eu Pwyllgor Craffu priodol i gyflwyno eu hadroddiadau a chael eu dwyn i gyfrif.
  - e) Diweddar Rhan 5.6 – Protocol ar gyfer cyfathrebu ag aelodau etholedig i adlewyrchu penderfyniad y Cyngor i gynnal cyfarfodydd di-bapur.
2. Bod y Swyddog Monitro yn cael ei awdurdodi i wneud unrhyw fân newidiadau, cywiro gwallau teipio neu wallau drafftio a sicrhau bod yr holl groesgyfeiriadau yn y Cyfansoddiad yn gywir ac y rhoddir gwybod am y rhain i Weithgor Adolygu'r Cyfansoddiad pan fydd angen.
3. Bod Cyfansoddiad y Cyngor ar gyfer 2020/21 yn cael ei fabwysiadu, yn amodol ar argymhelliaid 1 a nodir uchod.

#### Y RHESYMAU:

O dan Erthygl 14 o'r Cyfansoddiad mae'n ddyletswydd ar y Swyddog Monitro i fonitro ac adolygu gweithrediad y Cyfansoddiad i sicrhau bod y nodau a'r egwyddorion sydd ynddo yn cael effaith lawn ac er mwyn llunio argymhellion ar gyfer newidiadau. Bydd newidiadau i'r Cyfansoddiad yn cael eu cymeradwyo gan y Cyngor llawn yn unig.

Ymgynghorwyd â'r Pwyllgor Craffu	NA	
Angen i'r Bwrdd Gweithredol wneud penderfyniad	NAC OES	
Angen i'r Cyngor wneud penderfyniad	OES	
<b>Yr Aelod o'r Bwrdd Gweithredol sy'n Gyfrifol am y Portffolio:- Arweinydd y Cyngor</b>		
Y Gyfarwyddiaeth  Enw Pennaeth y Gwasanaeth: Linda Rees-Jones  Awdur yr Adroddiad: Gaynor Morgan	Y Prif Weithredwr  Swyddi: Pennaeth Gweinyddiaeth a'r Gyfraith  Pennaeth y Gwasanaethau Democratiaidd	Rhifau ffôn 01267 224012 LRJ 01267 224026 GM  Cyfeiriadau e-bost: <a href="mailto:Lrjones@sirgar.gov.uk">Lrjones@sirgar.gov.uk</a> <a href="mailto:gmorgan@carmarthenshire.gov.uk">gmorgan@carmarthenshire.gov.uk</a>

# COUNTY COUNCIL

**22<sup>ND</sup> OCTOBER 2020**

## **ANNUAL REVIEW OF THE CONSTITUTION**

Council is required to review its Constitution on an annual basis and has established the Constitutional Review Working Group to present recommendations for constitutional change.

There have been no legislative changes during 2019/20 and to date for 2020/21 which require changes to be made to the Council's Constitution. The Council adopted Part 6.1 of the Constitution to reflect the IRPW prescribed amounts to be paid to Councillors for 2020/21 at its Annual meeting held on the 8<sup>th</sup> June 2020, however in view of the Covid-19 pandemic, the full annual review of the Constitution was deferred to a future meeting

The Constitutional Review Group met on the 4<sup>th</sup> August 2020, 15<sup>th</sup> September 2020 and 1<sup>st</sup> October 2020 to consider whether any changes were necessary going forward, and any recommended changes are included in this report. The proposals put forward by CRWG involve:

- (a) recommendations of Audit Wales "Scrutiny Fit for the Future?" report, and
- (b) recalling the delegated authorities currently exercisable by (but never exercised by) the Chief Executive, Head of Administration and Law and the Director of Resources (now known as the Director of Corporate Services) to authorise the instigation of legal proceedings by officers arising out of alleged defamatory statements provided such action is supported by Counsel's Advice, (commonly referred to as the "libel indemnity"), , and to reserve the right to exercise that power to the Executive Board under its existing personnel function.

Other than the issues raised, no other amendments are being put forward.

<b>DETAILED REPORT ATTACHED?</b>	Appendix 1 – Article 6 Scrutiny Committees Appendix 2 – Part 4.1 Council Procedure Rules Appendix 3 – Part 4.5 Scrutiny Procedure Rules Appendix 4 - Part 5.6 Protocol for Communication with Elected Members
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## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones Head of Administration & Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	NONE	NONE	NONE	NONE	NONE

### 1. Policy, Crime & Disorder and Equalities

Adoption and any amendment to the Constitution is a matter for Full Council

### 2. Legal

The Council is required to comply with the Local Government Acts 1972 and 2000, and the Local Government (Wales) Measure 2011, in the drafting and subsequent operation of the Constitution.

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed Linda Rees Jones Head of Administration & Law

1. Scrutiny Committee - N/A
2. Local Member(s) - N/A
3. Community / Town Council - N/A
4. Relevant Partners - N/A
5. Staff Side Representatives and other Organisations - N/A

### Section 100D Local Government Act, 1972 – Access to Information

#### List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Carmarthenshire Council Constitution		<a href="http://www.carmarthenshire.gov.wales/home/council-democracy/the-council/councils-constitution/">http://www.carmarthenshire.gov.wales/home/council-democracy/the-council/councils-constitution/</a>
Local Government Act 2000		<a href="http://www.legislation.gov.uk/ukpga/2000/22/pdfs/ukpga_20000022_en.pdf">http://www.legislation.gov.uk/ukpga/2000/22/pdfs/ukpga_20000022_en.pdf</a>