

**CYNGOR SIR
19 MAI 2021**

ADOLYGIAD BLYNYDDOL O'R CYFANSODDIAD

Diweddarau'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. Mabwysiadu Cynllun Cyflogau a Lwfansau Cyngorwyr ac Aelodau Cyfetholedig ar gyfer 2021/22 fel y manylir arno yn rhan 6.1 o'r Cyfansoddiad.**
- 2. Cymeradwyo'r newidiadau, fel y manylir yn yr adroddiad, a gyflwynwyd gan y Gweithgor Adolygu Cyfansoddiadol sydd wedi digwydd o ganlyniad i'r newidiadau deddfwriaethol yn Neddf Llywodraeth Leol ac Etholiadau (Cymru) 2021**
- 3. 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.**
- 4. Bod Cyfansoddiad y Cyngor ar gyfer 2021/22 yn cael ei fabwysiadu, yn amodol ar argymhelliad 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.

Cynigir nifer o newidiadau i wahanol elfennau o'r Cyfansoddiad o ganlyniad i Ddeddf Llywodraeth Leol ac Etholiadau (Cymru) 2021.

Ymgynghorwyd â'r Pwyllgor Craffu	NA
Angen i'r Bwrdd Gweithredol wneud penderfyniad	NAC OES
Angen i'r Cyngor wneud penderfyniad	OES

Yr Aelod o'r Bwrdd Gweithredol sy'n Gyfrifol am y Portffolio:- Arweinydd y Cyngor

Y Gyfarwyddiaeth	Y Prif Weithredwr	Rhifau ffôn
Enw Pennaeth y Gwasanaeth: Linda Rees-Jones	Swyddi: Pennaeth Gweinyddiaeth a'r Gyfraith	01267 224012 LRJ 01267 224026 GM
Awdur yr Adroddiad: Gaynor Morgan	Pennaeth y Gwasanaethau Democrataidd	Cyfeiriadau e-bost: Lrjones@sirgar.gov.uk gmorgan@carmarthenshire.gov.uk

COUNTY COUNCIL

19TH MAY 2021

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.

The following changes are recommended to Council by the Constitutional Review Working Group:-

Local Government and Elections (Wales) Act 2021

The Local Government and Elections Wales Act 2021 has and will introduce a number of legislative changes and these changes will come into force on different dates, the constitution has been updated to reflect the changes known to date and further reports will be submitted to CRWG and Council as and when Ministers introduce further parts of the Act. The relevant Articles of the Constitution which have been changed are attached and highlighted in red/strikethrough. Articles of the Constitution which have no changes are not included but are available to view on the Authority's website.

Part 3.2 Scheme of Delegation to officers

The scheme of delegation is currently being updated to reflect the Council's current organisational structure and any legislative changes. These changes will go to CRWG separately and will be subject to a further report to Council

Councillors' and Co-opted Members' Salaries and Allowances Scheme (Part 6.1)

Constitutionally, responsibility for adopting a Scheme of Members' Allowances rests with the Council but the Independent Remuneration Panel for Wales (IRPW) determines the amounts to be paid with a view to providing a consistent national framework for councillor remuneration. The report contains the IRPW determinations for 2021/22 which were payable from 1st April 2021. Councillors appointed to new posts Senior/Civic Salaries at the AGM will be paid any revised salary from the start of the municipal year (19th May 2021)

Other than the issues raised, no other amendments are being put forward, and Council is asked to adopt its Constitution for 2021/22..

**DETAILED REPORT
ATTACHED?**

YES – relevant parts which require a change as a result of the LG & Elections Wales Act 2021 and the proposed Scheme of Allowances for 2021-22

Part One – Summary and Explanation

Part 2 –Articles:-

1. The Constitution
2. Members of the Council
3. Citizens and the Council
4. The Full Council
7. The Executive / Board
9. The Standards Committee
10. Joint Arrangements
11. Officers
13. Finance, Contracts and Legal Matters
14. Review and Revision of the Constitution
15. Suspension, Interpretation and Publication of the Constitution

Part 3:-

1. Responsibility for Functions

Part 4:-

1. Council Procedure Rules
2. Access to Information Procedure Rules
4. Executive Procedure Rules
8. Officer Employment Procedure Rules

Part 5:-

4. Officers' Code of Conduct
5. Protocol on Member / Officer Relations

Part Six -

1. Councillors' & Co-opted Members' Scheme of Allowances
2. Appendix A – Job Profiles for Councillors, Co-opted Members and Office Holders.

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, Local Government (Wales) Measure 2011, Local Government (Democracy) (Wales) Act 2013 and the Local Government Elections (Wales) Act 2021 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		http://www.carmarthenshire.gov.wales/home/council-democracy/the-council/councils-constitution/
Local Government and Elections (Wales) Act 2021		https://www.legislation.gov.uk/asc/2021/1/contents/enacted
Independent Remuneration Panel for Wales Annual Report (February 2021)		https://gov.wales/sites/default/files/publications/2021-02/Independent%20Remuneration%20Panel%20for%20Wales%20-%20Annual%20Report%202021.pdf