

Report To: County Council

Date of Meeting: 4th November 2014

Lead Member / Officer: Councillor Barbara Smith – Lead Member Modernisation and Performance

Report Author: Gary Williams – Head of Legal, HR and Democratic Services

Title: Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014

1. What is the report about?

1.1 To advise Council of changes that are introduced by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 ("the 2014 Regulations")

2. What is the reason for making this report?

2.1 The 2014 Regulations amend the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2006 ("the 2006 Regulations") in such a way that changes are required to the Council's Constitution.

3. What are the Recommendations?

3.1 That Council notes the changes introduced by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 in relation to the process for appointing, dismissing and conducting disciplinary investigations of certain officers of local authorities and the new requirements for determining the level of remuneration paid to Chief Officers.

3.2 That delegated authority be given to the Council's Monitoring Officer to make the necessary amendments to the Constitution.

4. Report details.

4.1 The 2006 Regulations required local authorities to have within their Constitution provisions relating to, amongst other things, the appointment of Chief Officers and the taking of disciplinary action against certain senior post holders in an authority.

4.2 The Local Government (Wales) Measure 2011 introduced the requirement that each local authority designate one of its officers as 'Head of Democratic Services'.

- 4.3 The 2014 Regulations came into force on 1st July 2014 and make a number of amendments to the 2006 Regulations insofar as they relate to the employment of senior officers.
- 4.4 The first of these is that where a local authority wishes to appoint a Chief Officer, and pay a remuneration of £100,000 per annum or more, the post must be publicly advertised (unless the appointment is for a period of no longer than 12 months). The definition of a Chief Officer contained in the 2006 Regulations includes, for the purposes of this Council, the roles of Chief Executive, Corporate Director and Head of Service. Previously, the 2006 Regulations allowed local authorities to choose to appoint internally.
- 4.5 The second of these is that decisions relating to the function of determining the level of remuneration, and any change to the level of remuneration, of chief officers must be taken by the Council and cannot be delegated to a committee or individual.
- 4.6 The 2014 Regulations also require that any investigation into any alleged misconduct by a Head of Democratic Services should be dealt with in the same way as any allegation involving the Head of Paid Service, the Monitoring Officer or Chief Finance Officer. This means that an investigation must be conducted by an independent person and no disciplinary action may be taken against the officer unless recommended or directed by the designated independent person.
- 4.7 The 2014 Regulations also require that decisions about the dismissal or appointment of the Monitoring Officer and Head of Democratic Services cannot be taken by the Head of Paid Service or officer appointed by him. These posts must now be added to the list of posts whose appointment or dismissal must be conducted by a committee and such a committee must have at least one executive member in its membership. The posts already on this list are Head of Paid Service, any Chief Officer or Deputy Chief Officer.
- 4.8 The 2014 Regulations also require the removal of 'Mayor and Council Executive' and 'Alternative Arrangements' models as potential models of governance.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 This decision has no direct impact on the Council's priorities but ensures that the Council's Constitution is in accordance with the law.

6. What will it cost and how will it affect other services?

- 6.1 There are no direct costs associated with this report.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

7.1 The changes set out in this report are required by law and as such the Council has no choice but to adopt them.

8. What consultations have been carried out with Scrutiny and others?

8.1 This report has not been the subject of consultation and has not been presented to Scrutiny

9. Chief Finance Officer Statement

9.1 There are no obvious financial implications arising from the report

10. What risks are there and is there anything we can do to reduce them?

10.1 There are no risks associated with this report. The risk of not taking this decision is that the Council's constitution and procedures are not in accordance with the law.

11. Power to make the Decision

11.1 Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014.