

CYNGOR SIR POWYS COUNTY COUNCIL.

**DEMOCRATIC SERVICES COMMITTEE – 4TH OCTOBER, 2014
COUNTY COUNCIL - 22ND OCTOBER, 2014**

REPORT BY: Solicitor to the Council

SUBJECT: Revision to the Current Constitution – The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2014.

REPORT FOR: Decision and Information

1. Introduction.

- 1.1 The Council is required by law to adopt Standing Orders to govern the recruitment, appointment and dismissal of its staff (and other matters) in accordance with the Local Authorities (Standing Orders)(Wales) Regulations 2006 (“the 2006 Regulations”). The County Council has included the provisions of the 2006 Regulations in the current version of the Constitution.
- 1.2 On the 1st July 2014 new requirements were imposed by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (“the 2014 Regulations”) which must be incorporated into the Council’s Constitution, and the purpose of this report is to implement the required changes.
- 1.3 The report below explains the changes made by the 2014 Amendment Regulations and the consequential amendments required to the Council’s Constitution.

2. Implications.

- 2.1 The 2014 Regulations require certain provisions to be incorporated into the Council’s Constitution, and create a new function for Full Council, namely that of determining the level of remuneration (and changes to the level of remuneration) to be paid to chief officers. There is no power to delegate that function.

2.2 The 2014 Regulations also extends to the Head of Democratic Services the statutory protection afforded to certain other chief officers in relation to the disciplinary matters. The protection continues to apply even if the post holder is no longer in post, provided that the alleged act of misconduct took place whilst the officer was in a protected post.

2.3 The 2014 Regulations also amend the requirements governing the appointment and recruitment of chief officers. Public advertisements will be required for any chief officer posts where the remuneration to be paid is £100,000 or more (with an exception for interim appointments of up to 12 months in duration). The rationale for this is to ensure that able candidates from outside the organisation have the opportunity to gain the position if found to be the most suitable

3. Amendments Required to the Constitution.

3.1 The Amendments required to Part 4 Section 9 of the Constitution are set out in Appendix A to this report.

Recommendation:	Reason for Recommendation:
<p>(i) That the Council approves the amendments to Part 4 Section 9 of the Constitution as set out in Appendix A to the Report.</p> <p>(ii) That Council approves the amendment to Article 4 of the Constitution as set out in Appendix B</p>	<p>To update and make urgent revisions to the Council's current Constitution.</p>

Person(s) To Action Decision:	Clive Pinney, Solicitor to the Council.		
Date By When Decision To Be Actioned:	May, 2014		
Relevant Policy (ies):	Council's Constitution.		
Within Policy:	Y	Within Budget:	Y
Contact Officer Name:	Tel:	Fax:	Email:
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