

## CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee  
15<sup>th</sup> July, 2013

**REPORT AUTHOR:** Interim Head of Democratic Services

**SUBJECT:** The Local Authorities (Standing Orders) (Wales)  
(Amendment) Regulations 2013

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**REPORT FOR:** Information / Decision

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1.1 The Regulations amend the Local Authorities (Standing Orders) (Wales) Regulations 2006. The 2006 Regulations require relevant authorities to include in their standing orders certain provisions relating to their staff, meetings and proceedings.

1.2 The provisions of the Regulations are as follows:

**Regulations 3 to 5 and 11.**

These remove all references in the 2006 Regulations to the abolished mayor and council manager executive arrangements and to alternative arrangements.

Section 34 of the Local Government (Wales) Measure 2011 removed the elected mayor and council manager options from the executive arrangements available in Wales. Section 35 of the Measure provided that all local authorities operating alternative arrangements (Powys) must move to operating one of the executive arrangements as set out in Section 11 of the Local Government Act 2000.

**Regulation 9.**

This amends Schedule 1 to the 2006 Regulations so as to remove the option for local authorities to propose to fill a chief officer vacancy exclusively from among its existing officers. The amendment requires all chief officer vacancies to be advertised externally.

**Regulations 6 to 8.**

Makes provision for any investigation into alleged misconduct by a Head of Democratic Services to follow the same procedures as for other chief officers. A minor amendment is also made to Regulation 9 of the 2006 Regulations.

Section 8 of the Local Government (Wales) Measure 2011 makes provision for a local authority to designate one of its officers as the Head of Democratic Services.

**Regulation 10.**

This amends the 2006 Regulations so as to prevent the appointment or dismissal of, or the taking of disciplinary action against, a monitoring officer (whether or not that monitoring officer is a chief officer) or a Head of Democratic Services, being undertaken by the head of the authority's paid service or by an officer nominated by the head of the authority's paid service.

This also amends the provisions in the 2006 Regulations which set out the makeup of a committee or sub-committee of an authority discharging the authority's functions of appointment or dismissal of certain of the authority's officers. Regulation 10 adds the monitoring officer (whether or not that monitoring officer is a chief officer) and the Head of Democratic Services to the list of officers to whom the provisions on the makeup of such committees apply.

- 1.4 The Welsh Government consulted on the draft regulations. The consultation period ended on 31<sup>st</sup> May 2013 and the final version of the regulations are awaited.
- 1.5 The Council will need to consider the requirements of the Regulations and Guidance and review its Constitution accordingly to take account of these requirements.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>(i) That the Regulations from Welsh Government be noted.</b> <b>(ii) That the requirements of the Regulations be taken into account in reviews of the Council's Constitution.</b>	<b>(i) To update the Committee on new Legislation / Regulations / Guidance affecting the Council.</b> <b>(ii) To update the Council's Constitution to take account of new Legislative requirements and guidance.</b>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y / N</b>	<b>Within Budget:</b>	<b>Y / N</b>
<b>Relevant Local Member(s):</b>			
<b>Person(s) To Implement Decision:</b>	<b>Clive Pinney</b>		
<b>Date By When Decision To Be Implemented:</b>	<b>May 2014 – Constitution update</b>		

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**Background Papers used to prepare Report:**