

## **FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** CONSTITUTION COMMITTEE

**DATE:** WEDNESDAY, 24 APRIL 2013

**REPORT BY:** HEAD OF LEGAL & DEMOCRATIC SERVICES

**SUBJECT:** CONSULTATION ON LOCAL AUTHORITIES  
(STANDING ORDERS) (WALES) REGULATIONS 2006  
(AMENDMENT) REGULATIONS 2013

### **1.00 PURPOSE OF REPORT**

- 1.01 To determine the response that should be made to consultation on the above draft regulations.

### **2.00 BACKGROUND**

- 2.01 The Welsh Government issued a consultation document on the 8 March 2013 seeking responses by the 31 May 2013 on proposed amendments to the Local Authorities (Standing Orders) (Wales) Regulations 2006 ("the 2006 Regulations"). A copy of the consultation paper has been placed in Member Services and the group rooms.
- 2.02 The 2006 regulations require authorities such as Flintshire to incorporate into their standing orders certain provisions relating to their staff, meetings and proceedings. These are contained in Flintshire's Council Procedure Rules.

### **3.00 CONSIDERATIONS**

- 3.01 The Welsh Government proposes to make amendments to the 2006 regulations as a result of changes introduced by the Local Government (Wales) Measure 2011 ("the 2011 Measure").
- 3.02 Section 8 of the 2011 Measure imposes a duty on authorities such as Flintshire to designate one of its officers as "Head of Democratic Services". It is proposed to amend the 2006 regulations to afford the Head of Democratic Services the same protection as other statutory officers in relation to disciplinary proceedings. It is also proposed to add Heads of Democratic Services and Monitoring Officers to the list of officers whose appointment and dismissal are dealt with by committee rather than by the authority's Head of Paid Service.
- 3.03 The 2011 Measure also removed the "elected Mayor or Council Manager" option for executive structures. The 2006 regulations require amending to take account of this change.

- 3.04 The 2006 regulations also provide for the process of advertising and appointing a Chief Officer. This includes a provision enabling local authorities, should they choose, to avoid the need to advertise a vacancy publicly if they are intent on appointing internally. Whilst this does not arise from the 2011 Measure it is proposed to remove this provision so that all Chief Officer posts must be publically advertised. The Welsh Government take the view that it is no longer appropriate for such senior posts to be appointed without them being publicly advertised.
- 3.05 The officers have considered the proposed amendments and whilst agreeing to most of the proposals do not agree that all vacancies at Chief Officer level should automatically be subject to public advertisement. Officers believe it should be left to the local choice of the individual authority in the light of their local circumstances. Attached as appendix 1 to this report is the proposed response to the consultation questions for consideration by the committee.

#### **4.00 RECOMMENDATIONS**

- 4.01 For the committee to determine how it wishes the Head of Legal & Democratic Services to respond to consultation on the proposed regulations.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 None as a result of this report.

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

- 8.01 None as a result of this report.

#### **9.00 PERSONNEL IMPLICATIONS**

- 9.01 The Welsh Government proposes to give the Head of Democratic Services greater protection against disciplinary proceedings. It also proposes that the appointment or dismissal of the Monitoring Officer and Head of Democratic Services are dealt with by committee.

#### **10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

11.01 With political Group Leaders and their deputies and with the Chief Executive.

**12.00 APPENDICES**

12.01 Appendix 1 – Proposed response to the consultation questions.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

Welsh Government consultation document issued 8 March 2013 on Local Authorities (Standing Orders) (Wales) Regulations 2006 (Amendment) Regulations 2013.

**Contact Officer:** Gareth Owens  
**Telephone:** 01352 702344  
**Email:** [gareth.legal@flintshire.gov.uk](mailto:gareth.legal@flintshire.gov.uk)