

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:**           **CONSTITUTION COMMITTEE**  
**DATE:**               **WEDNESDAY, 26 MARCH 2014**  
**REPORT BY:**       **HEAD OF LEGAL & DEMOCRATIC SERVICES**  
**SUBJECT:**           **UPDATING THE CONSTITUTION**

**1.00**   **PURPOSE OF REPORT**

1.01    To consider further updating changes to the Council's Constitution pursuant to the 3 year programme agreed at the committee's meeting on the 24 July 2012.

**2.00**   **BACKGROUND**

2.01    Section 37 of the Local Government Act 2000 requires local authorities such as Flintshire to keep up-to-date a Constitution containing information prescribed by the Welsh Government and for that to be available for inspection by members of the public. Section 38 requires the authority to have regard to guidance issued by the Welsh Government and the subsequent guidance required the Constitutions to be in the modular format that Flintshire has.

2.02    At its meeting on the 24 July 2012 the committee considered a report recommending a programmed review of the Constitution over a three year period and resolved to endorse that programmed review. The six areas identified for review in year one were dealt with last year. Four of the six areas identified for this year have been reviewed and reported to the committee. The fifth related to the standing orders concerning the appointment and dismissal of officers. The Welsh Government is in the process of making regulations concerning the appointment and dismissal of senior officers and this part of the Constitution will be reviewed once those regulations have been issued.

2.03    The sixth area identified for the current Council year was part 3 of the Constitution concerning the responsibility for functions. Most of this relates to the delegated powers of senior officers. Whilst work has been done on this it has been put on hold until the new senior management structure of the Council has been agreed. The one section of part 3 that can be reviewed is Section B concerning the Leader's Scheme of Delegation of Executive Functions.

### **3.00 CONSIDERATIONS**

- 3.01 In undertaking the review the guiding principles have been to update to reflect current arrangements, avoid unnecessary bureaucracy and avoid ambiguity of wording. The extent to which changes can be made is limited by the requirement to follow the Welsh Government guidance and to include the information the Welsh Government requires to be included in Constitutions.
- 3.02 Attached as Appendix 1 to this report is the Leader's Scheme of Delegation of Executive Functions with recommended changes shown, together with comments on those proposed changes. In summary these changes are:-
1. To delete reference to the Coordinating Committee that no longer exists.
  2. To update the membership of the Cabinet and the portfolios assigned to Cabinet members by the Leader.
  3. To reflect that Social Services functions are no longer split between Adult Social Care and Education.
  4. To remove ambiguity of wording around recording of officer decisions.
  5. To reflect the current membership of the Welsh in Education Strategic Forum.
- 3.03 This part of the Constitution reflects the Leader's Scheme of Delegation of Executive Functions and such arrangements are a matter for the Leader. The proposed changes shown in Appendix 1 follow consultation with the Leader and his agreement to them.

### **4.00 RECOMMENDATIONS**

- 4.01 For the committee to approve the proposed changes to the Leader's Scheme of Delegation of Executive Functions as shown in Appendix 1.

### **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 None as a result of this report.

**10.00 CONSULTATION REQUIRED**

10.01 With the Leader and Deputy Leader.

**11.00 CONSULTATION UNDERTAKEN**

11.01 With the Leader and Deputy Leader.

**12.00 APPENDICES**

12.01 Appendix 1 – Leader’s Scheme of Delegation of Executive Functions

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

None

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