

Meeting of:	Council
Date of Meeting:	Monday, 07 March 2022
Relevant Scrutiny Committee:	Corporate Performance and Resources
Report Title:	Deputising Arrangements for Chief Executive and Amendments to the Council's Constitution
Purpose of Report:	To supplement the deputising arrangements for the Chief Executive in the circumstances of his absence, advise of incidental amendments made to the Council's Constitution by the Monitoring Officer and to seek approval for amendments to the Constitution including amendments to take effect on 5 th May 2022 in light of provisions in the Local Government and Elections (Wales) Act 2021 which come into force on 5 th May 2022.
Report Owner:	Executive Leader
Responsible Officer:	Debbie Marles, Monitoring Officer/Head of Legal and Democratic Services
Elected Member and Officer Consultation:	As a matter relating to the business organisation, no specific ward member consultation is necessary.
Policy Framework:	This is a matter for consideration by Full Council
Executive Summary:	<ul style="list-style-type: none"> • This report recommends supplementing the deputising arrangements for the Chief Executive in the circumstances of his absence (for example whilst on annual leave or absent due to sickness) to include the posts of Director of Corporate Resources and Director of Place and to take effect upon each Director commencing in post. • The titles of Director of Corporate Resources and Director of Place be added to the Council's existing Officer Scheme of Delegations set out in the Council's Constitution in respect of the service areas for which each Director will have responsibility, taking effect immediately upon each Director commencing in post. • To note amendments to the Council's Constitution made by the Monitoring Officer pursuant to delegated authority in light of the redesignation of the Managing Director to Chief Executive. • To further amend the Council's Constitution to reflect legislative changes including consequential changes required as a result of relevant provisions in the Local Government and Elections (Wales) Act 2021 which come into force on 5th May 2022.

Recommendations

1. T H A T Council approve the additional deputy cover arrangements for the Chief Executive, as referred to in paragraph 2.1 of the report, to cover the circumstances of any future absence and to ensure that the Chief Executive's delegations as set out in the Council's Constitution may be discharged.
2. T H A T such arrangements as referred to in Recommendation 1 above are approved with immediate effect and exercised by nomination by the Chief Executive from amongst the Director of Social Services, the Director of Environment and Housing, the Director of Learning and Skills, the Director of Corporate Resources and the Director of Place (the inclusion of the two new Director roles taking effect upon each of the two new Directors commencing in post).
3. T H A T the titles of the Director of Corporate Resources and Director of Place be included in the Council's Officer Scheme of Delegations in respect of the service areas for which each Director will have responsibility taking effect immediately upon each Director commencing in post.
4. T H A T it be noted that the Monitoring Officer has made amendments to the Council's Constitution as set out at Appendix A to the report to reflect incidental amendments as the result of the redesignation of the Managing Director to Chief Executive and some housekeeping changes.
5. T H A T Council approves the proposed amendments to the Council's Constitution as set out in paragraph 2.6 of the report and as detailed at Appendices B and C, to reflect legislative changes which have come into force, and to approve the proposed amendments referred to in Appendix B which are due to come into force on 5th May 2022.

Reasons for Recommendations

- 1-3 To ensure appropriate management arrangements in the circumstances of the absence of the Chief Executive.
4. To amend the Council's Constitution to reflect changes previously approved by Council.
5. To reflect current and pending statutory provisions.

1. Background

- 1.1 On 28th September 2015 Council approved the provision of "deputy" cover arrangements for the then newly appointed Managing Director in the circumstances of absence on, for example annual leave or sickness following the expiration of the previous arrangements on 31st July 2015. The cover was provided from amongst the then three Corporate Directors (Director of Social Services, Director of Environment and Housing, and Director of Learning and Skills) and by nomination by the Managing Director.

- 1.2** Such arrangements were set in place to cover the range of Managing Director delegations as set out in the Council's Constitution. These delegations include the power to act, after consultation with the appropriate Cabinet Member (and the Leader, Section 151 Officer and appropriate Chief Officer on matters involving financial commitments) on issues that require immediate action and did not justify holding a special meeting or where the issues are of such urgency or emergency as not to allow time to convene a meeting of the appropriate body).
- 1.3** The Local Government and Elections (Wales) Act 2021 (LGEW Act) introduced amendments to various pieces of legislation and new provisions in some areas to take effect at various times. The provisions that have already been introduced have been reported to Full Council and the Council's Constitution updated as appropriate. However, some provisions are to be take effect from 5th May 2022.

2. Key Issues for Consideration

- 2.1** The Council's Constitution has been amended to reflect the Council's resolutions at the Special meetings held on 24th January 2022 and some housekeeping changes as identified at Appendix A to this report. However, in light of the Council's subsequent approval of the redesignation of Managing Director to Chief Executive and noting the progress of the recruitment process for the posts of Director of Corporate Resources and Director of Place Council approval is also now being sought, in the circumstances of the absence of the Chief Executive, to amend the current deputising arrangements, to include the posts of Director of Corporate Resources and Director of Place to take effect immediately upon each Director commencing in post.
- 2.2** It is also recommended to Council that it approves the inclusion of both new Director titles in the Council's Officer Scheme of Delegations in respect of the service areas for which each Director will have responsibility, taking effect immediately upon each Director commencing in post.
- 2.3** More generally, and to assist with a refresh of Welsh Councils' Constitutions in the light of significant legislative changes the Monitoring Officers' All-Wales Group commissioned external support to assist with drafting a Model Constitution; this piece of work is currently being finalised, with the intention that a further report will be presented to Council following the May 2022 elections to enable a review of local choice functions including Local Procedure Rules which form part of the Council's Constitution.
- 2.4** Section 45 of the LGEW Act requires that a Model Guide to the Constitution is prepared which explains in ordinary language the content of the Constitution. A Model Guide to the Constitution has also been commissioned by the Monitoring Officers' All-Wales Group of the 22 Local Authorities in Wales which is anticipated to be received in the forthcoming weeks.
- 2.5** In addition to the above matters, the Council's Constitution will also require amending/updating as a direct result of legislative provisions contained in the LGEW Act, to take effect from 5th May 2022.

2.6 As a consequence Council approval is sought to include the new provisions in the Council's Constitution for the sections of the LGWE (referred to in brackets below) that are to take effect from 5th May 2022. Appendix B to this report provides the detail, of the below provisions required to be included in the Council's current Constitution and the relevant paragraphs where the amendments are to be inserted :-

- Amend the term of office for Elected Members' from four to five years (Section 14 – LGEW Act) and amend reference to 47 Councillors to 54 Councillors
- Restrictions on the Appointment of Officers as Members (Section 21)
- Petition Scheme – Petition scheme Procedure to be included in the Constitution, if approved by Council on 7th March 2022 following referral from Cabinet. The duty for approving, reviewing and amending the Council's Petition scheme to be included in the Constitution under Functions of the Full Council (Section 42)
- Broadcasting of meetings – The Council's current remote attendance at meetings policy introduced in April 2021 is to be revised following the receipt of Welsh Government's Statutory Interim guidance on Multi-Location Meetings. A revised policy is to be reported for consideration by Full Council on 25th April 2022. Further Welsh Government Guidance is however, awaited as to which meetings the Council should consider broadcasting from May 2022. The section under the Act requires that where meetings are broadcast speakers must be able to speak to and be heard by each other and to see and be seen by each other. (Sections 46 and 47)
- Code of Conduct for Employees – - qualifying employee who holds the post of Chief Executive of a county borough council in Wales is disqualified from becoming or remaining a member of a relevant authority (schedule 5 of LGEW Act).
- Head of Paid Service – delete reference to Head of Paid Service throughout the Constitution due to the provision that from 5th May 2022 the Head of Paid Service title is to be replaced with the title of Chief Executive (Section 54).
- *Assistants to the Executive – The Act provides that Council's Cabinet arrangements may make provision for Councillors of the Authority to be appointed to assist the Cabinet in discharging functions which are the responsibility of Cabinet. (Section 57)
- *Job Sharing by Executive Leaders and Executive Members – The provision requires Local Authorities to include in their Cabinet arrangements provision enabling two or more Councillors to share office on a Cabinet including the office of Cabinet Leader. This to also include details of the maximum numbers of a Cabinet when Cabinet offices are shared together with the details about quorum and voting. For information Members are advised that Section 60 of the LGEW Act also provide that Welsh Ministers may by Regulation provision

for the purpose of job sharing in respect of non-Executive officers in Principal Councils. (Section 58)

- Leaders of Political Groups in relation to standards of conduct – duty to promote and maintain high standards of conduct and must co-operate with the Standards Committee in the exercise of the Standards Committee’s functions (Section 62)
- Standards Committee – Terms of Reference and Role and Function (respectively) to include -
 - duty to monitor compliance by Political Leaders of the above duties and provide advice, training or arrange to train Leaders of political groups (Section 62)
 - duty to produce an Annual Report as soon as reasonably practicable at the end of the financial year (i.e. 31st March) to the Authority in respect of the year which must describe how the Committee’s functions have been discharged during the financial year (Section 63)
- Joint Scrutiny Committees – power amended to include the words “or require” two or more Local Authorities to appoint a Joint Scrutiny Committee. (Section 66 (2))
- Corporate Joint Committee – the LGEW Act provides provision for the establishment of Corporate Joint Committees. This requires a whole new section to be included within the Council’s Constitution. It is proposed that this be included as Section 11 – see attached Appendix C for the detail (Sections 76 - 88)
- Governance and Audit Committee – Full Council approved on 20th September 2021 that the membership of the Governance and Audit Committee consist of 6 Elected Members and 3 lay members and that the Terms of Reference of the Committee be amended to reflect the membership and the below from 5th May 2022 (Sections 115 – 118):
 - One third of the Membership of a Governance and Audit Committee are lay members
 - The Chair of a Governance and Audit Committee must be a Lay Member
 - The Vice-Chair of a Governance and Audit Committee must not be a Member of the Cabinet or an assistant to the Cabinet.
- Functions of the Full Council – the following to be added at paragraph 4.6 of the Council’s Constitution:
 - approving, reviewing and amending the Council’s Petition scheme (Section 42)
 - considering Chief Executive reports prepared pursuant to section 54(2)(b) of the LGEW Act, within 3 months of them being made (Section 54)
 - considering annual reports received from the Standards Committee within 3 months of them being made and keeping under review the extent to

which a) it is exercising its functions effectively, b) using its resources economically, efficiently and effectively and c) its Governance arrangements are effective for securing matters set out in a) and b) above (Section 63),

- performing the Corporate Joint Committee functions set out in Section 11 of this Constitution including the making of a Corporate Joint Committee application and the giving of consent to Corporate Joint Committee regulations being made (Section 87),
- consulting local people other persons carrying on a business in the Council's area, the officers of the Council and every Trade Union which is recognised by the Council about the extent to which the Council is meeting its performance requirements (Section 90),
- preparing an Annual Report on the extent to which the Council has met its performance requirements (Section 91),
- making arrangements for a panel performance assessment and responding to the panel's report (Sections 92 and 93).

(N.B. * Indicates awaiting Statutory guidance or further Statutory Guidance)

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The proposals contained in the report will ensure continuity in providing the Council with a stable platform in the event of the absence of the Chief Executive and to ensure that it can continue to meet its statutory obligations, operational service delivery, strategic aims, and well-being objectives.

4. Resources and Legal Considerations

Financial

- 4.1** None as a direct result of this report.

Employment

- 4.2** The redesignation and renaming the role of Managing Director to Chief Executive is in line with the relevant provisions contained in the LGEW Act and therefore there are no employment implications.

Legal (Including Equalities)

- 4.3** The Council is required to comply with relevant legislation requirements.

5. Background Papers

Cabinet and Council Reports: Council, 28th September 2015; Cabinet, 13th September 2021; Special Council, 28th September 2021, Council, 6th December 2021 and Special Council, 24th January 2022.

CONSTITUTION CHANGES

- 1) All references to Managing Director amended to Chief Executive in sections of the Constitution as below :-

Page	Section	Description
3	2.2.2	Chief Officer – definition
6	2.2.2	Proper Officer – definition
36	4.32.10	Remote Meeting Procedure Rules – NB at end of section referring to use of Managing Director’s Emergency Powers in 2020 with link to website
65	11.1.2	Management Structure, Chief Officers, Post, Functions and Areas of Responsibility
66	11.1.13	Management Structure, Designation of Head of Paid Service post
76	12.4.3(a)	Authentication of documents
102	13.16(a)	Responsibility for Council Functions: Committees’ Terms of Reference – Appeals Committee NB at end of (a) referring to Appeals Panel for Employees
103	13.16(a)(i)	Responsibility for Council Functions: Committees’ Terms of Reference – Appeals Panel for Employees
113	13.16(q)	Responsibility for Council Functions: Committees’ Terms of Reference – Senior Management Appointment Committee
126	14.14.2	Consultation on Proposals to be considered by the Executive – Urgent decision procedure
131	15.5.2	Virement – Revenue – Transferring of budgetary provision between budget heads
135	16.2.3	Roles and Responsibilities – Chief Executive
140	16.5.5	Authority to Incur and Control Revenue Expenditure – Authority to transfer budgetary provision from one budget head to another (vire)
149	16.17.1 & 16.17.3	Risk Management – putting into place and ensuring effective arrangements for risk management and measuring and reporting of same
156	17.2	Contract Procedure Rules – definition of Chief Officers
186	18	Code of Conduct for Members – Appendix 3 (Local Dispute Resolution Procedure for Dealing with Low Level Allegations) – Stage 2 of the Procedure: Mediation Meeting
204	19.2	Guide to Public Speaking at a Scrutiny Committee Meeting
217	22.1.3	Code of Corporate Governance
229	22.5.5.1	Sub Principles - Developing the capability of the entity’s leadership and other individuals
236	22.7.4	Annual Governance Statement
242	23.7	Whistle Blowing – Raising your Concerns

252	24.2.2(g)	Working with Officers to lead the Organisation
274	24.22.7	Working with Officers to lead the Organisation
282	25	Officer Delegations

2) Housekeeping changes –

Page	Section	Description
93	13.10 schedule 1 (J)	Family Absence – add additional wording at the end of the sentence “...as amended by The Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021.”
109	13.16(m)	Responsibility for Council Functions: Committees’ Terms of Reference – Democratic Services Sub-Committee – the words added “To be members of the Democratic Services Committee but not include the Mayor / Chair of Council” and also add at the end of the sentence “... and as amended by the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021” .

TABLE OF AMENDMENTS TO THE WELSH LOCAL AUTHORITY MODEL CONSTITUTION

**INCORPORATING CHANGES ARISING FROM LEGISLATION ALREADY IN FORCE AND PROSPECTIVE
CHANGES ARISING FROM THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021**

**AMENDMENTS TO BE MADE TO THE VALE OF GLAMORGAN COUNCIL'S CONSTITUTION
AS A RESULT OF LEGISLATIVE CHANGES FROM THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021
WHICH ARE CURRENTLY IN FORCE TOGETHER WITH CHANGES TO BE ENFORCED BY 5TH MAY, 2022**

Amendment	Statutory reference	Commencement date	Commencement provision
'Secretary of State' replaced with 'the Welsh Ministers', where functions have transferred.	Welsh Ministers (Transfer of Functions) Order 2018 (SI 2018/644)		
'Head of Paid Service' replaced with 'Chief Executive'.	Section 54 of the Local Government and Elections (Wales) Act 2021 - For information the Council's decision on 24 th January 2022 to rename the Managing Director's title to Chief Executive is in line with the statutory provisions.	5 May 2022	Article 6(h) SI 2021/231
References to 'Data Protection Act 1998' deleted, and 'Data Protection Legislation' re-defined	Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)		
'National Assembly for Wales' replaced with 'Senedd Cymru'.	Senedd and Elections (Wales) Act 2020		
References to 'Leader' amended "Leader(s)" to permit job-sharing of the role of Leader of the Council.	S.58 of, and Schedule 7 to, the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(k) SI 2021/231

SECTION SPECIFIC AMENDMENTS

Section	Amendment	Statutory reference	Commencement date	Commencement provision
1.2.1 - How the Council Operates	Amend the term of office for Elected Members' from four to five years (Section 14 – LGEW Act 2021) and amend reference to 47 Councillors to 54 Councillors.		5 May 2022	The County Borough of the Vale of Glamorgan (Electoral Arrangements) Order 2021
2.2.2	New defined term for 'Public Services Board' inserted.	Part 4 of the Well-being of Future Generations (Wales) Act 2015		
2.2.2	New defined term for 'Corporate Joint Committee' inserted.	Chapters 3 and 4 of the Local Government and Elections (Wales) Act 2021 and Regulations made under that Act		
2.2.2	New defined term for 'Constitution Guide' inserted. A document which explains in ordinary language the content of the Council's Constitution.	Section 37 of the Local Government Act 2000, as amended by Section 45 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(e) SI 2021/231
2.2.2 3.2.2.(c) 4.6	Insert new arrangements for petition schemes. 2.2.2 and 3.2.2(c) Petition Scheme 4.6 Approving, reviewing and amending the Council's Petition Scheme	Section 42 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(d) SI 2021/231
2.8.2	Amend to incorporate a new provision requiring the Monitoring Officer to ensure that copies of the Constitution Guide are available at the Council offices and on the Council's website.		5 May 2022	Article 6(e) SI 2021/231
3.1.1.(d) 4 5	Amend to incorporate new arrangements for virtual attendance at meetings.	Section 47 of the Local Government and Elections (Wales) Act 2021, and the interim statutory guidance on multi-location meetings		

3.1.1.(f)	Amend to incorporate changes to accounts and audit requirements.	Accounts and Audit (Wales) Regulations 2014		
3.2.1	New 3.2.1 inserted to reflect new duty to promote and encourage public participation in decision making.	Section 39 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(d) SI 2021/231
3.2.1(e)(ii)(B)	Amend to update the Public Services Ombudsman for Wales' contact details.	N/A		
4.5	Amend to incorporate change for approval of the Welsh Ministers for housing land transfers not National Assembly for Wales.	Schedule 14 of the Housing and Regeneration Act 2008 (which repealed Section 135 of the Leasehold Reform, Housing and Urban Development Act 1993)		
4.6	Amend to incorporate the requirement for the Full Council to perform certain functions in respect of Corporate Joint Committees.	Section 87 of the Local Government and Elections (Wales) Act 2021		
4.6	Amend to reflect that approving the appointment or dismissal of the Chief Executive, and the determining the remuneration of any Chief Officer is a function of the Full Council.	Regulation 7 of the Local Authorities (Standing Orders) (Wales) Regulations 2006, substituted by Regulation 6 of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014		
4.6	Amend to include the duty to consult local people over the Council's performance.	Section 90 of the Local Government and Elections (Wales) Act 2021		
4.6	Amend to include the duty to make annual report on performance.	Section 91 of the Local Government and Elections (Wales) Act 2021		
4.6	Amend to include the duty to make arrangements for panel performance assessments, and to respond to their report.	Sections 92 and 93 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 3(1) SI 2021/297
4.6 11.2	Amend to incorporate the Chief Executive's power to report to the Council on the co-ordination of the Council's different functions, the Council's arrangements in respect of financial planning, risk management and asset	Section 54 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(h) SI 2021/231

	management, and the Council's staffing arrangements.			
4.6	Amend to include duty on Full Council to consider annual reports produced by the Council's Standards Committee.	Section 56B(6) of the Local Government Act 2000, inserted by Section 63 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(m) SI 2021/231
4.6	Amend to reflect the new duty imposed on Councils to keep their performance under review.	Section 89 of the Local Government and Elections (Wales) Act 2021		
4.32	Amend to include new duty to broadcast meetings of the Full Council.	Section 46 of the Local Government and Elections (Wales) Act 2021		
5	Amend to include references to Assistants to the Executive.	Section 57 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(j) SI 2021/231
5	<p>Insert job sharing arrangements for Executive Leaders and Members.</p> <p>Job Sharing - Executive Leaders and Executive Members The Local Government and Elections (Wales) Act 2021 Sections 58 and 60 advises that Local Authorities are required to include in their Executive arrangements provision enabling two or more Councillors to share office on an Executive including the office of Executive Leader. The provisions to include changing the maximum number of Members of an Executive when Members of the Executive share office and in respect of voting and quorum where Members of an Executive share office. (Further guidance is awaited.)</p>	Section 58 of, and Schedule 7 to, the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(k) SI 2021/231
6	Amend to reflect changes to maximum number of members of the Cabinet / Executive in the event of a job-share. Amend to read maximum of 13 Members of the Executive (i.e. 3 job share)	Section 58 of, and Schedule 7 to, the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(k) SI 2021/231

6 24.2.2	Additional paragraph to reflect the Leader(s)' role as one of the Council's representatives on the Public Services Board.	Para 7 of Sch. 3 to the Well-being of Future Generations (Wales) Act 2015.		
6 24.2.2	Additional paragraph to reflect the Leader(s)' role as the Council member on the Corporate Joint Committee.	Part 5 of the Local Govt. and Elections (Wales) Act 2021 and regulations made thereunder.		
7.2 7.4	Additional paragraph to include scrutiny function in respect of Public Services Boards in the functions of the Overview and Scrutiny Committees.	Section 35 of the Well-being of Future Generations (Wales) Act 2015 and the accompanying statutory guidance		
7.13	Amend to reflect legislative changes that enable the Welsh Ministers to require (rather than simply permit) two or more local authorities to appoint joint overview and scrutiny committees.	Section 58(1) of the Measure, as amended by Section 66(2) of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(n) SI 2021/231
8.2(a)	Amend paragraph to refer to the relevant legislation.	Regulation 18(1) of the Standards Committees (Wales) Regulations 2001, as amended by Regulation 2(8)(a) of the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016		
8.7 and renumber 13.16(h) to 14.16(h)	Insert 8.7 and 14.16(h) to reflect new duty on Standards Committee to make Annual Report to Full Council. The Annual Report must describe how the Committee's functions have been discharged during the financial year. Insert 8.7 and 14.16(h) to reflect new duty to monitor compliance by Political Leaders of the above duties and provide advice, training or arrange to train Leaders of political groups	Section 56B(6) of the Local Government Act 2000, inserted by Section 63 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(m) SI 2021/231
8.8	Insert an additional paragraph 8.8 to include power to establish joint standards committees.	Section 53(1) of the Local Government Act 2000, as amended by s.68(2)(a) of the		

		Local Government (Democracy) (Wales) Act 2013		
9.2 Renumber 13.16(o) to 14.16.(o)	<p>Amend to reflect changes in the membership requirements for governance and audit committees. Amend 9.2.2 and 9.2.3 to read as follows:</p> <p>9.2.2 The Committee shall comprise of six Councillors and three lay members.</p> <p>9.2.3 The Chair of the Governance and Audit Committee is appointed by the Committee and must be a lay member.</p> <p>Addition of a new 9.2.4</p> <p>9.2.4 The Vice-Chair of the Governance and Audit Committee is appointed by it and must not be a member of the Cabinet or an assistant to the Cabinet.</p> <p>Change the numbering of the current paragraph 9.2.4 to become 9.2.5</p> <p>Renumber 13.16(o) Terms of Reference to (14.16(o)) and replace the current (a) and (b) with the below paragraph:</p> <p>The membership of the Governance and Audit Committee is to be determined by Council subject to at least two thirds of the members must be Vale of Glamorgan Councillors and one third are lay members.</p> <p><u>Chairing the Committee</u> Replace the current paragraph as below</p> <p>The Chair of the Governance and Audit Committee must be a Lay Member and the Vice-</p>	Section 82 of the Measure, as amended by sections 116-118 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 3(b) SI 2021/297

	Chair of a Governance and Audit Committee must not be a Member of the Cabinet or an assistant to the Cabinet.			
9.4.3	Insert new paragraph to incorporate changes to quoracy requirements when relevant planning functions are exercised.	Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 (SI 2017/460)		
10.3.4	Insert new paragraph to incorporate duty to have regard to guidance published by the Welsh Ministers when establishing joint committees.	s.53 of the Local Government Act 2000 as amended by s.68 of the Local Government (Democracy) (Wales) Act 2013 commenced by the Local Government (Democracy) (Wales) Act 2013 (Commencement No. 2) Order 2015		
11 13.1(h)	Insert new section 11 to reflect new arrangements for corporate joint committees. Insert a new 13.1(h) and amend 13.1(h) to 13.1(i) - See Appendix C for further details	Chapters 3 and 4 of the Local Government and Elections (Wales) Act 2021 and regulations made thereunder		
Renumber Section 11.1.2 to read 12.1.2	Renumber section 11.1.2 to read 12.1.2 and insert under “Director of Social Services” reference to the legislation	Ss.27(1)(a) and 25 of the Children Act 2004 (as amended) s. 144 of and Schedule 2 to the Social Services and Well-being (Wales) Act 2014		
Renumber Section 11.2.1 to 12.2.1 Renumber Section to 11.2.2 12.2.2	Renumber section 11.2.1 to read 12.2.1 to include the new statutory function for Chief Executives of principal councils and renumber section 11.2.2 to read 12.2.2 to include the same provision.	Section 54 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(h) SI 2021/231
12.2.3	Insert a new paragraph to include Chief Executive acting as a representative on a Public Services Board.	Part 4 of the Well-being of Future Generations (Wales) Act 2015		
Renumber Section 11.3.9 to	Delete restriction on Head of Democratic Services being Monitoring Officer.	s.8(4)(b) of the Measure, repealed by section 161(2)(a) of the Local	5 May 2022	Article 6(p) SI 2021/231

12.3.9 and 11.5.9 to 12.5.9		Government and Elections (Wales) Act 2021		
Renumber Section 11.4.7 to 12.4.7 and add new paragraph	Add new paragraph to reflect requirement that Chief Finance Officer must be a member of one of a number of specified bodies as follows: (a) The Chief Finance Officer must be a member of one or more of the following professional bodies: - (i) the Institute of Chartered Accountants in England and Wales; (ii) the Chartered Association of Certified Accountants; (iii) the Chartered Institute of Public Finance and Accountancy; (iv) the Chartered Institute of Management Accountants; or (v) any other body of accountants established in the United Kingdom and for the time being approved by the Welsh Ministers for this purpose.	s.6 of the Local Government and Housing Act 1989		
Renumber Section 11.9 to 12.9	Add a new paragraph (c) to reflect prohibition on Members being elected to Officer positions at a Council.	Section 116A of the Local Government Act 1972, inserted by Section 21 of the Local Government and Elections (Wales) Act 2021.		
Renumber section 11.9.4 to 12.9.4	Insert an additional paragraph to reflect the prohibition on the appointment or dismissal of, or the taking of disciplinary action against, a monitoring officer or a head of democratic services being discharged by the Chief Executive or by an officer nominated by the Chief Executive.	Sub-paragraphs 3(1)(h) and (j) of Part 1 of Schedule 3 to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014, as amended by Regulation 10 of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014		
Renumber Section	Insert an additional paragraph to reflect the prohibition on the Proper Officer from dismissing any officer in relation to whom	Sub-paragraph 3(2) of Part 1 of Schedule 3 to the Local Authorities (Standing Orders)		

11.9.6 to 12.9.6	disciplinary action is proposed and who was, but at the time of the proposed disciplinary action no longer is, an officer referred to in the Regulations.	(Wales) (Amendment) Regulations 2014, as amended by Regulation 10 of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014		
Renumber Section 14.4 to 15.4	Amend to reflect notice requirements where meetings are held partly, or wholly, virtually.	Section 100A(6A)(a) of the Local Government Act 1972, as inserted by paragraph 1(b) of Schedule 4(1) to the Local Government and Elections (Wales) Act 2021		
Renumber Section 14.7 to 15.7	Add an additional paragraph to amend the new obligations regarding the retention of the broadcasting of meetings.	Paragraph 12 of Part 1 of Schedule 4 to the Local Government and Elections (Wales) Act 2021 which inserts a new paragraph 26ZA(1)(c) into Schedule 12 to the Local Government Act 1972		
Renumber Section 14.10.5 to 15.10.5	Amend to reflect the fact that the Welsh Ministers aren't strictly Ministers of the Crown, so should be listed separately.	N/A		
Renumber Section 16 to 17	Amend references to the Accounts and Audit Regulations.	Accounts and Audit Regulations 2015 (as subsequently amended)	Sections 16 and 17 which will be renumbered to be 17 and 18 are currently being considered by the Finance and Audit Department to be reported to Council in due course	
Renumber 16.2.1 to 17.2.1	Additional paragraph to include reference to updated CIPFA Prudential Code for Capital Finance in Local Authorities.	CIPFA Prudential Code for Capital Finance in Local Authorities (2017 Edition)		
Renumber Section 16.4.4 to 17.4.4	Amend to reflect amendments to the audit duty.	Accounts and Audit Regulations 2015		
18	Amend references to updated code of practice on procurement.	Code of Practice: Ethical Employment in Supply Chains		

18	Amend references to updated public procurement legislation.	Public Contracts Regulations 2015, Utilities Contracts Regulations 2016, Concession Contracts Regulations 2016, Public Procurement (Amendments, Repeals and Revocations) Regulations 2016 and Public Procurement (Amendment Etc.) (EU Exit) Regulations 2020	Sections 16 and 17 which will be renumbered to be 17 and 18 are currently being considered by the Finance and Audit Department to be reported to Council in due course	
18	Delete reference to EU legal requirements.	European Union (Withdrawal) Act 2018		
18.1.5	Delete obligation to comply with EU treaty principles.	European Union (Withdrawal) Act 2018		
18.5.1 18.5.5 18.5.6 18.5.7 18.5.8	Amend to reflect amended duties to retain information following a procurement exercise.	Public Contracts Regulations 2015		
18.5.2 18.5.3	Insert to reflect exceptions to the requirement to prepare and retain a procurement report.	Public Contracts Regulations 2015		
18.8.2	Amend requirements when procuring a new framework agreement.	Public Contracts Regulations 2015		
Renumber Section 18 to 19	Amend to incorporate changes to the model code of conduct.	Local Authorities (Model Code of Conduct) (Wales) Order 2008 (as amended by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016)		
19.2.11	Insert new paragraph (19.2.11) to reflect new duty imposed on leaders of political groups to uphold standards as below: 18.2.11 - If you are a leader of a political group, you must (a) take reasonable steps to promote and maintain high standards of conduct by the members of the group; and	Inserted into section 52 of the Local Government Act 2000 by section 62 of the Local Government and Elections (Wales) Act 2021	5 May 2022	Article 6(l) SI 2021/231

	(b) co-operate with the Council's Standards Committee (and any sub-committee of the Committee) in the exercise of the Standards Committee's functions. In complying the a) and b) above, you must have regard to any guidance issued by the Welsh Ministers. (Section 62)			
Renumber 18 to 19 Appendix 1	Amend principle of equality and respect to include all protected characteristics.	Sections 8 and 11 of the Equality Act 2020		
Renumber Section 20.3 to 21.3	Amend footnote 35 to reflect changes to restrictions on officers becoming members of the Council.	Section 1 of the Local Government and Housing Act 1989 (as amended by Schedule 5 to the Local Government and Elections (Wales) Act 2021)	5 May 2022	Article 6(s) SI 2021/231
24.2.2.(b)	Delete reference in footnote 38 to "Fourth Option Authorities".	Local Government (Wales) Measure 2011 (Modification of Enactments and other Provisions) Order 2013 (SI 2013/3005)		
24.13.2	Include additional paragraph (J) reviewing and making recommendations in relation to the self-assessment report in the functions of the Chair of the Governance and Audit Committee.	Section 91 of the Local Government and Elections (Wales) Act 2021		

N.B. Council is advised that once all the amendments above have been approved and inserted into the new version of the Constitution, the Section numbers may change.

SECTION 11

CORPORATE JOINT COMMITTEES

11.1 Introduction

Corporate joint committees may be established: -

- 11.1.1 at the instigation of the Welsh Ministers, to undertake the Council's transport, strategic planning, economic development and/or improving education functions; or
- 11.1.2 at the instigation of the Council, to undertake any of the Council's functions.

11.2 Corporate Joint Committees

- 11.2.1 The Council may, jointly with one or more other local authorities make a joint committee application to the Welsh Ministers, asking them to consider making regulations under section 72 of the Local Government and Elections (Wales) Act 2021 establishing a corporate joint committee to exercise a function of those authorities or the economic wellbeing function in relation to the principal areas of those authorities.
- 11.2.2 The Council shall not make such an application unless and until it has consulted: -
 - (a) local people in the Council's area;
 - (b) town and community councils in the Council's area;
 - (c) the Public Services Board;
 - (d) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and
 - (e) such other persons as the Council considers appropriate.
- 11.2.3 The Council may, jointly with all other local authorities for the principal areas in a corporate joint committee's area, make an application to the Welsh Ministers asking them to consider making regulations under section 80 of the Local Government and Elections (Wales) Act 2021 to amend or revoke joint committee regulations which establish a corporate joint committee of which the Council is a member.
- 11.2.4 The Council may not exercise the power in section 11.2.3 to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a function which relates to the Council's transport, strategic planning, economic development or improving education functions.