

Report for: Information

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 - amendments to the Constitution

Background

1. The responsibility for the exercise of the functions of the Authority is governed by Regulation. The Constitution and the Scheme of Delegations is drafted in accordance with such Regulation and currently complies with The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 as amended.
2. On the 16th February 2007 the latter Regulations were revoked and The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 came into force.
3. As a consequence of the new Regulations the functional responsibilities of the Executive and Council are largely unchanged but there are some important new requirements as follows:
4. The earlier Regulations provided that the determination of staff conditions of employment and functions relating to their appointment and dismissal could not be the responsibility of the Executive. The new Regulations merely provide that the Executive shall not have responsibility for the appointment and dismissal of staff. It is understood that Welsh Assembly Government intended to clarify the old wording because this could be interpreted as preventing the Executive from considering policy aspects of conditions, appointment and dismissal. It remains that an Executive cannot involve itself in the appointment and dismissal of individuals. This means changes to the terms of reference of the Employment Conditions Committee will be required because currently the ECC determines conditions of staff.
5. The new Regulations removes responsibility for the determination of the Public Path Orders under the Highways Act 1980 and Definitive Map Modification Orders from being a Council function. The function is now an Executive function. Consequently any applications received after the 16th February 2007 will have to be determined either by the Executive or if delegated, by an Officer.

Issues

6. The Committee is asked to note the new Regulations and note that the Monitoring Officer will make the necessary unavoidable changes to the Constitution and to the Scheme of Delegations that arise from the new Regulations. The Monitoring Officer already has delegated authority for the latter.
7. Changes to the terms of reference of the Employment Conditions Committee will however require the approval of Council and a Report will be put to next Council.

8. **Legal Implications**

The Local Government Act 2000 and the Local Authority Constitution (Wales) Direction 2002 requires the authority to keep its Constitution up to date.

9. **Financial Implications**

There are no financial implications arising directly from this report

RECOMMENDATIONS

1. That Committee note the impact of the new Regulations and the permitted amendments to the Constitution and Scheme of Delegations that will be made by the Monitoring Officer.
2. The Committee note the changes required to the terms of reference of the Employment Conditions Committee and consider the role of the latter Committee.

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Date: 4th June 2007