

REPORT TO:	Council
REPORT NO:	HCCS/17/19
DATE:	27 March 2019
LEAD MEMBER:	Councillor Mark Pritchard (Lead Member for Organisation – Finance, Performance and Governance)
CONTACT OFFICER:	Sioned Wyn Davies (Tel: 292202)
SUBJECT:	Annual Review of the Constitution
WARD:	N/A

1. PURPOSE OF THE REPORT

To update the Constitution to reflect decisions made during the year and any other necessary changes.

2. EXECUTIVE SUMMARY

- 2.1 Article 14.01 of the Council's Constitution places a responsibility on the Monitoring Officer to monitor and review the Constitution on a regular basis. It is considered good practice that this be undertaken at least annually.
- 2.2 The most recent review of the Constitution was in March 2018. The Monitoring Officer is not proposing any substantive changes to the Council's Constitution at this time as the Constitution Working Group is currently undertaking a comprehensive review of the Constitution.
- 2.3 In the meantime the Council is invited to approve the following amendments prompted by legislative requirements, other changes and decisions approved during the past year.
 - 2.3.1 Changes throughout the Constitution to reflect the new Senior Management Restructure which takes effect on 1st April 2019 including associated changes to the scheme of delegation
 - 2.3.2 Amendments to the powers delegated to Chief Executive and Chief Officers to bring in line with the Council's current policies
 - 2.3.3 Functions delegated to Officers to be updated to reflect the current legislative position and relevant guidance notably in relation to education, planning and public protection functions
 - 2.3.4 Updates to the Financial Procedure Rules and Contract Procedure Rules
 - 2.3.5 Updates to the Code of Corporate Governance

- 2.3.6 To include reference to the establishment of the joint committee to coordinate the planning and delivery of the Growth Vision with an initial emphasis on the Growth Deal.

RECOMMENDATIONS

3.1 That the Constitution be revised in the following respects:

- 3.1.1 Updated to reflect the new Senior Manager Structure and associated changes to the scheme of delegation**
- 3.1.2 The Scheme of Delegation to Officers be amended to ensure it is consistent with current policies and procedures and reflects current legislation and guidance as outlined in the Appendix**
- 3.1.3 Updated Finance Procedure Rules, Contract Procedure Rules and Code of Corporate Governance as outlined in the Appendix**
- 3.1.4 Updates to incorporate decisions of the Executive Board since the last review namely:-**
- i. Incorporating the full range of powers provided for under the Public Health (Wales) Act 2017 within the remit of the Chief Officer Planning & Regulatory (currently Head of Environment and Planning);**
 - ii. Incorporating the full range of powers necessary to enable the Chief Officer Environment (currently Head of Environment and Planning) to determine applications to the Council in its capacity as the Sustainable Drainage Approval Body under Schedule 3 of the Flood and Water Management Act 2010.**
 - iii. Establishment of the joint committee for the Growth Vision for North Wales in accordance with the agreement entered into on 18th December 2018.**

REASONS FOR RECOMMENDATIONS

To ensure that the Council's Constitution is updated to meet all legal and good governance requirements and enables Officers to discharge the functions within their remit. To incorporate changes and delegations authorised during the period since the last review.

4. BACKGROUND INFORMATION

- 4.1 The adoption of a revised senior management structure with effect from 1st April necessitates adjustments throughout the Constitution to ensure that officers in the revised structure have the powers necessary to enable them to discharge the functions falling within their remit.
- 4.2 In considering the changes required to reflect the new senior management structure it was noted that HR policies and procedures have been adopted but the associated amendments have not been reflected in the Constitution; this review has been used as an opportunity to correct any anomalies and inconsistencies.
- 4.3 There have been a number of changes in legislation and in cross referencing with relevant Welsh Government guidance a number of anomalies have been identified resulting in changes notably in the delegations in respect of the

education, planning and public protection functions and these are outlined in the Appendix.

- 4.4 In October 2018 the Executive Board approved the establishment of a joint committee with the five other North Wales authorities and advisory partners in the higher and further education sectors and the business community by virtue of an agreement entered into on 18th December 2018.
- 4.5 Since the last review the Executive Board has authorised delegations in respect of the Public Health (Wales) Act 2017 and also in respect of Schedule 3 of the Flood and Water Management Act 2010 in June 2018 and January 2019 respectively.

5. IMPLICATIONS

- 5.1 **Policy Framework** – The Council Plan contains a Corporate Theme: Organisation – building an effective and efficient organisation that can best support local well-being. This report supports this policy document in seeking to ensure that the Organisation and its corporate structures are fit for purpose and that appropriate internal governance procedures are in place.
- 5.2 **Budget** – There are no budget implications as a result of this report.
- 5.3 **Legal** – Relevant legal implications are referenced in the report and associated Appendix.
- 5.4 **Staffing** – There are no direct staffing implications as a result of this report.
- 5.5 **Equality/Human Rights** – Members are advised of their duty to consider the full Equality Impact Assessment which is available at <http://vmwinsqld/equalityisalive/Menu.aspx> report number CCS/EIA00123/2016.
- 5.6 **Risks** – There are risks to governance arrangements if the Constitution is not updated to reflect legislative change and requirements.

6. CONSULTATION

- 6.1 Officers have been consulted on the amendments to the scheme of delegation as appropriate.

7. SCRUTINY COMMITTEE COMMENTS

- 7.1 This has not been considered by a scrutiny committee.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
Current Council Constitution	Internet / Intranet	www.wrexham.gov.uk/english/council/documents/constitution.htm www.internal.wrexham.gov.uk/wordpress/key-documents/constitution/