

Changes to the Constitution

A Senior Management Structure

Amendments to all parts of the Constitution to reflect the revised senior management structure including changed job titles and reallocation of responsibilities currently exercised by Executive Directors.

B Scheme of Delegation

Amendments to ensure that Chief Officers have the delegated powers required to fulfil their roles. This includes changes to reflect current legislation and Welsh Government Guidance and address anomalies and inconsistencies. Amended wording set out below:-

B1 Table 5 Functions delegated to officers, general provisions amended to read as follows ("clean" version followed by tracked changes version with explanation):-

The Chief Executive and each Chief Officer is authorised to act in relation to workforce matters within the delegations are set out below and also include reference to when any matter may be reserved to the Council or a specific appointments committee, or provisions are made in a policy.

GENERAL PROVISIONS

1. *The Chief Executive and Chief Officers shall discharge the functions and powers of the Council as specified herein and within the following Scheme of Delegation subject to:-*
 - 1.1 *Expenditure or income being within the approved revenue budget or the prior approval of the Council being received.*
 - 1.2 *Compliance with Council Policies, Standing Orders and Financial Regulations.*
 - 1.3 *Promotion of required standards and compliance with legislation e.g. Data Protection Act, Freedom of Information Act 2000, Human Rights Act 1998, Equality Act 2010, Health and Safety at Work Act 1974 (including the provision of personal/protective equipment and practices), Environmental Information Regulations 2004.*

2. *The Chief Executive, or as directed by the Chief Executive, a Chief Officer are authorised, in the absence or inability to act of the Chief Officer reporting to them, to exercise all powers delegated from time to time to those Chief Officers except where specifically prevented from so acting by limitation of statute, professional qualification or where other arrangements have been made in the relevant delegation.*
3. *The Chief Executive and Chief Officer are authorised to take or authorise in consultation with the relevant Committee or Sub-Committee Chair or Vice-Chair, or in their absence the Chair or Vice-Chair of the Executive Board, any action on any matter within the Terms of Reference of the relevant Committee or Sub-Committee which they consider to be of such urgency that it cannot await a meeting of that Committee or Sub-Committee provided that such action shall be reported for information to the next available meeting of the relevant Committee or Sub-Committee.*
4. *The Chief Executive or designated first point of contact in his/her absence are authorised to take or authorise in consultation with the Chair and Vice-Chair of the Executive Board, any action on any matter within the Terms of Reference of the Executive Board which they consider to be of such urgency that it cannot await a meeting of the Executive Board provided that such action shall be reported for information to the next available meeting of the Executive Board.*
5. *The Chief Executive, Chief Officers, and Head of Service posts that report directly to the Chief Executive have the power:-*
 - 5.1 *to recruit and appoint staff to posts below Chief Officer or designate to Managers who have the relevant skills in recruitment.*
 - 5.2 *to approve the carry forward of annual leave in extenuating circumstances and Special Leave in accordance with the Time Off Work and Worklife balance policies.*
 - 5.3 *to determine eligibility of employees to receive the following payments in accordance with Council's pay and reward policy and other related policies:-*
 - 5.3.1 *honorary payments for temporarily undertaking additional responsibilities as described in the Pay and Reward policy*
 - 5.3.2 *to authorise payments for advances of pay, in exceptional circumstances*
 - 5.3.3 *to determine a starting salary for new appointments, which is higher than the bottom incremental point, only in exceptional circumstances as set out in the Pay and Reward Policy.*
 - 5.3.4 *to invoke the relocation scheme for specific senior/ hard to fill posts, in exceptional circumstances in line with policy.*
 - 5.4 *to extend contractual sick pay periods in exceptional circumstances, in accordance with the Council's policy and where the application is supported by significant medical evidence, and in consultation with the Head of Service, HR & OD.*
 - 5.5 *to approve settlement agreements, authority for payments in consultation with Head of Service, HR & OD, and based on legal advice.*

- 5.6 to suspend, dismiss employees, or take action short of dismissal where appropriate, in accordance with the Council's policies and procedures, where applicable in respect of:*
- Conduct*
 - Capability*
 - Redundancy*
 - Legal restriction*
 - Some other substantial reason.*
- 5.7 to dismiss on grounds of ill health retirement having considered an opinion from an Independent Registered Medical Practitioner appointed by the pension fund, that states the employee is unable to immediately partake in gainful employment and appropriate tier, in consultation with the Head of Service, HR & OD.*
- 6. The Chief Executive and Chief Officers to have power to exercise such functions, powers and duties as may be specified in Standing Orders or Financial Regulations.*
 - 7. The Chief Executive and Chief Officers to have power to submit applications for planning permission in accordance with the Town and Country Planning General Regulations 1992.*
 - 8. The Chief Executive or his/her nominated alternate to have authority to amend or authorise amendment of all departmental structures below Chief Officer level in response to management needs including service or budgetary pressures provided that the Leader and Deputy Leader have been consulted on proposed amendments involving Heads of Service reporting to Chief Officers.*
 - 9. The Chief Executive and Chief Officers to have the power in an emergency in consultation with the Chair or Vice-Chair of the Executive Board to approve the attendance of Members at conferences, seminars and other similar meetings for the purposes of the payment of subsistence and travel allowances when it is considered that such would be in accordance with Council policy.*
 - 10. In cases of urgency the Chief Executive and Chief Officers to have the power to submit bids for resources in line with Council policy.*

Tracked changes version of the above

The Chief Executive and each Chief Officer is authorised to act in relation to workforce matters, the delegations are set out below and also include reference to when any matter may be reserved to the Council or a specific appointments committee, or provisions are made in a policy.

~~Details of functions delegated to officers are set out in the following pages.~~

GENERAL PROVISIONS

1. The Chief Executive, ~~Executive Directors~~ and ~~Heads of Department~~ Chief Officers shall discharge the functions and powers of the Council as specified herein and within the following Scheme of Delegation subject to:-
 - 1.1 Expenditure or income being within the approved revenue budget or the prior approval of the Council being received.
 - 1.2 Compliance with Council Policies, Standing Orders and Financial Regulations.
~~Compliance with Council policy.~~
 - 1.3 Promotion of required standards and compliance with legislation e.g. Data Protection Act, Freedom of Information Act 2000, Human Rights Act 1998, Equality Act 2010, Health and Safety at Work Act 1974 (including the provision of personal/protective equipment and practices), Environmental Information Regulations 2004.
2. The Chief Executive, or as directed by the Chief Executive, a Chief Officer and Executive Directors are authorised, in the absence or inability to act of the ~~Heads of Department~~ Chief Officer reporting to them, to exercise all powers delegated from time to time to those ~~Heads of Department~~ Chief Officers except where specifically prevented from so acting by limitation of statute, professional qualification or where other arrangements have been made in the relevant delegation.
3. The Chief Executive and ~~Executive Directors~~ Chief Officer are authorised to take or authorise in consultation with the relevant Committee or Sub-Committee Chair or Vice-Chair, or in their absence the Chair or Vice-Chair of the Executive Board, any action on any matter within the Terms of Reference of the relevant Committee or Sub-Committee which they consider to be of such urgency that it cannot await a meeting of that Committee or Sub-Committee provided that such action shall be reported for information to the next available meeting of the relevant Committee or Sub-Committee.
4. The Chief Executive and Executive Directors or designated first point of contact in his/her absence are authorised to take or authorise in consultation with the Chair and Vice-Chair of the Executive Board, any action on any matter within the Terms of Reference of the Executive Board which they consider to be of such urgency that it cannot await a meeting of the Executive Board provided that such action shall be reported for information to the next available meeting of the Executive Board.

~~5. The relevant Executive Director and each Head of Department is responsible for ensuring compliance with the Data Protection Act 1998, Freedom of Information Act 2000, Environmental Information Regulations 2004, Human Rights Act 1998 the Health and Safety at Work etc. Act 1974 and the Equality Act 2010 in so far as his/her service is concerned. (moved to 1.3 above)~~

5. The Chief Executive, ~~Heads of Department~~ Chief Officers, and Head of Service posts that report directly to the Chief Executive have the power:-

5.1 to recruit and appoint staff to posts below ~~Head of Department~~ Chief Officer or designate to ~~supported by~~ Managers who have the with relevant skills in recruitment. ~~and/or appropriately trained.~~

5.2 to approve ~~the carry over of annual leave in extenuating circumstances and other~~ Special Leave' in accordance with ~~Section 5.4 of the Time Off Work and Worklife balance policies~~ Policy.

~~(c) to attend or to authorise leave of absence for attendance at conferences, courses and seminars.~~

~~(e) to approve business mileage claims for authorised business travel and subsistence and travel allowances.~~

5.3 to ~~decide the~~determine eligibility of employees to receive ~~the following~~ payments: in accordance with Council's pay and reward policy and other related policies-

~~(i) in respect of overtime~~

~~(5.3.1) honorary payments for temporarily undertaking additional responsibilities ~~duties and responsibilities as described in the Pay and Reward policy where provided for in the conditions of service~~~~

~~(-) in accordance with the relocation and disturbance scheme~~

~~(5.3.2) to authorise payments for advances of pay, in exceptional circumstances~~

~~(5.3.3) to determine a starting salary for new starters, which is higher than the the bottom incremental point, only in exceptional circumstances as set out in the Pay and Reward Policy. ~~of accelerated increments in accordance with the Pay and Reward Policy~~~~

~~(5.3.4) to invoke the relocation scheme for specific senior recruitment campaigns in exceptional circumstances~~

5.4 to extend contractual sick pay periods in exceptional circumstances, in accordance with the Council's policy and where the application is supported by significant medical evidence, and in consultation with the Head of Service, HR & OD.

5.5 to approve settlement agreements, authority for payments in consultation with Head of Service, HR & OD, and based on legal advice.

5.6 To suspend, dismiss employees, or take action short of dismissal where appropriate, in accordance with the Council's policies and procedures, where applicable in respect of:

- Conduct
- Capability

- Redundancy
- Legal restriction
- Some other substantial reason.

~~grant facilities to employees to undertake post entry training in accordance with the Workforce Development Policy
(j) to attend, and allow staff to attend, Local Government Association meetings, professional association meetings and conferences in the UK
(k) to issue personal protective equipment~~

~~5.6 To authorise the carrying forward of annual leave to the next year in extenuating circumstances in accordance with the Worklife balance/Annual Leave Policies and Procedure~~

~~(m) to appoint temporary staff (in 5.1)~~

~~5.7 To dismiss on grounds of ill health retirement having considered an opinion from an Independent Registered Medical Practitioner appointed by the pension fund, that states the employee is unable to immediately partake in gainful employment and appropriate tier, in consultation with the Head of Service, HR & OD. decide whether an employee is entitled to an ill-health pension and grant under the provisions of the Local Government Pensions Scheme.~~

6. The Chief Executive, ~~Executive Directors~~ and ~~Heads of Department~~ Chief Officers to have power to exercise such functions, powers and duties as may be specified in Standing Orders or Financial Regulations.

7. The Chief Executive, ~~Executive Directors~~ and Chief Officers ~~Heads of Department~~ to have power to submit applications for planning permission in accordance with the Town and Country Planning General Regulations 1992.

8 The Chief Executive or his/her nominated alternate to have authority to amend or authorise amendment of all departmental structures below ~~Head of Department~~ Chief Officer level in response to management needs including service or budgetary pressures provided that the Leader and Deputy Leader Chair and Vice-Chair of the Executive Board have been consulted on proposed amendments involving senior managers reporting to ~~Heads of Department.~~ Chief Officers.

9. The Chief Executive, ~~Executive Directors~~ and ~~Heads of Department~~ Chief Officers to have the power in an emergency in consultation with the Chair or Vice-Chair of the Executive Board to approve the attendance of Members at conferences, seminars and other similar meetings for the purposes of the payment of subsistence and travel allowances when it is considered that such would be in accordance with Council policy.

10. In cases of urgency the Chief Executive, ~~Executive Directors~~ and ~~Heads of Department~~ Chief Officers to have the power to submit bids for resources in line with Council policy.

B2 Delegations to CHIEF EXECUTIVE amended as follows:-

Deletion of delegation 9 as this is covered by the Time off Work Policy.

~~9 To determine applications from staff for time off for public duties and membership of employment tribunals.~~

Revised wording for delegations 11 and 12.

11 To approve in consultation with the Monitoring Officer, the Chief Finance Officer, the Head of Service, HR & OD and Members of the Executive Board, voluntary early retirement/redundancy below Chief Officer level which accord with Council policy.

12 In the absence or inability of the Chief Executive to act he/she will designate a Chief Officer or other senior officer to exercise the above delegations and other functional responsibilities as he/she deems appropriate.

B3 Delegations to Chief Officer Education & Early Intervention amended as follows:-

Revised wording for delegations 4 & 5

4. *to agree targets set by schools for pupil attainment*
5. *to prepare a written statement of action to be taken in light of the report following an inspection of a maintained school where a school is placed in the statutory category of “In need of significant Improvement “ or “special measures”.*

Delegations 9, 16, 17, 18, 26 & 33 deleted for the reasons set out below:-

9. ~~to make or approve arrangements for the provision of work experience for pupils in their last year of schooling. Deleted as this is not a function of the local education authority.~~
16. ~~to make arrangements to encourage and assist pupils to take advantage of the provisions for medical and dental inspections and treatment made for them. Not a statutory function of the local authority.~~
17. ~~to ensure cleanliness of pupils and to serve a notice on parents requiring cleanliness where appropriate. Not a statutory function of the local authority.~~
18. ~~to manage all aspects of schools without delegated budgets. All schools have delegated budgets.~~
26. ~~to direct the use of school premises in the County Borough and voluntary schools for community use outside school hours. This is the responsibility of the governing bodies for schools.~~
33. ~~to make necessary arrangements for the election of parent governors, teacher and staff governors and to determine any questions arising from the election process. This is the responsibility of the school and not the local authority.~~

B4 Delegations to Chief Officer Planning & Regulatory amended as follows:-

To include the following legislative provisions within the list of Legislation related to public protection functions in line with current Welsh Government guidance.

Children and Families Act 2014
Companies Act 2006
Customs and Excise Management Act 1979
Environmental Protection (Microbeads) (Wales) Regulations 2018
Fireworks Act 2003
Legal Services Act 2007
Public Health (Wales) Act 2017
Single Use Carrier Bags Charge (Wales) Regulations 2010
Tobacco Advertising and Promotion Act 2002
Unsolicited Goods and Services Acts 1971 and 1975
Vehicles (Crime) Act 2001
Food Act 1984
Healthy Eating in Schools (Wales) Measure 2009
Public Health Acts 1936 and 1961

To amend the delegations related to planning matters to reflect the recent Welsh Government requirement for the discharge of planning conditions and minor amendments to be recorded as an application although they are not dealt with in the same way as applications for planning consent.

Delete the following wording from Planning and Building Control Functions 1(b)A

~~discharge conditions attached to planning permissions and agree minor amendments to previously approved proposals~~

Insert the following:-

4. *To determine all applications for the discharge of conditions imposed upon planning permissions.**
5. *To determine all applications submitted under section 96A of the Town and Country Planning Act, 1990 for non-material amendments to existing planning permissions.**

C - Financial Procedure Rules

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| Overall | Changes to job titles and reporting lines arising out of the Senior Management Review as well as updated references to titles of policies and procedures and Member / Officer groups. |
| 3.1 | Why Is Financial Planning Important? |
| 3.1.1 c) | updated to take account of the requirements of the Prudential Code 2017 and the introduction of the Capital Strategy. |
| 3.10 | Determination, Monitoring & Control of Affordable Borrowing |
| 3.10.1 | new reference to the CIPFA Treasury Management Code in the Public Services. |
| 3.10.2 | updated to take account of the requirements of the Prudential Code 2017 and the introduction of the Capital Strategy (3.1 above), to be approved by Council for the forthcoming financial year.. |
| 3.10.3 | added that it is the intention that these be included with the Capital Strategy. |
| 3.10.4 | removed (c) as no longer a required Prudential Indicator. |
| 4.1 | Insurance |
| 4.1.6 d) | new reference to the “Duty of Fair Presentation” as contained in the Insurance Act 2015 |
| 4.6 | Preventing Fraud, Corruption and Bribery |
| 4.6.1 | Updated reference to the revised Counter Fraud Strategy |
| 4.6.2 | Added reference to the Money Laundering Policy |
| 4.13 | Banking |
| 4.13.5 | Clarification that this applies to each account |
| 4.16 | Payroll |
| All | All references to the former Salaries & Wages have been changed to Payroll with a new definition in the Glossary of Terms |
| 4.17 | Travelling and Subsistence |
| 4.17.4 | Split of procedures to deal with claims submitted six months after the event. Member claims already covered under Par 5.12.3 |
| 4.17.5 | expansion to cover Occupational Road Risk Policy requirements about driving licences being checked to cover the make and model of vehicle being driven and checking there is a valid MOT certificate in place. |
| 5.7 | General Principles – Ordering and paying for work, goods and services |
| 5.7.4 | removal of the use of paper or written orders. Confirmation that official p2p orders must be used for urgent orders. |
| 5.7.11 | confirmation that the reasons for disputed orders must be sent to the Creditors service. |
| 5.8 | Payment of Invoices |
| 5.8.6 | Removed as not enforceable |
| 5.10 | Purchase Cards |
| 5.10.1 | Confirmation that Purchase Cards may only be held by employees of Wrexham CBC |
| 5.10.3 | additional wording to enforce the prompt coding of transactions and the introduction of a requirement to remove Purchase cards from cardholders if there is non-compliance with the Cardholder User Guide. |
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D - Contract Procedure Rules

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| 11 | Insurance |
| 11.2 | reducing Employer's Liability insurance from £10m to £5m which will not significantly increase the risk to the Council |
| 12 | Form of Contract |
| 12.14 (new) | to help ensure any variation to contracted price(s) outside of that allowed under the terms and conditions of the contract is done so with involvement of the Commissioning, Procurement & Contract Management Unit. |
| 20 | General Rules for Procurements Involving an Element of Competition |
| 20.21 | to bring application of standstill in to line with formal tender thresholds set (£5k consultancy, £25k goods and services, £75k works). |
| | Financial Thresholds for the Procurement of Goods, Services, Works & Consultancy |
| Schedule 1A and 1C | amendment to table to ensure it represents process followed (ie. removal of formal quotes as applicable value band now carried out as a formal tender process). |
| | <u>Glossary of Terms</u> |
| | New definitions for Chief Officer and Payroll |

E – Code of Corporate Governance

Minor Changes to reflect:

- Public Service Board's Well-being Plan (Principle C)
- Service Continuity arrangements (Principle F)
- Updates to policies

Agreed by Head of Finance 25 February 2019