

# **WG23-26**

## **WELSH GOVERNMENT**

### **The Local Government Act 2000 (Local Authority Constitution) (Wales) Direction 2023**

1. The Welsh Ministers, in exercise of the power given to them by sections 37(1)(a) of the Local Government Act 2000 (“the Act”), directs each county and county borough council (“local authority”) in Wales that the document which they must prepare and keep up to date in accordance with section 37(1) of the Act and referred to in that section as their constitution must contain the information specified in the Schedule.
2. This direction will have effect from 15 June 2023.
3. The Local Government Act 2000 (Local Authority Constitution) (Wales) Direction 2001 is revoked.

Name: Rebecca Evans

Minister for Finance and Local Government

Date: 13 June 2023



## **The Schedule**

### **Specified Information**

1. A summary of the constitution.
2. The roles of members and (if applicable) of the elected mayor including:
  - 2.1 Their election and terms of office;
  - 2.2 The rights and duties of all members and (if applicable) of the elected Mayor, including the application of family absence for members.
3. The roles of the full council including:
  - 3.1 The functions and actions which are reserved to the full council; and
  - 3.2 The different types of council meeting and the rules governing the proceedings of those meetings, including the arrangements for multi-location meetings and for their electronic broadcast where this is required on a statutory basis or undertaken voluntarily.
4. The roles of the chairperson or presiding member of the council, and their respective deputies.
5. The roles of overview and scrutiny committees including:
  - 5.1 The terms of reference of each of the committees;
  - 5.2 The general and specific roles of each of the committees;
  - 5.3 The rules governing the proceedings of the committees; and
  - 5.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
6. The roles of the standards committee and of any sub-committee of that committee including:
  - 6.1 The membership of the committee and any sub-committee;
  - 6.2 The roles, functions, rights and duties of the committee and any sub-committee;

- 6.3 The rules governing the proceedings of the committee and any sub-committee; and
  - 6.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
7. The roles of any area committees including:
  - 7.1 The membership, terms of reference and functions of the committees;
  - 7.2 The rules governing the proceedings of the committees; and
  - 7.3 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
8. The roles of the governance and audit committee and of any sub- committee of that committee including:
  - 8.1 The membership of the committee and any sub-committee;
  - 8.2 The roles, functions, rights and duties of the committee and any sub-committee;
  - 8.3 The rules governing the proceedings of the committee and any sub-committee; and
  - 8.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.
9. The roles of the Democratic Services Committee and of any sub-committee of that committee including:
  - 9.1 The membership of the committee and any sub-committee;
  - 9.2 The roles, functions, rights and duties of the committee and any sub-committee;
  - 9.3 The rules governing the proceedings of the committee and any sub-committee; and
  - 9.4 The arrangements in place for the consideration of and response to their reports by the full council and/or the executive.

10. In the case of a local authority which is operating executive arrangements as defined by section 10(1) of the Act the roles of the executive and of members of the executive including:
  - 10.1 The roles, functions, rights and duties of members of the executive and assistants to the executive, including the maximum number of assistants that may be appointed;
  - 10.2 The roles, functions, rights and duties of any elected mayor and any deputy mayor;
  - 10.3 The allocation of responsibility for the exercise of social services functions including responsibility for looked after children;
  - 10.4 The process for the appointment and removal of members of the executive and assistants to the executive;
  - 10.5 The rules governing the proceedings of the executive, including the arrangements for multi-location meetings;
  - 10.6 The arrangements for determining and managing the job sharing of executive posts, including the executive leader in relation to managing, and the manner in which this will be considered when allocating seats on committees which include a seat for members of the executive, such as the governance and audit committee and the democratic services committee, to which the political balance rules apply. In the case of the executive leader, the arrangements must set out how an election for executive leader will be undertaken where one or more of the potential office holders seeking that office are seeking it on the basis of job sharing arrangements.
11. Particulars of any arrangements for the discharge of any functions by individual members, another local authority, including corporate joint committees, or for the exercise of any functions jointly with another local authority including:
  - 11.1 The nature of the arrangements and the functions to which they apply;
  - 11.2 The membership of any joint committees and sub-committees;
  - 11.3 The rules governing the proceedings of any joint committees and sub-committees; and
  - 11.4 Details of any contracting out arrangements.
12. The roles of officers of the local authority including:

- 12.1 The management structure of the local authority;
  - 12.2 The functions of the chief executive, the monitoring officer, the head of democratic services and the chief finance officer (section 151 officer);
  - 12.3 The code of conduct for officers;
  - 12.4 The arrangements for recruitment, appointment, remuneration, dismissal and disciplinary action in relation to officers, including officers covered by the Local Authorities (Wales) Standing Order Regulations 2006 and the council's pay policy statement;
  - 12.5 Details of delegations of functions to officers; and
  - 12.6 Protocols for managing constructive and respectful relationships between officers and members, including informal and formal processes for handling disputes and complaints.
13. The principles and processes for efficient, transparent and accountable decision making within the council and access to information about decision making including rules of procedure for decision making and access to information in respect of the full council, its committees and sub-committees, the executive, overview and scrutiny committees and officers.
  14. The confidential reporting procedure with references to the authority's codes of conduct for members and employees respectively.
  15. The rules and regulations governing finance, contractual and legal matters including:
    - 15.1 Audit procedures;
    - 15.2 Contracts and procurement rules and procedures including authentication of documents; and
    - 15.3 The rules governing legal proceedings by and against the local authority.
  16. The arrangements to fulfil the duties under sections 91, 92 and 93 of the Local Government and Elections (Wales) Act 2021 to report on the council's performance and to arrange and respond to a panel assessment.
  17. The rules and procedures for review and revision of the constitution.

18. Provisions for the suspension and interpretation of the constitution and elements of it.
19. The statutory derivations of all of the provisions of the constitution (i.e. the powers and duties under which they are made).