

Meeting of:	COUNCIL
Date of Meeting:	20 NOVEMBER 2024
Report Title:	AMENDMENTS TO THE CONSTITUTION
Report Owner / Corporate Director:	MONITORING OFFICER
Responsible Officer:	LAURA GRIFFITHS GROUP MANAGER LEGAL AND DEMOCRATIC SERVICES
Policy Framework and Procedure Rules:	The revised Constitution will require approval by Council and will be published on the Council's website.
Executive Summary:	Members are requested to note the suggestions made in relation to constitutional amendments and approve further amendments to reflect legislative changes.

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval from Council for a series of amendments to the Constitution.

2. Background

- 2.1 The Council is required to ensure that the Constitution remains fit for purpose.

3. Current situation/ proposal

Financial Procedure Rules

- 3.1 The management of the Council's financial affairs are conducted in accordance with the Financial Procedure Rules (FPRs) set out in Section 17 of the Constitution. The FPRs have not been revised since 2021, during which time new financial processes and procedures, and new legislation and guidance, have come into effect, changing the way in which the Council operates. The FPRs have been reviewed by officers, including those from finance, procurement, legal and internal audit and a number of changes made to bring them up to date to reflect changes such as:

- clarification and updated wording in a number of areas to reflect current practice;
- update to officer titles and lines of responsibility;
- clarification of process in respect of budget overspends;
- new section on Business Cash Cards;
- clarification of process for payments in advance.

- 3.2 A report will be presented to Cabinet on 19 November 2024 seeking approval of the revisions to the FPRs and, subject to Cabinet approval, it is recommended that the revised FPRs be incorporated into the Council's Constitution. The proposed amendments are shown via tracked changes at **Appendix 1**.

Rights of Way Sub-Committee

- 3.3 It is proposed that Appendix 1 to Section 14 (Responsibility of Functions – Summary) be amended as shown in italics below to revise the membership of the Rights of Way Sub-Committee as follows:

- 6 County Borough Councillors, *to include the Chairperson and Vice-Chairperson of the Development Control Committee and 4 members nominated by that Committee* (plus one observer from each: Rambler's Association, the British Horse Society; and a Footpath Secretary).

Special Procedures under the Public Health (Wales) Act 2017

- 3.4 Welsh Government is expected to implement its long awaited 'Special Procedures' regime at the end of November 2024, under the Public Health (Wales) Act 2017. Part IV of the Act sets out the requirements for a mandatory licensing scheme for practitioners carrying out 'special procedures' in Wales. The intention of the licensing scheme is to improve and sustain standards of infection prevention and control in the special procedures industry and assure the safety and health of clients and practitioners alike. The four special procedures are specified and are: • Acupuncture (including dry needling); • Body piercing; • Electrolysis; and • Tattooing (including semi-permanent make-up). Once implemented, practitioners carrying out tattooing, piercing, acupuncture and electrolysis in the course of a business will be required to be licensed by the Authority. In addition, the premises used for these procedures must be approved. It will be an offence for a practitioner to carry out any of these special procedures without a licence, or to perform any procedure from premises or vehicles that are not approved. A report will be presented to Cabinet on 19 November 2024 seeking authority to amend the Joint Working Agreement for the provision of regulatory services and to the Scheme of Delegation of Functions in relation to Executive Functions.
- 3.5 The 2017 Act aligns a range of specified functions (associated with administration of the Special Procedures licensing regime) to the Licensing Committee. It is therefore proposed that amendments are made to Appendix 1 of Section 14 (Responsibility of Functions – Summary) within the Constitution to insert the additional functions to the Licensing Act 2003 Committee:
- To determine all Licensing matters as required under the Public Health (Wales) Act 2017 and The Special Procedures Licensing Committees (Wales) Regulations 2024 relating to Sections 65(2), 66(3), 67 and paragraphs 13(1) and 15 and Section 68 (in the case where representations are made under paragraphs 15, 15(8), 16 and 17) as outlined above.

- To review the level of fees one year after the regulations come into force and then each year thereafter.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no climate change implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding or corporate parent implications arising from this report.

8. Financial Implications

8.1 Welsh Government is making no additional funding available to local authorities for implementation and therefore the cost of administering and enforcing the new licensing regime will have to be covered by the licence fees which will constitute new, rather than legacy, income.

9. Recommendation

9.1 Council is recommended to approve the amendments to the Constitution in relation to:

- the Financial Procedure Rules as outlined in Appendix 1;
- the Rights of Way Sub-Committee as outlined in paragraph 3.3;
- the Licensing Committee as outlined in paragraph 3.5.

Background documents

None