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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr  
Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

*We welcome correspondence in Welsh. Please  
let us know if your language choice is Welsh.*

**Gwasanaethau Cyfreithiol a Rheoleiddiol / Legal  
and Regulatory Services**

Deialu uniongyrchol / Direct line /: 01656 643148  
Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:  
Eich cyf / Your ref:

**Dyddiad/Date: Wednesday, 6 April 2016**

Dear Councillor,

**COUNCIL**

A meeting of the Council will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Wednesday, 13 April 2016 at 3.00 pm.**

**AGENDA**

1. Apologies for absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest from Members/Officers in accordance with the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 22  
To receive the minutes of the Extraordinary meeting of Council of 10 March 2016.
4. To receive announcements from:  
(i) Mayor (or person presiding)  
(ii) Members of the Cabinet  
(iii) Chief Executive
5. To receive the report of the Leader
6. JNC Officer Structure and Appointment of Section 151 Officer 23 - 26
7. Amendments to Legislation and Model Code of Conduct 27 - 42
8. Urgent Items  
To consider any item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

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Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

Yours faithfully

**P A Jolley**

Assistant Chief Executive Legal and Regulatory Services

**Distribution:**

Councillors:

S Aspey  
M Butcher  
N Clarke  
HJ David  
G Davies  
GW Davies MBE  
PA Davies  
E Dodd  
DK Edwards  
L Ellis  
N Farr  
EP Foley  
CA Green  
M Gregory  
EM Hughes  
CJ James  
P James  
RM James

Councillors

RD Jenkins  
PN John  
B Jones  
CL Jones  
M Jones  
RC Jones  
DRW Lewis  
JE Lewis  
JR McCarthy  
HE Morgan  
LC Morgan  
MEJ Nott OBE  
AD Owen  
DG Owen  
D Patel  
G Phillips  
DR Pugh  
CL Reeves

Councillors

M Reeves  
D Sage  
CE Smith  
JC Spanswick  
G Thomas  
M Thomas  
RL Thomas  
JH Tildesley MBE  
HJ Townsend  
E Venables  
KJ Watts  
C Westwood  
DBF White  
PJ White  
HM Williams  
R Williams  
M Winter  
RE Young

MINUTES OF A MEETING OF THE COUNCIL HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 10 MARCH 2016 AT 3.00 PM

Present

Councillor RE Young – Chairperson

M Butcher	N Clarke	HJ David	GW Davies MBE
PA Davies	E Dodd	DK Edwards	N Farr
EP Foley	CA Green	M Gregory	EM Hughes
CJ James	P James	RM James	RD Jenkins
PN John	B Jones	CL Jones	M Jones
RC Jones	DRW Lewis	JE Lewis	JR McCarthy
HE Morgan	LC Morgan	MEJ Nott OBE	AD Owen
DG Owen	D Patel	G Phillips	CL Reeves
M Reeves	D Sage	CE Smith	JC Spanswick
G Thomas	M Thomas	RL Thomas	JH Tildesley MBE
HJ Townsend	E Venables	KJ Watts	C Westwood
DBF White	PJ White	HM Williams	R Williams
M Winter			

Officers:

Darren Mephram	Chief Executive
Susan Cooper	Corporate Director - Social Services & Wellbeing
Randal Hemingway	Head of Finance & ICT
Deborah McMillan	Corporate Director - Education & Transformation
Mark Shephard	Corporate Director - Communities
Kelly Watson	Group Manager Legal & Democratic Services
Ness Young	Corporate Director - Resources & Section 151 Officer
Gary Jones	Head of Democratic Services
Sarah Daniel	Democratic Services Officer – Committees

591. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members:

Councillor D Pugh  
Councillor C Westwood  
Councillor RM James  
Councillor S Aspey  
Councillor K Watts

592. DECLARATIONS OF INTEREST

None

593. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of Council of 17 February 2016 were approved as a true and accurate record of the meeting

594. TO RECEIVE ANNOUNCEMENTS FROM:

Mayor

The Mayor welcomed all to the meeting and advised that the meeting would be the first full Council meeting to be webcast which marked a significant milestone in the Council's efforts to improve democratic access, transparency and accountability.

The Mayor announced that he was pleasantly surprised to be asked to take part in BBC Radio One's "The Mayor of Where?" recently. This was a feature on the Greg James radio show where Greg and newsreader Chris Smith took turns to ask questions with the aim of working out which area he represented. He stated that his accent helped narrow it down a bit and it wasn't long before they guessed his "mayor-about's"!

Last year the Mayor was fortunate to be invited to Cardiff Synagogue to witness a moving service of remembrance. He extended an invitation for Rabbi Rose and members of his congregation to visit Bridgend County Borough, and they travelled down to join himself and his Consort last week. He added that it was a very productive and enjoyable visit and he wasn't just saying that because they brought kosher welsh cakes with them!

The Mayor marked this years' St David's Day by attending a service organised by the Lord Mayor of Cardiff earlier this month, and also visited Oldcastle Primary where pupils held a week-long appreciation of welsh Culture. He was delighted to talk to the children about his role as Mayor and see some of the projects that they had produced.

The Mayor announced that School visits to the Civic Offices were continuing and Brynteg Comprehensive recently joined the Mayor to ask questions on various topics. He stated that the events were hugely informative and were a great way to engage with the younger members of the community and to help broaden their knowledge of local democracy.

Finally, the Mayor thanked the choir and pupils of Heronsbridge and Llangewydd Junior School who supported his charity fundraising with an event called "an Evening of Entertainment and Enjoyment". He added that he and his Consort were delighted with the professionalism of the children and they both had a lovely evening.

Deputy Leader

The Deputy Leader announced that he was delighted to report that the percentage of pupils in Bridgend County Borough who were persistently absent from school had fallen below the Welsh average for the second year in a row. Persistently absent pupils were those children who missed at least a fifth of the half-day sessions that they should attend during a school year.

The latest stats showed that 1.1% of local primary school pupils were persistently absent during 2014/15, compared to the Welsh average of 1.4%. In secondary schools, 3.5% of local pupils were persistently absent which was well below the Welsh average of 4.5%. The Deputy Leader stated that the results meant that persistent absenteeism at primary schools in Bridgend County Borough had fallen by 1.6% during the last three years, while the secondary school figure had fallen by 3.7% over the same period.

When compared to the rest of Wales, Bridgend County Borough was ranked as the joint fifth lowest for persistent absence among primary school pupils, and the seventh lowest for persistent absence in secondary schools.

The Deputy Leader added that usually, with school performance statistics the Authority were striving to achieve the highest percentage scores, but with persistent absence stats, aim to be as low as possible!

The Deputy Leader stated that it was very pleasing to see the percentage of pupils who were persistently absent falling again this year. Regular attendance is a crucial ingredient for ensuring success at school, and the most recent school attendance figures also make pleasant reading, with the attendance rates for both primary and secondary schools firmly above the Welsh averages.

Finally, the Deputy Leader stated that a lot of work had been carried out by BCBC education welfare officers and other family support staff to assist schools in identifying children who were demonstrating signs of poor attendance, and helping them to tackle and overcome any problems or obstacles.

#### Cabinet Member Communities

The Cabinet Member Communities advised that if you were walking through Newbridge Fields in Bridgend over the next week, you would notice that there was work being carried out near the steps by Glanogwr Road to remove some diseased trees. He stated that around a dozen elm trees that were suffering from the ongoing effects of Dutch elm disease were being removed, as well as one large popular tree. The work started on Monday 7 March and involved the steps and ramp being closed at times for safety reasons during the ten to fifteen days it would take to complete the work.

He added that as well as the trees that needed to be removed due to concerns over their future safety, a number of other mature trees in the area would have maintenance work carried out on them to remove dead, low growing and crossing branches

#### Cabinet Member Adult Social and Care Health and Wellbeing

The Cabinet Member Adult Social Care and Health and Wellbeing announced that starting this summer, four of Porthcawl's beaches would be patrolled by a brand new seasonal lifeguard service run in partnership by BCBC and the Royal National Lifeboat Institution, also known as the RNLI.

The RNLI already patrolled over 220 beaches across the UK, and BCBC looked forward to working with them to provide an invaluable service that keeps beach goers safe by spotting danger and saving lives.

RNLI lifeguards would begin providing a daily safety service on Coney Beach and Trecco Bay from 30 April 2016. At Rest Bay lifeguards begin duty on 28 May and at Pink Bay from 2 July.

Lifeguards would be on duty seven days a week between 10am and 6pm at Coney Beach, Rest Bay and Pink Bay until 4 September and Trecco Bay until 25 September.

Recruitment for RNLI lifeguards had already begun, he asked if any Members knew someone aged over 16 who had a good level of fitness and could swim 400 metres, they should visit the RNLI website to find out more.

#### Cabinet Member Children's Social Services and Equalities

The Cabinet Member Children's Social Services and Equalities stated that many important habits were established at a young age, making the pre-school environment an ideal time to influence a child's health so she was absolutely delighted to hear that

the Bright Beginnings Nursery in Tythegston had become the first pre-school setting in Bridgend County Borough to complete the 'Healthy and Sustainable Pre-School Scheme'.

The Scheme that was funded by the Welsh Government and co-ordinated by the Council's Childcare Team in partnership with Public Health Wales, the scheme covered several aspects of health aimed at improving the wellbeing of young children.

Nutrition, oral health, physical activity, safety, hygiene, mental health, relationships and emotional health were among the topics covered by the scheme, which the Bright Beginnings Nursery has worked on for the last four years.

She added that in Bridgend County Borough, a total of 26 pre-school settings were participating in the scheme, meaning that hundreds of local children were picking up healthy habits that would make a big difference to their lives.

#### Cabinet Member Resources

The Cabinet Member Resources announced the next Pre Council presentation would be an update on digital transformation and a briefing had been provisionally scheduled for June on the Central South Consortium.

The Cabinet Member Resources added that an update on the Social Services and Wellbeing Act was planned for the 16 and 23 March and had been added to members' calendars. The aim of the sessions was to equip members with the knowledge that would enable them to speak confidently to individuals, carers and families within their communities, especially in relation to how care and support services would be provided in the future.

There were two sessions planned for April on Carbon Reduction. The focus would be on the Council's Energy and Carbon Management Plan and the Council's key priorities and strategies. The plan contributes towards the Climate Change section of the Welsh Government Environment (Wales) Bill, positioning Wales as a low carbon, green economy.

The Cabinet Member Resources stated that as part of the Welsh Language Standards members were asked to ensure that their email signatures comply with the Council's agreed format. He added that some members would have already received guidance and relevant translations to enable the change, and members who held senior positions would receive their information in the next couple of days.

#### Cabinet Member Regeneration and Economic Development

The Cabinet Member Regeneration and Economic Development updated Members on the Kenfig National Nature Reserve and some exciting improvements that had been made there.

A large mural has now been completed on the east side of the visitor centre. that depicts six key species found at the reserve – the Common Bittern, Fen Orchid, Otter, Great Crested Newt, Emperor Moth and Pike. He advised Members that it was fantastic sight and well worth a visit.

New interpretation boards had also been installed as well as extra signage to help people be more aware when they were entering the reserve via the Wales Coast Path, while a number of new bins had been added and school visits were being enhanced

thanks to a new teacher pack.

He stated that the improvements had been funded thanks to a grant from Natural Resources Wales which the Council matched from its 'reach' rural development programme so that a total of £94,000 could be invested at the site.

The Cabinet Member Resources stated that Members may also recall that a couple of months ago he informed them that Kenfig had been shortlisted as one of the finest nature reserves in the UK by BBC's Countryfile magazine.

Sadly, it missed out on first prize to the 'Bass Rock' nature reserve in Scotland, but it was still tremendous recognition for it to be considered in such company.

#### Chief Executive

The Chief Executive advised members that today marked the last Council and also the last budget that the Corporate Director for Resources, Ness Young, would be participating in.

He informed Members that she would be leaving Bridgend County Borough Council on 15 April to take up a new post as the Director of the Welsh NHS Confederation.

Ness joined the Council in 2012 as Assistant Chief Executive for Finance and Performance and has held her current role of Corporate Director for Resources since 2014.

He added that she had played a major role in helping to steer the authority through a significant period of change, not least of which had been the need to deliver a range of efficiency savings. Ness had made some great contributions as a member of the senior management team, and the Chief Executive stated that he was very grateful for all that she had achieved in Bridgend.

The Chief Executive advised Members that he would be working with Cabinet to consider how the responsibilities of the post would continue to be met in the future. In the meantime, he added that he would miss Ness' advice and put, and was sure that members would join him and cabinet in wishing her every success in her new role.

The Chief Executive announced that on a more sombre note, two Council colleagues sadly passed away recently. Kitchen assistant Karen Bold suffered a heart attack at Cynffig Comprehensive School yesterday and later died in hospital. Karen worked for us for 18 years and was 55 years old. Also, Les Burford, who worked as a Building Surveyor, passed away on Saturday following a battle with cancer. Les had worked for BCBC, Ogwr and the Vale of Glamorgan Councils for more than 30 years.

Members joined the Chief Executive in sending their condolences to both Les and Karen's families.

#### 595. TO RECEIVE THE REPORT OF THE LEADER

The Leader announced that preparations were in full swing for the Royal Porthcawl Golf Club to host the Senior Open Championship again next year with the news that BCBC would be contributing £50,000 towards the running of the event.

He stated that the funding would cover the costs associated with highways services, local marketing, school roadshows in partnership with Golf Development Wales, and providing an open top bus to link the town centre with the golf course. He added that the

open top bus proved to be an extremely useful service to ferry fans between the town and the course, so BCBC were particularly happy to fund that once again.

He advised Members that whether they were golf fans or not, this was an event that the whole community should get behind as it helped to put Bridgend County Borough on the map and brings significant economic benefits to the local economy.

He informed Members that in 2014, a total of 43,000 spectators lined the fairways over four days to watch the championship, which generated an estimated £2.16m for the local economy. That included approximately £1.1m being spent on accommodation, £785,000 spent in shops and cafes, and £275,000 spent by event organisers on local services. Comprehensive TV coverage was also calculated as being worth £5.2 million.

In 2014, local volunteers, residents and businesses showed fantastic support and BCBC looked forward to welcoming everyone back to Bridgend's corner of the golfing world again next year.

The Leader stated that he was sure that Members did not need reminding that the latest Medium Term Financial Strategy and Corporate Plan that the Authority have set was amid a backdrop of ever-diminishing resources for local government. He added that putting them together had been another extremely demanding process, but they both lay out how the Authority intended to continue with their efforts to deliver high-quality services and achieve our targets and budget reductions.

The Leader advised that both the MTFs and the Corporate Plan had been designed to protect essential frontline services as much as possible, and he was particularly pleased to note that by looking at things like internal efficiencies, collaborative arrangements and contract renegotiations, the Authority had to date, been able to find half of all the savings made from within the Council itself.

For 2016-17 the Leader stated that the Council has proposed a net budget of £255 million and a capital programme of £44 million. In order to set a balanced budget while managing inescapable pressures and promoting essential services, the Authority had also proposed budget reductions of £7.5 million and a council tax increase of 3.9 per cent.

The Leader added that this was the equivalent of an extra 94p a week for a Band D property, and had been reluctantly proposed because it was necessary for ensuring that the authority can continue to meet the needs of local residents.

Whilst the Authority expect to have to find £35.5 million of recurrent revenue budget reductions over the next four years, BCBC have also proposed an additional £9.5 million for investing in some highly significant initiatives which included funding for new sea defences in Porthcawl, developing Maesteg Town Hall into a cultural hub with additional facilities and a library, creating two new Extra Care facilities for the county borough, establishing a new household recycling centre at Pyle and improving traffic and transport safety outside local schools. Furthermore, it incorporated plans for strengthening the A4061 bridge in the Ogmore Valley, refurbishing buildings at Heronsbridge so they can provide 52 week residential services for children with disabilities, modernising the Homecare service with new technology, making the Civic Offices more accessible for people with disabilities and developing a new state of the art system that could be used to heat local homes and businesses.

The Leader advised that it enabled the current funding for highways repairs to be maintained as well as the budgets for things like Disabled Facilities Grants and Housing Renewal Schemes. It also increased the budget for match-funding initiatives proposed



by town and community councils in order to support the transfer of community assets, and introduces two fixed additional allocations to meet the ongoing costs of replacing Telecare equipment, street lighting columns and bridge infrastructure.

The Leader thought that the plans for 2016-17 were particularly significant in that they had been produced in partnership with local residents. He advised that the Shaping Bridgend's Future consultation used an online survey, social media debates and community engagement events to invite local residents to become involved in the development of the MTFs and corporate plan.

He advised Members that 11 out of 12 budget reduction proposals received majority support while reductions for highways drew the least enthusiastic response. The majority of respondents agreed with the idea of protecting some services over others, and feedback gained through the consultation had resulted in a number of changes to final plans, which included scaling back proposed cuts to highways maintenance, subsidised bus routes and voluntary sector bodies.

The Leader thanked everyone who participated in the Shaping Bridgend's Future consultation. BCBC listened to what local people said, and incorporated their feedback into the plans for 2016-17.

596. CORPORATE PLAN 2016-2020

The Chief Executive presented to Council for approval the Corporate Plan which set out the Council's priorities for 2016-2020.

At its meeting on 17 June 2015, Council approved the revised priorities for consultation which were:

1. Supporting a successful economy – taking steps to make the county a good place to do business and ensure that our schools are focused on raising the skills, qualifications and ambitions of all people in the county.
2. Helping people to be more self-reliant – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
3. Smarter use of resources – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible; and supporting the development of resources throughout the community that can help deliver its vision.

He advised Members that a public consultation on the Council's corporate priorities and proposed budget reductions to 2019-2020 was undertaken over an eight week period from 28 September 2015 and 22 November 2015. The consultation received 1,819 responses from a combination of the consultation survey, 15 engagement events held across the county borough, social media interactions and by using the authority's Citizens' Panel. The response rate (13 per 1000) was considered in statistical terms to be a valid sample size.

The Chief Executive added that the Authority recognised the financial constraints and it was continually looking at ways to become more sustainable and continued to support the local communities and the third sector. He added that as Local Government re-organisation was also on the horizon, the Authority was looking at ways to transform and work as one Council.

A Member referred to page 39 of the report and asked for an idea of what opportunities the Council were looking at to generate income in the Commercialisation Programme.

The Corporate Director Resources stated that whilst the Budget identified a lot of reductions it was also looking at ways it could generate income. She added that the Authority were looking at increasing income from the Commercial estate through increasing rent and identifying new commercial property to generate new income streams. She advised that the Authority were also looking at opportunities in corporate services for selling services onto other public bodies. She added that the Commercialisation Programme would also look at fees and charges in the coming months across the whole of the Authority, as a way of securing increased income. The Corporate Director Resources further added that the Authority would be looking at how other Authorities in England and Wales use legislation in areas such as Adult Social Services and Children's Services to generate income.

A Member referred to the Welsh Language training that would be on offer to staff and asked if it was basic, advanced or refresher training and if there was an opportunity within the Authority for staff that already had Welsh Language skills to share their knowledge with their colleagues. The Corporate Director Resources advised that there would be an audit undertaken to assess the skillset of the Welsh language amongst staff and various e-learning and face to face training packages offered to staff who wish to develop their Welsh language skills. Another Member echoed the comments regarding utilising staff that had advanced Welsh language skills to share these language skills with members of staff that wished to learn the language.

A Member referred to the table "Aim – to create successful Town Centres" on page 32 of the report and asked why Maesteg Town had been omitted from the footfall count figures. The Corporate Director Communities advised that he would check with the relevant department but as he understood the footfall count was conducted using CCTV footage but was not the case for Maesteg.

**RESOLVED:** That Council approved and adopted the Corporate Plan 2016-2020.

597. **MEDIUM TERM FINANCIAL STRATEGY 2016-17 TO 2019-20**

The Section 151 Officer presented the Medium Term Financial Strategy (MTFS) for 2016-17 to 2019-20, which included a financial forecast for 2016-20, a detailed draft revenue budget for 2016-17 and a Capital Programme for 2016-17 to 2025-26. She added that the Corporate Plan and Medium Term Financial Strategy (MTFS) identified the Council's service and resource priorities for the next four financial years, with particular focus on 2016-17.

The Section 151 Officer reported that the Council reviews its Corporate Plan each year to ensure it continues to reflect the Council's corporate improvement priorities, commitments and performance indicators. Continuing austerity and demands on public services would require the Council to operate differently in the coming years and against that background three new corporate priorities have been developed for 2016-2020.

The Section 151 Officer reported that in his 2015 Autumn Statement, the Chancellor of the Exchequer reported a £27 billion improvement in the UK's public finances, and set out spending plans designed to move the UK government's expected borrowing from £73.5 billion in 2015-16 to a forecast £10.1 billion surplus by 2019-20. She added however that his subsequent speech on 7 January 2016 in Wales sounded a much more cautious note – highlighting the risks and headwinds of global instability, volatile commodity prices and referencing the "stop-start recoveries" experienced by other economies in the western world in recent years. She stated that against that background the UK Government Settlement to the Welsh Government for 2016-17 is a cash increase of 0.85%. There was no settlement at this point for future years.

The Section 151 Officer reported to Council that in the provisional Local Government Settlement, Councils across Wales received an average -1.4% reduction in Aggregate External Finance (AEF) for 2016-17 (after allowing for transfers into and out of the Settlement). Bridgend's reduction was -1.2% (£2.301 million), but that figure included a requirement to protect school budgets equivalent to 1% above the change in the Welsh Government's Revenue Budget (£1.578 million or 1.85%) as well as notional additional funding for social services pressures. On 11 February 2016, officers received an updated provisional settlement figure (based on latest data) which provided only an additional £7,000 for 2016-17 (revised reduction £2.294 million). The Final Local Government Settlement was published on 2 March 2016, and was voted upon on 9 March 2016. There were no changes that needed to be reported to Council verbally as a result of this final settlement.

The Section 151 Officer advised Council that the Minister has given no indication of the future allocations for 2017-18 onwards, but in view of current economic and fiscal projections and in the absence of other information the MTFs set out a most likely scenario predicated on an assumption that AEF would reduce by -3.2% for 2017-18, 2018-19 and 2019-20. Based on those assumptions the total recurrent reductions required from 2016-17 to 2019-20 amount to £35.531 million.

The Section 151 Officer stated that the full picture on specific grants was not yet clear, but the draft settlement included information on a number of changes to the level of grants at an all Wales level which impacted on the Council's resources, specifically:

- The Outcome Agreement Grant funding of £1.4 million has been transferred into the Revenue Support Grant (RSG).
- A reduction in the Single Environment Grant across Wales. The actual reduction to Bridgend is 4.4% or £127,000.
- A reduction in the Families First grant of 16.7% across Wales. The actual reduction to Bridgend is 11.7%, or £223,000.

The Section 151 Officer stated that the Regional Collaboration Fund ends on 31 March 2016, but the Intermediate Care Fund will increase from £20 million in 2015-16 to £50 million across Wales for 2016-17. The Fund had been allocated by the Welsh Government to the NHS, but it was provided to support greater integration with local authorities.

The overall projected position as at 31 December 2015 was a net under spend of £1.165 million, comprising £602,000 net under spend on Directorates and £563,000 under spend on corporate budgets.

The development of the MTFs 2016-17 to 2019-20 had been led by Cabinet and Corporate Management Board (CMB) and had taken into account the views of auditors, overview and scrutiny committees and issues arising in 2015-16, underpinned by the ongoing aim to embed a culture of medium term financial planning closely aligned with corporate planning. The Section 151 Officer added that the implementation of the MTFs would continue to be led by Cabinet and CMB, supported by financial and performance data. The Council would seek to ensure that it was widely understood by internal stakeholders (Members, employees and Unions) and external stakeholders (citizens, businesses and partners). As well as linking explicitly to the Council's corporate priorities, the MTFs also linked to other internal resource strategies such as the Workforce Plan, the ICT Strategy, the Treasury Management Strategy, the Asset Management Plan and the Council's Transformation Programme.

"Shaping Bridgend's Future" an eight week consultation was undertaken during October and November 2015 and included an online survey, community engagement workshops,

social media debates, community engagement stands and a meeting with third sector organisations. Members had the opportunity to take part in a budget workshop similar to the public engagement events. The results have been presented in a separate Cabinet report and are therefore not detailed in the report. She added that 11 of the 12 budget reduction proposals put forward received majority support, with the weakest support for reductions in highway maintenance, which received 48%. A full list was detailed in the report. The Section 151 Officer reported that in addition to the public consultation, Cabinet and CMB had been working with the Budget Research and Evaluation Panel over the last six months to facilitate the budget planning process. The Draft budget report approved by Cabinet in January had also been scrutinised by the Council's Overview and Scrutiny Committees resulting in a report from the Corporate Resources and Improvement (CRI) Committee. Cabinet had considered the CRI Committee's recommendations and a response to these are provided in the report.

The Section 151 Officer reported that as well as consideration of future income and expenditure scenarios, the MTFS provided a set of clear principles which drive the budget and spending decisions over 2016-2020 and which Members and others can examine and judge the Council's financial performance against. The Section 151 Officer identified how Principle 8 had been expanded to include a wish for the Council Fund balance to reach 2.7% of Gross Revenue Expenditure by 2019-20 and Principle 12 was expanded to incorporate a MTFS Budget Reduction Contingency.

The Section 151 Officer added that the MTFS planning assumptions for 2017-20 were based on an annual reduction in AEF of -3.2% and an assumed increase in council tax of 3.9% for 2017-18, 4.2% for 2018-19 and 4.5% for 2019-20 recognising the on-going uncertainty around funding in future years. The MTFS has been developed taking into account possible resource envelope scenarios with a Best, Most Likely and Worst Scenario.

The Section 151 Officer stated that the MTFS assumes that Directorates will absorb within existing budgets any non-contractual inflationary pressures up to the prevailing CPI rate (currently 0.3%). However, there were a number of foreseen pressures that the Council would have to manage over the MTFS period. The exact amounts needed to fund them may not be known so assumptions were made in the MTFS for:

- Projected demographic changes;
- Inflationary uplifts to support specific contractual commitments;
- Inflation for energy costs based on notification of known increases and projected forward pricing;
- Known impact of national policies and legislation not accompanied by commensurate funding e.g. Welfare Reform Bill; Social Services and Wellbeing Act; school budgets' protection; Living Wage; and auto Enrolment.
- Increases in employer pension contributions;
- The removal of the National Insurance Contribution rebate as a result of the introduction of the single tier state pension in April 2016; and
- Minimum increases in fees and charges of the statutory minimum or CPI at prevailing rate, currently +0.3%) plus 1%.

For 2016-17, the MTFS included an additional £6.451 million for the above known pressures plus £1.4 million for the transfer in of the Outcome Agreement Grant. In addition, each year consideration was given to any inescapable unforeseen Directorate pressures that cannot be accommodated within existing budgets.

The Section 151 Officer stated that Table 4 within the report detailed how much the Council needed to find within existing budgets to help meet the pressures it faced over the next four years, and based on the AEF assumptions in Table 3 of the report and assumed Council Tax increases of 3.9% in 2016-17 and 2017-18 and then 4.2% in 2018-19 and 4.5% in 2019-2020. Cabinet and CMB are working together to develop plans to meet the most likely scenario above. In the event of the worst case materialising in any year, the budget shortfall would have to be met from the Council Fund and or a further increase in Council Tax while additional budget reduction plans could be developed. She added should the best case scenario arise then Cabinet and CMB would look to reduce the impact on services as well as Council Tax.

The Section 151 Officer advised Members that the 2016-17 proposals had been amended since the Draft Budget report to reflect the £18,000 reduction to the cut in the third sector funding proposal (CS1). A number of proposals for 2016-17 onwards required further information and analysis and so were not included separately in the report. The Section 151 Officer stated that Cabinet and CMB have committed to try to find at least 50% of the budget reductions through smarter use of resources rather than by cutting the quality and level of services and Table 6 confirmed that 66% of the required budget reductions will be met through efficiency measures.

The Section 151 Officer advised that delivering £35.5 million of budget reductions would result in a smaller Council because around two thirds of the Council's net revenue budget was required to meet the pay costs of its employees. She stated that efforts were continuing to manage the inevitable workforce reduction by holding vacancies, redeployment, early retirements and voluntary redundancies (VER), but some compulsory redundancies would continue to be necessary. Over the MTFs period, the Council would need to ensure there were sufficient funds in the corporate redundancy budget and service reconfiguration earmarked reserve to meet VER costs.

The Section 151 Officer advised Members that the Council's Risk Assessment identified the key corporate risks and mitigating actions and was included as Schedule B to the report. She added that the risks had been taken into account in the preparation of the MTFs and where there were identifiable financial implications they had been provided for either within the budget or earmarked reserves. Where the financial risks were not clear, such as the costs associated with Local Government Reorganisation, the risk was covered by the Council Fund.

She informed Members of the following. The net budget for 2016-17 would be funded by:

Net Budget Funding	£	%
Revenue Support Grant	145,232,718	56.98
Non Domestic Rates	42,282,679	16.59
Council Tax Income	67,375,793	26.43
<b>Total</b>	<b>254,891,190</b>	<b>100%</b>

The Section 151 Officer stated that the implications in terms of the Council Tax increase 2016-17 (excluding Police & Crime Commissioner for South Wales and Community Council precepts) were shown in Table 10 of the report and detailed below

2015-16 - Average Band D - £1,249.07  
2016-17 - Average Band D - £1,297.78  
% - Increase 3.9%  
Weekly Increase £0.94

The Section 151 Officer stated that the Delegated Schools' Budget has been completely protected from the reductions that other Directorates had to find.

The Section 151 Officer added that the final schedule of unavoidable pressures was attached at Appendix B to the report and presented a number of recurrent and one off pressures, totalling £2.316 million. The January Draft Budget report explained that budget pressures identified at that time were subject to change before the Final Budget. She advised that the main changes were:

- The removal of the pressure relating to the provision of social care in the Parc Prison as Welsh Government grant had been agreed.
- A reduction in the funding requirement for implementation of the Welsh Language Standards, which reflects the forecast cost of implementing the majority of the standards due to take effect in 2016-17. The pressure did not take into account the financial implications of a number of standards for which the Council was preparing an appeal on the basis that they are unreasonable or disproportionate. The financial implications of these were significant and unaffordable and should the appeal be unsuccessful the Council would have to meet the costs in the short term from a combination of corporate contingency (normally reserved for emergencies such as extreme weather events) or the Council Fund until recurrent funding could be identified either from budget reductions elsewhere or Council Tax increases.
- A new pressure of £1 million (one-off funding) to finance part of the capital grant required to deliver the provision of two Extra Care Housing schemes.

The Section 151 Officer explained that in total for 2016-17, the recurring pressures total £1.235 million. The one-off pressures total £1.081 million and funding for this would be retained in corporate budgets and allocated to services as and when they were needed during 2016-17.

She explained to Council that the recurrent budget associated with the one off pressures had been included in the 2017-18 allowance for budget pressures, which had reduced the level of budget reductions required in that year by £1 million.

Budget reduction proposals totalling £7.477 million had been identified from service and corporate budgets to achieve a balanced budget which was detailed in Appendix C to the report. As a minimum, income from fees and charges would be increased by at least CPI (at the prevailing rate, currently 0.3%) plus 1%, subject to rounding, or in line with statutory requirements. She added that schedules of fees and charges would be reported separately, as usual, under Delegated Powers. New charges or charges that had been included in the 2016-17 budget and are above the general increase are shown in Appendix D.

The Section 151 Officer advised that a corporate income generation policy had been developed during the year which was included in Appendix E to the report for approval.

The Section 151 Officer stated that Appendix F detailed the Directorate Base Budgets for 2016-17. She added that the MTFS supported the delivery of the Council's corporate priorities and Appendix G provides an analysis of budgets to support Corporate Improvement Priorities and cores services and statutory functions.

The Section 151 Officer referred Members to Appendix H the Council's Reserves and Balances Protocol which sets out the principles used to assess the adequacy of reserves, the rationale for establishing them and the arrangements for monitoring them. She stated that in accordance with the Protocol, a review of the Council's financial risks, pressures and reserves was undertaken at period 6 and period 9 in 2015-16. She advised that Appendix I to the report sets out the forecast movement (as at 1 March 2016) in the Council's Earmarked Reserves and the Council Fund by the end of 2015-16 and 2016-17. An assessment was currently being undertaken on the business case for making a contribution to the Pension Fund to meet outstanding superannuation liabilities as a means of reducing pressure on the Council's revenue budget in the future. No allowance has been made for this in the movement of reserves forecast.

The Section 151 Officer advised that Appendix J to the report set out the proposed Capital Programme for the period 2016-17 to 2025-26. The Welsh Government final capital settlement for 2016-17 provided General Capital Funding (GCF) for the Council of £6.296 million in 2016-17, of which £3.914 million was un-hypothecated supported borrowing and the remainder £2.382 million was General Capital Grant. No indicative allocations had been provided for 2017-18, so for now it was assumed that the level of funding would remain constant for years after 2016-17, but this would be indicative only. The Section 151 Officer added that the Programme was last revised in October 2015. Since then a review had been underway to identify the Council's capital investment requirements for 2016-2025, compared to available capital, against the following four criteria:

- Link to proposed new corporate priorities;
- Level of risk associated with investing (in terms of impact on service delivery, ability to meet MTFS budget reductions, and prevention of building failure and closure);
- Budgetary provision for any additional revenue costs arising from the scheme;
- Payback period (where appropriate).

The Section 151 Officer referred to Table 13 which included the schemes proposed to be included within the Capital Programme 2016-17 onwards. A number of the schemes are subject to Cabinet approval of business cases and/or confirmation of external funding and will only proceed once these arrangements are secured.

Subsequent to further funding becoming available, additional projects may be added to the capital programme during the next financial year. However, this will be subject to retaining a contingency amount of capital receipts to meet any unforeseen risks. The Capital Programme also contained a number of fixed annual allocations that were met from the total general capital funding for the Council. These annual allocations had been reviewed as part of the capital planning process and it was proposed that they remained at current levels for 2016-17, as follows:

- Highways and Transportation Capitalised Repairs – given the backlog of repairs and maintenance of highways it was recommended that the annual allocation be maintained at the current level;
- Disabled Facilities Grants and Housing Renewal Schemes – Cabinet agreed in September 2015 to amend the Private Sector Housing Renewal and Disabled Adaptations Policy, which the funding supported, to amend two existing grants (Empty Homes Grant and Assistance to RSLs), and to include a new grant – the Home Security Grant to assist people suffering from domestic abuse. It was proposed to keep the allocations at existing levels; There had

been slippage against this budget in recent years, due to delays in Occupational Therapy referrals, so the service was cautious not to reduce the budget in case it could not meet the cost of referrals;

- Strategic Regeneration Fund (SRF) allocations are committed to projects up to 2020-21 to provide matched funding for the Welsh Government's Structural Funding Programme 2014-20. As outlined in the report to Council in July 2014 this provides flexibility in the Capital Programme to enable the Council to take advantage of and maximise external funding opportunities, mitigate funding shortfalls which can occur between grant bid and offers stages and provide some contingency for additional spending pressures on regeneration projects.
- Minor works – The Capital Programme currently includes an allocation of £1.1 million to tackle the backlog of capital minor repairs and maintenance works in the Council's existing buildings and non-buildings infrastructure, as well as energy management, fire prevention and DDA capital schemes. There was also a £600,000 revenue budget available to meet revenue repairs and maintenance. The revenue budget was being reduced by £150,000 as part of the MTFS following rationalisation of administrative assets, so it was proposed to maintain the capital allocation at this level. The Corporate Property Group was responsible for allocating this funding to projects during the financial year.
- Since 2008-09 Town and Community Councils had been able to apply for match funding from the Council for local projects and as a result a number of worthwhile community projects had been developed. In October 2015, Council agreed to increase the funding in the Capital Programme to £100,000 to support Community Asset Transfer (CAT).

The Section 151 Officer stated that in addition, it was recommended that two additional fixed annual allocations be included to meet the on-going costs of Bridgelink / Telecare equipment replacement, and street lighting / bridge infrastructure replacement, covering street lighting column replacement, bridge erosion and scour protection. This brought the total commitment to 80.53% of the 2016-17 General Capital Funding.

The Section 151 Officer explained the largest project in relation to priority two was the proposed capital grant funding to support the creation of two Extra Care schemes in the County Borough. Once operational, these would provide an alternative for service users who have the potential to remain independent and therefore reduce the need for more traditional models of care such as residential care.

The Section 151 Officer explained that the Schools' Modernisation and Investment Programme formed a cornerstone of the corporate priority, making smarter use of resources. School modernisation and school improvement complement each other, and well established collaborative arrangements are taking forward strategies to enhance teaching and learning and school leadership, supported by state of the art buildings and the innovative use of new technology. She added that the Welsh Government had committed to fund £22.475 million of the total costs (currently estimated at £45.510 million) for Band A priority projects, through a combination of capital grant and the Local Government Borrowing initiative, with the balance met from Council resources. Council had agreed that this would be met from core funding allocations of £5 million, anticipated S106 funding of £5.288 million and projected receipts from the sale of schools and other



sites, and other contributions, of £12.747 million as detailed in paragraph 4.58 of the report

The Section 151 Officer explained that the Capital Financing Strategy was underpinned by the Council's Treasury Management Strategy. The two key principles used in the Capital Financing Strategy were:

1. Decisions on the treatment of surplus assets are based on an assessment of the potential contribution to the revenue budget and the Capital programme.
2. Prudential borrowing is only used to support the Capital Programme where it is affordable and sustainable within the Council's overall borrowing limits and the revenue budget over the long term.

The Section 151 Officer informed Members that the Council estimated that around £21 million could be generated as part of the enhanced disposals programme, with circa £9.3 million already delivered (anticipated to reach £10 million by the end of 2015-16) and circa £11 million of capital receipts to be generated over the next three years 2016-17 to 2018-19, of which £4 million was expected to be realised in 2016-17. Of the £21 million, £8.8 million relates to school buildings and land vacated through the 21st Century Schools Programme, to be used as match funding for the programme. It includes receipts anticipated from the sale of surplus sites within the County Borough. Receipts were subject to the exchange of contracts, so it was prudent not to commit them until the Authority had a contractual agreement.

The Section 151 Officer stated that Prudential Borrowing totalling £41.5 million was approved by Council on 25 February 2015, which included £5.6 million of Local Government Borrowing Initiative (LGBI) funding towards the costs of the 21st Century Schools Programme. She added that the total prudential borrowing taken out by the end of 2016-17 was estimated to be £41.745 million, which took into account additional fleet purchases and LGBI funding for street lighting, highways and the 21st Century Schools Programme, of which approximately £32 million was still outstanding.

The Section 151 Officer advised the Prudential Code for Capital Finance in Local Authorities (fully revised 2011) required the Council to set a number of Treasury Management Indicators and report them within the Treasury Management Strategy. The Council was required, prior to the start of the financial year, to approve the Treasury Management and Investment Strategies for 2016-17, and the Treasury Management and Prudential Indicators for the period 2016-17 to 2019-20. She advised Members that these were included in the Treasury Management Strategy 2016-17, and attached as Appendix K to the report. The indicators either summarised the expected activity or introduce limits upon the activity, reflect the underlying capital programme and provide assurance that capital investment decisions are affordable, prudent and sustainable.

The Section 151 Officer advised that the report outlined the financial issues that Council was requested to consider as part of the 2016-17 to 2019-20 MTFS. The Council's Chief Financial Officer was required to report annually on the robustness of the level of reserves. The level of Council reserves was sufficient to protect the Council in light of unknown demands or emergencies and current funding levels. She stated that it must be emphasised that the biggest financial risk the Council was exposed to at the present time related to the uncertainty of Welsh Government funding, the increasing difficulty in the delivery of planned budget reductions as well as the identification of further proposals and the financial uncertainties surrounding the implementation of local government re-organisation. Therefore, it was imperative that the Council Fund balance was managed in accordance with the MTFS Principle 8 and essential that revenue

service expenditure and capital expenditure was contained within the identified budgets. The budget included estimates which took into account circumstances and events which exist or were reasonably foreseeable at the time of preparing the budget. The budget had been prepared following consultation with Members, the School Budget Forum and service managers. Subject to the risks identified in the body of the report the MTFS provided a firm basis for managing the Council's resources for the year 2016-17 and beyond.

The Cabinet Member Resources gave thanked the Section 151 Officer for all her help and support she had given him since he took over the Resources portfolio.

The Cabinet Member Resources stated that in order to deliver the Council's proposed new improvement priorities as set out in the Corporate Plan, meet its statutory responsibilities and at the same time be attentive to the needs of our communities, the Council must take a very proactive approach to managing its resources. He added that there was a need to strike an appropriate balance between service provision and the financial impact on householders through the level of council tax increase.

The Cabinet Member Resources stated that in terms of the Medium Term Financial Strategy, the Council continued to face significant financial challenges and as a Council were still having to make difficult decisions as a result on the budget, and the budget reduction proposals presented in the MTFS were in line with the responses that the Council received.

The Cabinet Member Resources stated that the Authority had tried to limit the impact of budget reductions on our citizens by rigorously pursuing efficiency measures, but whilst the provisional local government settlement by the Welsh Government was better than anticipated the Authority still needs to make budget reductions in the order of £35.5 million over the next four years. Therefore the Cabinet Member Resources moved the recommendations in the report.

The Deputy Leader stated that investing in schools was investing in our children's future. He stated that as part of the £45.5 million investment in the Schools Modernisation Programme he was delighted that there would be two new schools built in the Garw Valley, a new school built in Brynmenyn and a commitment to fund a new Primary School for Pencoed to be situated on one site as it currently was spread over three sites. He added that the doors had already opened at the new Coety Primary School with parents being extremely pleased with its new facilities. He added that there would be further investment for improving special needs facilities throughout the Borough.

The Deputy Leader concluded that he was privileged to have worked with the Section 151 Officer when he was Cabinet Member for finance and that she was always committed and professional in her work. He thanked her for all of her support that she had given him over the years and wished her well for the future.

The Cabinet Member Adult Social Care and Health and Wellbeing stated that these were unprecedented times when it came to finance. He stated that there was huge pressures on Social Services in Bridgend but they were more than capable of rising to the challenge and they had already delivered efficiency savings where needed. He added that the area was responsible for looking after more and more vulnerable people with less funding but was confident they would deliver as there were now various channels of help now available to residents, and increased support through organisations pooling their resources through working collaboratively.

The Cabinet Member Regeneration and Economic Development thanked the Section 151 Officer for her expertise in guiding the Authority through a difficult time financially.

He also added thanks to all Officers and Scrutiny Members for their systematic and fair way of delivering the budget through continued reductions imposed on the Authority. He added that investment in people and infrastructure was essential to make Bridgend a good place to live, work and visit.

The Cabinet Member Childrens Social Services and Equalities stated that Looked After Children was a huge challenge for the Authority but thanks to new early intervention strategies the number of looked after children had been safely reduced from 412 this time last year to 378 this year. She added that she was also pleased to see the Capital Programme include a scheme to rationalise assets at Heronsbridge School to enable residential provision for children with disabilities on a 52 week a year basis, to enable children to stay within Bridgend rather than being placed in establishments far away from the family home.

The Cabinet Member Communities added his thanked to the Section 151 Officer for her commitment in delivering the budget and wished her well for the future. He added that the Communities budget would be investing £21million in the Borough in 2016-17. He stated that the Bridge Strengthening in the Ogmore Valley would be very welcome by all residents in the area.

Members echoed thanks to the Section 151 Officer for her hard work and dedication to delivering this years' budget and recognised the difficult decisions that had to be made during the process. Members wished her well in her new role. The Section 151 Officer thanked all members and Officers for their kind comments and thanked them for the opportunity she had been given to work in a fun and challenging environment.

A Member raised concern at the 3.9% increase in the Council Tax and the planned increases for the next four years and stated that those members of the public on a fixed income would be hit hard by the increases and wished to raise awareness of the difficulties that people in the County Borough would be facing.

The Leader recognised that many people would find the increases difficult but stated that Council Tax could not be lowered or the money would need to be found from elsewhere within the budget. He added that it was an unfortunate position to be in but the increases were needed if it were retain vital public services.

A Member stated that he supported the budget with a heavy heart as no one wanted to see reductions in public services. He added that whilst the reductions to the Budget were not favourable they could have been worse had it not been for some protection from Welsh Government. He thanked Officers and Members of the Cabinet for taking on board feedback from Members of Scrutiny Committees as after feedback from them, approximately £1.207million reduction to Highway services had been reduced to £500,000; a £229,000 reduction to subsidised bus routes was now £15,000 and a £33,000 reduction to voluntary services had been reduced to £15,000.

A Member referred to the review of Lifeguard services and asked if any partnership discussions had taken place with local lifeguard clubs. The Cabinet Member Regeneration and Economic Development stated that local clubs were supporting the move and many of the lifeguards that work at the clubs are applying for positions with the RNLI. The Corporate Director Wellbeing added that consultation with the local groups had already begun and they were all supportive of the move

A Member thanked the Cabinet for the support of the investment for the new Extra Care facilities in the Valleys Gateway and Maesteg, he added that they were much needed with an ever ageing population and an excellent traditional way to care for people.

**RESOLVED:** That Council approved the MTFS 2016-17 to 2019-20 including the 2016-17 revenue budget, the Capital Programme 2016-17 to 2025-26 and the Treasury Management Strategy 2016-17. Council also approved the following specific elements:

- The MTFS 2016-17 to 2019-20
- The Net Budget Requirement of £254,891,190 in 2016-17.
- A Band D Council Tax for Bridgend County Borough Council of £1,297.78 for 2016-17 (Table 10).
- The 2016-17 budgets as allocated in accordance with Table 8 in paragraph 4.23.
- The Capital Programme 2016-17 to 2025-26 (Appendix J).
- The Treasury Management Strategy 2016-17 and Treasury Management and Prudential Indicators 2016-17 to 2019-20 (Appendix K).
- The Corporate Income Generation and Charging Policy (Appendix E)

598. **2016-17 COUNCIL TAX**

The Head of Finance and ICT submitted a report to Members that provided details of the Council Tax requirements for the County Borough Council together with the requirements of the Police and Crime Commissioner for South Wales and Community/Town Councils. He stated that the Police and Crime Commissioner for South Wales had notified the Council that their precept for the financial year ending 31 March 2017 would rise to £10,790,863 which equated to a Council Tax of £207.85 on a band D property, a 4% increase. The 2016-17 precept was confirmed by Couth Wales Police Crime Panel on 1 February 2016, and was subsequently issued to Bridgend County Borough Council on the 9 February 2016.

The Head of Finance and ICT informed Members that the Council, as the billing Authority, was required to formally approve the Council Tax for its area. He added that this must be set to meet the net budget requirement of the Council and its pre-cepting authorities and was set out in the report. He added that the Council was also required to approve the Council tax charges for Band D properties for the chargeable financial year beginning 1 April for each of the community areas. He advised that all calculations in the report were for a Band D property.

**RESOLVED:** That Council:

1. Approved the Council Tax for Bridgend County Borough Council of £1,297.78 for 2016-17, and the Council Tax for the area outlined in Paragraph 4.4 of the report.
2. Approved the Council Tax charges for Band D properties for 2016-17 for each of the community areas as outlined in paragraph 4.5 of the report

599. **URGENT ITEMS**

None

600. EXCLUSION OF THE PUBLIC

RESOLVED:

The report relating to the following item was not for publication as it contains exempt information as defined in Paragraph 12 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Following the application of the public interest test, Council resolved pursuant to the Act to consider this item in private, and excluded from the meeting the press and public during such consideration.

601. APPROVAL OF EXEMPT MINUTES

RESOLVED:

That the exempt minutes of a meeting of Council of 17 February 2016 were approved as a true and accurate record of the meeting.

The meeting closed at 4.44 pm

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO COUNCIL

13 APRIL 2016

#### REPORT OF THE CHIEF EXECUTIVE

#### JNC OFFICER STRUCTURE AND APPOINTMENT OF SECTION 151 OFFICER

##### 1. Purpose of the Report

1.1 To seek approval for:

- The deletion of the role of Corporate Director Resources
- The replacement of the current role of Assistant Chief Executive with a new role of Corporate Director of Operational Services and Partnerships
- Re-designation of the Corporate Director of Education and Transformation as Corporate Director Education and Family Support
- The appointment of the Head of Finance as the Council's Section 151 officer.

##### 2. Connection to the Corporate Plan

- 2.1 The Corporate Management Board structure directly supports the delivery of the Council's Corporate Plan
- 2.2 The Council is required to designate a suitably qualified officer as the statutory S151 officer. It is usual for this role to be fulfilled by a manager of suitable seniority in order to be able to fulfil the legal responsibilities of that statutory role.

##### 3. Background

- 3.1 The Current Director Resources and S151 Officer has resigned. The current medium term financial strategy identifies a saving to be achieved by the reduction of a Corporate Director post. Therefore the resignation of the director provides an opportunity to reallocate those functions.
- 3.2 The Corporate Director for Education and Transformation has provided the necessary leadership focus to define and establish the Council's transformation programme. This programme is now considered to be core activity with individual directors leading specific programmes and a central support team managed from within the Assistant Chief Executive's directorate. Therefore there is need to re-designate the Corporate Director for Education and Transformation Services to clearly reflect the current position and status of the transformation programme.

##### 4. Current situation / proposal

- 4.1 The reallocation of the functions of the Corporate Director of Resources can be accommodated amongst the remaining members of the Corporate Management Board allowing this post to be deleted. However the additional duties to be allocated to the current Assistant Chief Executive (ACE) mean that portfolio is of a scale and complexity consistent with that of a Corporate Director. The post holder

will assume line management responsibility for Housing and Homelessness, Information and Communication Technology, Human Resources & Organisational Development, Customer Service and Communications & Marketing and Project Management. This is in addition to his existing responsibilities for Legal Services, Democratic Services (including members Services and Scrutiny), Procurement, Registrars, Performance and Partnerships and the client side for the shared regulatory service. It is therefore proposed that the ACE post is redesignated Corporate Director of Operational Services and Partnerships to appropriately reflect these changes

- 4.2 This amounts to a reduction of the Corporate Management Board from 6 to 5 (including the Chief Executive)
- 4.3 It is proposed that the Director of Education and Transformation is re-designated as Director of Education and Family Support. The Director is also assuming some additional responsibilities that currently reside with the Director of Resources but there are no grading or cost implications of this change. The Director would retain her current statutory roles (Lead Director for Children and Young Peoples Services and Chief Education Officer)
- 4.4 The current Head of Finance and ICT will assume the role of S151 officer. In so doing the post holder will no longer have responsibility for ICT which moves to another Corporate Director. This is to allow additional capacity for the post holder to dedicate time to the S151 role which includes participating at Corporate Management Board on the same basis as other members of CMB as well as meetings between CMB and Cabinet. The Head of Finance will report directly to the Chief Executive.

## **5. Effect on Policy Framework and Procedure Rules**

- 5.1 None

## **6. Financial implications**

- 6.1 The net saving arising from these proposals is £127k pa with immediate effect.

## **7. Equality Impact Assessment**

- 7.1 An equalities impact assessment (initial screening) has been undertaken which indicates that there are no equality implications in this process.

## **8. Recommendations**

### **8.1 The Council:**

- Deletes the post of Corporate Director Resources
- Deletes the post of Assistant Chief Executive and replaces it with the post of Corporate Director Operational Services and Partnerships
- Re-designates the Corporate Director for Education and Transformation as the Corporate Director for Education and Family Support



- Re-designates the Head of Finance and ICT as Head of Finance and appoints the post holder to the role of S151 officer with effect from 15th April 2016

**DARREN MEPHAM  
CHIEF EXECUTIVE  
05 April 2016**

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**Background documents: None**

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO COUNCIL

13 APRIL 2016

#### REPORT OF THE MONITORING OFFICER

#### AMENDMENTS TO LEGISLATION AND MODEL CODE OF CONDUCT

##### 1. Purpose of Report

1.1 To advise Council of the following statutory instruments which came into force on 1<sup>st</sup> April 2016:

- The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016
- The Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016.

##### 2. Connection to Corporate Improvement Plan / Other Corporate Priority

2.1 Standards are an implicit requirement in the successful implementation of the Corporate Priorities.

##### 3. Background

3.1 The Minister for Public Services signed the Statutory Instruments on 27 January 2016.

##### 4. Current situation / proposal

4.1 The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016

The Order amends the Model Code of Conduct for local government members, set out in the schedule to the Local Authorities (Model Code of Conduct) (Wales) Order 2008 as follows:

- The 2013 Act transferred responsibility for maintaining the register of interests of members of community councils from the Monitoring Officer of the principal local authority for the area to the 'proper officer' of each community council, with effect from 1<sup>st</sup> May 2015. A number of consequential amendments are made to the Model Code to reflect this change, so that, in relation to a community council, a reference to a monitoring officer is replaced with a reference to the proper officer of the community council;
- Paragraph 15 of the Model Code, dealing with the register of members' interests, is amended to clarify that any interest disclosed for the first time must be entered in the register. This is not a change of policy, but clarifies the original intention. The exemption for community councillors from the requirement to register certain financial and other interests upfront is maintained;

- The obligation on a member to report a potential breach of the Code to the Public Services Ombudsman for Wales is omitted from the Code;
- Paragraph 10(2)(b) of the Code is omitted. This is to overcome unintended difficulties in the practical application of this paragraph in relation to participation in business relating to constituency interests. A member participating in the consideration of a ward matter is nonetheless under an obligation to act objectively and in the wider public interest in accordance with paragraph 8 of the Code.

#### 4.2 The Local Government (Standards Committees, Investigations, Dispensations and Referral (Wales) (Amendment) Regulations 2016

The Regulations amend three statutory instruments as follows:

#### 4.3 The Standards Committees (Wales) Regulations 2001

- A number of consequential amendments are made to the 2001 Regulations following commencement of Section 68 of the 2013 Act, which enables two or more relevant authorities to establish a joint standards committee;
- As a consequence of the postponement of the 2016 local government elections, provision is made to enable a relevant authority to determine that local authority and community council members of its standards committee who are in place on 1 April 2016 may continue to serve until the next ordinary election in 2017. In addition, the current four year restriction on the term of office of such a member is removed;
- Provision is made to enable a standards committee to delay publications of agendas, records or information connected to its consideration of the report of a misconduct investigation until such time as the misconduct proceedings are concluded. However presumption remains that misconduct hearings will be held in public, unless there are particular reasons for some or all of the proceedings being held in private.

#### 4.4 The Local Government Investigations (Functions of Monitoring Officers and Standards Committee (Wales) Regulations 2001

- Provision is made to enable a standards committee or a monitoring officer, with the prior written agreement of the Chairperson of the standards committee, to refer the report of a misconduct investigation to another authority's standards committee for determination. This is to overcome any potential conflict of interest a standards committee may have in dealing with a report;
- The wording of Regulation 9 is amended to clarify that a period of suspension imposed by a standards committee is limited to a maximum of 6 months or, if shorter, the remainder of a member's term of office. This addresses an ambiguity in the current wording and brings the provision into line with the comparable power of an Adjudication Panel for Wales case tribunal;
- A member seeking to appeal the determination of a standards committee will in future first need to obtain the permission of the President, or a nominated panel member, of the Adjudication Panel for Wales.

#### 4.5 Local Authorities (Grant of Dispensations) (Wales) Regulations 2001

- Provision is made to enable a standards committee or a monitoring officer, with the prior written agreement of the Chairperson of the standards committee, to refer a dispensation application to another authority's standards committee for determination. The Vice-Chairperson of the standards committee may give permission in the absence of the Chairperson. Again, this is primarily to overcome any potential conflict of interest a standards committee may have in dealing with an application. It may also enable an urgent application to be expedited;
- A general category of dispensation is introduced. This will enable a standards committee to grant a dispensation, if it considered it appropriate in all the circumstances to do so, where it was not otherwise possible to make reasonable adjustments to accommodate a person's disability. A dispensation granted under this category which has ongoing effect is subject to annual review.

4.6 In accordance with Section 51 of the 2000 Act, all relevant authorities must within six months of the date the Local Authorities (Model of Code of Conduct) (Wales) (Amendment) Order 2016 was made, adopt a revised Code of Conduct.

4.7 The text of the amended Model Code of Conduct is attached as **Appendix 1**.

## **5. Effect upon Policy Framework & Procedure Rules**

5.1 The Constitution will be updated as a result of the revised Model Code of Conduct.

## **6. Equality Impact Assessment**

6.1 None.

## **7. Financial Implications**

7.1 None.

## **8. Recommendations**

Council is recommended to:

- 8.1 Approve adoption of the revised Model Code of Conduct attached as Appendix 1;
- 8.2 Approve amendment of the Constitution to include the revised Code.

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**Background Documents**

None

Local Government Act 2000	Deddf Llywodraeth Leol 2000
<p><b>Model Code of Conduct for Members and Co-opted Members with voting rights</b></p>	<p><b>Cod Ymddygiad Enghreifftiol ar gyfer Aelodau ac Aelodau Cyfetholedig â hawliau pleidleisio</b></p>
<p>The attached Annex sets out the text (in English and Welsh) of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:</p> <ul style="list-style-type: none"> <li>• Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (No. 2014/1815) (“the 2014 Regulations”) – effective from 1 August 2014.</li> <li>• Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016.</li> </ul> <p>This document has been produced for the benefit of relevant authorities to whom the Model Code applies, but it does not itself have any legal standing. It is believed to be a true and accurate representation of the law as at <b>1 April 2016</b>, but no assurance is given in this regard and authorities should take their own legal advice on matters relating to the Code.</p> <p>Please note the 2014 Regulations were made by the UK Government. They amend the Model Code to insert a definition of a ‘registered society’. It appears that the Welsh language version of the Model Code was not amended at the same time. The Welsh Government is in discussion with the UK Government about this with a view to the Welsh language version being amended as soon as practicable.</p> <p>In the interim, the Welsh Government does not believe this anomaly has a material bearing on the operation of the Model Code.</p>	<p>Mae'r Atodiad amgaeedig yn nodi testun (yn Gymraeg a Saesneg) y Cod Ymddygiad Enghreifftiol a bennir gan Orchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) 2008, fel y'i diwygiwyd gan yr offerynnau statudol canlynol:</p> <ul style="list-style-type: none"> <li>• Rheoliadau Deddf Cwmnïau Cydweithredol a Chymdeithasau Budd Cymunedol ac Undebau Credyd 2010 (Diwygiadau Canlyniadol) 2014 - (Rhif 2014/1815) (“Rheoliadau 2014”) - yn dod i rym ar 1 Awst 2014.</li> <li>• Gorchymyn Awdurdodau Lleol (Cod Ymddygiad Enghreifftiol) (Cymru) (Diwygio) 2008 (Rhif 2016/84) – yn dod i rym ar 1 Ebrill 2016.</li> </ul> <p>Cynhyrchwyd y ddogfen hon er budd awdurdodau perthnasol y mae'r Cod Enghreifftiol yn gymwys iddynt, ond nid oes ganddi unrhyw statws cyfreithiol. Credir ei bod yn cynrychioli'r gyfraith ar <b>1 Ebrill 2016</b> yn wir ac yn gywir, ond ni roddir unrhyw sicrwydd yn hyn o beth, a dylai'r awdurdodau geisio eu cyngor cyfreithiol eu hunain ar faterion sy'n ymwneud â'r Cod.</p> <p>Sylwer: Gwnaed Rheoliadau 2014 gan Lywodraeth y DU. Maent yn diwygio'r Cod Enghreifftiol drwy fewnosodi diffiniad o ‘cymdeithas gofrestredig’. Mae'n ymddangos na ddiwygiwyd fersiwn Gymraeg y Cod Enghreifftiol ar yr un pryd. Mae Llywodraeth Cymru wrthi'n trafod hyn â Llywodraeth y DU gyda'r bwriad o ddiwygio'r fersiwn Gymraeg cyn gynted ag y bo'n ymarferol.</p> <p>Yn y cyfamser, nid yw Llywodraeth Cymru yn credu bod yr anghysondeb hwn yn effeithio'n ymarferol ar weithredu'r Cod Enghreifftiol.</p>

## THE MODEL CODE OF CONDUCT

### PART 1 INTERPRETATION

1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

(a) a county council,

(b) a county borough council,

(c) a community council,

2.



(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## **PART 2 GENERAL PROVISIONS**

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
  - (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or

(vi) improperly for private purposes.

**8. You must —**

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**9. You must —**

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## **PART 3 INTERESTS**

### **Personal Interests**

**10.—(1)** You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

**(2)** You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that

exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

*[Note: subparagraph (b) is omitted.]*

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

### **Disclosure of Personal Interests**

**11.—(1)** Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

**(2)** Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

**(3)** Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

**(4)** You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

**(5)** Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

**(6)** For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

**(7)** For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### **Prejudicial Interests**

**12.—**(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

### **Overview and Scrutiny Committees**

**13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

### **Participation in Relation to Disclosed Interests**

**14.—(1)** Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## **PART 4 THE REGISTER OF MEMBERS' INTERESTS**

### **Registration of Personal Interests**

**15.—(1)** Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.



### **Sensitive information**

**16.—(1)** Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### **Registration of Gifts and Hospitality**

**17.** You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

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