

Appendix 1

**BRIDGEND COUNTY BOROUGH COUNCIL CONSTITUTION**

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## CONSTITUTION

### SECTION 1

#### 1. INTRODUCTION

##### 1.1 Purpose and Content of the Constitution

- 1.1.1 The Constitution describes the various bodies that make up the Council, their functions, Membership and procedural rules.
- 1.1.2 In Section 3 (Getting Information and Getting Involved) we have provided information for members of the public and Councillors on how you can get information about the Council, and how you can get involved. We hope that this will help people who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.
- 1.1.3 You can get a better understanding of what each of the Council's bodies do in Sections 4 to 10 of this Constitution, including Full Council, Cabinet, Overview and Scrutiny Committees, Standards Committee and Regulatory Committees. Section 12 provides information on the management and Officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for functions at Section 14 says which Council bodies, and which Officers, have authority to make which decisions.
- 1.1.4 The procedural rules that apply to the different Council bodies are contained in the sections relating to those bodies, eg Full Council (Section 4), the Cabinet (Section 5) and Overview and Scrutiny (Section 7). You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.
- 1.1.5 Sections **Error! Reference source not found.** to 0 have the Codes of Conduct and Protocols which Officers and Members have agreed to comply with. They set the standards of behaviour.
- 1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

##### 1.2 How the Council Operates

- 1.2.1 The Council is comprised of 51 Councillors elected every four years. Each Councillor is democratically accountable to the residents of their electoral division as well as all of those who live in the County Borough of Bridgend. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.
- 1.2.2 All Councillors have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising on the Code of Conduct.

- 1.2.3 All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall Policy Framework and set the Budget each year. The Council appoints the Leader of the Council at the annual meeting. The Leader then decides the size and Membership of the Cabinet i.e the role of individual Members of the Cabinet and arrangements for the exercise and delegation of Executive Functions. The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution, together with making decisions within the Budget and Policy Framework set by the Council.

If you need any further help please do not hesitate to contact us at: [talktous@bridgend.gov.uk](mailto:talktous@bridgend.gov.uk)

Whilst the Constitution is very long we hope that you will find it easy to use. We have spent a lot of time trying to make it as easy to follow as is possible with such a long and complex legal document.

You may find it helpful to read this Constitution in conjunction with the Constitution Guide, which is available on the Council's website.

## **SECTION 2**

### **2. PURPOSE, DEFINITION INTERPRETATION AND AMENDMENT OF THE CONSTITUTION**

#### **2.1 Purpose of the Constitution**

The purpose of the Constitution is to:

- 2.1.1 enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;
- 2.1.2 support the active involvement of citizens in the process of local authority decision making;
- 2.1.3 help Councillors represent their constituents more effectively;
- 2.1.4 enable decisions to be taken efficiently and effectively;
- 2.1.5 create a powerful and effective means of holding decision makers to public account;
- 2.1.6 ensure that no one will scrutinise a decision in which they are directly involved;
- 2.1.7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 2.1.8 provide a means of improving the delivery of services to the community.

#### **2.2 Definitions in the Constitution**

- 2.2.1 The Constitution of the Council is this document (Sections 1 to 0).
- 2.2.2 Within the Constitution the following words and phrases have the meaning set out below:

“Budget”	the overall revenue and capital budget approved by Full Council (Section 4);
“Chief Executive”	an Officer who must be appointed by law to carry out certain functions. See Section 12 for more details;
“Chief Officer”	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who: <ul style="list-style-type: none"><li>• reports directly to the Chief Executive in respect of all or most of his/her duties; or</li><li>• the Chief Executive is directly responsible for;</li></ul>
“Constitution Guide”	a document which explains, in ordinary language, the content of this constitution, published by the Council in accordance with section 37 of the Local Government Act 2000;

“Corporate Joint Committee”	corporate bodies, established via regulation, comprising specified principal councils in Wales, for the purpose of enabling strategic planning and delivery at a regional scale. See section 11 for details of the Corporate Joint Committee that the Council is a member of, and the functions that the Corporate Joint Committee will perform;
“Corporate Team”	the senior management body for Officers (Section 12). It includes those Officers designated by the Chief Executive from time to time as Members of the Corporate Team;
“Councillor”	a person elected to the Council to represent an area (called an electoral division) within Bridgend County Borough Council;
“Data Protection Legislation”	the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and all other laws relating to the use, protection and privacy of personal data;
“Deputy Chief Officer”	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who reports directly to a Chief Officer in respect of all or most of his/her duties;
“Executive”	the Cabinet or a Member or Members of the Cabinet when exercising Executive Functions;
“Executive Decision”	any decision taken by the Cabinet to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Cabinet has delegated Executive Functions to exercise or refrain exercising those functions;
“Executive Function”	<p>(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Executive Function.</p> <p>(b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions.</p> <p>It should be noted that Regulatory functions such as planning licensing and building control, are not Executive Functions;</p>
“Forward Work Programme”	the Forward Work Programme is a document which lists all of the decisions that the Council and the Cabinet intend to take and what business the Overview and Scrutiny Committees will be considering and when

	those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;
“Full Council”	the body where all Councillors act to exercise functions of the Council;
“Local Choice Functions”	there are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion;
“Local Government (Wales) Measure 2011”	referred to as “The Measure”. Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, overview and scrutiny, county councils and Member payments;
“Member”	either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called “a Co-Opted Member”);
“Member Body”	any of the following: <ul style="list-style-type: none"> <li>• Full Council;</li> <li>• Cabinet ;</li> <li>• an Overview and Scrutiny Committee;</li> <li>• Licensing Committee;</li> <li>• Standards Committee;</li> <li>• Development Control Committee;</li> <li>• Appeals Panel;</li> <li>• Governance and Audit Committee;</li> <li>• Democratic Services Committee;</li> </ul> <p>Note - references to Committee also includes Sub-Committee;</p>
“Monitoring Officer”	an Officer who must be appointed by law to carry out certain functions. See Section 12 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 12 for which Officer is the Monitoring Officer;
“Non-Executive Functions”	any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member Body other than the Cabinet;
“Petition Scheme”	a scheme prepared and published pursuant to section 42 of the Local Government and Elections (Wales) Act

2021 (and reviewed from time to time) for the purpose of setting out: -

- how a petition may be submitted to the Council;
- how and when the Council will acknowledge receipt of a petition;
- the steps the Council will take in response to a petition received by it;
- the circumstances (in any) in which the Council may take no further action in response to a petition; and
- how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public.

“Planning Application”

any of the following:

- application for planning permission (including renewal);
- application for approval of reserved matters;
- application for listed building consent;
- application relating to trees;
- proposal to serve an urgent works notice or acquire a listed building in need of repair;
- application for conservation area consent;
- application for advertisement consent;
- application to vary or remove conditions on a planning condition;

“Policy Framework”

See Section 4.2;

“Public Services Board”

the public services board established for the Council’s local authority area under Part 4 of the Well-being of Future Generations (Wales) Act 2015;

“Section 151 Officer”

an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 12 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 12 for which Officer is the Section 151 Officer;

“Service”

one of the services provided by the Council;



“Single Integrated Plan (SIP)”

this is the single plan for the area that reflects the needs of the local population. The SIP builds on and brings together in one document the joint work previously developed through the Community Plan, as well as the Community Safety, Children and Young Peoples and the Health Social Core and Wellbeing Partnership Plan.

### 2.3 **Interpretation of the Constitution**

- 2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.
- 2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant procedure rules.
- 2.3.3 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.

### 2.4 **Duty to Monitor and Review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Section 0 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to Section 0 to the next available Council meeting for noting.

### 2.5 **Protocol for Monitoring and Review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may:

- 2.5.1 observe meetings of different parts of the Member and Officer structure;
- 2.5.2 undertake an audit trail of a sample of decisions;
- 2.5.3 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and,
- 2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

### 2.6 **Changes to the Constitution**

#### 2.6.1 Approval

Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by the Full Council after consideration of a proposal by the Monitoring Officer or on the recommendation of the Cabinet.

#### 2.6.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

- (a) a minor variation; or
- (b) required to be made to remove any inconsistency, ambiguity or typographical correction; or
- (c) required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,

in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the next Full Council meeting for information.

### 2.6.3 Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.

## 2.7 Suspension of the Constitution

### 2.7.1 Limit to Suspension

Any of the procedure rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

### 2.7.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this Section.

## 2.8 Publication

- 2.8.1 The Monitoring Officer will ensure that copies of this Constitution are available for inspection at Council offices and on the Council's website.
- 2.8.2 The Monitoring Officer will ensure that copies of the Constitution Guide are available for inspection at Council offices and on the Council's website.
- 2.8.3 The Monitoring Officer will give an electronic copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council and thereafter ensure that an up to date version is available for inspection and published on the Council's website.
- 2.8.4 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.

## **SECTION 3**

### **3. GETTING INFORMATION AND GETTING INVOLVED**

#### **3.1 Getting Information**

##### **3.1.1 Information Available to Members of the Public**

(a) *When Meetings of the Member Bodies Will Take Place*

A programme of meetings is available by contacting the Council direct or via the website.

(b) *Forward Work Programme*

From the Forward Work Programme, see what decisions will be taken by the Cabinet or Council and what issues the Overview and Scrutiny Committees will be considering and when these matters will be discussed.

(c) *Information Available Prior to a Meeting*

At least three clear days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection at the offices of the Council and on the website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any report will be made available to the public as soon as it is available and sent to Councillors.

(d) *Information Available at a Meeting*

The Council will make available to members of the public who are physically present at a meeting a reasonable number of copies of the agenda and of the reports for the meeting (save during any part of the meeting to which the public are excluded).

(e) *Information Available After a Meeting*

For a period of six years the agenda, reports and the minutes of the meeting shall be available for inspection. The background papers shall remain open for inspection for a period of four years.

(f) *Council's Accounts*

The Public may inspect the Council's accounts and make their views known to the external auditor (sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 2011, the accounts will be available for public inspection for twenty working days after the date appointed by the auditor.

Information which is confidential or exempt (as defined in paragraphs 15.10.3 and 15.10.4) will not be disclosed to members of the public at any time.

##### **3.1.2 Information Available to Members of the Council**

(a) Members can see any information, which is available to a member of the public.

- (b) In addition, a Member may see any information which he or she needs to know in order to fulfil his or her role as a Member of the Council (otherwise known as “need to know”). A Member will not make public information which is confidential or exempt (as defined in Section 15) without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisation(s) entitled to know it.

### 3.1.3 Members of an Overview and Scrutiny Committee

A Member of an Overview and Scrutiny Committee may also see any document containing material relating to:

- (a) any business transacted at a meeting of the Cabinet;
- (b) any decision taken by an individual Member of the Cabinet.

An Overview and Scrutiny Committee Member is not be entitled to:

- (c) any document in draft form;
- (d) any part of a document which contains confidential or exempt information unless that information is relevant to an action or decision they are reviewing or scrutinising or intending to scrutinise and which is included in the Committee’s Forward Work Programme.

No Member is entitled to see any information relating to a matter in which he or she has a prejudicial interest.

### 3.1.4 Information Available to Officers

The Monitoring Officer, the Section 151 Officer and the Chief Executive may see any papers or records held by any part of the Council or its Officers. Other Officers may see any information held by the Council provided:

- (a) they need to see the information to do their job; and
- (b) that information is processed lawfully in accordance with the Data Protection Legislation.

## 3.2 **Getting Involved**

3.2.1 The Council must encourage local people to participate in the making of decisions by the Council. See the Council’s public participation strategy for more information.

### 3.2.2 Members of the Public

Members of the public can get involved in the following ways:

- (a) *Voting for Councillors*

If they are over 16 years and registered as a local elector with the Council.

- (b) *Suggesting Items of Business for Meetings*

A member of the public can seek to get a matter included in an agenda by:

- (i) asking the Chair of any Member Body to add an item to the agenda; and/or
- (ii) attending a meeting of the body and suggesting that it looks at an issue when it is considering “items of future business relating to the functions of the Member Body”.

(c) *Submitting Petitions*

A member of the public can seek to raise a matter with the Council by submitting a petition in accordance with the Council’s Petition Scheme.

(d) *Taking Part in Meetings*

- (i) Members of the public can come to and speak at any meeting which the Council has resolved should include participation by members of the public. The rules on when you may speak and for how long are contained in Section 4.
- (ii) You can also ask formal questions at meetings of Full Council (Section 4).

(e) *Views of the Public*

Under the arrangements put in place by the Council under section 62 of the Local Government (Wales) Measure 2011, members of the public may bring to the attention of the relevant Overview and Scrutiny Committee their views on any matter under consideration by the relevant Committee. The relevant Overview and Scrutiny Committee must take into account any views brought to their attention under these arrangements.

(f) *When are Meetings Open to the Public?*

Meetings will be open to the public wherever possible. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See section 15.10 for definition of exempt information and section 15.11 for definition of public interest.)

(g) *Making Comments/Complaints*

- (i) A member of the public may comment or complain about Council services by:
  - (A) contacting their local Councillor;
  - (B) contacting the Member of the Cabinet responsible for the service;
  - (C) contacting the Officer responsible for delivering the service or their manager;
  - (D) using the Council’s complaints procedure;

(E) contacting the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0300 790 0203 or via the website: [www.ombudsman.wales](http://www.ombudsman.wales).

(ii) Comments or complaints can be made about an Officer or Member by:

(A) *Officer*

Contacting the Officer or the Officer's manager.

(B) *Members*

If the complaint is against a Member, then the complaint should be referred to the Monitoring Officer or the Public Services Ombudsman for Wales (contact details above).

### 3.3 **Getting Involved – Members**

Members can get involved by:

#### 3.3.1 **Suggesting Items of Business for the Agenda**

As a Member of the Council, you have the same rights as members of the public. In addition to these rights you also have the following rights:

(a) Member bodies in Column A can request that Member bodies in Column B consider or reconsider an issue.

<b>Column A</b>	<b>Column B</b>
Overview and Scrutiny Committees	Cabinet

(b) Any Member can submit a notice of motion to Council (Section 4) and also ask questions (Section 4).

#### 3.3.2 **Participating in Meetings**

Members of the Council are entitled to attend any formal meeting of the Council, its committees or sub-committees or the Cabinet.

(a) Members of the Council may attend and speak at any meetings where they are a Member of that body. Where they are not a Member of that body, their attendance and right to speak is at the discretion of the Chair of the body.

(b) Members of the Cabinet have a special role to play within the Council. They are entitled to exercise any Executive Function provided the Executive Function has been delegated to them by the Leader of the Council.

#### 3.3.3 **Comments and Complaints**

(a) Members may comment, subject to restrictions in the Code of Conduct for Members on any aspect of Council business by:

- (i) talking to Officers;
- (ii) talking to the Leader or Members of the Cabinet;
- (iii) talking to the Chair of an Overview and Scrutiny Committee.

(b) If a Member wishes to complain about an:

- (i) Officer

The procedure set out in the Protocol on Member/Officer Relations may be used.

- (ii) Member

The procedure set out in Appendix 3 to Section **Error! Reference source not found.** may be followed.

## **SECTION 4**

### **4. FULL COUNCIL**

#### **4.1 Introduction**

The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's Budget and council tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Cabinet. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

#### **4.2 The Policy Framework**

The Policy Framework means the plans, schemes and strategies not to be the sole responsibility of the Executive in accordance with current legislation.

#### **4.3 The Single Integrated Plan**

This replaces four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young People's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

#### **4.4 The Budget**

The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 16 for how the Council can change the Policy Framework or Budget referred to it for approval by the Cabinet.)

#### **4.5 Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Welsh Ministers for approval of a programme of disposal of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

#### **4.6 Functions of the Full Council**

Only the Full Council will exercise the following functions:

- 4.6.1 adopting and changing the Constitution;
- 4.6.2 approving or adopting the Single Integrated Plan, Policy Framework, the Budget and any application to the Welsh Ministers in respect of any Housing Land Transfer;
- 4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 15 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a



manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;

- 4.6.4 appointing and removing the Leader;
- 4.6.5 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- 4.6.6 performing the corporate joint committee functions set out in Section 11 of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;
- 4.6.7 changing the name of the area or conferring the title of freedom of the Borough;
- 4.6.8 making or confirming the appointment of the Chief Executive; and other Chief Officers;
- 4.6.9 making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
- 4.6.10 all Local Choice Functions set out in Section 14 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet;
- 4.6.11 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee, approving the appointment or dismissal of the Chief Executive, determining the level (and any change in the level) of remuneration to be paid to a Chief Officer and approving the pay policy statement;
- 4.6.12 appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- 4.6.13 approving, reviewing and amending the Council's Petition Scheme;
- 4.6.14 consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements;
- 4.6.15 preparing an annual report on the extent to which the Council has met its performance requirements;
- 4.6.16 making arrangements for a panel performance assessment and responding to the panel's report;
- 4.6.17 reviewing, approving and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2015 and the accompanying statutory guidance issued by the Welsh Government;
- 4.6.18 considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made;

4.6.19 considering annual reports received from the Standards Committee, within 3 months of them being made; and

4.6.20 keeping under review the extent to which:

- (a) it is exercising its functions effectively;
- (b) using its resources economically, efficiently and effectively; and
- (c) its governance arrangements are effective for securing the matters set out in a) and b) above.

#### 4.7 **Membership**

4.7.1 All Members of the Council shall be Members of Full Council.

4.7.2 Substitution is not possible at meetings of the Council.

#### 4.7.3 **Chairing the Council**

- (a) The Councillor elected annually by the Council as its chair will be called the "Mayor".
- (b) The Mayor will cease to be Mayor if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They continue to act as Mayor after an election until their successor has been appointed.

#### 4.7.4 **Role and Function of the Mayor**

The Mayor of the Council and in his/her absence, the Deputy Mayor will have the following roles and functions:

##### (a) *Ceremonial Role*

The Mayor of the Council:

- (i) is the civic leader of Bridgend County Borough Council;
- (ii) promotes the interests and reputation of the Council and Bridgend County Borough as a whole and acts as an ambassador for both; and
- (iii) undertakes civic, community and ceremonial activities and fosters community identity and pride.

##### (b) *Responsibilities of the Mayor*

- (i) to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members

who are not on the Cabinet are able to hold the Cabinet and Committee Chair to account;

- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council; and
- (vi) to attend such civic and ceremonial functions as the Council and he/she determines appropriate;

#### 4.8 **Council Meetings**

There are three types of Council meeting:

- 4.8.1 the annual meeting;
- 4.8.2 ordinary meetings; and
- 4.8.3 extraordinary meetings.

#### 4.9 **Rules of Procedure and Debate**

The Council Procedure Rules contained in the Sections below will apply to meetings of the Full Council.

#### 4.10 **Council Procedure Rules – Annual Meeting of the Council**

##### 4.10.1 **Timing and Business**

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in May. The annual meeting will:

- (a) elect a person to preside if the Mayor and Deputy Mayor of the Council is not present;
- (b) elect the Mayor of the Council;
- (c) elect the Deputy Mayor of the Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Mayor and/or the Chief Executive;
- (f) Elect the Leader of the Council;
- (g) to agree the number of Members to be appointed to the Cabinet;
- (h) the Leader to inform Council of the number of Members to be appointed to the Cabinet and announce the Deputy Leader from those Members appointed to the Cabinet and Members to portfolio;
- (i) appoint the Overview and Scrutiny Committees, a Standards Committee and such other committees and sub-committees as the Council considers

appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 14 of this Constitution);

- (j) agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Section 14 of this Constitution);
- (k) approve a programme of ordinary meetings of the Council for the year; and
- (l) consider any business set out in the notice convening the meeting.

#### 4.10.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (a) decide which committees and sub-committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

#### 4.11 Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

- 4.11.1 elect a person to preside and exercise the powers of the Mayor at the meeting if the Mayor and Deputy Mayor are not present;
- 4.11.2 approve the minutes of the last meeting;
- 4.11.3 receive any declarations of interest from Members;
- 4.11.4 receive any announcements from the Mayor, Chief Executive, the Leader or any Members of the Cabinet;
- 4.11.5 receive a report from the Leader and receive questions and answers on the report;
- 4.11.6 receive a report from the Cabinet and receive questions and answers on the report;
- 4.11.7 receive reports from the Council's committees and receive questions and answers on those reports;
- 4.11.8 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

- 4.11.9 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework, Single Integrated Plan and reports of the Overview and Scrutiny Committee;
- 4.11.10 consider motions; and
- 4.11.11 deal with questions from Members in accordance with Rule 4.19;
- 4.11.12 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Mayor are relevant to the business of the meeting.

#### 4.12 **Extraordinary Meetings**

##### 4.12.1 **Calling Extraordinary Meetings**

The Monitoring Officer may call Council meetings in addition to ordinary meetings. Those listed below may request the Monitoring Officer to call additional Council meetings:

- (a) the Council by resolution;
- (b) the Mayor of the Council;
- (c) the Chief Executive;
- (d) the Section 151 Officer;
- (e) any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

##### 4.12.2 **Business**

The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc, except that the Mayor may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

#### 4.13 **Time, Place and Duration of Meetings**

##### 4.13.1 **Time and Place of Meetings**

- (a) The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.
- (b) Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings, the summons will also include details of how to access the meeting by remote means.

#### 4.14 **Notice of and Summons to Meetings**

The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 15. At least three

clear days before a meeting, the Monitoring Officer will send a summons signed by him/her to every Member of the Council. The summons will give the date, time and place of each meeting and, where meetings are conducted in accordance with the Council's arrangements for multi-locations meetings, details of how to access the meeting by remote means. The summons will also specify the business to be transacted and will be accompanied by such reports as are available.

#### 4.15 **Chair of Meeting**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor should instead be read as references to the chair of that committee or sub-committee.

#### 4.16 **Quorum**

- 4.16.1 The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### 4.17 **Remote Attendance**

- 4.17.1 Members will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings providing that they can speak to, hear and be heard by, other attendees at the meeting.
- 4.17.2 For the purposes of section 4.17.1, attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

#### 4.18 **Questions by the Public**

##### 4.18.1 **General**

- (a) Members of the public may ask questions of Members of the Cabinet at ordinary meetings of the Council other than the first ordinary meeting following the annual meeting in a year of ordinary elections of councillors to the Council.
- (b) The total time allocated for questions by the public should be limited to thirty minutes.

##### 4.18.2 **Order of Questions**

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

##### 4.18.3 **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday ten working

days before the day of the meeting. Each question must give the name and address of the questioner.

#### 4.18.4 Number of Questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

#### 4.18.5 Scope of Questions

The Monitoring Officer may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility, or which affects the County Borough;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) requires the disclosure of confidential or exempt information.

#### 4.18.6 Record of Questions

- (a) The Monitoring Officer will keep a record of each question in a form that enables them to be made available for public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.
- (b) Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

#### 4.18.7 Asking the Question at the Meeting

The Mayor will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

#### 4.18.8 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds set out in Rule 4.18.5 above.

#### 4.18.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer.

#### 4.18.10 Reference of Question to the Cabinet or a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

### 4.19 Questions by Members

#### 4.19.1 On Reports of the Cabinet or Committees

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice directly arising from an item of the report of the Cabinet or a Committee, when that item is being received or is under consideration by the Council.

#### 4.19.2 Questions on Notice at Full Council

Except at the annual meeting or the allocated budget meeting, and subject to Rule 4.19.4, a Member of the Council may ask:

- (a) the Mayor;
- (b) a Member of the Cabinet;
- (c) the chair of any committee or sub-committee;

a question on any matter in relation to which the Council has powers or duties or which affects the County Borough of Bridgend, as an item of business after the consideration of reports.

#### 4.19.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 4.19.4, a Member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County Borough and which falls within the terms of reference of that committee or sub-committee, as an item of business prior to any reports.

#### 4.19.4 Notice of Questions

A Member may ask a question under Rule 4.19.2 or 4.19.3 if either:

- (a) they have given at least ten clear working days' notice in writing of the question to the Monitoring Officer; or
- (b) the question relates to urgent matters, they have the consent of the Mayor or Member to whom the question is to be put and the content of the question is given to the Monitoring Officer by 10:00am on the day of the meeting in the case of an afternoon meeting or by 1:00pm on the working day preceding the day of the meeting in the case of a morning meeting.

#### 4.19.5 Maximum Number of Questions

A Member may ask only one question under Rule 4.19.2 or 4.19.3 except with the consent of the Mayor of the Council, committee or sub-committee.



#### 4.19.6 Order of Questions

Questions of which notice has been given under Rule 4.19.2 or 4.19.3 will be listed on the agenda in the order determined by the Mayor of the Council, committee or sub-committee.

#### 4.19.7 Content of Questions

Questions under Rule 4.19.2 or 4.19.3 must, in the opinion of the Mayor:

- (a) contain no expressions of opinion;
- (b) relate to matters on which the Council has or may determine a policy;
- (c) not relate to questions of fact.

#### 4.19.8 Response

An answer may take the form of:

- (a) a direct oral answer at the meeting;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated within ten working days to the questioner.

#### 4.19.9 Supplementary Question

A Member asking a question under Rule 4.19.2 or 4.19.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

#### 4.19.10 Length of Speeches

A Member asking a question under Rule 4.19.2 or 4.19.3 and a Member answering such a question may speak for no longer than three minutes unless the Mayor consents to a longer period.

#### 4.19.11 Time Allowed for Questions at Council Meetings

- (a) The time allowed for consideration of questions submitted under Rule 4.19.2 shall not, without the consent of the Council, exceed thirty minutes.
- (b) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

### 4.20 Motions on Notice

#### 4.20.1 Notice

Except for motions which can be moved without notice under Rule 4.21 and in cases of urgency, written notice of every motion, must be delivered to the Monitoring Officer no later than 10:00am on the tenth working day before the

Council meeting at which it is to be considered. Motions received will be kept in a form that enables them to be made available for public inspection.

#### 4.20.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

#### 4.20.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the County Borough.

#### 4.20.4 Motion to Remove the Leader

- (a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes councillors from at least two political groups. See Section 6.3.2.
- (b) In order for such a motion to be carried it must have the support of at least two thirds of those Members voting and present at the time the question was put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling twelve month period.

#### 4.20.5 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Mayor.

#### 4.20.6 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed thirty minutes. At the conclusion of the speech being delivered at the expiry of five minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Mayor shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- (a) if the speech to be concluded is a speech proposing a motion, the Mayor shall allow the motion to be formally seconded (without comment);
- (b) if the speech to be concluded is a speech moving an amendment, the Mayor shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and
- (c) otherwise, the Mayor shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

#### 4.21 **Motions without Notice**

The following motions may be moved without notice:

- 4.21.1 to appoint a Chair of the meeting at which the motion is moved;
- 4.21.2 in relation to the accuracy of the minutes;
- 4.21.3 to change the order of business in the agenda;
- 4.21.4 to refer something to an appropriate body or individual;
- 4.21.5 to appoint a committee or Member arising from an item on the summons for the meeting;
- 4.21.6 to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;
- 4.21.7 to withdraw a motion;
- 4.21.8 to amend a motion;
- 4.21.9 to proceed to the next business;
- 4.21.10 that the question be now put;
- 4.21.11 to adjourn a debate;
- 4.21.12 to adjourn a meeting;
- 4.21.13 to suspend a particular Council Procedure Rule;
- 4.21.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- 4.21.15 to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4; and
- 4.21.16 to give the consent of the Council where its consent is required by this Constitution.

#### 4.22 **Rules of Debate**

##### 4.22.1 **No Speeches until Motion Seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

##### 4.22.2 **Right to Require Motion in Writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him before it is discussed.

#### 4.22.3 Secunder's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

#### 4.22.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order and no speech may exceed five minutes without the consent of the Mayor.

#### 4.22.5 When a Member may Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### 4.22.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add wordsas long as the effect of 4.22.6(a)(ii) to 4.22.6(a)(iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been decided.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.

- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 4.22.7 Alteration of Motion

- (a) A Member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### 4.22.8 Withdrawal of Motion

A Member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 4.22.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his amendment.

#### 4.22.10 Motions which may be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;

- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4.

#### 4.22.11 Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member;
  - (i) to proceed to the next business;
  - (ii) to act that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed, he will give the mover of the original motion a right of reply before putting his motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 4.22.12 Point of Order

A point of order is a request from a Member to the Mayor to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the Rule or law and the way in which he considers it has been broken. The ruling of the Mayor on the matter will be final.

#### 4.22.13 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

#### 4.23 **State of the County Borough Debate**

##### 4.23.1 Calling of Debate

If called, a County Borough debate can be held quarterly on a date and in a form to be agreed with the Mayor.

##### 4.23.2 Form of Debate

The Leader and Leaders of the political groups will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. Democratic Services should be notified of the topic and relevant invitees four weeks in advance of the proposed meeting.

##### 4.23.3 Chairing of Debate

The debate will be Chaired by the Mayor.

##### 4.23.4 Results of Debate

The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the area which work in active partnership with the Council and considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

#### 4.24 **Previous Decisions and Motions**

##### 4.24.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five Members, except in the case of new information becoming available.

##### 4.24.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least five Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### 4.25 **Voting**

##### 4.25.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present at the time the question was put.

##### 4.25.2 Mayor's Casting Vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

#### 4.25.3 Method of Voting

Unless a recorded vote is demanded under Rule 4.25.4 the Mayor will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

#### 4.25.4 Recorded Vote

If a Member present at the meeting demands it and it is seconded, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

#### 4.25.5 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

#### 4.25.6 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The Mayor's casting vote will not apply.

### 4.26 **Minutes**

#### 4.26.1 Signing the Minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### 4.26.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

#### 4.26.3 Form of Minutes

Minutes will contain all motions and amendments in the form and order the Mayor put them.

### 4.27 **Record of Attendance**

All Members physically present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. All Members attending a meeting by remote means must confirm their attendance to Democratic Services before the conclusion of every meeting.



#### 4.28 **Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 15 of this Constitution or Rule 4.30 (Disturbance by Public).

#### 4.29 **Members' Conduct**

##### 4.29.1 **Speaking at Meetings**

When a Member speaks at Full Council he/she must address the meeting through the Mayor. If more than one Member signifies their intention to speak, the Mayor will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

##### 4.29.2 **Mayor Speaking**

When the Mayor speaks during a debate, any Member speaking at the time must stop.

##### 4.29.3 **Member not to be Heard Further**

If a Member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

##### 4.29.4 **Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Mayor may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

##### 4.29.5 **General Disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he / she thinks necessary.

#### 4.30 **Disturbance by Public**

##### 4.30.1 **Removal of Member of the Public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room or their removal from the online platform by which they are accessing the meeting from another location.

##### 4.30.2 **Clearance of Part of Meeting Room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

#### 4.30.3 Clearance of Online Meeting Platform

If there is a general disturbance on the online meeting platform, the Mayor may call for the online meeting platform to be temporarily suspended.

#### 4.31 **Filming and Use of Social Media During Meetings**

Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.

#### 4.32 **Electronic Broadcasts of Meetings**

Ordinary meetings of the Council will be broadcast live electronically on the Council's website so that members of the public not in attendance at the meeting can see and hear the proceedings. Copies of the meeting will be available for six months after the meeting.

#### 4.33 **Suspension and Amendment of Council Procedure Rules**

##### 4.33.1 Suspension

All of these Council Rules of Procedure except Rule 4.20.5, 4.25.5 and 4.26.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting. Rule 4.20.5 can only be suspended by motion on notice and the motion must have the support of at least two thirds of those Members present and voting.

##### 4.33.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

#### 4.34 **Application to Committees and Sub-Committees**

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4.13 to 4.16, 4.19 to 4.22, 4.24 to 4.34 (but not Rule 4.29.1) apply to meetings of committees and sub-committees.

## **SECTION 5**

### **5. THE CABINET**

#### **5.1 Introduction**

The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution.

#### **5.2 Form and Composition of the Cabinet**

The Cabinet will consist of:

5.2.1 the Leader of the Council (the "Leader"); and

5.2.2 at least two but not more than nine other Councillors appointed to the Cabinet by the Leader subject to the provisions outlined at 5.13.

#### **5.3 Leader**

##### **5.3.1 Election**

The Leader will be a Councillor elected to the position of Leader by the Council.

##### **5.3.2 Term of Office**

The Leader is appointed on an annual basis at the annual meeting of the Council.

##### **5.3.3 Role of the Leader**

The Leader will Chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet. Further information is contained in Section 6.

#### **5.4 Deputy Leader**

5.4.1 The Leader will appoint a Deputy Leader to act as Leader in the Leader's absence and may also if he/she thinks fit remove the Deputy Leader from Office at any time.

5.4.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

#### **5.5 Other Cabinet Members**

Other Cabinet Members will be Councillors elected to the position of Cabinet Member by the Leader. Each Cabinet Member shall hold office until:

5.5.1 he/she resigns from that office; or

- 5.5.2 he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate; or
- 5.5.3 he/she ceases to be a Councillor.

The Leader may at any time appoint a Cabinet Member to fill any vacancies.

## 5.6 **Delegation of Functions**

The Leader may exercise Executive Functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge. The Leader may delegate Executive Functions to:

- 5.6.1 the Cabinet as a whole;
- 5.6.2 a Committee of the Cabinet (comprising executive Members only);
- 5.6.3 an individual Cabinet Member;
- 5.6.4 a joint committee;
- 5.6.5 another local authority or the executive of another local authority;
- 5.6.6 a delegated Officer.

## 5.7 **Assistants to the Executive**

- 5.7.1 Other Councillors may, from time to time, be designated by the Leader as Assistants to the Executive. Such Councillors will not be:
  - (a) a Member of the Cabinet
  - (b) The Chairman and Vice-Chairman of the Council
- 5.7.2 Assistants to the Executive will not participate in Executive Decision making, but may work closely with a Cabinet Member. He/she will not be a Member of an Overview and Scrutiny Committee relating to the specific responsibilities of the Cabinet Member he/she is assisting or any other areas to which they are assigned.
- 5.7.3 An Assistant to the Executive may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility, including attending/chairing meetings; speaking/opening events; reading and commenting on papers; meeting Officers; agreeing press releases/comments and carrying out interview; representative the Council on appropriate groups. An Executive Support Member will not, however, have delegated powers and will not be entitled vote at Cabinet Meetings or Cabinet Committee Meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at an Overview and Scrutiny Committee.
- 5.7.4 Assistants to the Executive will be entitled to attend, and speak at, any meeting of the Cabinet or a committee of the Cabinet.

## 5.8 **Rules of Procedure and Debate**

The proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules in Section 5.10 below.

## 5.9 **Cabinet Procedure Rules**

### 5.10 **How does the Cabinet Operate?**

Following the annual meeting the Monitoring Officer, in consultation with the Leader will prepare and submit for approval a Cabinet Scheme of Delegations setting out the delegations of Executive Functions, including, where the principle has been approved as part of the Council's Executive Arrangements the delegated authority of each Member of the Cabinet, and thereafter keep this under review and submit updates to the Scheme as appropriate. In addition, the Leader has powers under s.15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive functions not covered by the Scheme of Delegations for the time being.

#### 5.10.1 **Sub-Delegation of Executive Functions**

- (a) Where the Cabinet, a committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to joint arrangements or an Officer.
- (b) Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.
- (c) Where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

#### 5.10.2 **Conflicts of Interest**

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members
- (b) If any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members.
- (c) If the exercise of an Executive Function has been delegated to a committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members.

#### 5.10.3 **Cabinet Meetings – When and Where?**

The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council's main offices or another location. The Council's arrangements for multi-location meetings apply to meetings of the Cabinet.

#### 5.10.4 Public or Private Meetings of the Cabinet?

The Cabinet will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in Section 15, for example where confidential or exempt information is being discussed.

#### 5.10.5 Quorum

- (a) The quorum for a meeting of the Cabinet shall be one quarter of the total number of members of the Cabinet or three, whichever is the larger including the Leader or Deputy Leader.
- (b) The quorum for a meeting of a committee of the Cabinet shall be a quarter of the total number of Members of the committee or three, whichever is the larger.

#### 5.10.6 Remote Attendance

- (a) Members will be regarded as present at a meeting of the Cabinet or a committee of the Cabinet where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings providing that they can speak to, and be heard by, other attendees at the meeting.
- (b) For the purposes of section 5.10.8, attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

#### 5.10.7 How are Decisions to be Taken by the Cabinet?

- (a) Executive Decisions made by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Section 15 of this Constitution.
- (b) Where Executive Decisions are delegated to a committee of the Cabinet, the rules applying to Executive Decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

### 5.11 How are Cabinet Meetings Conducted?

#### 5.11.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or its committees at which he is present. In his absence, the Deputy Leader will preside. In his/her absence, then a person appointed to do so by those present shall preside.

#### 5.11.2 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Section 15 of this Constitution. See also Section 3 in relation to Member participation in meetings.

#### 5.11.3 What Business?

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet (whether by Overview and Scrutiny Committees or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 7 and 16 of this Constitution;
- (d) consideration of reports from Overview and Scrutiny Committees;
- (e) consideration of reports from Cabinet Committees;
- (f) reports from Officers of the Authority.

#### 5.11.4 Consultation

All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken with stakeholders and with the Overview and Scrutiny Committees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

#### 5.11.5 Who can put Items on the Cabinet Agenda?

- (a) The Leader will decide upon the schedule for meetings of the Cabinet. He/she may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter.
- (b) Any Member of the Cabinet may require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.
- (c) The Chief Executive, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened in pursuance of their statutory duties.
- (d) In other circumstances, where any two of the Chief Executive, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be considered at which the matter will be considered.

### 5.12 Disturbance by the Public, Filming and Use of Social Media

- 5.12.1 The provisions in Council Procedure Rules in Section 4.30 in relation to disturbance by the public apply to meetings of the Cabinet.

5.12.2 The provisions in Council Procedure Rules in Section 4.31 relating to filming and use of social media apply to meetings of the Cabinet.

**5.13 Job sharing by Executive Leaders and Executive Members**

5.13.1 Any election or appointment to the Cabinet (including the Leader) may include the election of two or more Councillors to share office.

5.13.2 Where two or more Members have been elected or appointed to share the same office on the Cabinet the maximum number of members of the Cabinet, including the Leader, will be:

(a) 12, where at least two of the members have been elected or appointed to share office; or

(b) 13, where at least three of the members have been elected or appointed to share office.

5.13.3 The members of the Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet.

5.13.4 Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Cabinet, they together count only as one person for the purpose of determining whether the meeting is quorate.



## **SECTION 6**

### **6. THE LEADER**

#### **6.1 Election**

6.1.1 The Leader will be elected by Full Council.

6.1.2 The Leader will usually be elected on an annual basis at the Annual Council meeting. However, where the post of Leader becomes vacant the Leader will be elected at the next meeting of the Full Council.

#### **6.2 Term of Office**

The Leader is appointed on an annual basis at the annual meeting of the Council.

#### **6.3 Resignation, Dismissal, Disqualification and Suspension**

6.3.1 The Leader may resign the position of Leader by writing to the Mayor.

6.3.2 The Leader can be dismissed where the Council passes a resolution removing him/her from office in accordance with the Rules below.

6.3.3 The Leader shall cease to be Leader if he/she is suspended or disqualified as a Councillor, or, for other such reasons, cannot fulfil the role of Leader.

6.3.4 The Leader will cease to be Leader upon death or upon suffering any disability which will, or is likely to, prevent them from undertaking the role of Leader for a period of three months or more.

#### **6.4 Deputy Leader**

##### **6.4.1 Appointment**

The Leader may designate one of the Members of the Cabinet as Deputy Leader.

##### **6.4.2 Duties of the Deputy Leader**

The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or is otherwise unable to act.

##### **6.4.3 Removal from Office**

The Leader may, if he/she think fit, remove the Deputy Leader from office at any time.

#### **6.5 Functions and Delegated Authority**

##### **6.5.1 Membership of the Cabinet**

The Leader appoints and dismisses the Members of the Cabinet subject only to their being a minimum of two, and a maximum of nine, Members of the Cabinet (not counting the Leader) at any time. This number may be increased pursuant to section 5.13.2(b) in the event of a job share to 13.

6.5.2 Role of the Leader

The Leader will chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet.

6.5.3 The Cabinet Scheme of Delegations

The Monitoring Officer, in consultation with the Leader, will prepare and submit for approval a Cabinet Scheme of Delegations setting out the delegations of Executive Functions, including where the principle has been approved as part of the Council's Executive arrangements, the delegated authority of each member of the Cabinet and thereafter keep this under review and submit updates to the Scheme, as appropriate. In addition, the Leader has powers under section 15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under other delegated powers, any Executive Functions not covered by the Scheme for the time being.

6.5.4 Meetings of the Cabinet

Subject to the requirement to publish notice of each meeting three clear days before it takes place, the Leader can call meetings of the Cabinet at such times and places as he/she chooses.

6.5.5 Chairing Cabinet Meetings

The Leader shall chair Cabinet meetings. In the Leader's absence the Deputy Leader will chair. If the Deputy Leader is not available the Cabinet will appoint a Member of the Cabinet to Chair the meeting on their behalf by informing the Proper Officer of the person chosen subject to quorum.

6.5.6 Acting as one of the Council's Representatives on the Public Services Board

- (a) The Leader shall be one of the Council's two representatives at meetings of the Public Services Board.
- (b) The Leader may designate another member of the Cabinet to attend a meeting of the Public Services Board in their absence. The Leader shall designate the Deputy Leader to attend in their absence unless the Deputy Leader is also not available in which case the Leader shall designate another Member of the Cabinet.

6.5.7 Acting as the Council member of the South East Wales Corporate Joint Committee

The Leader shall be the Council member of the South East Wales Corporate Joint Committee. Where the Leader is unable to discharge their functions in respect of the Corporate Joint Committee, the Council shall appoint another member of the Cabinet to discharge those functions on behalf of the Council.

6.5.8 Appointments of Representatives on Outside Bodies

The Leader has authority to appoint representatives of the Council on outside bodies where those outside bodies relate to Executive Functions of the Council.

## **SECTION 7**

### **7. OVERVIEW AND SCRUTINY COMMITTEES**

#### **7.1 Introduction**

7.1.1 The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

7.1.2 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Overview and Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

#### **7.2 Overview and Scrutiny Committees**

In order to achieve this, the Council have appointed four Overview and Scrutiny Committees which between them will:

7.2.1 review or scrutinise decisions made, or actions taken, in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council;

7.2.2 make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;

7.2.3 review or scrutinise decisions made, or actions taken, by the Public Services Board;

7.2.4 consider any matter which affects the Council's area or its inhabitants; and

7.2.5 exercise the right to call in for reconsideration decisions made but not yet implemented by the Cabinet and Officers.

#### **7.3 Role, Scope and Membership**

The role, scope and Membership of the Overview and Scrutiny Committees are described in the table below:

<b>Committee and Membership</b>	<b>Role and Scope</b>
Corporate Overview and Scrutiny Committee Twelve County Borough Councillors (for consideration of Education matters to include 5 Education Representatives).	<ul style="list-style-type: none"><li>• To consider the service provision, planning, management and performance relating to corporate performance and governance;</li><li>• To consider policies, protocols and plans relating to corporate performance and governance;</li><li>• To co-ordinate the recommendations from each Overview and Scrutiny Committee upon</li></ul>

Committee and Membership	Role and Scope
	<p>the draft annual MTFS, including the budget savings proposals and comments upon the consultation process;</p> <ul style="list-style-type: none"> <li>• To scrutinise the performance and budget monitoring of all Directorates in the achievement of the corporate priorities;</li> <li>• To consider reports regarding any recommendations made by the Public Service Board Scrutiny Panel regarding the performance of Bridgend's Public Service Board (PSB) in accordance with the Wellbeing of Future Generations (Wales) Act 2015 and Guidance;</li> <li>• To scrutinise the Community Safety Partnership and its constituent bodies in respect of their community safety roles in accordance with the Crime and Disorder guidance;</li> <li>• To consider the Council's Corporate Plan and monitor progress against the Corporate Priorities;</li> <li>• To develop and implement a Forward Work Programme for the Committee having regard to the Council's Corporate Priorities and Risk Management Framework and have oversight and coordination of the Forward Work Programmes for the Overview and Scrutiny Committees.</li> </ul>
<p>Subject Overview and Scrutiny Committee 1 (Education themed but not exclusive to)</p> <p>Twelve County Borough Councillors (For consideration of education matters to include 5 Education Representatives).</p>	<ul style="list-style-type: none"> <li>• To consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</li> <li>• To consider policies, protocols and plans relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</li> <li>• To contribute to the annual MTFS budget consultation process in relation to the relevant subject area;</li> <li>• To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management Framework and subject to oversight and coordination by the Corporate Overview and Scrutiny Committee.</li> </ul>
<p>Subject Overview and Scrutiny Committee 2 (Social Services and Wellbeing themed but not exclusive to)</p>	<ul style="list-style-type: none"> <li>• To consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated</li> </ul>

<b>Committee and Membership</b>	<b>Role and Scope</b>
<p>Twelve County Borough Councillors (For consideration of education matters to include 5 Education Representatives).</p>	<p>by the Corporate Overview and Scrutiny Committee;</p> <ul style="list-style-type: none"> <li>• To consider policies, protocols and plans relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</li> <li>• To contribute to the annual MTFS budget consultation process in relation to the relevant subject area;</li> <li>• To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management Framework and subject to oversight and co-ordination by the Corporate Overview and Scrutiny Committee.</li> </ul>
<p>Subject Overview and Scrutiny Committee 3</p> <p>Twelve County Borough Councillors (For consideration of education matters to include 5 Education Representatives).</p>	<ul style="list-style-type: none"> <li>• To consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</li> <li>• To consider policies, protocols and plans relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee;</li> <li>• To contribute to the annual MTFS budget consultation process in relation to the relevant subject area;</li> <li>• To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management Framework and subject to oversight and coordination by the Corporate Overview and Scrutiny Committee.</li> </ul>

## 7.4 **Specific Functions**

### 7.4.1 **Policy Development and Review**

The Overview and Scrutiny Committees may:

- (a) assist the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) question Members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;

- (d) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working; and
- (e) consider the impact of policies to assess if they have made a difference.

#### 7.4.2 Scrutiny

The Overview and Scrutiny Committees may:

- (a) review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question Members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- (d) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committees and local people about their activities and performance; and
- (f) question and gather evidence from any person (with their consent).

#### 7.4.3 Scrutiny of the Public Services Board

The Corporate Overview and Scrutiny Committee has the additional functions of overseeing the work of the Public Service Board in accordance with the Wellbeing of Future Generations (Wales) Act 2015. The Committee designate this responsibility to the Public Service Board Scrutiny Panel to be able to carry out the following functions:

- (a) review or scrutinise decisions made, or other action taken, by the Public Services Board;
- (b) review or scrutinise the Public Services Board's governance arrangements;
- (c) make reports or recommendations to the Public Services Board with respect to the board's functions or governance arrangements;
- (d) consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly; and
- (e) copy reports to the Public Services Board regarding the board's functions and governance arrangements to: -
  - (i) the Welsh Ministers;

- (ii) the Future Generations Commissioner for Wales; and
  - (iii) the Auditor General for Wales.
- (f) require one or more of the attendees at the Public Services Board, or anyone designated by such a person, to attend a meeting of the Public Services Board Scrutiny Panel and provide it with explanations of such matters as it may specify.

7.4.4 The Membership of the Scrutiny Panel is determined annually by the nomination of three Members from the Corporate Overview and Scrutiny Committee, one Member from each of the Subject Overview and Scrutiny Committees and invitees from counterpart representatives that sit on the Public Service Board. Any recommendations made by the Panel are presented to the Corporate Overview and Scrutiny Committee for approval prior to submission to the Board.

#### 7.4.5 Annual Report

The Scrutiny Annual Report will be considered and endorsed by the Corporate Overview and Scrutiny Committee before being reported to Full Council on their work with recommendations for the coming year and amended working methods if appropriate.

### 7.5 Head of Democratic Services

One of the roles of the Head of Democratic Services under section 8 of The Measure is to promote the role of the Council's Overview and Scrutiny Committees and to promote support and guidance to Council Members and Officers generally about the functions of the Overview and Scrutiny Committees.

### 7.6 Who May Sit on Overview and Scrutiny Committees?

All Councillors except Members of the Cabinet and Assistants to the Executive may be Members of the Overview and Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which he has been directly involved.

### 7.7 Co-Optees

Each Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees subject to the number of co-opted members on the Committee shall not exceed one third of the total membership of the Committee. In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them.

Co-optees' membership may be for:

- (1) the life of the Committee;
- (2) until such time as it is terminated by the Council, upon the recommendation of the Committee; or
- (3) for the purposes of a particular review or performance monitoring exercise.

## 7.8 **Education Representatives**

The Overview and Scrutiny Committee considering education matters shall include in its Membership voting representatives of religious faiths and of parent governors, as required by law and guidance from Senedd Cymru:

- (1) One Church in Wales representative
- (2) One Roman Catholic Church representative
- (3) Three parent governor representatives (one from a primary school, one from a secondary school and one from a special school)

A Co-opted Member of an Overview and Scrutiny Committee or sub-committee will be entitled to vote at a meeting of the Committee or sub-committee on any matter which relates to any education functions which are the responsibility of the Cabinet and which falls to be decided at the meeting; but will not otherwise be entitled to vote.

## 7.9 **Who Chairs?**

The arrangements included in sections 66-75 of the Local Government (Wales) Measure 2011 will be followed for appointing persons to chair Overview and Scrutiny Committees.

## 7.10 **Role of the Chair and the Overview and Scrutiny Committees**

7.10.1 The Chairs will liaise with the Cabinet and supervise the Work Programme and identify suitable priority areas for Scrutiny.

7.10.2 In summary, therefore, the Chair will:

- (a) meet regularly to monitor Work Programmes;
- (b) liaise with the Cabinet on issues affecting the Scrutiny Work Programme.

## 7.11 **Work Programme**

At the beginning of the municipal year each Overview and Scrutiny Committee will be asked to identify issues for consideration during the year, using pre-determined criteria which emphasises the need to consider issues such as impact, risk, performance, budget and community perception when identifying topics for investigation. These items will be presented to the Corporate Overview and Scrutiny Committee for prioritisation and designation to each Overview and Scrutiny Committee. There is an understanding that the Work Programme will remain flexible and be revisited at each meeting of the Corporate Overview and Scrutiny Committee to consider all potential items and reprioritise with input from all the Committees.

7.11.1 Meetings of the Overview and Scrutiny Committees shall be called by the Monitoring Officer and may be required to do so by the Chair of the relevant Overview and Scrutiny Committee or by any five members of the Committee.

7.11.2 Extraordinary meetings may be called from time to time in order to deal with call-ins (Section 7.23) where the Chair of an Overview and Scrutiny Committee and the Monitoring Officer agree it is necessary for that Overview and Scrutiny Committee to consider the called in decision before the Committee's next programmed meeting.



## 7.12 **Joint Overview and Scrutiny Committees**

Under section 58 of The Measure, regulations may be made to permit or require two or more local authorities to appoint a joint Overview and Scrutiny Committee. This is set out in the Local Authorities (Joint Overview and Scrutiny) (Wales) Regulations 2013.

## 7.13 **Rules of Procedure and Debate**

The Overview and Scrutiny Procedure Rules will apply to meetings of the Overview and Scrutiny Committees.

## 7.14 **What will be the Number and Arrangements for Overview and Scrutiny Committees?**

7.14.1 The Council will have four Overview and Scrutiny Committees set out in the table in Section 7.3 and will appoint to them as it considers appropriate from time to time. The Committees may appoint smaller groups to carry out detailed examination of particular topics for report back to them. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist.

7.14.2 The terms of reference of the various Overview and Scrutiny Committees will be as set out in the table in Section 7.3.

7.14.3 Each Subject Overview and Scrutiny Committee will be Chaired by a Chair appointed from the membership of that Overview and Scrutiny Committee. The Chair of the Corporate Overview and Scrutiny Committee will be appointed from one of the Chairs of the Subject Overview and Scrutiny Committees in accordance with the political balance rules:

- (a) there will be cross party Membership of all Overview and Scrutiny Committees;
- (b) the Overview and Scrutiny Committees shall undertake the following:
  - (i) investigate or review a particular matter in depth and without delay, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate;
  - (ii) conduct research, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with the area/community partnerships;
  - (iii) consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options;
  - (iv) question Cabinet Members and Officers about their views and actions on issues and proposals affecting the County Borough;
  - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
  - (vi) question and gather evidence from any person (with his/her consent) whilst conducting investigative and reporting processes.

#### 7.15 **Meetings of the Overview and Scrutiny Committees**

The Council may determine a cycle of meetings for the Overview and Scrutiny Committees. If the Council do not set the cycle, each such Committee shall determine their own cycle of meetings. The Chair may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the Committee's work programme. A meeting of an Overview and Scrutiny Committee may be called by the Chair or by the Monitoring Officer, if he/she considers it necessary or appropriate.

#### 7.16 **Quorum**

The quorum for an Overview and Scrutiny Committee shall be a quarter of all Members of the Committee or 3 Members whichever is greater.

#### 7.17 **Agenda Items**

7.17.1 Any Member of a particular Overview and Scrutiny Committee shall be entitled to give notice to the Monitoring Officer that he wishes an item relevant to the functions of the that Committee to be included on the agenda for the next available meeting. Ten working days' notice of the item should be given to the Monitoring Officer together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

7.17.2 On receipt of such a request, so long as it is an appropriate matter to be considered, the Monitoring Officer will ensure that it is included on the next available agenda.

7.17.3 An Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

#### 7.18 **Policy Review and Development**

7.18.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 15.

7.18.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, an Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

7.18.3 An Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## 7.19 **Reports from the Overview and Scrutiny Committees**

- 7.19.1 All formal reports from the Overview and Scrutiny Committees will be submitted to the Monitoring Officer for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 7.19.2 If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 7.19.3 The Council or Cabinet shall consider the report of an Overview and Scrutiny Committee within one month of it being submitted to the Monitoring Officer.

## 7.20 **Rights of Members of the Overview and Scrutiny Committees to Documents**

- 7.20.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section 15 of this Constitution.
- 7.20.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

## 7.21 **Members and Officers Giving Account**

- 7.21.1 The Overview and Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any Member of the Cabinet, the Chief Executive and/or any senior Officer to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance

and it is the duty of those persons to attend if so required.

- 7.21.2 For this purpose, senior Officer includes any Chief Officer, deputy Chief Officer and other appropriate senior Officer. Where there are concerns about the appropriateness of the Officer who should attend, the relevant Chief Officer shall discuss this with the appropriate Overview and Scrutiny Chair or Vice Chair with a view to achieving consensus.
- 7.21.3 Where any Member or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Monitoring Officer. The Monitoring Officer shall inform the Member or Officer, if necessary in writing, giving at least five working days' notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he or she is required to attend to give

account and whether any papers are required to be produced for the Committee.

7.21.4 Where the account to be given to an Overview and Scrutiny Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

7.21.5 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

## 7.22 **Attendance by Others**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 7.211 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

## 7.23 **Call-In**

### 7.23.1 **Rules**

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet or under joint arrangements, the decision shall be published by the Monitoring Officer, including where possible by electronic means, and shall be available at the main offices of the Council as soon as reasonably practicable after being made. All Members of the Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in for review.
- (c) During that period the Monitoring Officer shall call-in a decision for scrutiny by an Overview and Scrutiny Committee if so requested in the specified format by any three Members of an Overview and Scrutiny Committee and a Scrutiny Chair and, shall then notify the decision taker of the call-in. He/she shall call a meeting of an Overview and Scrutiny Committee on such a date as he/she may determine, where possible after consultation with all Scrutiny Chairs, and in any case within five clear working days of the decision to call-in (only in exceptional circumstances will the Chairs consider extending this time limit).
- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further seven clear working days, amending the decision or not, before adopting a final decision.

- (e) If following an objection to the decision, an Overview and Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further five working day period (or agreed extended period), whichever is the earlier.
- (f) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
  - (i) an Overview and Scrutiny Committee may only call-in a total of six decisions per year;
  - (ii) three Members of an Overview and Scrutiny Committee and a Chair are needed for a decision to be called in;
  - (iii) once a Member has signed a request for call-in under this paragraph, he/she may not do so again until the period of three months has expired;
  - (iv) No Education Co-opted Members may request a decision be called in.
- (g) The Monitoring Officer may veto any request for call-in if it falls outside the remit of this scheme and/or:
  - (i) It is not clear which decision is being called-in;
  - (ii) The decision is exempt from call-in on account of the urgency provisions as outlined below;
  - (iii) The call-in request provides too little information to enable the Scrutiny Committee Members or the decision maker to adequately prepare for the call-in meeting;
  - (iv) The decision being called-in, or broadly the same decision, has been called in during the last six months;
  - (v) The call-in request is trivial or without substantial merit.

Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

#### 7.23.2 Call-In and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, Cabinet Committee, Cabinet Member or Officer is urgent and not subject to call-in. A decision will be urgent and not subject to call-in if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. Consultation will be sought of all Chairs of the Overview and Scrutiny Committees to agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The agreement of one Chair is sufficient for

the matter to be treated as urgent. In the absence of all Chairs the Mayor or the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent should be required. Decisions taken as a matter of urgency must be reported at the next available meeting of the Council, together with the reasons for urgency.

- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

#### 7.24 **The Party Whip**

If a Member of an Overview and Scrutiny Committee is subject to a party whip in respect of an issue to be considered by it, that Member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

#### 7.25 **Procedure at Overview and Scrutiny Committee Meetings**

7.25.1 An Overview and Scrutiny Committee shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) consideration of any matter referred to that Overview and Scrutiny Committee for a decision in relation to call in of a decision;
- (d) responses of the Cabinet to reports of that Overview and Scrutiny Committee;
- (e) the business otherwise set out on the agenda for the meeting.

The Rules of Procedure at an Overview and Scrutiny Committee will be the same as the Council Procedure Rules except that the Chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether as Members of an Overview and Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

7.25.2 An Overview and Scrutiny Committee may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:

- (a) that the business be conducted fairly and all Members of the Overview and Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting by giving evidence be treated with respect and courtesy;
- (c) that the business be conducted as efficiently as possible.

7.25.3 Following any investigation or review, an Overview and Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

7.26 **Matters within the Remit of more than one Overview and Scrutiny Committee**

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Committees, the decision as to which Committee will consider it will be resolved by the respective Chairs or, if they fail to agree, the Chair of the Corporate Overview and Scrutiny Committee.

## 8. **THE STANDARDS COMMITTEE**

### **Composition**

#### 8.1 **Membership**

The Standards Committee is composed of eight Members. Its Membership includes:

- 8.1.1 Five “independent” Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Local Government Act 2000, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended);
- 8.1.2 Two Councillors other than the Leader and not more than one Member of the Executive; and
- 8.1.3 One Community Council Member.

#### 8.2 **Term of Office**

- 8.2.1 Independent Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term.
- 8.2.2 Members of local authorities who are Members of the Standards Committee will have a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.

#### 8.3 **Quorum**

A meeting of the Standards Committee shall only be quorate when:

- 8.3.1 at least three Members, including the Chairperson, are present; and
- 8.3.2 at least half the Members present (including the Chairperson) are Independent Members.

#### 8.4 **Voting**

Independent Members and Community Council Members will be entitled to vote at meetings.

#### 8.5 **Chairing the Committee**

- 8.5.1 Only an Independent Member of the Standards Committee may be the Chair.
- 8.5.2 The Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of:
  - (i) not less than four years or no more than six years; or
  - (ii) until the term of office of the Independent Member comes to an end.



## 8.6 **Role and Function**

The Standards Committee will have the following roles and functions:

- 8.6.1 promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Authority;
- 8.6.2 assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- 8.6.3 advising the Council on the adoption or revision of the Members' Code of Conduct;
- 8.6.4 monitoring the operation of the Members' Code of Conduct;
- 8.6.5 advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- 8.6.6 to monitor the operation of the Council's Whistleblowing Policy;
- 8.6.7 to grant dispensations from the prohibitions contained in the Members' Code of Conduct in accordance with the Regulations;
- 8.6.8 Consider reports submitted by the Public Ombudsman for Wales and the Council's Monitoring Officer;
- 8.6.9 monitoring compliance by leaders of political groups on the Council with their duties to promote and maintain high standards of conduct by the members of the group;
- 8.6.10 Advising, training or arranging to train leaders of political groups on the Council about matters as outlined in 8.6.9.

## 8.7 **Annual Report**

- 8.7.1 As soon as possible after the end of each financial year, the Standards Committee must make an annual report to the Council.
- 8.7.2 The annual report must include: -
  - (a) a description of how the Standards Committee has discharged its functions;
  - (b) a summary of any reports and recommendations that were referred to the Standards Committee under Chapter 3 of Part 3 of the Local Government Act 2000;
  - (c) a summary of the actions that the Standards Committee has taken following consideration of the reports and recommendations referred to in (b) above;
  - (d) a summary of any notices that were given to the Standards Committee under Chapter 4 of Part 4 of the Local Government Act 2000;
  - (e) the Standards Committee's assessment of the extent to which leaders of political groups on the Council have complied with their duties to promote and maintain high standards of conduct by members of their group and to

cooperate with the Standards Committee in the exercise of the Standards Committee's functions;

- (f) any recommendations which the Standards Committee considers it appropriate to make to the Council about any matter which falls within the Committee's functions.

#### 8.8 **Work Programme**

The Committee will prepare a work programme, which will be reviewed and approved by the Committee.

#### 8.9 **Joint Standards Committee**

The Council may establish a joint standards committee with one or more local authorities for the purpose of discharging the statutory functions of the Standards Committee.

#### 8.10 **Rules of Procedure and Debate**

8.10.1 The Council Procedure Rules at Section 4 will apply to the meetings of the Standards Committee Members.

8.10.2 When considering the conduct of individual Councillors, the procedures outlined in Appendix 3 to Section **Error! Reference source not found.** will apply.

## **SECTION 9**

### **9. REGULATORY COMMITTEES**

#### **9.1 Regulatory and Other Committees**

The Council will appoint the Committees to discharge the functions set out in Section 14 of this Constitution.

#### **9.2 The Governance and Audit Committee**

9.2.1 The Council will appoint a Governance and Audit Committee to discharge the functions described in Section 14 of this Constitution and in accordance with sections 81-87 of The Measure.

9.2.2 The Committee shall comprise of two-thirds Councillor Members and one-third members who are not a Member of the Council (lay members). No more than one member of the Committee may be a member of the Cabinet (which Cabinet Member must not be the Leader) or an Assistant to the Executive, although the Committee may have no Cabinet Members or Assistants to the Executive among its membership.

9.2.3 The Council shall appoint Members to the Audit Committee in accordance with the political balance rules.

9.2.4 The Chair of the Audit Committee and Deputy Chair are appointed by it. The person appointed Chair of the Audit Committee must be a lay member. The person appointed as Deputy Chair cannot be a Member of the Cabinet or an Assistant to the Executive.

9.2.5 A meeting of the Audit Committee is to be chaired:

(a) by the Chair of the Audit Committee, or

(b) if the Chair of the Audit Committee is absent, by the Deputy Chair.

(c) If both the Chair of the Audit Committee and the Deputy Chair are absent, the Committee may appoint a member of the Committee who is not a member of the Council's Cabinet, or an Assistant to the Cabinet, to chair the meeting.

9.2.6 Members of the Audit Committee may vote on any matter from the Committee.

#### **9.3 The Democratic Services Committee**

9.3.1 The Council will appoint a Democratic Services Committee to discharge the functions described in Section 14 of this Constitution.

9.3.2 The Committee shall comprise of Councillor Members but no more than one Member of the Cabinet (which Cabinet Member must not be the Leaders).

9.3.3 The Council shall appoint Members to the Democratic Services Committee in accordance with the political balance rules.

9.3.4 The Chair of the Democratic Services Committee is appointed by Full Council and must not be the Cabinet Member.

9.4 **Other Committees and Sub-Committees**

9.4.1 The Council will appoint such other Committees as it considers appropriate to the exercise of its functions. These will include a Development Control Committee and Licensing Committee.

9.4.2 Any Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the appointment Committees terms of reference.

9.5 **Rules of Procedure and Debate**

9.5.1 The Council Procedure Rules in Section 4 will apply, except as set out in paragraph 9.5.2 below.

9.5.2 A meeting of the Development Control Committee shall only be quorate when at least half of the total number of members of the Committee, rounded to the nearest whole number, are present.

## **SECTION 10**

### **10. JOINT COMMITTEES**

#### **10.1 Introduction**

There are a number of circumstances where the Council or the Cabinet is entitled to carry out certain functions jointly with another local authority.

#### **10.2 Arrangements to Promote Wellbeing**

The Cabinet in order to promote the economic, social, or environmental wellbeing of its area may:

- 10.2.1 enter into arrangements or agreements with any person or body;
- 10.2.2 co-operate with, or facilitate or co-ordinate the activities of any person or body; and
- 10.2.3 exercise on behalf of that person or body any functions of that person or body.

#### **10.3 Joint Arrangements**

- 10.3.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not Executive Functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 10.3.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Executive Functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, or as permitted or required by Law, the Cabinet may only appoint Cabinet Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.
- 10.3.3 The Cabinet may appoint Members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of that local authority, by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is Member for an electoral division contained within the area. Political balance requirements do not apply to such appointments.
- 10.3.4 When considering whether to establish a joint committee, the Council and the Cabinet shall have regard to any guidance issued by the Welsh Ministers about establishing joint committees and the circumstances in which it is appropriate to do so.

#### **10.4 Access to Information**

- 10.4.1 The Access to Information Procedure Rules in Section 15 apply.

10.4.2 If all the Members of a Joint Committee are Members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.

10.4.3 If the Joint Committee contains Members who are not on the Cabinet of any participating authority, then the Access to Information Rules in part VA of the Local Government Act 1972 (as amended) will apply.

#### 10.5 **Delegation to and from Other Local Authorities**

10.5.1 The Council can delegate Non-Executive Functions to another local authority or, where those functions are the responsibility of the executive of another local authority, to that executive.

10.5.2 The Cabinet can delegate Executive Functions to another local authority or the executive of another local authority in certain circumstances.

10.5.3 The decision whether or not to accept such a delegation from another local authority is reserved to the Full Council.

#### 10.6 **Contracting Out**

The Council (in respect of Non-Executive Functions) and the Cabinet (in respect of Executive Functions) may contract out to another body or organisation functions:

10.6.1 which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994; or

10.6.2 under contracting arrangements where the Contractor acts as the Council's Agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## **SECTION 11**

### **11. CORPORATE JOINT COMMITTEES**

#### **11.1 Introduction**

Corporate joint committees may be established: -

11.1.1 at the instigation of the Welsh Ministers, to undertake the Council's transport, strategic planning, economic development and/or improving education functions; or

11.1.2 at the instigation of the Council, to undertake any of the Council's functions.

#### **11.2 Corporate Joint Committees**

11.2.1 The Council may, jointly with one or more other local authorities make a joint committee application to the Welsh Ministers, asking them to consider making regulations under section 72 of the Local Government and Elections (Wales) Act 2021 establishing a corporate joint committee to exercise a function of those authorities or the economic wellbeing function in relation to the principal areas of those authorities.

11.2.2 The Council shall not make such an application unless and until it has consulted: -

- (a) local people in the Council's area;
- (b) community councils in the Council's area;
- (c) the Public Services Board;
- (d) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and
- (e) such other persons as the Council considers appropriate.

11.2.3 The Council may, jointly with all other local authorities for the principal areas in a corporate joint committee's area, make an application to the Welsh Ministers asking them to consider making regulations under section 80 of the Local Government and Elections (Wales) Act 2021 to amend or revoke joint committee regulations which establish a corporate joint committee of which the Council is a member.

11.2.4 The Council may not exercise the power in section 11.2.3 to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a function which relates to the Council's transport, strategic planning, economic development or improving education functions.

## **SECTION 12**

### **12. OFFICERS**

#### **12.1 Management Structure**

##### **12.1.1 General**

The Full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

##### **12.1.2 Chief Officers**

The Full Council will engage persons for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity:

<b>Post</b>	<b>Functions and Areas of Responsibility</b>
Chief Executive	<ul style="list-style-type: none"><li>• Overall corporate management and operational responsibility including overall management responsibility for all Officers.</li><li>• Principal adviser to the Council on general policy.</li><li>• The provision of professional and impartial advice to all parties in the decision making process to the Cabinet, to Overview and Scrutiny Committees, the Full Council and other Committees).</li><li>• Together with the Monitoring Officer, responsibility for a system of record keeping for all the Authority's decisions (executive or otherwise).</li><li>• Representing the Council on partnership and external bodies (as required by statute or the Council).</li><li>• Service to the whole Council, on a politically neutral basis.</li></ul>
Corporate Director Communities	Management and overall responsibility for taking the lead role in strategy and policy development in respect of and ensuring effective service co-ordination of the following services: regeneration and development, neighbourhood services.
Corporate Director Education and Family Support	Management and overall responsibility for taking the lead role in strategy and policy development in respect of and ensuring effective service co-ordination of the following services: family support, learning.
Corporate Director Social Services and Wellbeing and	Management and overall responsibility for taking the lead role in strategy and policy development in respect of and ensuring effective co-ordination of the following services: wellbeing, safeguarding.



<b>Post</b>	<b>Functions and Areas of Responsibility</b>
Director of Social Services	
Chief Officer - Legal and Regulatory Services, HR and Corporate Policy	Legal and Democratic Services, Member Support Services, Democratic Services, Registrars, Shared Regulatory Services, Land Charges. Employee Relations, Organisation and Employee Development, Health and Safety, Equal Opportunities. Corporate Policy.

### 12.1.3 Chief Executive, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Chief Executive
Chief Officer – Legal and Regulatory Services, Human Resources and Corporate Policy.	Monitoring Officer
Chief Officer – Finance, Performance and Change	Chief Finance Officer / Section 151 Officer
Democratic Services Manager	Head of Democratic Services

Such posts will have the functions described in Sections 12.2 to 12.5.

## 12.2 **Functions of the Chief Executive**

### 12.2.1 Discharge of Functions by the Council

- (a) Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as Chief Executive. The Chief Executive will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Staff required for the discharge of functions, the organisation of the authority's staff and the appointment and proper management of the authority's staff.
- (b) The Chief Executive must keep the following matters under review:
  - (i) the manner in which the exercise by the Council of its different functions is co-ordinated;
  - (ii) the council's arrangements in relation to—

- (A) financial planning,
- (B) asset management, and
- (C) risk management;
- (iii) the number and grades of staff required by the Council for the exercise of its functions;
- (iv) the organisation of the Council's staff;
- (v) the appointment of the Council's staff; and
- (vi) the arrangements for the management of the Council's staff (including arrangements for training and development).

12.2.2 If the Chief Executive considers it appropriate to do so, they must make a report to the Full Council setting out their approach to these matters. As soon as possible after preparing a report, the Chief Executive must arrange for a report to be sent to each Member of the Council.

12.2.3 Acting as one of the Council's Representatives on the Public Services Board

The Chief Executive shall be one of the Council's two representatives at meetings of the Public Services Board.

12.2.4 Restrictions on Functions

The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer if a qualified accountant.

### 12.3 Functions of the Monitoring Officer

These are set out in section 5 of the Local Government and Housing Act 1989 as amended.

12.3.1 Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

12.3.2 Ensuring Lawfulness and Fairness of Decision Making

After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to any Function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

12.3.3 Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

#### 12.3.4 Receiving Reports

The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals.

#### 12.3.5 Conducting Investigations

The Monitoring Officer will conduct investigations into matters referred by the Public Services Ombudsman for Wales and make reports or recommendations in respect of them to the Standards Committee.

#### 12.3.6 Proper Officer for Access to Information

The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

#### 12.3.7 Advising whether decisions of the Cabinet are within the Budget and Policy Framework

The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

#### 12.3.8 Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to the Councillors.

#### 12.3.9 Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

### 12.4 **Functions of the Chief Finance Officer**

These are set out in section 6 of the Local Government and Housing Act 1989.

#### 12.4.1 Ensuring Lawfulness and Financial Prudence of Decision Making

After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Cabinet in relation to an Executive Function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

#### 12.4.2 Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

#### 12.4.3 Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

#### 12.4.4 Providing Advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

#### 12.4.5 Give Financial Information

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

#### 12.4.6 Advising whether Decisions of the Cabinet are within the Budget and Policy Framework

The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

#### 12.4.7 Restrictions on Posts

- (a) The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.
- (b) The Chief Finance Officer must be a member of one or more of the following professional bodies: -
  - (i) the Institute of Chartered Accountants in England and Wales;
  - (ii) the Chartered Association of Certified Accountants;
  - (iii) the Chartered Institute of Public Finance and Accountancy;
  - (iv) the Chartered Institute of Management Accountants; or
  - (v) any other body of accountants established in the United Kingdom and for the time being approved by the Welsh Ministers for this purpose.

### 12.5 **Functions of the Head of Democratic Services**

These are set out in section 9 of The Measure. The functions of the Head of Democratic Services are:

- 12.5.1 to provide support and advice to the Authority in relation to its meetings, subject paragraph 12.5.10;
- 12.5.2 to provide support and advice to committees of the Authority (other than the committees mentioned in paragraph 12.5.5) and the members of those committees, subject to paragraph 12.5.10;

- 12.5.3 to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to paragraph 12.5.10;
- 12.5.4 to promote the role of the Authority's Overview and Scrutiny Committees;
- 12.5.5 to provide support and advice to:
- (a) the Authority's Overview and Scrutiny Committees and the members of those Committees; and
  - (b) the Authority's Democratic Services Committee and the members of that committee;
  - (c) to provide support and advice in relation to the functions of the Authority's Overview and Scrutiny Committees to each of the following:
    - (i) members of the Authority;
    - (ii) members of the executive of the Authority;
    - (iii) officers of the Authority;
- 12.5.6 to provide support and advice to each member of the Authority in carrying out the role of member of the Authority, subject to paragraph 12.5.11;
- 12.5.7 to make reports and recommendations in respect of any of the following:
- (a) the number and grades of staff required to discharge democratic services functions;
  - (b) the appointment of staff to discharge democratic services functions;
  - (c) the organisation and proper management of staff discharging democratic services functions;
- 12.5.8 such other functions as may be prescribed by law.
- 12.5.9 Restrictions on Posts
- The Head of Democratic Services cannot be the Chief Executive, or the Chief Finance Officer.
- 12.5.10 The function of providing advice about whether or how the Authority's functions should be, or should have been exercised, only applies to advice concerning the functions of the Overview and Scrutiny Committees and Democratic Services Committee.
- 12.5.11 Advice to a Member does not include advice in connection with their role as an executive Member and does not include advice about a matter being or to be considered at a meeting (other than a meeting of an Overview and Scrutiny Committee or Democratic Services Committee).

12.6 **Duty to Provide Sufficient Resources to the Chief Executive, Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

The Council will provide the Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.7 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in this Constitution.

12.8 **Employment**

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out below.

12.9 **Officer Employment Procedure Rules**

**1. Interpretation**

- (1) "Chief Officer" means:  
Chief Executive  
Corporate Director – Education and Family Support  
Corporate Director - Communities;  
Corporate Director – Social Services and Wellbeing;  
Solicitor to the Council and Monitoring Officer;  
Chief Finance Officer / Section 151 Officer.

**2. Declarations**

- (1) The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Authority; or of the partner of such persons;
- (a) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him/her.
- (2) Seeking support for appointment: -
- (a) Subject to sub-paragraph (c) below, the Authority will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Authority. The content of this sub-paragraph will be included in any recruitment information;
- (b) Subject to sub-paragraph (c) below, no Councillor will seek support for any person for any appointment with the Authority;
- (c) Nothing in sub-paragraphs (a) and (b) above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

**3. Appointments**

- (1) The Authority must take the steps set out in sub-paragraph (2) where it proposes to appoint a Chief Officer, and the remuneration which it proposes to pay to the Chief Officer is £100,000 or more per annum;
- (2) The steps are to:
  - (a) draw up a statement specifying–
    - (i) the duties of the officer concerned, and
    - (ii) any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- (3) Where sub-paragraph (1) applies, the Authority is not required to take the steps set out in sub-paragraph (2) (b) if it proposes to appoint the chief officer for a period of no longer than 12 months.
- (4) (a) Where a post has been advertised as provided in paragraph 2(b), the Authority must–
  - (i) interview all qualified applicants for the post, or
  - (ii) select a short list of such qualified applicants and interview those included on the short list.

(b) Where no qualified person has applied, or if the Authority decide to re-advertise the appointment, the Authority may make further arrangements for advertisement in accordance with paragraph 2(b).

#### **4. Appointment of Chief Officers and Heads of Service**

- (1) The Authority will appoint Chief Officers, Heads and Service and the Head of Democratic Services.
- (2) Where a committee, sub-committee or officer is discharging, on behalf of the Authority, the function of the appointment of an officer designated as the Chief Executive, the Authority must approve that appointment before an offer of appointment is made. The power to approve the appointment of the Chief Executive must be exercised by the Authority itself and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of that power.
- (3) Where a committee or a sub-committee of the Authority is discharging, on behalf of the authority, the function of the appointment of a Chief Officer, a Deputy Chief Officer, Head of Service or Head of Democratic Services –
  - (a) at least one member of the executive must be a member of that committee or sub-committee; and
  - (b) not more than half of the members of that committee or sub-committee are to be members of the executive of the Authority.

- (4) The Authority must determine the level, and any change in the level, of the remuneration to be paid to a Chief Officer.

**5. Appointment of Assistants to Political Groups**

The appointment of assistants to political groups shall be made in accordance with the wishes of the political groups concerned.

**6. Appointment of Officers other than Chief Officers and Heads of Service**

The function of appointment of members of staff of the Authority, other than Chief Officers, Deputy Chief Officers, Heads of Service and the Head of Democratic Services, must be discharged, on behalf of the Authority, by the officer designated as the Chief Executive or by an officer nominated by the Chief Executive.

Nothing in the above paragraph prevents a person from serving as a member of any committee or sub-committee established by the Authority to consider an appeal by another person against any decision relating to the appointment of that other person as a member of staff of the Authority.

**7. Disciplinary Action and Dismissal**

**(1) Chief Officers and Heads of Service**

(a) Disciplinary action against and dismissal of Chief Officers, Deputy Chief Officers, Heads of Service, and Head of Democratic Services must be discharged by the Authority.

(b) Where a committee, sub-committee or officer is discharging, on behalf of the Authority, the function of the dismissal of an officer designated as the Chief Executive, the Authority must approve that dismissal before a notice of dismissal is given. The power to approve the dismissal of the Chief Executive must be exercised by the Authority itself and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of that power.

(c) Where a committee or a sub-committee of the Authority is discharging, on behalf of the authority, the function of the dismissal of Chief Officers, Deputy Chief Officer, Heads of Service or Head of Democratic Services-

(i) at least one member of the executive must be a member of that committee or sub-committee; and

(ii) not more than half of the members of that committee or sub-committee are to be members of the executive of the Authority.

**(2) Chief Executive, Monitoring Officer, Chief Finance Officer**

(a) No disciplinary action (other than action to which paragraph (c) applies) in respect of the Chief Executive, or its Monitoring Officer, its Chief Finance Officer, its Head of Democratic Services or any other officer referred to in paragraph (b) may be taken by the Authority, or by a committee, a sub-committee, a joint committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).

(b) An officer in relation to whom disciplinary action is proposed where-



- (i) the officer was, but at the time of the proposed disciplinary action no longer is, an officer referred to in (a) and;
- (ii) the alleged misconduct or, as the case may be, the reason for the proposal for dismissal, occurred during the period when the officer was an officer referred to in paragraph (a).

(c) The action to which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.

**(3) Officers other than Chief Officers, Heads of Service and Head of Democratic Services**

The function of dismissal of, and taking disciplinary action against a member of staff of the Authority other than Chief Officers, Deputy Chief Officers, Heads of Service and the Head of Democratic Services must be discharged, on behalf of the Authority, by the officer designated as the Chief Executive or by an officer nominated by the Chief Executive.

(b) Paragraph (a) does not apply to the dismissal of, or disciplinary action against, an officer in relation to whom disciplinary action is proposed-

(i) who was, but at the time of the proposed disciplinary action no longer is, a Chief Officer, Deputy Chief Officer, Head of Democratic Services, and (ii) where the alleged misconduct, or, as the case may be, the reason for the proposal for dismissal occurred during the period when the officer was an officer referred to in (i).

(c) Nothing in paragraph (a) prevents a person from serving as a member of any committee or sub-committee established by the relevant Authority to consider an appeal by a member of staff of the relevant Authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

**8. Chief Executive, Monitoring Officer, Chief Finance Officer, Head of Democratic Services - Investigation of alleged misconduct**

(1) Where it appears to the Authority that an allegation of misconduct which may lead to disciplinary action has been made against a relevant officer, the authority must appoint a committee ("an investigation committee") to consider the alleged misconduct. A 'relevant officer' for this purpose is-

(a) the Chief Executive;

(b) its Monitoring Officer; or

(c) its Chief Finance Officer,

(d) its Head of Democratic Services or

(e) an officer who was, but at the time the investigation committee is appointed no longer is, an officer referred to in sub-paragraphs (a) to (d) where the alleged misconduct occurred during the period when the officer was an officer referred to in those sub-paragraphs.

(2) The investigation committee must:

(a) consist of a minimum of 3 members of the Authority;

(b) be politically balanced in accordance with section 15 of the Local Government and Housing Act 1989 Act; and must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

(3) For the purpose of considering the allegation of misconduct, the investigation committee:

(a) may make such enquiries of the relevant officer or any other person it considers appropriate;

(b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and

(c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.

(4) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person ("the designated independent person") for the purpose of paragraph 7(2)(a).

(5) The designated independent person who is appointed—

(a) must be such person as may be agreed between the Authority and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or

(b) where there is no such agreement, must be such person as is nominated for the purpose by the Welsh Ministers.

(6) The designated independent person—

(a) may direct—

(i) that the Authority terminate any suspension of the relevant officer;

(ii) that any such suspension is to continue after the expiry of the period referred to in paragraph 7 (2) (b);

(iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or

(iv) that no steps (whether by the Authority or any committee, sub-committee or officer acting on behalf of the authority) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (d);

(b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the authority, or which the Authority has power to authorise the designated independent person to inspect;

(c) may require any member or member of staff of the Authority to answer questions concerning the conduct of the relevant officer;

(d) must make a report to the Authority–

(i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and

(ii) recommending any disciplinary action which appears appropriate for the Authority to take against the relevant officer, and

(e) must no later than the time at which the report is made under sub-paragraph d), send a copy of the report to the relevant officer.

(7) Subject to paragraph (8), the relevant officer and the Authority must, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.

(8) Where there is no agreement under paragraph (7), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

(9) The Authority must consider the report prepared under paragraph (6) (d) within 1 month of receipt of that report.

(10) The Authority must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this regulation.

## **SECTION 13**

### **13. FINANCE CONTRACTS AND LEGAL MATTERS**

#### **13.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Section 0 of this Constitution.

#### **13.2 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Section 0 of this Constitution.

#### **13.3 Legal Proceedings**

13.3.1 The Monitoring Officer is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers that such action is necessary to protect the Council's interests.

13.3.2 The Monitoring Officer has delegated powers to authorise Officers to appear in court on the Council's behalf.

#### **13.4 Authentication of Documents**

13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him/her, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority to some other person.

13.4.2 Every contract not exceeding £500,000 in amount or value shall be made in writing in a form approved by the Monitoring Officer, such form being the Form of Tender. Subject to the Contracts Procedure Rules, such contracts must be signed by the Appropriate Chief Officer or by an officer in writing authorised to approve on behalf of the Appropriate Chief Officer.

13.4.3 In addition to any other person who may be authorised by resolution of the Council, the Proper Officer for the purposes of authentication of documents under the Local Government Acts shall be:

- (a) the Chief Executive;
- (b) the Monitoring Officer ;
- (c) any Chief Officer of the Council concerned with the matter to which the document relates; or,
- (d) any Officer authorised in writing by such Chief Officer.

13.5 **Common Seal of the Council**

13.5.1 **Common Seal**

- (a) The Common Seal of the Council shall be kept in a safe place in the custody of the Monitoring Officer.
- (b) A decision of the Council, including decisions under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision.

13.5.2 **Sealing and Execution of Documents**

- (a) The Monitoring Officer shall have authority to affix the Common Seal and execute under Seal any deed or document.
- (b) The Monitoring Officer shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.
- (c) This function can be delegated further by the named person.

13.5.3 **Record of Sealing of Documents**

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Monitoring Officer and consecutively numbered in a book to be provided for the purpose.

## **SECTION 14**

### **14. RESPONSIBILITY FOR FUNCTIONS - SUMMARY**

The purpose of this Section of the Constitution is to set out who is responsible for making the various decisions in the Council.

#### **14.1 Who can be Decision Makers?**

Under this constitution, there are a number of different decision makers:

- 14.1.1 Full Council;
- 14.1.2 a Committee or Sub-Committee of the Council;
- 14.1.3 the Executive Leader;
- 14.1.4 the Cabinet;
- 14.1.5 a Committee of Cabinet;
- 14.1.6 an individual Cabinet Member;
- 14.1.7 a Joint Committee;
- 14.1.8 a Corporate Joint Committee;
- 14.1.9 an Officer.

The Council will issue and keep up to date a record of which individual has responsibility for particular types of decisions. This record is set out in Section 14 of this Constitution.

#### **14.2 Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:

- 14.2.1 proportionately (ie the action must be proportionate to the desired outcome);
- 14.2.2 due consideration and the taking of professional advice from Officers;
- 14.2.3 respect for human rights;
- 14.2.4 a presumption in favour of openness;
- 14.2.5 clarity of aims and desired outcomes;
- 14.2.6 consideration of any alternative options; and
- 14.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

#### **14.3 Functions fall into the following categories:**

#### 14.3.1 Functions of the Full Council

The Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Council by Law. It may also delegate many of those functions to a Committee, Sub-Committee or Officer. The functions of the Full Council are set out in Section 4.

#### 14.3.2 Non-Executive Functions

These are functions which, by law, may not be the responsibility of the Cabinet. In some cases, only the Full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an Officer.

#### 14.3.3 “Local Choice” Functions

There are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion.

#### 14.3.4 Executive Functions

All other functions are Executive Functions.

### 14.4 **Other Bodies**

#### 14.4.1 Advisory Bodies

The Council and/or the Leader can also set up Advisory Committees and Joint Advisory Committees.

#### 14.4.2 Overview and Scrutiny Committees

Overview and Scrutiny Committees are responsible for the overview and scrutiny function. They cannot exercise other functions and make decisions.

#### 14.4.3 Officer Delegations

Officer delegations are published in the Scheme of Delegation of Functions, available on the Council’s website.

### 14.5 **Who Decides – Non-Executive Functions?**

14.5.1 The Council may decide whether to delegate Non-Executive Functions to a committee, sub-committee, delegated Officer or joint committee.

14.5.2 Where a non-Executive Function has been delegated to a committee, the committee may further delegate to a sub-committee or delegated Officer.

14.5.3 Where a non-Executive Function has been delegated to a sub-committee, the sub-committee may further delegate to a delegated Officer.

### 14.6 **Who Decides – Executive Functions?**

The Leader may decide whether to delegate Executive Functions to a committee of the Cabinet, an individual Cabinet Member, a delegated Officer or a joint committee.

## 14.7 **Removal of Delegation**

- 14.7.1 Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any particular case, and may exercise the function itself.
- 14.7.2 Where a function has been delegated, the decision maker is not required to exercise the delegation and may refer any particular matter to the body that made the delegation or any other body that has power to exercise the function.

## 14.8 **Who May Exercise Officer Delegations?**

Where a function has been delegated to an Officer(s) (“delegated Officer(s)”), the decision may be taken in the name of (but not necessarily personally by) such delegated Officer(s) (“authorised Officer(s)”) in accordance with arrangements made from time to time by such delegated Officer(s) for this purpose. The Officer with delegated powers can only delegate to a third party if that Officer is given delegated powers to “delegate on” that decision making.



**APPENDIX 1 TO SECTION 14**

**Non-Executive Functions**

<b>Member Body</b>	<b>Membership</b>	<b>Functions</b>
Appeals Panel	Chairperson and/or Vice Chairperson together with one or two County Borough Councillors drawn on a rota basis from a panel of ten County Borough Councillors.	To hear and determine appeals under the following policies and procedures of the Council: <ul style="list-style-type: none"> <li>• Disciplinary;</li> <li>• Grievance;</li> <li>• Management of Absence;</li> <li>• Dignity at Work;</li> <li>• Capability;</li> <li>• Redundancy and Redeployment</li> </ul>
Appointments Committee	The Appointments Committee is comprised of 8 Elected Member representatives: <ul style="list-style-type: none"> <li>• Leader (Chairperson)</li> <li>• Deputy Leader</li> <li>• Cabinet Member (of relevant portfolio to the post)</li> <li>• 2 x Bridgend County Independent Members</li> <li>• 2 x Democratic Alliance Members</li> <li>• 1 x Labour Member</li> </ul>	<ol style="list-style-type: none"> <li>1. To undertake the appointment process of JNC officers (other than the Chief Executive).</li> <li>2. To undertake the appointment process of the Chief Executive and recommend to full Council an appointable candidate(s).</li> </ol> <p>Substitution of Appointments Committee Members is permissible but only for the whole of an appointments process.</p> <ol style="list-style-type: none"> <li>3. To facilitate the JNC Determination and JNC Appeals panels. These will comprise of 3 members with the Leader or Deputy Leader chairing the panel supported by 2 other members of the committee.</li> </ol> <p>The JNC Panels cannot be substituted and must be comprised from the original membership of the Appointments Committee.</p>

<b>Member Body</b>	<b>Membership</b>	<b>Functions</b>
Governance and Audit Committee	8 County Borough Councillors and 4 Lay Members.	<ul style="list-style-type: none"> <li>• Review, scrutinise and issue reports and recommendations in relation to the Council's financial affairs,</li> <li>• Review, scrutinise and issue reports and recommendations on the appropriateness of the Council's risk management, internal control, arrangements to secure value for money and corporate governance arrangements.</li> <li>• To consider the report on the annual risk assessment, any interim reports and the Corporate Risk Management Policy.</li> <li>• Oversee the Council's internal and external audit arrangements (including the performance of external providers of Internal Audit) and review its financial statements.</li> <li>• To approve the Internal Audit Charter.</li> <li>• To approve the risk-based internal audit plan and to approve significant interim changes to the risk-based internal audit plan.</li> <li>• To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.</li> <li>• To consider and approve the Head of Internal Audit's annual report and opinion, a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.</li> <li>• To consider and approve reports from Internal Audit on the adequacy of internal control.</li> </ul>

Member Body	Membership	Functions
		<ul style="list-style-type: none"> <li>• To consider and approve reports dealing with the management and performance of the providers of internal audit services.</li> <li>• To consider reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale and approve necessary remedial action.</li> <li>• To identify issues from the Annual Improvement Report by Audit Wales.</li> <li>• To identify areas for examination by Internal and External Audit.</li> <li>• To be responsible for ensuring effective scrutiny of the Treasury Management function and policies, in accordance with the Treasury Statement and Treasury Management Indicators.</li> <li>• To maintain an overview of the Council's Constitution in respect of Contract and Finance Procedure Rules.</li> <li>• To review any issue referred to it by the Chief Executive Officer, the Monitoring Officer and the Section 151 Officer.</li> <li>• To monitor the Council's Anti-Fraud and Bribery Strategy, Anti-Money Laundering Policy and Anti-Tax Evasion Policy.</li> <li>• To review and approve the Council's Annual Governance Statement and Code of Corporate Governance.</li> <li>• To assess the Council's compliance with its own and other published standards and controls.</li> <li>• To review and approve the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the</li> </ul>

Member Body	Membership	Functions
		<p>financial statements or from the audit that need to be brought to the attention of the Council.</p> <ul style="list-style-type: none"> <li>• To consider and approve the External Auditor's report in relation to those charged with governance on issues arising from the audit of the accounts.</li> <li>• To review and consider reports from the External Auditor on the Council's performance, financial probity and corporate governance and providing the opportunity for direct discussion with the auditor on these.</li> <li>• To receive reports from the External Regulators as appropriate.</li> <li>• To attend relevant training sessions in accordance with the Members Training programme e.g. Treasury Management.</li> <li>• To review and assess the Council's ability to handle complaints effectively;</li> <li>• To make reports and recommendations in relation to the Council's ability to handle complaints effectively;</li> <li>• To review the Council's draft self-assessment report on its performance and, if deemed necessary, make recommendations for changes to the conclusions; <ul style="list-style-type: none"> <li>• To receive the Council's self-assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year;</li> </ul> </li> <li>• At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the panel performance assessment report into</li> </ul>

Member Body	Membership	Functions
		<p>which the Council is meeting its performance requirements;</p> <ul style="list-style-type: none"> <li>• To receive and review the Council's draft response to the report of the panel performance assessment and, if deemed necessary, make recommendations for changes to the statements made in the draft response;</li> <li>• To consider the assurance framework, including partnerships and collaboration arrangements;</li> <li>• To support the ethical framework of the Council</li> </ul>
Democratic Services Committee	11 County Borough Councillors	<ol style="list-style-type: none"> <li>1. To designate an officer as the Head of Democratic Services,</li> <li>2. To review the adequacy of provision of staff, accommodation and other resources to discharge democratic services functions, and</li> <li>3. To make reports and recommendations to Council, at least annually, in relation to such provision.</li> <li>4. At the request of the Council, review any matter relevant to the support and advice available to members of the Council, and the terms and conditions of office of those members.</li> <li>5. To make reports and recommendations to the Council following a review.</li> </ol>
Democratic Services Sub-Committee	3 County Borough Councillors that are members of the Committee	<p>A Panel constituted under The Family Absence for Members of Local Authorities (Wales) Regulations 2013</p> <ol style="list-style-type: none"> <li>a) Determine a complaint made by a Member</li> </ol>

Member Body	Membership	Functions
		<p>regarding cancellation of family absence by the authority</p> <p>b) The Sub-Committee may confirm a decision made or substitute its own decision as to the Member's entitlement to a period of family absence in accordance with the 2013 Regulations.</p> <p>c) Determine a complaint made by a Member on maternity absence or parental absence regarding a decision made by the chair of the authority as to the Member attending any meeting or performing any duty;</p> <p>d) The Sub-Committee may confirm the decision of the chair of the authority or substitute its own decision as to the Member attending any meeting or performing any duty;</p> <p>e) The decision of the Sub-Committee is final.</p>
Development Control Committee	18 County Borough Councillors	<ol style="list-style-type: none"> <li>1. To make recommendations to the Council in respect of Departure Applications which the Committee are minded to approve and Applications which accord with Council policy which the Committee are minded to refuse;</li> <li>2. To determine applications for planning permission including applications by the Council for deemed planning permission other than Departure Applications which the</li> </ol>

Member Body	Membership	Functions
		<p>Committee are minded to approve and Applications which accord with Council policy which the Committee are minded to refuse;</p> <p>3. To deal with all matters relating to or arising under the regulations for the time being in force governing the control of advertisements;</p> <p>4. To authorise the service of notices and the making of orders in accordance with the powers conferred upon the Council as local planning authority by Parts III, IV, VI, VII, VIII and XIII of the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>5. To discharge the Council's functions pursuant to Part I, Chapters II, III, IV and VI, Part II, Sections 72-75, Part III and Part IV of the Planning (Listed Buildings and Conservation Areas) Act 1990;</p> <p>6. To discharge the Council's functions pursuant to the Planning (Hazardous Substances) Act 1990;</p> <p>7. To deal with all matters relating to or arising under the regulations for the time being in force governing European Nature Conservation Sites;</p> <p>8. To discharge the Council's functions under the Building Regulations;</p> <p>9. To be responsible for:</p>

Member Body	Membership	Functions
		<ul style="list-style-type: none"> <li>a) The making of Tree Preservation Orders;</li> <li>b) The confirmation of Tree Preservation Orders in respect of which there are no subsisting objections or representations;</li> <li>c) The determination of all applications for consent under confirmed Tree Preservation Orders;</li> <li>d) The making of observations on tree felling licences proposed to be granted by National Resources Wales;</li> <li>e) The determination of applications under the Woodland Grant Scheme;</li> </ul> <p>10. To approve design briefs and advice notes relating to the control of development;</p> <p>11. To accept tenders for the execution of work, the performance of services or the supply of goods or materials in connection with the exercise of the functions of the Committee;</p> <p>12. To exercise those functions relating to town and country planning and development control specified:</p> <ul style="list-style-type: none"> <li>(a) In column (1) of Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001; and</li> </ul> <p>In Regulations 2(2), 2(3) or 2(4) of those Regulations; which are not specified in paragraphs 1 to 11 above, unless the responsibility for exercising any of those functions has been delegated by the Council</p>



Member Body	Membership	Functions
		to any other committee, sub-committee, panel or other body.
Rights of Way Sub-Committee	6 County Borough Councillors (plus one observer from each: Ramblers' Association; the British Horse Society; and a Footpath Secretary).	<ol style="list-style-type: none"> <li>1. To approve the making of applications for and the making, modification or variation of orders relating to rights of way in pursuance of any provision contained in the following enactment (or any statutory modification, re-enactment or amendment thereof): Town and Country Planning Act 1990;</li> <li>2. To confirm, where the Council has power to do so, any proposed Order made in accordance with paragraph 1 above to which there are no objections or in respect of which any objections made are withdrawn;</li> <li>3. Where the Council does not have power to determine any proposed Order to refer the proposed Order to such determining body (i.e. the National Assembly for Wales, the Magistrates' Court or the County Court) as is appropriate in the circumstances.</li> </ol>
The Licensing Committee	14 County Borough Councillors	<p>To determine from time to time any standard conditions applicable to and detailed policies governing the issue of the following licences, permits and consents; to determine the amount of the fees to be charged from time to time in respect of those licenses, permits and consents; and to determine objections in relation to proposed fee revisions:</p> <ol style="list-style-type: none"> <li>a) Hackney Carriage and Private Hire Vehicle Licences, Drivers'</li> </ol>

Member Body	Membership	Functions
		<p>Licences and Operators' Licences;</p> <p>b) Licences for Pleasure Boats and Vessels;</p> <p>c) Street Trading Licences and Consents;</p> <p>d) Sex Establishments;</p> <p>e) Street Collections;</p> <p>f) House to House Collections;</p> <p>g) Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987.</p> <p>h) Section 26(1)(bb) of the Marriage Act 1949, (as amended)</p> <p>To prescribe guidelines, conditions, limitations or restrictions governing the grant of applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences by Council officers under the power delegated to them;</p> <p>To resolve to designate any street within the County Borough under the street trading provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and to deal with any matter arising there from, including licence and consent issues.</p>

Member Body	Membership	Functions
The Licensing Sub-Committee	Two Panels sitting on a rota basis each consisting of seven county borough councillors, and chaired by the Chairperson and Vice Chairperson of the Licensing Committee	<p>To hear and determine applications and to deal with all detailed matters (including the suspension and revocation of licences) relating to:</p> <ul style="list-style-type: none"> <li>a. Hackney Carriage and Private Hire Vehicle Licences, Drivers' Licences and Operators' Licences;</li> <li>b. Licences for Pleasure Boats and Vessels;</li> <li>c. Street Trading Licences and Consents;</li> <li>d. Sex Establishments;</li> <li>e. Street Collections;</li> <li>f. House to House collections;</li> </ul> <p>To determine any matters in relation to the Drivers Awareness Course for Hackney Carriage and Private Hire Vehicle Drivers, including the making of any charges deemed appropriate.</p> <p>To determine all applications in respect of both designated grounds and regulated stands and grounds under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987.</p> <p>To hear and determine applications for the grant or renewal of approvals of premises for the solemnisation of marriages in pursuance of Section 26(1)(bb) of the Marriage Act 1949, (as amended) or to revoke such</p>

Member Body	Membership	Functions
		<p>approvals, in circumstances in which the Council Officer to whom the power to determine such applications, or to revoke such approvals, has been delegated has declined to exercise the delegated power.</p>
<p>The Licensing Act 2003 Committee</p>	<p>14 County Borough Councillors</p>	<p>All matters relating to the discharge by the licensing authority of its licensing functions under the Licensing Act 2003 other than any function conferred by section 5 in respect of its statement of licensing policy;</p> <p>All matters relating to the discharge by the Licensing Authority of its licensing functions under the Gambling Act 2005 other than any function conferred by section 349 in respect of its statement of Licensing Policy and section 166 in respect of a resolution not to issue a casino license.</p>
<p>The Licensing Act 2003 Sub-Committee(s)</p>	<p>Ad-hoc panels of 3 Licensing Act 2003 Committee members sitting on a rota basis chaired by the Chairperson or Vice-Chairperson of the Licensing Act 2003 Committee or in their absence a member of the panel to be elected as chairperson for that meeting</p>	<p>To hear and determine or make decisions (as appropriate) under the Licensing Act 2003 regarding the following matters:</p> <ul style="list-style-type: none"> <li>(a) Applications for personal licences (if police objection):</li> <li>(b) Applications for personal licences with unspent convictions:</li> <li>(c) Applications for premises licences/club premises certificates (if relevant representation made);</li> <li>(d) Applications for provisional statements (if relevant representation made);</li> <li>(e) Applications to vary premises licences/club premises certificates (if</li> </ul>

Member Body	Membership	Functions
		<p>relevant representation made);</p> <p>(f) Applications to vary designated premises supervisor (if police objection);</p> <p>(g) Applications for transfer of premises licence (if police objection);</p> <p>(h) Applications for interim authorities (if police objection);</p> <p>(i) Applications to review premises licences/club premises certificate;</p> <p>(j) Whether to object when the authority is a consultee and not the relevant authority considering an application;</p> <p>(k) Determination of police objections (counter notices) to temporary event notices;</p> <p>(l) Revocations of licences where convictions come to light.</p> <p>2. To determine applications received in respect of the Legislative Reform (Minor variations to Premises Licences and Club Premises Certificates) Order 2009.</p> <p>3. To determine applications received in respect of the</p>

Member Body	Membership	Functions
		<p>Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &amp;c.) Order 2009.</p> <p>4. To hear and determine or make decisions (as appropriate) under the Gambling Act 2005 regarding the following matters:</p> <ul style="list-style-type: none"> <li>(a) Applications for Premises Licence;</li> <li>(b) Application for variation of Premises License;</li> <li>(c) Application for transfer of Premises Licence;</li> <li>(d) Application for Provisional Statement;</li> <li>(e) Review of Premises License;</li> <li>(f) Application for Club Gaming / Club Machine permit;</li> <li>(g) Cancellation of Club Gaming / Club Machine permit;</li> <li>(h) Cancellation of Licensed Premises Gaming Machine permit;</li> <li>(i) Consideration of temporary use notice;</li> <li>(j) Decision to give counter notice to a temporary use notice;</li> <li>(k) Decision to refuse application for small lottery registration;</li> <li>(l) Decision to disapply s282 - automatic entitlement to gaming machines in licensed premises.</li> </ul>

<b>Member Body</b>	<b>Membership</b>	<b>Functions</b>
		Other matters where the Council Officer to whom the power to determine or revoke has been delegated declines to exercise the delegated power.
Town and Community Council Forum	Nineteen County Borough Councillors and one Town and Community Councillor representing each Town and Community Council	To consult with representatives of Town and Community Councils within the County Borough on matters of mutual interest.

The Committees set out above may from time to time add to or alter those delegations, as appropriate, within their functional responsibilities.

Certain functions have been delegated to Officers. Details of those delegations can be found in the Scheme of Delegation of Functions on the Council's website.

## **APPENDIX 2 TO SECTION 14**

### **Responsibility for Executive Functions**

The Leader is responsible for discharge of Executive Functions and may delegate those functions as set out in Section 5 of this Constitution.

The Leader has allocated portfolios (lead responsibilities) for particular Executive Functions among individual Member of the Cabinet. Normally, decisions will be taken collectively by the Cabinet but individual Cabinet Members can make decisions within their portfolios which they consider to be urgent to protect the interest of the Council, subject to prior consultation with the appropriate Chief Officer(s) and, where necessary, other Cabinet Members. If there is uncertainty as to whether a matter falls within a particular portfolio, the Leader will make a determination as to which is the relevant Cabinet Member. The Leader can make urgent decisions in the absence of the appropriate portfolio holder.

The table below indicates how the Leader has allocated particular Executive Functions by a Committee of Cabinet:

Member Body	Membership	Functions.
Equalities Committee	17 elected members, 7 of whom are Cabinet members and have voting rights.	<ul style="list-style-type: none"><li>▪ To ensure that appropriate equality and Welsh language policies and procedures are in place to fulfil the Authority's statutory duties.</li><li>▪ To consider and make recommendations to Cabinet on proposals from the Corporate Equality Management Group on the development and implementation of the Authority's Corporate Equality Scheme and Welsh language Scheme.</li><li>▪ To monitor and review community and employee involvement in the development and implementation of the Corporate Equality Scheme.</li><li>▪ To request and receive information and statistical monitoring reports about the authority's workforce related to those groups of people protected by anti-discrimination</li></ul>



		<p>legislation, (including: gender, marital status, age, race, disability, Welsh language, religion, belief and sexual orientation).</p> <ul style="list-style-type: none"> <li>▪ To monitor and assess the Authority's performance against the Equality Improvement Framework.</li> <li>▪ To report annually to Cabinet on the Authority's progress against the objective set out in the Corporate Equality Scheme and Welsh language scheme in line with the Wales Programme for Improvement.</li> <li>▪ To make recommendations to Cabinet for improvement in performance in fulfilment of the Authority's statutory duties.</li> </ul>
Corporate Parenting	12 elected members, 7 of whom are Cabinet members and have voting rights.	<ul style="list-style-type: none"> <li>▪ To ensure that Looked After Children are seen as a priority by the whole of the Authority and by the Children and Young People's Partnership.</li> <li>▪ To seek the views of Children and Young People in shaping and influencing the parenting they receive.</li> <li>▪ To determine appropriate policies, opportunities and procedures.</li> <li>▪ To monitor and evaluate the effectiveness of the Authority in its role as corporate parent against Welsh Assembly guidance.</li> </ul>

		<ul style="list-style-type: none"> <li>▪ To approve the Permanence Policy in relation to Looked After Children.</li> <li>▪ To approve individual Statements of Purpose for the service areas of Fostering, Adoption and Children's Homes.</li> <li>▪ To receive information specifically relating to Looked After Children and the Authority's Corporate Parenting Role.</li> <li>▪ To approve the Placement Strategy.</li> <li>▪ To approve Support Plans and Recruitment Campaigns for Foster Parents.</li> <li>▪ To approve Schemes in relation to work experience, training and apprenticeships for Looked After Children and former Looked After Children.</li> <li>▪ To approve increases in allowances which can be funded within existing budgets and amendments to the method of assessing financial support relating to Looked After Children.</li> <li>• To approve Residential Reviews relating to Looked After Children</li> </ul>
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### APPENDIX 3 TO SECTION 14

#### RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Functions	Member Body	Membership	Delegation of Functions
Section 6 (Coal-mining operations: Performance bonds).	Council, through the Development Control Committee	18 County Borough Councillors	Delegated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 8 (Council to be trust corporation).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Education and Family Support (see Schemes of Delegation of Functions).
Section 9 (Access for fire brigade).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 10 (Dust, etc., from building operations).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 11 (Dust from the movement of coal).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 12 (Cost of weatherproofing walls).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).

<b>Functions</b>	<b>Member Body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
Section 13 (Retaining walls).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 14 (Plans, etc., of new sewers).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 15 (Seizure of stray animals).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council (see Schemes of Delegation of Functions).
Section 16 (Expenses of executing demolition orders).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 17 (Prohibition of parking of certain vehicles in residential streets).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 18 (Restriction on use of dustbins, etc.).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 19 (Repair of walls, etc., of yards).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to the Solicitor to the Council (see Schemes of Delegation of Functions).

<b>Functions</b>	<b>Member Body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
Section 22 (Protection of seashore and adjoining land from pollution).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 23 (Power to employ lifeguards).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Social Services and Wellbeing (see Schemes of Delegation of Functions).
Part V (Porthcawl Harbour).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Communities (see Schemes of Delegation of Functions).
Section 67(1) of, and Schedule 18 to, the School Standards and Framework Act 1998 (Making of arrangements for appeals against exclusion of pupils).	Council	51 County Borough Councillors.	None.
Section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (Making of arrangements for admission appeals).	Council	51 County Borough Councillors.	None.
Section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (Making of arrangements regarding appeals by governing bodies).	Council	51 County Borough Councillors.	None.
Section 20 of the Police Act 1996 (Making of	Council	51 County Borough Councillors.	None.

<b>Functions</b>	<b>Member Body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
arrangements for questions on police matters at Council meetings).			
Paragraphs 2 to 4 of Schedule 2 to the Police Act 1996 (Making of appointments to police authorities).	Council	51 County Borough Councillors.	None.
Any function relating to contaminated land.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council (see Schemes of Delegation of Functions).
Any function relating to the control of pollution or the management of air quality.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council (see Schemes of Delegation of Functions).
The service of an abatement notice in respect of a statutory nuisance.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).
Passing of resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 shall apply to the authority's area.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	None.
Inspection of the Authority's area to detect any statutory nuisance.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).
Investigation of a complaint as to the existence of a statutory nuisance.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).

<b>Functions</b>	<b>Member Body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
Section 330 of the Town and Country Planning act 1990 (Obtaining of information as to interests in land).	Council	51 County Borough Councillors.	Delegated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (Obtaining of particulars of persons interested in land).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities and the Solicitor to the Council(see Schemes of Delegation of Functions). Functions).

Making of agreements for the execution of highway works.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
The appointment of any individual: (a) To any office other than an office in which he/she is employed by the Council; (b) To any body other than: (i) the Council; (ii) a joint committee of two or more authorities; or c) a committee or sub-committee of such a body, and the revocation of any such appointment.	Cabinet (in respect of appointments to offices or bodies discharging or performing any role in connection with functions which are the responsibility of the Cabinet); otherwise the Council	Leader, Deputy Leader and four other County Borough Councillors (Cabinet); otherwise 51 County Borough Councillors (Council).	None.
Power to make payments or provide other benefits in cases of maladministration etc.	Council	51 County Borough Councillors.	None.

<b>Functions</b>	<b>Member Body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
Discharge of any function by an authority acting as a harbour authority.	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Communities (see Schemes of Delegation of Functions)
Licensing Functions in accordance with: Part 2 of the Licensing Act 2003 except Section 6	Council	51 County Borough Councillors	None
The functions contained in sections 25 and 26 of the Highways Act 1980 (Creation of Highways).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
The functions contained in sections 116, 117, 118, 118ZA, 118A, 118B, 118C, 119, 119ZA, 119A, 119B, 119C, 119D, 120, 121B of the Highways Act 1980 (Stopping up and diversion of Highways).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
The functions contained in sections 130, 139, 140, 140A, 142, 147, 147ZA, 149, 169, 171, 171A, 172, 173, 178, 179, 180 of the Highways Act 1980 (Lawful and unlawful interference with Highways and Streets).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
The functions contained in section 34 of the Wildlife and Countryside Act	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of



<b>Functions</b>	<b>Member Body</b>	<b>Membership</b>	<b>Delegation of Functions</b>
1981 (Limestone pavement orders).			Delegation of Functions).
The functions contained in section 53 of the Wildlife and Countryside Act 1981 (Duty to keep definitive map and statement under continuous review).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
Functions in respect of gambling under sections 29, 30, 166, 212, 284, 304, 346, 349, 350 and Part 5 of Schedule 11 of the Gambling Act 2005.	Council	51 County Borough Councillors.	Specified functions allocated to the Licensing Committee and to the Solicitor to the Council(see Constitution and Schemes of Delegation of Functions).
To determine all appeals against decisions made by or on behalf of the Authority except where there is other specific statutory requirement.	Council	51 County Borough Councillors.	To the Appeals Panel Chairperson and/or Vice Chairperson together with one or two County Borough Councillors drawn on a rota basis from a panel of ten County Borough Councillors.
Functions in respect of the calculation of council tax base in accordance with any of the following—  (a) the determination of an item for T in section 33(1) and 44(1) of the Local Government Finance Act 1992;  (b) the determination of an amount for item TP in sections 34(3),	Council	51 County Borough Councillors	None

Functions	Member Body	Membership	Delegation of Functions
<p>45(3) 48(3) and 48(4) of the Local Government Finance Act 1992;</p> <p>(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.</p>			
<p>The functions set out in the Scrap Metal Dealers Act 2013.</p>	<p>Cabinet</p>	<p>Leader, Deputy leader and four other County Borough Councillors.</p>	<p>Specified functions allocated to the Solicitor to the Council (see Schemes of Delegation of Functions).</p>

## **SECTION 15**

### **15. ACCESS TO INFORMATION PROCEDURE RULES**

#### **15.1 Scope**

These rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committee, the Standards Committee, and Regulatory Committees.

#### **15.2 Additional Rights to Information**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

#### **15.3 Rights to Attend Meetings**

Members of the public may attend all meetings subject only to the exceptions in these rules.

#### **15.4 Notices of Meeting**

15.4.1 Unless a meeting is convened at short notice, the Council will give at least three clear days' notice of any meeting by posting details of the meeting on its website.

15.4.2 Where the meeting or part of the meeting is open to the public and is held wholly through remote means, the notice must include details of the time of the meeting, and how to access it.

15.4.3 Where the meeting or part of the meeting is open to the public and is held partly through remote means, the notice must include details of the time and place of the meeting and how to access it.

15.4.4 Where the meeting is not open to the public and is held partly through remote means or not held through remote means, the notice must include details of the time and place of the meeting and the fact that it is not open to the public.

15.4.5 Where the meeting is not open to the public and is held through remote means only, the notice must include details of the time of the meeting, the fact that it is being held through remote means only and the fact that it is not open to the public.

#### **15.5 Access to Agenda and Reports Before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on its website at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

#### **15.6 Supply of Copies**

The Council will supply copies of:

15.6.1 any agenda and reports which are open to public inspection;

15.6.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and

15.6.3 if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person either electronically or on payment of a charge for postage and any other printing and handling costs.

#### 15.7 **Access to Minutes etc after the Meeting**

The Council will make available either electronic or hard copies of the following for a period of six years after the date of a meeting:

15.7.1 the minutes of the meeting or record of decisions taken by the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;

15.7.2 a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;

15.7.3 the agenda for the meeting;

15.7.4 reports relating to items when the meeting was open to the public.

#### 15.8 **Background Papers**

##### 15.8.1 List of Background Papers

The Officer preparing the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information as defined in Rule 15.10.

##### 15.8.2 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

#### 15.9 **Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at the Civic Offices, Angel Street, Bridgend, CF31 4WB and published on the Council's website.

**15.10 Exclusion of Access by the Public to Meetings**

**15.10.1 Confidential Information – Requirement to Exclude Public**

- (a) The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential information would be disclosed.

**15.10.2 Exempt Information – Discretion to Exclude Public**

- (a) The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that exempt information would be disclosed.
- (b) Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in article 6.

**15.10.3 Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

**15.10.4 Meaning of Exempt Information**

Exempt information means information falling within the following seven categories (subject to any condition):

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

No.	Category of Exempt Information	Condition
1.	Information relating to any individual.	Public interest test applies (see below).
2.	Information which is likely to reveal the identity of an individual.	Public interest test applies (see below).
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under: <ul style="list-style-type: none"><li>• The Companies Act 1985;</li><li>• The Friendly Societies Act 1974;</li><li>• The Friendly Societies Act 1992;</li></ul>

No.	Category of Exempt Information	Condition
		<ul style="list-style-type: none"> <li>• The Industrial and Provident Societies Acts 1965 to 1978;</li> <li>• The Building Societies Act 1986; or</li> <li>• The Charities Act 1993.</li> </ul> Public interest test applies (see below).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Welsh Minister or a Minister of the Crown and employees of, or office holders under, the authority.	Public interest test applies (see below).
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the authority proposes: <ul style="list-style-type: none"> <li>• to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>• to make an order or direction under any enactment.</li> </ul>	Public interest test applies (see below).
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Public interest test applies (see below).  <i>(In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):</i>  7A Information which is subject to any obligations of confidentiality.	Public interest test applies (see below).

No.	Category of Exempt Information	Condition
	<p>7B Information which relates in any way to matters concerning national security.</p> <p>7C The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.</p>	

### 15.11 **Public Interest Test**

15.11.1 Information which:

- (a) falls within any of paragraphs 1 to 4, 6 and 7 above; and
- (b) is not prevented from being exempt by virtue of the “qualifications” above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

15.11.2 The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

15.11.3 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

- (a) There is a distinction between public interest and what merely interests the public.
- (b) Does it further the understanding of and participation in the public debate of issues of the day?
- (c) Does it promote accessibility and transparency by public authorities for decisions taken by them or in the spending of public money?
- (d) Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- (e) Does it bring to light information affecting public health and public safety?

### 15.12 **Exclusion of Access by the Public to Reports**

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which, in his or her opinion, relate to items during which, in accordance with Rule 15.10, the meeting is likely not to be open to the public. Such reports will be marked “Not for

Publication”, together with the category of information likely to be disclosed and if applicable, why it is in the public interest it is considered that the information should not be disclosed.

### **15.13 The Forward Work Programme**

#### **15.13.1 Period of Forward Work Programme**

The Forward Work Programme will be prepared by the Monitoring Officer to cover a period of four months except when ordinary elections of Councillors occur, in which case the forward work programme will cover the period up to the date of the elections. The forward work programme will be updated quarterly.

#### **15.13.2 Contents of Forward Work Programme**

- (a) The Forward Work Programme will contain matters which the Cabinet, Overview and Scrutiny Committees and Full Council are likely to consider. It will contain information on:
- (i) the timetable for considering the Budget and any plans forming part of the Policy Framework and requiring Council approval, and which body is to consider them;
  - (ii) the timetable for considering any plans, policies or strategies which are the responsibility of the Cabinet;
  - (iii) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
  - (iv) the work programme of the Overview and Scrutiny Committees, to the extent that it is known.
- (b) The Forward Work Programme will be published at least fourteen days before the start of the period covered. The Monitoring Officer will publish a notice in at least one newspaper circulating in the area, stating that the Forward Work Programme has been published and giving details of where it may be consulted or obtained.

### **15.14 Consultation on Proposals to be Considered by the Cabinet**

15.14.1 At least four weeks should be permitted in the Forward Work Programme for consultation with the Overview and Scrutiny Committees where a matter is to be considered by the Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in paragraph 15.10).

15.14.2 A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last Forward Work Programme was produced and a decision is required within four weeks.

15.14.3 A decision can only be treated as urgent if the decision taker (if an individual) or the Chair of the body making the decision obtains the agreement of the Chair of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the relevant Overview



and Scrutiny Committee, or if the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor or, in his/her absence, the Deputy Mayor will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

## 15.15 **Record of Decisions of the Cabinet**

### 15.15.1 The Decision Record

- (a) A written record will be made of every Executive Decision made by the Cabinet and its Committees (if any) and by individual Cabinet Members, and Joint Committees and Joint Sub-Committees whose Members are all Members of a local authority executive.
- (b) This decision record will include a statement, for each decision, of:
  - (i) the decision made;
  - (ii) the date the decision was made;
  - (iii) the reasons for that decision;
  - (iv) any personal interest declared;
  - (v) any dispensation to speak granted by the Authority's Standards Committee;
  - (vi) any consultation undertaken prior to the decision.

### 15.15.2 Preparing the Decision Record

- (a) The Monitoring Officer or his or her representative shall attend any meeting of the Cabinet, a Committee of the Cabinet or a Joint Committee or joint Sub-Committee where all its Members are Members of a local authority Executive, and shall, as soon as reasonably practicable after the meeting, produce a decision record.
- (b) Where an individual Cabinet Member has made any Executive Decision:
  - (i) that Member shall as soon as reasonably practicable instruct the Chief Executive to produce a decision record; and
  - (ii) the decision shall not be implemented until that decision record has been produced, subject to paragraph (c) below.
- (c) Where the date by which an Executive Decision made by an individual Cabinet Member must be implemented makes compliance with (b)(b)(ii) above impracticable, the decision may be implemented if the decision maker has the agreement of
  - (i) the Chair of the relevant Overview and Scrutiny Committee; or
  - (ii) if there is no such person or that person is unable to act, the Mayor;  
or

(iii) if there is none of the above then the Deputy Mayor,

that the making of the decision is urgent and cannot reasonably be deferred.

#### **15.16 Decisions by An Individual Member of the Cabinet**

An individual Cabinet Member may only make a decision within the terms of the Scheme of Delegation of Functions for the time being in force. The Cabinet Member will comply with the procedural requirements of the Scheme of Delegation of Functions. The decision recording rules in paragraph 15.15 will apply.

#### **15.17 Overview and Scrutiny Committee and Members' Access to Documents**

##### **15.17.1 Rights of Access**

Subject to paragraph 15.17.2 below, Overview and Scrutiny Committees will be entitled to access to any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or its Committees; or
- (b) any decision taken by an individual Member of the Cabinet.

##### **15.17.2 Limit on Rights**

Overview and Scrutiny Committee will not be entitled to any part of a document that contains:

- (a) confidential or exempt information; or
- (b) advice provided by a political advisor or assistant

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of the Committees.

#### **15.18 Additional Rights of Access for Members of Overview and Scrutiny Committees**

##### **15.18.1 Rights of Access**

All Members will be entitled (except where a Member has a prejudicial interest in any matter) to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business transacted at a meeting of a decision making body of the Council or by an individual Member of the Cabinet.

##### **15.18.2 Limitation on Rights**

A Member will not be entitled to any part of a document where:

- (a) it would disclose exempt information falling within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972; or
- (b) it would disclose advice of a political advisor or assistant.

### 15.18.3 Nature of Rights

These rights of a Member are additional to any other right he/she may have.

## **SECTION 16**

### **16. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

#### **16.1 The Framework for Executive Decisions**

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Section 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

#### **16.2 Process for Developing the Framework**

- 16.2.1 The Cabinet will publicise by including it in the Forward Work Programme a timetable for making proposals to the Council for the approval of the Budget, and its arrangements for consultation upon its initial Budget proposals. The Chairpersons of the Overview and Scrutiny Committees will also be notified of the initial Budget process. The consultation period shall be not less than four weeks. If an Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. At the end of the consultation period and in accordance with the published timetable, the Cabinet will draw up firm proposals having regard to the responses to that consultation.
- 16.2.2 The Cabinet, following detailed reports from respective Chief Officers, (following appropriate consultation with stakeholders, including any response from the Corporate Overview and Scrutiny Committee) will present to Council at the earliest opportunity, proposed plans, policies and the associated annual budgets. This will be done allowing adequate time for Council to deal with the matter and, if needed, refer the matter back to the Cabinet for further consideration.
- 16.2.3 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place (see 16.2.4 below). In considering the matter, the Council shall have before it the Cabinet's proposals and any related report from an Overview and Scrutiny Committee.
- 16.2.4 Any amendments to the proposals of the Cabinet to be proposed by Members at Council may not be considered by Council unless notice of the proposed amendment has been given to the Monitoring Officer and Chief Finance Officer in writing and signed by the proposer and seconder no later than 10:00am at least three clear working days before the date of the Council meeting. Any amendment will only be acceptable if it proposes a budget which balances overall income with expenditure for the coming year. The source of funding any proposals must be robust and defined and accepted as such by the Chief Finance Officer.
- 16.2.5 The Council's decision will be publicised and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period.

- 16.2.6 If the Leader objects to the decision of the Council, he/she shall give written notice to the Chief Executive to that effect, prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- 16.2.7 The Council meeting must take place within five working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- 16.2.8 The Council shall, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.

### **16.3 Process for Developing the Budget**

- 16.3.1 The Cabinet will follow the process set out in the Financial Procedure Rules in Section 0 of the Constitution. In addition the following process shall apply to the development of the Budget:
- (a) The Cabinet will publicise a timetable for making proposals to the Council for the adoption of the Budget, and its arrangements for consultation after publication of the initial proposals. The Chair of the Corporate Overview and Scrutiny Committee will also be notified.
  - (b) At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses to the consultation. If the Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. The Overview and Scrutiny Committee shall report to the Cabinet on the outcome of its deliberations.
- 16.3.2 The Cabinet will take any response from the relevant Overview and Scrutiny Committee account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- 16.3.3 Once the Cabinet has approved the firm proposals, it will refer them at the earliest opportunity to the Council.

### **16.4 Decisions Outside the Budget or Policy Framework**

- 16.4.1 Subject to the provisions of paragraph 16.6 (Virement) the Cabinet, committees of the Cabinet, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Full Council, then that decision may only be taken by the Council, subject to paragraph 16.5 below.
- 16.4.2 If the Cabinet, committees of the executive, individual Members of the Cabinet or any Officers or joint arrangements discharging Executive Functions want to make such a decision, they shall take advice from the Monitoring Officer and/or

the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget.

- 16.4.3 If the advice of either of those Officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 16.5 (urgent decisions outside the Budget and Policy Framework) shall apply.

## **16.5 Urgent Decisions Outside the Budget or Policy Framework**

- 16.5.1 The Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or Officers or joint arrangements discharging Executive Functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

- (a) if it is not practical to convene a quorate meeting of the Full Council; and
- (b) if the Chair of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

- 16.5.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the relevant Overview and Scrutiny Committee the consent of the Mayor and in the absence of both the Deputy Mayor of the Council will be sufficient.

- 16.5.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **16.6 Virement**

Steps taken by the Cabinet, a committee of the Cabinet, individual Members of the Cabinet or Officers or joint arrangements discharging Executive Functions to implement Council policy, shall not exceed those budgets allocated to each budget head. In the event that virement across budget heads or budgets becomes necessary or desirable, it shall be carried out in accordance with the Financial Procedure Rules in Section 0 of this Constitution.

## **16.7 In-Year Changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or Officers or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

- 16.7.1 which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

- 16.7.2 necessary to ensure compliance with the law, ministerial direction or government guidance;
- 16.7.3 in relation to the Policy Framework in respect of a plan, policy or strategy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
- 16.7.4 which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; or
- 16.7.5 for which provision is made within the relevant budget or policy.

**16.8 Call-In of Decisions Outside the Budget or Policy Framework**

- 16.8.1 Where the relevant Overview and Scrutiny Committee is of the opinion that an Executive Decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 16.8.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 16.8.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the relevant Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within ten working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
  - (a) endorse a decision or proposal of the Executive Decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
  - (b) amend the Council's Budget or the plan, policy or strategy concerned to encompass the decision or proposal of the body or individual responsible for that Executive Function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
  - (c) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Budget or the plan, policy or strategy concerned to accommodate it, require the Cabinet to reconsider the matter

in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.



## **SECTION 17**

### **FINANCIAL PROCEDURE RULES**

#### **Introduction**

##### **What are Financial Procedure Rules?**

Financial Procedures provide the framework for managing the Council's financial affairs. They are supported by more detailed specific guidance and procedure notes in a range of areas. The procedures identify the financial responsibilities of the Full Council, the Cabinet and Officers.

##### **Why are they important?**

- (a) To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These procedures have been devised as a control to help the Council manage its financial matters properly in compliance with all necessary requirements.
- (b) Good, sound financial management is a key element of the Council's Corporate Governance framework which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- (c) Good financial management secures value for money, controls spending, ensures due probity of transactions and allows decisions to be informed by accurate accounting information.
- (d) Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.
- (e) Financial Procedures should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

##### **Who do Financial Procedures apply to?**

- (f) Financial Procedures apply to every Member and Officer of the Council and anyone acting on its behalf. Members and Officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with Council policies and priorities, is properly authorised, provides value for money and achieves best value.
- (g) Separate financial procedures have been incorporated into the Council's Financial Scheme for Schools and relate to those matters where decisions have been delegated to school governing bodies.
- (h) These Financial Procedures shall apply in relation to any partnership for which the Council is the accountable body, unless the Council expressly agrees otherwise.

- (i) Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures.

Who is responsible for ensuring that they are applied?

- (j) Chief Officers and Heads of Service are ultimately responsible to the Council for ensuring that Financial Procedures are applied and observed by his/her staff and contractors providing services on the Council's behalf and for reporting to the Chief Finance Officer any known or suspected breaches of the procedures.
- (k) The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedures to the Council and/or to the Cabinet Members.
- (l) The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers and others acting on behalf of the Council are required to follow.
- (m) Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement of value for money or the principles of Best Value or the best interests of the Council, he/she shall raise the issue with the Chief Finance Officer who will, if he/she considers necessary and appropriate, seek formal approval from the Council for a specific waiver of the procedures, or an amendment to the procedures themselves.

## **Section A - Financial Control**

### **1. General**

#### **1.1 For the purposes of these Rules:**

- (a) "the Chief Executive Officer" means the officer designated by the Council as Head of Paid Service under Section 4 of the Local Government & Housing Act 1989.
- (b) "the Chief Finance Officer" means the officer designated by the Council as the officer responsible for the administration of its financial affairs under Section 151 of the Local Government Act 1972.
- (c) "Chief Officer" means any of the following:
- The Chief Executive Officer;
  - The Corporate Director - Social Services and Wellbeing;
  - The Corporate Director - Education and Family Support;
  - The Corporate Director - Communities;
  - Chief Officer – Legal and Regulatory Services, Human Resources and Corporate Policy.
  - Chief Officer – Finance, Performance and Change.
- (d) "the Monitoring Officer" means the officer designated as such by the Council under Section 5 of the Local Government & Housing Act 1989.

- (e) "the Cabinet" means the Executive established under Part II of the Local Government Act 2000.
  - (f) "Cabinet Member" means the Leader and any of the members of the Cabinet.
  - (g) "Budget Head" means the budget for a particular service/services.
  - (h) Words importing the singular number only shall include the plural and vice versa, words importing the masculine gender include the feminine and vice versa.
- 1.2 A Chief Officer may nominate any suitably qualified officer in their Directorate to undertake any of the duties placed upon him or exercise any power granted to him by these Rules.
- 1.3 Each Chief Officer shall consult with the Chief Finance Officer on any matter which is liable to materially affect the finances of the Council before any commitment is incurred and before reporting thereon to the Cabinet or the Council.
- 1.4 (a) Chief Officers shall be responsible for bringing these Financial Procedure Rules to the attention of staff and for ensuring the observance of these Rules throughout their respective Directorates;
- (b) Staff who fail to observe these Rules may be subject to disciplinary action.
- 1.5 Each Chief Officer shall be responsible for the accountability of staff, and the security, custody and control of all other resources including plant, buildings, materials, cash and stores appertaining to their individual Directorates in accordance with the procedures agreed with the Chief Finance Officer.
- 1.6 Each Chief Officer shall have a duty to endeavour to maximise the value for money obtained in running the activities within their purview.
- 1.7 Each Chief Officer shall have a duty to consult the Chief Finance Officer if he has reason to believe that any matter within their purview may result in:
- (a) The Council incurring expenditure in excess of its approved budget;
  - (b) The Council incurring expenditure for which it has no statutory power to incur;
  - (c) The Council failing to comply with the financially related provisions of any relevant European and UK legislation;
  - (d) The Council failing to comply with the financially related provisions of any code of practice adopted by the Council.
- 1.8 Whenever any matter arises which involves or is thought to involve irregularities concerning cash, stores or other property of the Council or held on trust by the Council, the Chief Officer concerned shall notify the Chief Finance Officer who shall take such steps as he considers necessary by way of investigation and report.
- 1.9 Each Chief Officer shall have a duty to inform the Chief Finance Officer and the Monitoring Officer if he suspects that the Council or its officers are exceeding the Council's statutory powers.
- 1.10 No Chief Officer may recommend to the Council or the Cabinet that expenditure be incurred or any other action taken on the assumption that sufficient statutory power is provided by either

Sections 137 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000, without prior approval of the Chief Finance Officer and the Monitoring Officer.

- 1.11 The Chief Finance Officer in consultation with the Monitoring Officer shall be authorised to vary from time to time any amount included in the Rules, but any alteration shall be reported to the next meeting of Council.
- 1.12 Separate Financial Regulations shall be issued by the Chief Finance Officer for use by the Council's schools, drawing on, and supplementing this document, as appropriate.

## **2. Accounting Systems**

- 2.1 All accounting procedures and accounting records of the Council and its Officers shall be subject to the approval of the Chief Finance Officer.
- 2.2 All accounts and accounting records of the Council shall be compiled by, or under the direction of, the Chief Finance Officer.
- 2.3 The following principles shall be observed in the allocation of accounting duties:
  - (a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
  - (b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.
- 2.4 A Chief Officer shall be responsible for the financial management and audit of any private fund entrusted to him as part of their duties and will apply regulations to such funds as stipulated by the Chief Finance Officer.
- 2.5 Notwithstanding the duties of a Chief Officer in Rule 2.4, the Chief Finance Officer shall have the right to audit any private fund at any time.
- 2.6 For the purposes of these Rules "private fund" shall mean any fund in the management of which a Chief Officer of the Council is concerned and which may affect any person or property for which the Council has a responsibility, notwithstanding that contributions towards such fund shall have been made by another party other than the Council.

## **3. Budgeting and budgetary control**

### **3.1 Council's Budget**

- 3.1.1 The Budget shall be approved by the Council in accordance with the Budget and Policy Framework Procedure Rules (Section 16);
- 3.1.2 In referring the Cabinet's Budget Proposals to Council the proper officer will forward to the Council a report of the Chief Finance Officer incorporating the recommendations of the Cabinet and detailing for approval of the Council:
  - (a) a probable out-turn for the current year;

- (b) a revenue budget for the forthcoming year detailing the Budget Heads over which that budget is allocated to specific services and service programme areas;
- (c) a forward indication of the medium term financial strategy which will comprise the revenue budget for the first year and indicative budgets for the subsequent three years and a capital budget for the forthcoming year incorporating a capital programme of at least three years, but no more than ten years;
- (d) an assessment of any major financial risks which may impact on the budget;
- (e) an analysis of reserves and balances and movements over the forthcoming financial year;
- (f) the proposed increase in fees and charges for the forthcoming year;
- (g) a recommendation of the level of Council Tax to be levied for the forthcoming year.

3.1.3 The detailed form of the Budget will be determined by the Chief Finance Officer within the general direction of the Council and Cabinet after consultation with Chief Officers.

### 3.2 **Amendments to the agreed budget (virements and technical adjustments)**

- 3.2.1. Each Chief Officer shall have the authority to incur expenditure on any activity under their control up to the amounts specified in respect of that activity in the revenue or capital budgets approved by the Council for the financial year, unless directed otherwise by the Chief Finance Officer.
- 3.2.2 Each Chief Officer, subject to the agreement of the Chief Finance Officer, may approve virements between specific revenue Budget Heads which do not amend any individual Budget Head by more than £100,000 from that approved by the Council. The relevant Chief Officer and Chief Finance Officer must jointly report to Cabinet on any virements which amend individual Budget Heads by more than £100,000.
- 3.2.3 Cabinet may, following a report of the appropriate Chief Officer in consultation with the Chief Finance Officer, approve virements between individual revenue Budget Heads which do not amend any individual budget head by more than £500,000 from that approved by the Council.
- 3.2.4 All approved virements over £100,000 must be reported to the Council for information as soon as reasonably practicable after their approval.
- 3.2.5 Any variations to the capital programme, other than those permitted under paragraphs 3.4.7 and 3.4.9, shall require the approval of the Council following a report of the Chief Finance Officer after taking into consideration the recommendations of the Cabinet.
- 3.2.6 All proposals for revenue and capital budget virements that exceed the above limits will need to be approved by the Council on receipt of a report of the appropriate Chief Officer in consultation with the Chief Finance Officer following consideration by the Cabinet. Virement proposals must also be approved by the Council if they:
  - a) imply a change in a plan, policy or strategy which would be contrary to the existing policy framework;

- b) have a major operational impact on existing service provision;
- c) are contrary to or not wholly in accordance with the Budget;
- d) imply any additional revenue commitment in future years.

3.2.7 There are also technical adjustments to budgets as a result of the Council adhering to the Code of Practice on Local Authority Accounting. These could include, but are not limited to, the reallocation of budgets and spend for central support services to other areas within the Council or the allocation of capital charges across the Council. These are not subject to the authorisation limits of budget virements and the Chief Finance Officer or nominated representative can authorise these.

### **3.3 Budgetary control**

- 3.3.1 The Chief Finance Officer shall provide each Chief Officer with regular information relating to income and expenditure under each approved budget head and any other relevant information available. Each Chief Officer shall be responsible for ensuring control of expenditure and income against the approved budget (attention is drawn to Rule 6.1).
- 3.3.2 A Chief Officer in consultation with the Cabinet Member responsible for the function in respect of which the service is provided will be expected to manage their services within the approved cash limited budget and to provide the Chief Finance Officer with such information as is required to facilitate and monitor budgetary control. A Chief Officer or Cabinet Member may not incur expenditure or forego income if this will result in the approved budget being exceeded.
- 3.3.3 A Chief Officer may delegate responsibility for management of budgets within their control to other senior officers within their Directorate. Such delegation shall be within defined parameters and shall be recorded in writing as determined by the Chief Finance Officer.
- 3.3.4 At year end, consideration will be given to the overall financial position of the Council including the final outturn, any accrued Council Tax income, the Council's reserve levels and any new pressures or risks that need to be provided for. At that time, in line with the Council's Reserves and Balances Protocol, a Chief Officer will be invited to submit earmarked reserve requests to meet any specific unfunded one-off expenditure that they expect to arise in the following financial year and these will be considered by the Chief Finance Officer in the context of the Directorate outturn position as well as that of the Council as a whole. Chief Officers will be notified of successful earmarked reserves.
- 3.3.5 Any over-spending against budget may be carried forward at the discretion of the Chief Finance Officer, either against the specific directorate or Council wide budgets. In no circumstances should this provision be seen as giving a Chief Officer power to overspend against approved budgets. Any such overspend will be treated as a breach of the Financial Procedure Rules and the respective Chief Officer held accountable. No Chief Officer or Cabinet Member may budget for a deficit. Where a net overspending occurs this will be a first call on the following year's budget, unless the Chief Finance Officer gives approval to meet this from usable reserves.
- 3.3.6 Urgent expenditure not included in any budget approval may only be incurred with the approval of the Chief Finance Officer.

- 3.3.7 The cash limited budget for a Chief Officer only relates to the “controllable” elements of their budget and excludes, amongst other things:
- Central capital charges
  - Central support service charges
  - Centrally controlled office accommodation budgets
  - Joint Committee precepts and levies

### **3.4 Capital programme**

- 3.4.1 As part of the budget process the Chief Finance Officer or appropriate Cabinet Member will annually present to the Council a capital programme which shall include:
- (a) those capital expenditure items proposed to commence during the next three years as a minimum;
  - (b) an estimate of the capital costs of those schemes together with the associated proposed funding.
- 3.4.2 Schemes for which external funding has been approved will be added to the capital programme once the funding has been accepted and included in the next capital programme report to Council.
- 3.4.3 A Chief Officer, before submitting a scheme for inclusion in the capital programme, shall satisfy himself that the scheme is in line with the Council’s Capital Strategy, and that:
- (a) land purchases, design planning consents and relevant studies are sufficiently advanced to ensure that the proposed year of start of a scheme is feasible;
  - (b) the level of expenditure envisaged is realistic, following a full feasibility assessment, and taking into account the Chief Finance Officer’s forecast of capital resources available and the ability of each service directorate to meet the consequential costs resulting from prudential borrowing, if applicable, and any on-going maintenance costs;
  - (c) each scheme in the programme has been fully appraised to ensure it is the most economic method of satisfying an identified need.
- 3.4.4 The Capital Programme upon approval by the Council shall:
- (a) confer authorisation upon the Chief Officer concerned to take steps to enable design work to be completed and land to be acquired in due time;
  - (b) form the basis of the annual capital estimates.
- 3.4.5 The inclusion of any item in the approved capital estimates shall not confer authority to incur any expenditure (except on design work and land acquisition) until:
- (a) all necessary statutory approvals have been obtained;
  - (b) any external funding contribution to the project has been secured; and

- (c) a tender or quotation has been received and accepted in accordance with the Contract Procedure Rules, which does not exceed that part of the total cost included in the capital estimate in respect of the main contract work for the project by more than 10% or £100,000, whichever is lower.
- 3.4.6 If the tender or quotation exceeds the criteria in 3.4.5(c) above, its acceptance will be subject to the approval of the Chief Finance Officer, in consultation with the Cabinet Member(s) responsible for the function in respect of which the decision is required, to a diversion of money from other approved schemes within the appropriate Chief Officer's control sufficient to meet any additional cost to be borne within the first year.
- 3.4.7 Chief Officers shall monitor both the progress of schemes and the totality of capital expenditure with the aim of avoiding under or overspending against the approved capital estimates. Should such a situation appear likely a Chief Officer in conjunction with the Chief Finance Officer shall recommend to the Council the remedial action necessary to accelerate or retard existing schemes within the approved capital programme.
- 3.4.8 Remedial action which necessitates the retardation or deletion of a scheme within the first year of the programme shall be subject to the prior approval of the Council based on a joint report of the Chief Finance Officer and Chief Officer.
- 3.4.9 The Chief Finance Officer shall give Chief Officers information relating to actual payments made for each scheme in such detail and at such time as arranged between them in order that they may carry out their responsibilities under paragraph 3.4.7.
- 3.4.10 The capital programme includes an annual allocation for capital minor works. Allocation of this funding to individual schemes is the responsibility of the Corporate Landlord Group (or its successor) and approval on individual schemes will not be sought from Council insofar as the overall funding allocated to schemes does not exceed the funding agreed by Council in the capital programme for that financial year.
- 3.4.11 Any additional capital expenditure from within the capital programme for new or existing schemes which, for reasons of urgency, cannot await the next meeting of Council, may only be incurred with the approval of the Chief Executive Officer in consultation with the Chief Finance Officer, subject to a maximum value of £100,000, under the Scheme of Delegation of Functions, Scheme B1 paragraph 2.2.
- 3.4.12 Urgent expenditure not included in any budget approval, which needs to be agreed prior to the next meeting of Council, may only be incurred with the approval of the Chief Finance Officer. Any such decision requires approval by either the Chief Executive Officer or Solicitor to the Council under the Scheme of Delegation of Functions, Scheme B1 paragraph 2.1.

### **3.5 Capital Strategy**

- 3.5.1 The Chief Finance Officer will be responsible for preparing a Capital Strategy for submission to Council for approval prior to the start of each financial year. The Strategy must demonstrate that capital expenditure and investment decisions are in line with service objectives and properly take account of stewardship, value for money, prudence, sustainability and affordability.
- 3.5.2 The Capital Strategy will need to comply with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA)'s Prudential Code for Capital Finance in Local



Authorities. It will incorporate the Prudential Indicators that will need to be approved by Council.

- 3.5.3 The Chief Finance Officer shall report quarterly to Cabinet and Council with an update on the Capital Strategy and the Prudential Indicators.

#### **4. Internal audit**

- 4.1 The Chief Finance Officer shall have a duty to maintain an effective internal audit of the Council's operations in order to review, evaluate and test the adequacy of the Council's systems of internal control as contributions to the proper, economic, efficient and effective use of resources.

- 4.2 The Chief Finance Officer shall have the responsibility to review, appraise and report to Council, the Governance and Audit Committee, Cabinet, Cabinet Member, or Chief Officer as appropriate upon:

4.2.1 The soundness, adequacy and application of financial and other related operations of the Council.

4.2.2 The extent of compliance with, and financial effect of, established policies, plans and procedures.

4.2.3 The extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:

(a) fraud and other offences;

(b) waste, extravagance, poor value for money or other cause.

4.2.4 The suitability and reliability of financial and other related management data developed within the Council.

- 4.3 The Chief Finance Officer or an authorised representative of the Chief Finance Officer shall have the authority to require any officer to:

4.3.1 Provide access to any Council premises or land under their control. Where sites are in the possession of a contractor or subject to any tenancy or licence to occupy, such entry will be governed by the conditions of the contract or other legal agreement.

4.3.2 Produce any records, documents and correspondence in their possession.

4.3.3 Provide explanations of matters arising from an audit.

4.3.4 Produce and account for any cash, stores or other Council property under their control.

- 4.4 The Chief Finance Officer shall have the authority to request the immediate suspension from duty of any officers who:

(a) they have reasonable grounds to suspect of misappropriation of Council funds or other property;

(b) they believe present a threat of further misappropriation or hindering of any investigation.

4.5 Notwithstanding the duty of the Chief Finance Officer for the control and direction of Internal Audit, it shall be the duty of the Chief Internal Auditor to report direct to the Chief Executive Officer and to the Cabinet Member for Resources on any matter in which the Chief Finance Officer appears to be personally involved.

## **5. Contracts of building, construction or engineering work**

5.1 Contracts for the execution of capital works shall only be entered into for those schemes which are included in the approved Capital Programme.

5.2 Each Chief Officer will maintain contract registers showing for each contract under their control which has a value greater than £50,000:

- (a) the contract sum;
- (b) the value of any extras or variations to the contract;
- (c) the amounts and dates of any instalments made;
- (d) the amount of any retentions held or bonds taken under any contract;
- (e) the balance outstanding to the Contractor.

5.3 Payments to contractors on account of contracts shall be made only on a certificate issued by the responsible officer.

5.4 When authorising any extra or variation to a contract the appropriate Chief Officer shall:

- (a) estimate the cost of the variation;
- (b) issue written instructions to the Contractor to carry out the work, except in cases of urgency where a Chief Officer may issue verbal instructions but shall confirm them in writing as soon as possible, but in any case within 7 days; and
- (c) ensure that such variation is in accordance with the Council's Contract Procedure Rules.

5.5 The Chief Finance Officer may, at their discretion, decide to audit the final account of a contract, before certifying the final payment.

5.6 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Solicitor to the Council for consideration of the Council's legal liability and, where necessary, to the Chief Finance Officer for financial consideration before a settlement is reached.

5.7 Each Chief Officer shall as soon as practical report to Cabinet the total of extras or variations to any contract which exceeds 10% of the original contract sum, or £100,000 whichever is the greater.

5.8 If the final account of any contract has not been agreed within eighteen months of the completion of works, then the Chief Officer controlling that contract shall report to the Cabinet on the outstanding items. Any report under this regulation shall include a comparison of the final or likely cost with the original contract sum together with reasons for any differences.

## **6. Orders for work, goods and services**

6.1 Each Chief Officer has a duty to issue official orders for all works and services to be carried out, and all goods supplied, within their Directorate with the exception of:

- (a) public utilities;
- (b) periodical payments;
- (c) petty cash purchases;
- (d) purchases made using Purchasing Cards;
- (e) works, goods and services subject to formal written contracts, or excepted from this requirement by the Chief Finance Officer.
- (f) Framework contracts.

Before issuing official orders, Officers authorising them must be satisfied that there is provision in the estimates and that the Contract Procedure Rules have been complied with.

6.2 Each official order shall be in a form prescribed and approved by the Chief Finance Officer and shall include:

- (a) a description of the works, goods and services ordered;
- (b) the name and address of the supplier;
- (c) an estimate of the cost;
- (d) the financial code to which the cost is to be charged;
- (e) name of the authorising officer.

6.3 Verbal orders may only be placed in exceptional circumstances the details of which must be confirmed by e-mail or other appropriate means on the same day and confirmed by written official order within 3 working days.

6.4 Electronic orders will be treated in the same way as other official orders. Changes to on-line authorising officers shall be notified to the Chief Finance Officer immediately.

## **7. Leasing**

7.1 The Chief Finance Officer shall be responsible for making leasing arrangements for the use of buildings, plant, vehicles and equipment. No officer other than the Chief Finance Officer may enter into any type of leasing arrangements unless agreed in writing or delegated by the Chief Finance Officer.

7.2 Due to complex capital accounting requirements regarding expenditure in relation to leases, all leases, hire, rental, hire purchase agreements, deferred purchase agreements and other

arrangements where the use of an asset is being acquired without the ownership of it must be referred to the Chief Finance Officer.

- 7.3 Provision within revenue estimates to cover the annual costs of leasing should be made only following consultation with the Chief Finance Officer.

## **8. Grant Funding and Third Party Funding**

- 8.1 It is essential that proper management of external funding or grants received, or funding awarded by the Council, is undertaken in order to safeguard the financial position of the Council and also to maximise the benefits to service delivery from the receipt of these additional funds.

- 8.2 The Council has a Grants Management Policy which all Chief Officers and their staff must adhere to in order to ensure the proper management of grant funding and other internal and external funds. Failure to comply could result in funding being withheld by the funding body or recovered at a later date. Any failure to comply with the Grants Management Policy, which results in funding being reduced to the Council, may be reported to Governance and Audit Committee, and any shortfall in the funding borne by the responsible directorate.

## **Section B - Expenditure and Income**

### **9. Payment of accounts**

- 9.1 Excluding payments in the form of petty cash from imprest accounts, the preferred method of payment of money due from the Council shall be by automated transfers from the Council's bank accounts overseen by the Chief Finance Officer.
- 9.2 The Chief Finance Officer shall be the authorised signatory of any joint bank account opened in the name of the Council and any other party and will be responsible for the payment of any cheques from that joint bank account.
- 9.3 Each Chief Officer is responsible for examining, verifying and authorising invoices and any other payment vouchers or accounts arising from sources in their Directorate including the use of purchasing cards. Authorised officers can discharge this responsibility on behalf of the Chief Officer. Each Chief Officer will supply the names and specimen signatures for authorised officers together with authorisation limits to the Chief Finance Officer and will need to confirm the list on an annual basis.
- 9.4 The Chief Finance Officer, in consultation with a Cabinet Member, can give approval for payment in advance of goods or services in exceptional circumstances and on request from a Chief Officer.
- 9.5 Before authorising an account, the authorising officer shall be satisfied that:
- (a) the work, goods or services to which the account relates have been received, carried out, examined and approved;
  - (b) the invoice satisfies VAT regulations and that prices, extensions, calculations, trade discounts, other allowances and credits are correct;
  - (c) the relevant expenditure has been properly incurred and is within the relevant estimate provision;

- (d) the financial code to which the expenditure is to be charged is correct and sufficient budget is available;
  - (e) the account or invoice indicates the official order number relating to the goods or services provided, or if there is no such order the reason for the omission unless it relates to services not subject to orders such as care contracts;
  - (f) appropriate entries have been made in inventories, stores records or stock books as required;
  - (g) the account has not been previously passed for payment and is a proper liability of the Council;
  - (h) in the case of accounts for the supply of public utility services and other periodic payments, relevant expenditure, and where appropriate, units of energy consumed, have been entered in records approved by the Chief Finance Officer.
- 9.6 Accounts authorised manually should be passed for payment to the Chief Finance Officer, unless alternative arrangements have been specifically agreed with the Chief Finance Officer. All payments should be processed within 30 days.
- 9.7 Where payments are electronically uploaded into the financial system via a feeder file, appropriate controls, including standardising of files and validity checks, are put in place to ensure their integrity. For any new feeder files, Internal Audit will be asked to review and give assurance on the process for authorisation before use.
- 9.8 For the Council to reclaim VAT on individual payments, the Council is required under VAT Regulations to obtain the supplier's VAT registration number and invoice to be addressed to Bridgend County Borough Council.
- 9.9 The Chief Finance Officer shall set down procedures for the retention of financial documentation. Such documentation must not be disposed of without the specific approval of the Chief Finance Officer. All invoices shall be retained for at least 6 years plus the current financial year. In the case of invoices relating to grant claims, these must be kept until after the grant claim has been audited even if this exceeds 6 years. It is the responsibility of the Chief Officer of the grant to ensure the correct retention period is maintained. The same retention periods apply to electronic copies of all original invoices.
- 9.10 Changes to on-line authorising officers shall be notified to the Chief Finance Officer immediately.
- 9.11 Each Chief Officer shall, no later than a date specified at the financial year end, notify the Chief Finance Officer of any outstanding expenditure relating to the previous financial year to be accrued in the Statement of Accounts.

## **10. Imprest accounts**

- 10.1 Where appropriate, the Chief Finance Officer shall provide imprest accounts for such officers of the Council as may need them for the purpose of defraying petty cash and other expenses. Such accounts shall be maintained in accordance with the notes of guidance issued to imprest holders by the Chief Finance Officer.
- 10.2 Where appropriate, the Chief Finance Officer shall open an account with the Council's bankers for use by the imprest holder, who shall not deliberately cause the account to be overdrawn. Any prolonged overdrawn balance on an imprest holder's bank account shall be reported to

the Chief Finance Officer. Where an officer holds a cheque book in respect of any account he must ensure that it is securely stored and all cancelled cheques are crossed and retained with the counterfoils of the original cheque book.

- 10.3 Any officer responsible for an imprest account shall be personally responsible for making good any deficiencies in that account.
- 10.4 No income received on behalf of the Council may be paid into an imprest account but must be dealt with in accordance with paragraph 15.3.
- 10.5 Except as otherwise agreed between the Chief Finance Officer and the Chief Officer concerned, payments out of the accounts shall be limited to petty disbursements and shall not include sums due to any tradesman with whom the Council has an account for the supply of goods and services, nor any account for goods exceeding in value a sum to be agreed from time to time by the Chief Finance Officer nor travelling expenses other than those of a casual nature.
- 10.6 An officer responsible for an imprest shall on a regular basis as specified by the Chief Finance Officer, or at any other time if so requested, provide a certified statement as to the state of the account.
- 10.7 Whenever an officer who is an imprest holder leaves the employment of the Council, or ceases to be entitled to hold an imprest advance, the officer shall account to the Chief Finance Officer for the amount advanced to him.

## **11. Purchasing Cards**

- 11.1 Where appropriate, a purchasing card will be issued to support the current Purchase to Pay invoice process and should not be considered as a replacement mechanism to bypass the formal requisition and approval process. Expenditure shall be made in accordance with the purchasing card guidelines.
- 11.2 Each card has an individual monthly expenditure limit, individual transaction limit and restricted category types for expenditure. The cardholder will be making financial commitments on behalf of the Council and will be responsible for obtaining value for money in accordance with Contract Procedure Rules and Corporate Contracts.
- 11.3 Except, as otherwise agreed with the Chief Finance Officer, payments by purchasing card shall be limited to approved disbursements and shall not include sums due to any tradesman with whom the Council has an account. Where appropriate, invoices should be paid via the Financial System. Travelling expenses, such as train fares, can be pre-booked and paid with the purchasing card, however, the purchasing card cannot be used to reimburse travelling expenses nor subsistence expenses other than those of a casual nature.
- 11.4 The cardholder is responsible for updating the Barclaycard Spend Management system with costing, VAT and narrative details of the expenditure in a timely manner and in accordance with the purchasing card guidelines.
- 11.5 Whenever a member of staff who is a purchasing card holder leaves the employment of the Council, or ceases to be entitled to hold a purchasing card, the member of staff must return the purchasing card immediately on cessation of entitlement to the Corporate Procurement Manager for cancellation. Any replacement member of staff who requires a purchasing card must apply for a new card via the Corporate Procurement Manager.

- 11.6 Any person holding a purchasing card shall be personally responsible to notify the Corporate Procurement Manager of any unauthorised / unrecognised spend made on the card. The cardholder shall be personally responsible for making good any unauthorised spend that they incur on the card.
- 11.7 Where appropriate, the Chief Finance Officer shall provide a purchasing card enabled for cash withdrawal to give services access to cash for the purpose of defraying petty expenditure. Such cards shall be maintained in accordance with the notes of guidance to card holders issued by the Corporate Procurement Manager. There is an administration charge for cash withdrawals. Detailed records of monies withdrawn, spending of this money, including VAT amount and costing information, must be kept and be available for examination on request.
- 11.8 Except as otherwise agreed with the Chief Finance Officer, payments out of the cash withdrawn from the bank by purchasing card shall be limited to petty disbursements and shall not include sums due to any tradesman with whom the authority has an account, nor travelling expenses, nor subsistence expenses other than those of a casual nature.
- 11.9 A person responsible for the cash balance held shall, if so requested, give to the Chief Finance Officer certification as to the state of the funds.
- 11.10 Whenever a member of staff who is a cash balance administrator leaves the employment of the authority, or ceases to be entitled to administer the cash balance, the member of staff shall repay to the Chief Finance Officer the unexpended cash balance of the withdrawn amount, or shall transfer monies, records and vouchers relating to the account to the new cash administrator. When a purchasing card holder leaves, the card in their name must be returned to the Corporate Procurement Manager for cancellation and a new card applied for via the Corporate Procurement Manager unless the new cash administrator is not to be allocated a purchasing card.
- 11.11 Any person holding a cash balance obtained by a purchasing card cash withdrawal shall be personally responsible for making good any deficiencies in that account.

## **12. Construction Industry Scheme (CIS) – Tax Deduction**

- 12.1 For certain types of construction work, the Council is obliged by HMRC's Construction Industry Scheme to deduct tax at source from sub-contractor payments, at the appropriate rate, from the invoiced amount. Those CIS sub-contractors paid under deduction must have the labour/material split shown on the invoice and entered into the Financial System. Further guidance can be obtained from the Purchase Ledger Team in Finance.

## **13. Salaries, wages and Members' allowances**

- 13.1 The payment of all salaries, wages, allowances, expenses or other emoluments to all employees or members shall be made by, or under arrangements approved and controlled by, the Chief Finance Officer.
- 13.2 Each Chief Officer shall notify the Chief Finance Officer as soon as possible and in the prescribed form, of all matters affecting the payment of such emoluments and in particular:
- (a) appointments, resignations, dismissals, suspensions, secondments, and transfers;
  - (b) absences from duty for sickness or other reason, apart from approved leave with pay;
  - (c) changes in remuneration, other than normal increments and pay awards;

- (d) information necessary to maintain records of service for superannuation, income tax, national insurance etc.;
  - (e) any failure to comply with Council or statutory regulations.
- 13.3 Appointments of all employees shall be made in accordance with the regulations of the Council and the approved establishment, gradings and rates of pay.
- 13.4 All time records and other pay documents shall be in a form prescribed or approved by the Chief Finance Officer and shall be certified by or on behalf of the Chief Officer. The names of the officers authorised to certify such records shall be sent to the Chief Finance Officer by each Chief Officer together with specimen signatures and shall be amended on the occasion of any change. Changes to on-line authorising officers shall be notified to the Chief Finance Officer immediately.
- 13.5 No payments to staff may be made other than through the normal payroll system without the specific approval of the Chief Finance Officer. In particular, casual staff must be recorded on the payroll.
- 13.6 Where an Officer is hiring or engaging a staff member who is not on the Council payroll there is a legal requirement to determine whether it is the responsibility of the Council to deduct tax and national insurance at source, in accordance with the requirements of the Social Security Contributions (Intermediaries) Regulations 2000, as amended (IR35).

#### **14. Officers fees, travelling and subsistence allowances**

- 14.1 All claims for payment of fees, car allowances, subsistence allowances and travelling expenses shall be submitted, duly certified, in a format approved by the Chief Finance Officer, to the appropriate Chief Officer in accordance with the timetable set down by the Chief Finance Officer. A record of all officers authorised to approve such records shall be sent to the Chief Finance Officer together with specimen signatures and shall be amended on the occasion of any change. This applies to both manual and electronic expenses systems.
- 14.2 The certification by, or on behalf of, the Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, the vehicle used had appropriate insurance cover, the necessary receipts of expenditure retained and that the fees and allowances are properly payable by the Council.
- 14.3 Claims submitted more than three months after the expenses were incurred must be accompanied by a letter of explanation for the delay and shall be paid only with the express approval of the Chief Finance Officer who shall refer the matter to Cabinet if necessary.
- 14.4 All claims for payment of incidental expenses such as removal, lodging and disturbance allowances and training course fees etc. shall be made on the appropriate form and shall be in accordance with the appropriate scheme approved by the Council.

#### **15. Banking arrangements and cheques**

- 15.1 All arrangements with the Council's bankers shall be made by or under arrangements approved by the Chief Finance Officer, who shall be authorised to operate such bank accounts as considered necessary.
- 15.2 All cheques shall be ordered only on the authority of the Chief Finance Officer who shall make proper arrangements for their safe custody, including cheque books issued automatically by the bank.



- 15.3 Any such bank account opened in respect of monies held on behalf of the Council shall be arranged in consultation with or under the direction of the Chief Finance Officer. The Chief Finance Officer shall maintain a list of authorised signatories, along with specimen signatures, for all such accounts. Any change in signatory shall be reported to the Chief Finance Officer immediately.
- 15.4 No Standing Orders or Direct Debits from the Council's bank accounts shall be set up unless arranged in consultation with or under the direction of the Chief Finance Officer. The Chief Finance Officer shall maintain a list of all officers authorised to set up Direct Debits and Standing Orders.
- 15.5 The Chief Finance Officer shall be authorised to:
- (a) nominate officers empowered to authorise payment out of these bank accounts;
  - (b) negotiate charges with the Council's bankers.
- 15.6 The Chief Finance Officer will be responsible for ensuring that there are adequate controls in place to ensure that all payment methods, whether physical or electronic, have appropriate authorisations, approvals and signatures as necessary.
- 15.7 The Chief Finance Officer shall ensure that appropriate arrangements are in place to facilitate the monthly reconciliation of the Council's Bank Accounts.

## **16. Income**

- 16.1 Each Chief Officer will be responsible for the prompt and accurate billing, collection and banking of all income due to the Council in connection with the Directorate's activities, except where in the interests of efficiency or security it is agreed with the Chief Finance Officer that all or part of the duties should be discharged by some other Chief Officer.
- 16.2 Except as agreed between the Chief Finance Officer and the Chief Officer concerned, all receipt books and other such items shall be ordered and supplied to Directorates by the Chief Finance Officer, who shall be satisfied as to the arrangements for their control.
- 16.3 In carrying out this function, each Chief Officer shall ensure that any officer of the staff engaged in the collection of money:
- (a) maintains a record of receipts and bankings in a form approved by the Chief Finance Officer;
  - (b) pays without delay any money collected either:
    - i) to the approved officer;
    - ii) to a security firm employed by the Chief Finance Officer for this purpose; or
    - iii) to one of the Council's main bank accounts or via outlets of the nominated collector(s) as agreed by the Council.
  - (c) makes no deduction from monies collected, except with the specific and exceptional approval of the Chief Finance Officer;
  - (d) ensures income is correctly coded onto the financial system nominated by the Chief Finance Officer and satisfies VAT regulations;

- (e) makes good any shortfalls in cash collected and identifies any surpluses;
- (f) in the case of cheques received, enters on any paying-in slips details with the cheque or provides supporting evidence and a reference to the related debt.

16.4 Personal cheques shall not be cashed out of the money held on behalf of the Council.

16.5 Outstanding debts which are found to be irrecoverable may be written off by the Chief Finance Officer, except where it is considered that there are matters of principle or policy which should be referred to the Cabinet.

16.6 Any officer holding a cash float shall be personally responsible for making good any deficiencies in that account.

16.7 Where an officer takes cash for works, goods or services that is either:

- i. in excess of the level stipulated within the Council's Anti-Money Laundering Policy; or
- ii. where there is anything suspicious regarding, but not limited to, multiple use of high denomination notes, multiple and frequent disaggregation of payment of a higher value outstanding debt;

then the officer must report it immediately to the Money Laundering Reporting Officer (MLRO) in accordance with the Policy.

## **17. Fees and Charges**

17.1 The Council has a Fees and Charging Policy to support the Medium Term Financial Strategy. It is intended to provide a consistent and co-ordinated approach to charging across the Council, setting out the key principles for charging and for reviewing charges and must be adhered to by all Chief Officers and their staff.

17.2 When setting charges, there is recognition that where possible, the full cost of the service should be recovered. However, there is also a recognition that in some instances, there will be a conscious decision not to fully charge or a statutory charge or limit set, and the remaining cost will be met by the Council Tax payer.

17.3 In line with the Medium Term Financial Strategy, a review of fees and charges should be undertaken at least annually and any new or increased charges must receive approval from Cabinet or delegated authority under the Scheme of Delegation, Scheme A paragraph 1.6. Where a proposal is made not to increase charges in a financial year, approval must be sought from the appropriate Chief Officer and Chief Finance Officer.

## **18. Value Added Tax**

18.1 The Chief Finance Officer shall establish appropriate systems of control for the proper accounting of Value Added Tax (VAT) inputs and outputs. The Chief Finance Officer will produce and distribute a VAT guidance document to all Directorates and schools to enable officers to comply with HMRC VAT regulations.

## **Section C - Security and Assets**

## **19. Security**

- 19.1 The Chief Finance Officer shall have overall responsibility to the Council for security of Council property.
- 19.2 Each Chief Officer shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, title deeds, securities, etc. under their custody.
- 19.3 Maximum limits for cash holdings shall be agreed with the Chief Finance Officer.
- 19.4 Every transfer of official money from one member of staff to another will be evidenced in the records of the Directorate concerned by the signature of the receiving officer.
- 19.5 Keys to safes and similar receptacles for the safeguarding of money or other valuables are to be carried on the person of those responsible; the loss of any such keys must be reported to the Chief Finance Officer.

## **20. Data Protection**

- 20.1 The Council's Data Protection Officer shall be responsible for undertaking the tasks set out in Section 71 of the Data Protection Act 2018 and Article 39 of the UK GDPR.
- 20.2 Each officer shall be responsible for maintaining proper security, privacy and compliance with the Data Protection Act 2018 and UK GDPR in respect of information held.
- 20.3 Each Chief Officer shall have a duty to notify the Data Protection Officer of any computer system in their Directorate which holds personal data .
- 20.4 Each Chief Officer shall have a duty to ensure the safekeeping and prevention of improper use of any information held in the Directorate, regardless of the media on which it is held.
- 20.5 The Chief Finance Officer, or an authorised representative of the Chief Finance Officer, shall have access to all computer systems and records and may require and receive such explanations as are necessary, for the purposes of the Data Protection Act 2018 and UK GDPR.
- 20.6 The security of financial systems, e.g. use of passwords, shall be maintained by adhering to instructions issued by the Chief Finance Officer and in line with the ICT Code of Conduct.

## **21. Stocks and stores**

- 21.1 Each Chief Officer shall be responsible for the custody of the stocks and stores in the Directorate and shall have a duty to:
  - (a) ensure that stocks are adequate but not excessive for the purpose envisaged;
  - (b) maintain accurate and up to date records of such stocks and stores and ensure that a stocktake is undertaken at year end and the certificate is submitted to Finance;
  - (c) provide the Chief Finance Officer with such information as he requires in relation to stores for accounting, costing and financial records.
- 21.2 A Chief Officer shall arrange for periodical test examinations of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year. Any

surpluses or deficiencies revealed by such periodical test examinations shall be reported to the Chief Finance Officer and, after consultation with the Chief Officer, the Chief Finance Officer will decide what action to take.

- 21.3 Losses due to theft of stocks shall be reported to the Chief Finance Officer as soon as possible and, where found to be irrecoverable, shall be written off.
- 21.4 In all other instances write offs need the consent of the Chief Finance Officer following the submission of a report by the Chief Officer outlining the reasons for write off.

## **22. Investments, borrowings and trust funds**

- 22.1 The Council has adopted the Chartered Institute of Public Finance and Accountancy (CIPFA)'s Code of Practice on Treasury Management in the Public Services.
- 22.2 The Chief Finance Officer will be responsible for preparing and presenting an annual Treasury Management Strategy to the Governance and Audit Committee prior to submission to Council for approval in advance of the start of each financial year. The Strategy must include a Borrowing Strategy, Investment Strategy and set the Council's Treasury Management Indicators for the forthcoming financial year.
- 22.3 All investment and borrowing transactions shall be undertaken in accordance with the Treasury Management Strategy with due regard to the requirements of CIPFA's Code of Practice on Treasury Management in the Public Services.
- 22.4 All investments of money under its control shall be made in the name of the Council. Any borrowing activity must have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities and the Code of Practice on Treasury Management in the Public Services.
- 22.5 The Chief Finance Officer shall report quarterly to the Cabinet, summarising borrowing and investment activity and indicating compliance with any statutory or Council approved guidelines together with a half yearly and an annual report to Council.
- 22.6 The Chief Finance Officer, or an agent nominated by the Chief Finance Officer, will be the Council's Registrar of loan instruments and shall maintain records of all borrowing of money by the Council.
- 22.7 The Chief Finance Officer will have a duty to ensure a proper, efficient and effective mix of borrowing and investments.
- 22.8 The Governance and Audit Committee is responsible for ensuring effective scrutiny of the Treasury Management policies and practices. The Committee will review the Annual Report on Treasury Management as well as the Treasury Management Strategy. The Committee will make any recommendations for improvements on treasury management to the Chief Finance Officer and raise any concerns that the Council is exceeding its legal powers with the Monitoring Officer.

## **23. Inventories**

- 23.1 Each Chief Officer shall be responsible for the plant, vehicles, machinery, equipment, tools, furniture and other non-consumable property in the Directorate and shall have a duty to:
  - (a) maintain an up to date inventory of such goods;

- (b) carry out an annual physical check on goods listed in the inventory;
- (c) as far as is practicable see that such goods are marked as Council property;
- (d) ensure that such goods are not removed or used except in accordance with the ordinary course of the Council's business.

23.2 Every transfer of items contained in the inventory from one establishment to another shall be evidenced in the records of the establishment concerned by the signature of the receiving officer.

## **24. Insurances**

24.1 The Chief Finance Officer shall have a duty to:

- (a) affect adequate insurance cover in accordance with the Council's Insurance Strategy contained in the Risk Management Policy. He will arrange insurance for losses which would have a significant impact on budgets and the provision of services, where it must be bought by law and where the insurance provides additional benefits which enable an activity to take place;
- (b) promptly claim any insurance loss the Council has suffered and liaise with the Council's Insurers to settle any claim brought by another party, if it is assessed that the Council has a legal liability to do so;
- (c) ensure that sums insured and limits of indemnity are regularly reviewed;
- (d) maintain comprehensive records of insurance including policy documents and understand what coverage they provide;
- (e) employ the services of a professional insurance broking company who can provide expert advice;
- (f) only transfer risks to Insurance Companies which are financially strong;
- (g) comply with the "duty of fair presentation" contained in the Insurance Act 2015. The Council must disclose to its Insurers all information, facts and circumstances which are, or ought to be, known to it, which are material to the risk. A material circumstance is one which would influence the judgement of a prudent Underwriter in considering whether to provide insurance and, if so, on what basis and cost.

24.2 A Chief Officer will have a duty to:

- (a) promptly notify the Chief Finance Officer of any new risks, insurable assets or liabilities which are required to be insured under the Insurance Strategy.;
- (b) promptly notify the Chief Finance Officer in writing of any loss, liability, damage or any event likely to lead to a claim and where appropriate inform the Police;
- (c) promptly provide any information required by the Chief Finance Officer or the Council's Insurers to progress a claim;
- (d) assist the Chief Finance Officer to comply with the "duty of fair presentation contained in the Insurance Act 2015 by disclosing all relevant information.

24.3 The Chief Finance Officer shall review of all insurances at least annually, in consultation with other Chief Officers as appropriate.

24.4 No indemnity shall be given in the name of the Council without the prior approval of the Chief Finance Officer.

## **25. Prevention of Theft, Fraud and Corruption**

25.1 The Chief Finance Officer is responsible for advising on effective systems of internal control to prevent fraud and corruption.

25.2 The Chief Finance Officer is responsible for developing, maintaining and implementing an Anti-Fraud and Bribery Policy. If a Chief Officer suspects any irregularities concerning cash, stores or other property of the Council or held on trust by the Council, they will notify the Chief Finance Officer who will take such steps as considered necessary by way of investigation and report.

25.3 The Chief Finance Officer is responsible for developing, maintaining and implementing an Anti-Money Laundering Policy. The key message of this Policy is to make staff aware of their responsibilities and if they suspect that money laundering activity may be taking place or proposed, they must disclose those suspicions to the Council's Money Laundering Reporting Officer who is the Chief Finance Officer.

25.4 The Council employs a corporate Senior Fraud Investigator, so should any fraud or irregularity be identified, whilst it would still be reported to the 'Chief Finance Officer' initially, certain matters may be referred to the Senior Fraud Investigator for investigation where appropriate.

25.5 The Chief Finance Officer is also responsible for developing, maintaining and implementing the Anti-Tax Evasion Policy. The policy addresses the prevention of tax evasion and will provide a coherent and consistent approach for all employees and any person who performs services for and on behalf of Bridgend County Borough Council.

25.6 All Chief Officers are responsible for ensuring compliance with the Anti-Fraud and Bribery Policy, Anti-Money Laundering Policy and the Anti-Tax Evasion Policy and with systems of internal control.

## **26. Estates**

26.1 The Chief Executive Officer shall maintain a register and appropriate records detailing all properties owned by the Council including:

- (a) purpose for which held;
- (b) location, extent, and plan reference;
- (c) particulars of nature of interest held;
- (d) purchase details;
- (e) rents payable;
- (f) particulars of tenancies granted.

26.2 The Chief Finance Officer will maintain an asset register of all Council assets.

26.3 Where land and/or buildings are found to be surplus to requirements the responsible Chief Officer shall, as soon as possible, submit a report to the appropriate Cabinet Member for appropriate action in accordance with the Schemes of Delegation.

## **27. Asset Disposal**

27.1 Directors are responsible for ensuring that all property assets which are surplus to requirements are referred to the Corporate Landlord section, who will determine the appropriate action to be taken in conjunction with Directorates. In accordance with the Council's disposal strategy the following shall be considered:

- restrictions relating to the ownership of the asset;
- opportunities for using the asset elsewhere in the Council;
- market opportunities;
- appropriate use of tendering procedures for disposal;
- fairness in the disposal process;
- asset security;
- the costs of disposal in relation to the expected income.

27.2 All assets, including assets declared surplus where disposal is proposed must be notified to the Chief Finance Officer for approval and appropriate action in accordance with the Council's disposal strategy and Scheme of Delegation of Functions.

27.3 All assets, whether land, property, buildings, vehicles, plant or equipment, must be notified to the Capital Accountant to ensure their disposal is accurately recorded on the Council's Asset Register in a timely manner, and as soon after disposal as possible.

## **28. Protection of private property**

28.1 The Chief Officer shall in any known case where steps are necessary to prevent or mitigate loss of or damage to moveable property, prepare in a form agreed with the Chief Finance Officer, an itemised inventory in each case prepared in the presence of two officers.

28.2 All valuables such as jewellery, watches and other small articles of a similar nature and documents of title deposited with the Council for safe custody shall be recorded in a form agreed by the Chief Finance Officer.

28.3 All monies deposited with the Council for safekeeping shall be dealt with in accordance with guidelines agreed by the Chief Officer and the Chief Finance Officer.

28.4 Where a Chief Officer is required as part of their duties to hold in trust any property, valuables or cash belonging to a third party he should do so in accordance with guidelines agreed with the Chief Finance Officer.

## **29. Risk Management**

29.1 The Chief Finance Officer is responsible for preparing the Council's Risk Management Strategy and its promotion throughout the Council and for advising of strategic, financial and operational risks.

29.2 Chief Officers shall be responsible for the identification, classification and control of all risks falling within their areas of responsibility. The risks identified shall be incorporated into a Departmental Risk Register, and any risks that exceed the Council's risk threshold shall be

notified to the Chief Finance Officer for incorporation into the Risk Register, which shall be subject to periodic review at no more than annual intervals.

- 29.3 Chief Officers shall take responsibility for risk management within their areas of responsibility, having regard to advice from the Chief Finance Officer and other specialist Officers (e.g. crime prevention, fire prevention, health and safety), and shall undertake regular reviews of risk within their own Directorates.



## **SECTION 18**

### **CONTRACT PROCEDURE RULES**

#### **1. Interpretation**

In these Contract Procedure Rules:-

"Appropriate Body" means the Cabinet, and any committee, panel or other body to which power has been delegated to accept tenders for Contracts of the category for which tenders are to be or have been invited.

"Appropriate Chief Officer" means whichever of the following is responsible in any particular case for inviting tenders or placing an official order:-

Chief Executive  
Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy and Monitoring Officer  
Corporate Director – Education and Family Support  
Corporate Director – Social Services and Wellbeing  
Corporate Director – Communities.

This definition also includes any Officer to which functions have been delegated under the Council's Scheme of Delegation of Functions.

"Cabinet" means the executive body of the Council established in accordance with Part II of the Local Government Act 2000.

"Cabinet Functions" means the functions for which the Cabinet is responsible.

"Cabinet Members" means the leader and the members of the Cabinet.

"Chief Audit Officer" means the Head of Audit Service for the Council.

"Chief Finance Officer" means the nominated Section 151 Officer under the Local Government Act 1972 for the time being having statutory responsibility for the administration of the Council's financial affairs.

"Community Benefits" shall include any benefit to the local community which does not directly positively impact on the operation of the Council. This can include the provision of additional facilities/resources or the training of primarily inactive people through programmes which may include apprenticeships. "Core" benefits are those which are directly related to the purpose of the Contract and can be measured as an outcome. "Non-Core" benefits are those which are not essential in the delivery of the service and will not be assessed as part of the tender evaluation process.

"Contract" means any form of contract or agreement entered into by the Council with any other party for the supply of goods, services or works, or any combination thereof.

"Contractor" means any person or organisation that undertakes a Contractual relationship with the Council.

"Contract Value" means the total value of the Contract over the whole term of the Contract. If there is no total price then the value of the Contract is to be calculated on the expected aggregate spend over the four year period, if there is no fixed term for the Contract. In the case where there is a Contract term but no total price then the value of the Contract is to be calculated on the expected expenditure over the whole Contract period, in accordance with the Regulations. All Contract values are exclusive of VAT.

“Corporate Contracts Register” means a live database of contracts let by the Council.

“Corporate Procurement Manager” means the lead Officer for the Corporate Procurement Unit, who has functional responsibility for the delivery of Procurement strategy and guidance.

“Council” means Bridgend County Borough Council.

“Data Protection Legislation” means (i) the UK GDPR and any applicable national implementing Law, as amended from time to time; (ii) the Data Protection Act 2018 to the extent that it relates to processing of personal data and privacy; and (iii) all applicable Law about the processing of personal data and privacy.

“EU” means the European Union.

“Form of Tender” means a covering document signed by the tenderer to indicate that it understands the tender and accepts the terms and conditions and other requirements of participating in the exercise a copy of which can be found on the Corporate Procurement Page.

“Framework Agreement” means an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing Contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

“Internal Providers” means an organisation managed, funded and staffed by the Council, which provides a service to various directorates and schools as its core business.

“Legal Requirements” means all UK and Welsh law that governs and or relates to the procurement of goods, services and works and the letting of concession contracts.

“Monitoring Officer” means the officer for the time being designated as such under Section 5 of the Local Government and Housing Act 1989.

“Most Economically Advantageous Tender” (MEAT) means criterion which enables the Council to take account of criteria that reflect qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision

“Parties” means collectively the Council and any other party or more than one party entering into a Contract or agreement.

“Pre-tender Client Information Sheet” means a document that requires completion by the client before going out to tender or to obtain quotations unless a Cabinet Report has been approved a copy of which can be found on the Corporate Procurement Page.

“Regulations” means the Public Contract Regulations 2015;

“Trade Journal” means a newspaper or journal circulating among such persons or bodies as undertake Contracts of the category for which tenders are to be invited.

“UK GDPR” means the UK General Data Protection Regulation.

Words importing the singular shall include the plural and vice versa.

Any reference to any statutory provision shall include reference to any statutory modification amendment or re-enactment thereof and any subordinate legislation made under them.

## **2. Compliance with Contract Procedure Rules and Relevant European and UK Legislation**

### **2.1 Every Contract shall:**

- (a) Comply with the Council's Constitution, including in particular the Financial Procedure Rules, the Scheme of Delegation of Functions and these Contract Procedure Rules;
- (b) Comply with all relevant statutory provisions including in particular, but not limited to, the Local Government Act 1988 Part II, the Local Government (Contracts) Act 1997, the Local Government Act 1999 Part I, and the Regulations;
- (c) Achieve Most Economically Advantageous Tender;
- (d) Be consistent with the highest standards of integrity, having regard to the Bribery Act 2010 and the Competition Act 1998;
- (e) Ensure fairness in allocating public Contracts;
- (f) Comply with all Legal Requirements;
- (g) Comply with the Equality Act 2010;
- (h) Comply with the Modern Slavery Act 2015;
- (i) Comply with relevant employment legislation;
- (j) Support the Council's corporate and departmental aims and policies and comply with any Council policy;
- (k) Comply with Data Protection Legislation;
- (l) Apply the Welsh Government approved approach as standard to Supplier selection;
- (m) Be procured in accordance with all procurement planning guidance issued by the Corporate Procurement Manager.

2.2 For the avoidance of doubt, the Appropriate Chief Officer shall ensure that where the estimated Contract Value or amount of a proposed Contract (or series of Contracts) is likely to be equal to or to exceed the thresholds set by the Legal Requirements for Contracts, then the tendering procedures to be adopted must be in accordance with the Regulations, and any statutory provision relating thereto.

2.3 Contracts for the procurement of works, goods or services may be subdivided into lots where appropriate and in accordance with the Regulations but lots should not be used where the result would be the avoidance or effect the application of the Contract Procedure Rules.

2.4 The procurement of goods, services and works shall not be artificially over estimated or underestimated which would result in either the avoidance of the Contract Procedure Rules or which would affect the application of the Contract Procedure Rules.

2.5 It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to supervise a Contract on the Council's behalf that, in relation to the Contract, they shall comply with the requirements of these Contract Procedure Rules and the Council's Financial Procedure Rules.

- 2.6 The Monitoring Officer with the agreement of the Chief Finance Officer may issue procurement guidance or protocols, and all Chief Officers and any person who is required to supervise a Contract on behalf of the Council shall have due regard to any such guidance or protocol.
- 2.7 The use of the Council's in-house services and Internal Providers is not covered by or subject to these Contract Procedure Rules. Any contract subsequently let by the in-house services and Internal Providers to sub-contractors will be let in accordance with these Contract Procedure Rules.
- 2.8 Any failure by officers to comply with any of the provisions of these Contract Procedure Rules or associated guidance adopted by the Council may result in disciplinary action.
- 2.9 Appropriate authority must be in place before any procurement is carried out on behalf of the Council.
- 2.10 Any dispute regarding the interpretation of these Contract Procedure Rules shall be referred to the Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy, for resolution in consultation with the Corporate Procurement Manager.
- 2.11 These Contract Procedure Rules deal only with procurements conducted under the Regulations. Where a procurement is required to be conducted under the Concession Contracts Regulations 2016 and the Utilities Contracts Regulations 2016, authority must be sought from the Appropriate Body by way of an exemption to these Contract Procedure Rules in order to conduct such a procurement pursuant to Rule 3.1.7.

### **3. Exemptions and Waiver**

#### **Exemptions to the Contract Procedure Rules**

- 3.1 The Contract Procedure Rules do not apply to the situations set out in Rules 3.1.1 to 3.1.7.
  - 3.1.1 For the acquisition or disposal of land, unless it involves a development agreement which would require a tender process.
  - 3.1.2 In the case of professional arrangements in accordance with Regulation 10 of the Regulations between the Councils Solicitor and Counsel or external Solicitors, the Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy, and Monitoring Officer will not be expected to comply with the requirements of this Rule when instructing and briefing Counsel or Solicitors. The Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy and Monitoring Officer will make arrangements to ensure that a record is kept of all such instructions or briefs together with a record of Counsel's/ Solicitors fees.
  - 3.1.3 For the carrying out of security works where the publication of documents in accordance with the tendering procedure could prejudice the security of the work to be done, provided the method of tendering has been approved by the Appropriate Body.
  - 3.1.4 Employment Contracts which make an individual a direct employee of the Council.
  - 3.1.5 Contracts between entities within the public sector as prescribed in Regulation 12 of the Regulations, including those Contracts where Regulation 12 would be applicable if the Contract Value was not below the financial thresholds specified in or by the Regulations, provided the arrangement has been approved by the Appropriate Body.

- 3.1.6 In an emergency situation in which injury or damage to persons or property is threatened in which case the Appropriate Chief Officer may take any necessary action but must report the circumstances and the action taken to the next meeting of the Appropriate Body.
- 3.1.7 Where a procurement is required to be conducted under the Concession Contracts Regulations 2016 or the Utilities Contracts Regulations 2016, provided the use of the Concession Contracts Regulations 2016 or the Utilities Contracts Regulations 2016 has been approved by the Appropriate Body.

## Waivers

- 3.2 Waiver from obtaining quotations or tendering will only apply to the criteria listed in Rules 3.2.1 to 3.2.12 below and any waiver must be obtained, either:
- (a) in respect of any new Contract from the Appropriate Body where the value of the Contract exceeds £100,000; or
  - (b) in respect of any new Contract in accordance with the Council's Scheme of Delegation of Functions where the value of the Contract does not exceed £100,000.
- 3.2.1 Where no quotes or tenders have been received in response to the Council's procedure for obtaining competitive offers. This is to include the open procedure, restricted procedure, competitive dialogue, competitive procedure with negotiation, innovative partnerships procedures where procurement falls within the scope of the Regulations.
- 3.2.2 The Contract involved is purely for the purpose of research, experiment, study or development under the conditions stated in the Regulations.
- 3.2.3 The works/goods/services can be provided only by a particular economic operator for any of the following reasons:—
- (i) the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,
  - (ii) competition is absent for technical reasons,
  - (iii) the protection of exclusive rights, including intellectual property rights,
- but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.
- 3.2.4 Extreme urgency brought about by events unforeseeable by the Council and in accordance with the strict conditions contained in the Regulations.
- 3.2.5 New works/services, constituting a repetition of existing works/services and ordered in accordance with the strict conditions contained in the Regulations, subject to approval in accordance with Rule 3.5.
- 3.2.6 A Contract awarded to the successful tenderer or one of them after a design contest.
- 3.2.7 For supplies quoted and purchased on a commodity market.

- 3.2.8 For the purchase of supplies on particularly advantageous terms from a Supplier which is definitely winding up its business activities, or from the receivers or liquidators of an insolvency, bankruptcy, an arrangement with creditors or a similar procedure.
- 3.2.9 In the case of Contracts for services entered into in pursuance of powers under the National Health Service and Community Care Act 1990, the Children Act 1989, Children's (Leaving Care) Act 2000 and Social Services and Wellbeing (Wales) Act 2014 for the benefit of an individual client, the Corporate Director Social Services and Wellbeing, insofar as it is consistent with the law, will make appropriate arrangements for provision.
- 3.2.10 Where a tendering procedure is prescribed by legislation.
- 3.2.11 Contracts which can only be performed by a statutory undertaker.
- 3.2.12 Where goods, services and works are procured by another public body on behalf of the Council or through collaborative arrangements awarded via the National Procurement Service or the Regional Delivery Group or by the Council through a Contract properly let by another such organisation, then those organisations Procurement / Contract Procedure Rules will apply subject to compliance with European Union and Procurement Law of England and Wales.

### **Modifications to existing Contracts and Framework Agreements**

- 3.3. Contracts and frameworks agreements may be modified without the requirement for a new procurement procedure in accordance with Rules 3.3.1 to Rules 3.3.6:
- 3.3.1 Where the modifications in a Contract or Framework Agreement have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses:
- (a) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and
  - (b) do not provide for modifications or options that would alter the overall nature of the Contract or the Framework Agreement;
- 3.3.2 Subject to Rule 3. 4 and Rule 3.5 where the modification(s) in a Contract or Framework Agreement is for additional works, services or supplies by the original Contractor that have become necessary and were not included in the initial procurement, and where a change of Contractor:
- (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and
  - (ii) would cause significant inconvenience or substantial duplication of costs for the Council,
- provided that any increase in price does not exceed 50% of the value of the original Contract;

For the purpose of the calculation of the price the updated figure shall be the reference figure when the Contract includes an indexation clause.

3.3.3 Where all of the following conditions are fulfilled:

- (i) the need for modification has been brought about by circumstances which the Council having been duly diligent could not have foreseen;
- (ii) the modification does not alter the overall nature of the Contract;
- (iii) any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement.

For the purpose of the calculation of the price the updated figure shall be the reference figure when the Contract includes an indexation clause.

3.3.4 Where a new Contractor replaces the one to which the Council had initially awarded the Contract as a consequence of:

- (i) an unequivocal review clause or option in conformity with Rule 3.3.1, or
- (ii) universal or partial succession into the position of the initial Contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the Contract and is not aimed at circumventing the application of the Regulations.

3.3.5 Where the modifications, irrespective of their value, are not substantial. A modification shall be considered substantial where one or more of the following conditions is met:

- (i.) the modification renders the Contract or the Framework Agreement materially different in character from the one initially concluded; or
- (ii.) the modification introduces conditions which, had they been part of the initial procurement procedure, would have—
  - (a) allowed for the admission of other candidates than those initially selected,
  - (b) allowed for the acceptance of a tender other than that originally accepted, or
  - (c) attracted additional participants in the procurement procedure;
- (iii.) the modification changes the economic balance of the Contract or the Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement;
- (iv.) the modification extends the scope of the Contract or Framework Agreement considerably;
- (v.) a new Contractor replaces the one to which the Contracting authority had initially awarded the Contract in cases other than those provided for in Rule 3.3.4

3.3.6 Where the value of the modification is below both of the following values:—

- (i) the relevant applicable financial thresholds contained in the Regulations, and
- (ii) 10% of the initial Contract Value for service and supply Contracts and 15% of the initial Contract Value for works Contracts,

provided that the modification does not alter the overall nature of the Contract or Framework Agreement.

Where several successive modifications are made, the value shall be the net cumulative value of the successive modifications and the updated figure shall be the reference figure when the Contract includes an indexation clause.

3.4 Where several successive modifications are made:—

- (a) the limitations imposed by the proviso at the end of Rule 3.3.2 and by Rule 3.3.3 (iii) shall apply to the value of each modification; and
- (b) such successive modifications shall not be aimed at circumventing the Regulations.

3.5 Where the Council has modified a Contract in accordance with Rule 3.3.2 or Rule 3.3.3 the Council is required to send a notice to that effect, in accordance with Regulation 51 of the Regulations for publication. Such a notice shall contain the information set out in Regulation 72.4 of the Regulations.

3.6 Approval to any modification of an existing Contract or Framework Agreement must be obtained, either:

- (a) from the Appropriate Body where the value of the modification of a Contract or Framework Agreement exceeds £100,000; or
- (b) in accordance with the Council's Scheme of Delegation of Functions where the value of the modification of a Contract or Framework Agreement does not exceed £100,000.

#### **Notification of Waiver and Modification**

3.7 If the Appropriate Chief Officer is seeking from the Appropriate Body a waiver from the Council's Contract Procedure Rules under Rule 3.2 or a modification to an existing Contract or Framework Agreement under Rule 3.3, the report to the Appropriate Body shall set out the reason for requiring the waiver or modification and the Contract Procedure Rule(s) from which the waiver or modification is required. The report shall include a legal and financial statement and shall highlight any future commitments (whether or not of a financial character) which the proposed Contract might entail.

3.8 Where the value of any waiver or modification does not exceed £100,000, the reasons for requiring the waiver or modification must be approved by the Corporate Procurement Manager, and recorded in accordance with the Scheme of Delegation of Functions.

3.9 Where a waiver is sought by the Appropriate Chief Officer in respect of obtaining quotations or tendering, the report to the Appropriate Body or record of the decision under the Council's Scheme of Delegation of Functions shall in addition to the requirements of Rules 3.7 and 3.8



justify the use of an alternative method of selection so that propriety, value for money and compliance with Legal requirements can be demonstrated.

- 3.10 Purchasing arrangements made for the Council by the Corporate Procurement Manager do not constitute exceptions as such, because they are made under the full provisions of these Rules.
- 3.11 Correct use of these arrangements, as advised by the Corporate Procurement Manager will be sufficient to ensure officers meet their responsibilities for compliance. Such arrangements are mandatory and include, but are not limited to:
  - 3.11.1 Purchasing Frameworks endorsed for use by the Council, where items are specified and costed and the option of a Direct Award has been provided for.i.e. no requirement to undertake a further mini competition.
  - 3.11.2 Collaborative procurement arrangements undertaken by, or in consultation with the Corporate Procurement Manager.
  - 3.11.3 Electronic systems and catalogues endorsed for use by the Council in procurement.
- 3.12 The Appropriate Chief Officer must ascertain whether there is a Framework Agreement approved by the Corporate Procurement Manager for use by the Council. Where a Framework Agreement is available, it must be used in accordance with the guidance provided by the Corporate Procurement Manager.
- 3.13 Any joint procurement arrangements with other local authorities and or public sector bodies including membership or use of any consortia must be approved by the Corporate Procurement Manager.
- 3.14 Established framework and consortia arrangements endorsed by the Corporate Procurement Manager for use by the Council shall be mandatory except where there is an applicable waiver or exemption, a copy of which shall be sent to the Corporate Procurement Manager.
- 3.15 Contracts to be awarded on the basis of a Framework Agreement must be in conformity with the Regulations. Where it is necessary to run a further mini competition, any subsequent mini-competition must be in accordance with the terms of the original Framework Agreement (except for the requirement to advertise and those stages in the procurement that are not applicable to a framework).
- 3.16 These Contract Procedure Rules do not apply to Contracts let by school or college governing bodies acting in accordance with their approved schemes of delegation or contract procedure rules.

#### **4. Delegated Authority to Enter into Contracts**

- 4.1 Each Chief Officer has been allocated the following functions under Scheme B2 of the Council's Scheme of Delegation of Functions (Functions delegated to Chief Officers without consultation and call-in) which shall be exercised where any proposed Contract administered by their Directorate/Office has an estimated value not exceeding £1,000,000.00:
  - (a) To authorise the invitation of tenders;
  - (b) To accept the Most Economically Advantageous Tender received and enter into a Contract and any further deeds and documents which are supplemental to the Contract.

- 4.2 Each Cabinet Member has been allocated the following functions under Scheme A of the Council's Scheme of Delegation of Functions (Cabinet Functions delegated to Individual Cabinet Members) which shall be exercised where any proposed Contract falling within the Cabinet Member's portfolio has an estimated value exceeding £1,000,000.00 but not exceeding £5,000,000.00:
- (a) To authorise the invitation of tenders;
  - (b) To accept the Most Economically Advantageous Tender received and enter into a Contract and any further deeds and documents which are supplemental to the Contract.
- 4.3 Where the estimated value of any proposed Contract exceeds £5,000.00.00, the authority to do any of the following shall be sought from the Appropriate Body:
- (a) To authorise the invitation of tenders;
  - (b) To accept the Most Economically Advantageous Tender received and enter into a Contract and any further deeds and documents which are supplemental to the Contract.

## **5. Declaration of Interest**

- 5.1 No member, employee or agent of the Council shall improperly use their position to obtain any personal or private benefit from any procurement entered into by the Council.
- 5.2 Members and employees of the Council shall comply with the requirements of Section 117 of the Local Government Act 1972, the Bribery Act 2010, and the Officers and Members' Code of Conduct set out in the Constitution in respect of the declaration of interests in Contracts with the Council.
- 5.3 Such interests must be declared to the Monitoring Officer for inclusion in the appropriate registers
- 5.4 Officers must complete a conflict of interest form and declaration of interest form prior to participating in any tender exercise and a copy can be found on the Corporate Procurement Page.

## **6. Selective Tendering, Invitation of Tenders and Quotations**

- 6.1 Subject to any overriding Legislative Requirements, all procurements shall be invited in accordance with either Rules 7, 8 or 9.
- 6.2 The appropriate service budget holder shall prepare the relevant part of the Pre-tender Client Information Sheet for all invitations to tender and quotations and submit that to the Corporate Procurement Manager for approval.
- 6.3 A record of tenders and quotations shall be maintained by the Chief Officer Legal and Regulatory Services, Human Resources and Corporate Policy and Monitoring Officer, on the Corporate Contracts Register.
- 6.4 In the case of procurements that are required to be undertaken in accordance with the Regulations, the advice of the Corporate Procurement Manager must be sought at the outset and at all subsequent stages of the procurement process, and the Pre-Tender Client Information Sheet must be completed. The Regulations will take precedence over the Contract Procedure Rules.

- 6.5 The value of a procurement means the estimated total monetary value over its full duration, including any extension options. Where there is no fixed term for the Contract, the value of the Contract shall be taken to be the estimated value of the Contract over a period of four years. No procurement may be artificially split to avoid compliance with these Contract Procedure Rules and Legal Requirements. This Rule shall, however, not be construed as to avoid the requirements relating to “lots” under the Regulations.
- 6.6 For works Contracts all Contractors must be registered and verified on Constructionline. Constructionline show the Contractors and categories which have been pre-assessed with a recommended contract value. The recommended contract value is based on a financial risk assessment and is the maximum limit of work that must be placed with a Contractor without additional safeguards.
- 6.7 The basis of selection for companies on Constructionline shall be by way of rotation and/or the suitability of Contractors to undertake the project. Reasons for such choice must be recorded

### **Quotations**

- 6.8 The invitation to submit quotations must include the specification, terms and conditions and evaluation criteria/weightings.
- 6.9 A reasonable time must be allowed for Suppliers to return bids. Unless otherwise dictated by urgency, a minimum time period of not less than 14 days must be allowed for the return of quotations.
- 6.10 In accordance with the requirements of the Scheme of Delegation of Functions a record shall be kept by the Appropriate Chief Officer in the prescribed form. In any case in which at least three alternative written offers or quotations were not obtained, the Appropriate Chief Officer shall record the reasons why it was considered impracticable to do so. This should then be recorded on the Corporate Contracts Register.

### **Tenders**

- 6.11 All of the invitation to tender documentation, including specification, evaluation criteria/weightings, must be approved by the Corporate Procurement Manager.
- 6.12 A minimum time period of not less than 14 days must be allowed for the return of tenders, except where the tender is subject to the Regulations in which case the time periods specified in the Regulations are applicable.
- 6.13 For all Contracts the Council must consider how what is proposed to be procured might improve the economic, social and environmental and cultural well-being of the area and how, in conducting the procurement process, it might act with a view to securing that improvement. The Council must consider the sustainable development principles and the well-being objectives that the Council has adopted in accordance with the Well-being of Future Generations (Wales) Act 2015. Guidance on delivering social value through procurement is available on the Corporate Procurement Page on the Intranet.
- 6.14 Where appropriate the Council will need to include Community Benefits clauses to maximise the benefits that such clauses can bring. Where Community Benefits are included in any tender issued by the Council, this must be mentioned in the tender advertisement, indicating whether they are Core or Non-Core.

6.15 Every written Contract shall include clauses in a form approved by the Monitoring Officer relating to the following matters as a minimum.

- 6.15.1 Data Protection;
- 6.15.2 Freedom of Information;
- 6.15.3 Modern Slavery;
- 6.15.4 Bribery and Corruption;
- 6.15.5 Equalities and Human Rights;
- 6.15.6 Welsh Language Standards;
- 6.15.7 Audit.

Template provisions for the aforementioned matters can be found on the Corporate Procurement Page on the Intranet.

6.16 Where a relevant specification issued by the British Standards Institution is current at the date of the tender all Council specifications shall require as a minimum that the goods and materials used in the execution of the Contract shall be in accordance with that specification or an equivalent.

6.17 The Council is a signatory to the UK Steel Charter. The Appropriate Chief Officer must consider whether fulfilment of any of the steps contained within the Charter are applicable to the Contract being procured and if so liaise with the Corporate Procurement Manager to ensure that appropriate provisions are contained within the procurement documents. A copy of the UK Steel Charter can be found on the Corporate Procurement Intranet page.

6.18 The Council is a signatory to the Welsh Government Code of Practice – Ethical Employment in the Supply Chain. The Appropriate Chief Officer must ensure that employment practices are considered as part of the procurement process and liaise with the Corporate Procurement Manager to ensure that appropriate provisions are contained within the procurement documents. A copy of the Welsh Government Code of Practice – Ethical Employment in the Supply Chain can be found on the Corporate Procurement Intranet page.

6.19 The Council has adopted the principles contained within the Welsh Government Policy on Project Bank Accounts. The Appropriate Chief Officer must consider whether payment through a project bank account (PBA) is appropriate for any construction or infrastructure Contract (or other Contract with a significant sub-contracting supply chain) of over 6 months duration and valued at £2 million or more and where there are sub-contracting opportunities valued at 1% or more of the contract value. The use of payment through a PBA for such Contracts will be required unless there are compelling reasons not to do so. The use of payment through a PBA must be applied to all construction and infrastructure projects and any other appropriate contracts valued at £2m or more which are part or fully funded by Welsh Government where the terms of such funding require a PBA to be applied.

## **7. Thresholds and Advertising Requirements**

7.1 Thresholds for procurement do not apply to existing Framework Agreements endorsed for use by the Council.

7.2 Thresholds for all goods & services (except works Contracts) and advertising requirements are as follows and are set out in the Summary of Advertising (a copy of which can be found on the Corporate Procurement Page).

7.2.1 Up to £5,000 it is necessary only to demonstrate that value for money is being achieved, unless any grant funding conditions dictate otherwise.

- 7.2.2 Over £5,000 to £25,000 Minimum of 3 quotes to be requested from businesses preferably registered on Sell2Wales, unless any grant funding conditions dictate otherwise. All quotes must be conducted electronically.
  - 7.2.3 Over £25,000 to £100,000 all requirements to be openly advertised on Sell2Wales where practical and providing it represents best value for money. A minimum of three quotations must be invited when following a restricted procedure or when an advert has not been issued, unless any grant funding conditions dictate otherwise. All quotes must be conducted electronically.
  - 7.2.4 Over £100,000 to the Regulations thresholds, requirements must be tendered, and advertised on Sell2Wales (as a minimum). Where the restricted procedure is used a minimum of five tenders must be invited, unless any grant funding conditions dictate otherwise. All tenders must be conducted electronically.
  - 7.2.5 Above the Regulations threshold, requirements must be tendered and advertised on Find a Tender, together with such other advertising as directed by the Corporate Procurement Manager. All tenders must be conducted electronically.
- 7.3 Thresholds for Works Contracts and advertising requirements are as follows and are set out in the Summary of Advertising (a copy of which can be found on the Corporate Procurement Page):
- 7.3.1 Contract Up to £5,000 it is necessary only to demonstrate that value for money is being achieved, using contractors with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline unless any Grant conditions dictate otherwise.
  - 7.3.2 Over £5,000 to £25,000 quotations are to be requested from a minimum of three prospective Tenderers with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline, unless any grant conditions dictate otherwise. Where the minimum number of Tenderers required through Constructionline are not available, the Corporate Procurement Unit will put an advertisement on Sell2Wales for the requirement. All quotes must be conducted electronically.
  - 7.3.3 Over £25,000 to £250,000 quotations are to be requested from a minimum of five prospective Tenderers with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline, the minimum number of Tenderers required through Constructionline are not available, the Corporate Procurement Unit will put an advertisement on Sell2Wales for the requirement. All quotes must be conducted electronically.
  - 7.3.4 Over £250,000 to the Regulations thresholds requirements must be tendered and advertised on Sell2Wales, unless any grant funding conditions dictate otherwise. All tenders must be conducted electronically.
  - 7.3.5 Above the Regulations thresholds, requirements must be tendered and advertised on Find a Tender, together with such other advertising as directed by the Corporate Procurement Manager. All tenders must be conducted electronically.
- 7.4 Where it is considered appropriate to use additional advertising e.g. specialist requirements, they should be placed in one or more of the following:
- A local newspaper.

- Trade Journal.

7.5 Where additional advertisements have been placed as outlined in Rule 7.4 the advertisement shall:

- Specify details of the Contract into which the Council wishes to enter.
- Invite persons or bodies interested to apply for permission to tender.
- Specify a time limit of not less than 14 days within which such applications or tenders are to be received by the Council, except where legislation or funding conditions dictates a different time period. Indicate the criteria and weighting to be used to select Tenderer and award the Contract, unless this is specified in the ITT.

## **8. Pre-Tender Market Research and Consultation**

8.1 The Council may conduct market consultation prior to the issue of any Tender. This may involve seeking or accepting advice from the market. This advice can be used in the planning and conducting of the procurement process as long as it does not distort competition or violate the principles of non-discrimination and transparency.

## **9. Procurement by Consultants**

9.1 Where the Council uses consultants to act on its behalf in relation to any procurement, then the Appropriate Chief Officer shall ensure that the consultants carry out any procurement in accordance with these Contract Procedure Rules.

9.2 All decisions must be made in accordance with the Council's Scheme of Delegation of Functions.

9.3 No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to. The Appropriate Chief Officer shall ensure that the consultant's performance in relation to procurement is in accordance with these Contract Procedure Rules and legislation.

9.4 Where the Council uses consultants to act on its behalf in relation to any procurement the consultant must declare any potential conflict of interest that may arise to the relevant Appropriate Chief Officer prior to the commencement of the procurement process or at such time that the Contractor becomes aware of such a potential conflict of interest.

9.5 Where the Appropriate Chief Officer considers that such a conflict of interest is significant the consultant shall not be allowed to participate in the procurement process.

## **10. Other Procurement Procedures**

10.1 The use of the negotiated procedure without prior publication, innovative partnerships, competitive procedure with negotiation and competitive dialogue as defined in the Regulations, can only be used in exceptional circumstances as directed by the Chief Finance Officer and with prior consultation with the appropriate Cabinet Member and the Monitoring Officer.

10.2 The use of reserved, concessionary contracts and dynamic purchasing systems may only be used following consultation and prior approval by the Corporate Procurement Manager.

## **11. Naming Products Sub-Contractors and Suppliers**

- 11.1 The principle of non-discriminatory and equal treatment is undermined by the naming of products, Suppliers or sub-Contractors. Equivalentents are nearly always able to be specified and will be advertised with the wording “or equivalent” where possible.
- 11.2 Where the Council has determined that a particular type of product or provision of service will be stipulated as an essential requirement of a Contract then this must be approved by the Appropriate Chief Officer following consultation with the Corporate Procurement Manager.

## **12. Electronic Tendering**

- 12.1 An electronic quote and tender facility now supersedes the use of paper tenders in line with the Regulations. All electronic quotes and tenders must be issued using a portal approved by the Corporate Procurement Manager. All relevant staff must be fully trained in the use of the system and set up to use the facility by the Corporate Procurement Manager.
- 12.2 For all quotes and tenders issued, the awarded Contract must be uploaded to the Corporate Contracts Register on the approved portal.
- 12.3 An advertisement must be placed in accordance with Rule 7. Any advert placed on sell2wales must alert prospective bidders to the requirement and the need to register on the approved etenderwales portal. The advert should state that bidders must have JAVA to access the etenderwales portal and respond electronically.
- 12.4 All correspondence between the Council and bidders must be concluded via the approved portal to maintain a defined audit trail. Under no circumstances must email correspondence outside the portal be used. Any verbal communication specific to the quote or tender must only be communicated through the relevant category specialist and must be confirmed via the portal. All clarification questions must be broadcast to all prospective bidders, where applicable i.e. not commercially sensitive.
- 12.5 The requirements for the submissions of bids must be set out in the Invitation to Tender (ITT) document issued to bidders via the portal. This will specify the return date and time, which will normally be 12 noon on the agreed date. The time and date when bidders upload their completed documents onto the system is recorded and forms part of an audit record.
- 12.6 Any late bids submitted will be recorded by the system and must be disqualified. A report will be required from the system administrator of the portal that there has been no system malfunction if a bidder challenges the disqualification.
- 12.7 Tenders must be opened electronically in accordance with Rule 14.

## **13. Submission and Custody of Tenders and Quotations**

- 13.1 Where tenders are invited in accordance with these Contract Procedure Rules or otherwise as determined by the Appropriate Body, the requirements for submission of tenders shall be set out in the invitation to tender document.
- 13.2 Electronic tenders and quotes are held in the approved portal and are inaccessible until the specified closing date and time.

## **14. Opening of Electronic Tenders**

- 14.1 Quotations or tenders for requirements having an estimated value or amount of £5,000 and not exceeding £100,000 shall be opened via the approved portal at the same time in the presence of one officer from the corporate procurement team, this is to include the technical and commercial envelope.
- 14.2 Tenders for Contracts having an estimated value or amount over £100,000 and not exceeding £1,000,000 shall be opened at the same time in the presence of two officers, one designated by the Monitoring Officer and the other an officer from the corporate procurement team, this is to include the technical and commercial envelope.
- 14.3 Tenders, including the technical and commercial envelope, having an aggregated estimated value or amount exceeding £1,000,000 shall be opened at the same time in the presence of the Monitoring Officer or their nominated representative and two further officers usually an officer from Democratic Services and an officer from the corporate procurement team.
- 14.4 All tenders opened in accordance with rule 14 shall include the Technical and Commercial envelope within the approved portal.
- 14.5 A record shall be kept of all tenders and quotations received through the approved portal approved by the Monitoring Officer, including any reasons for disqualification.

## **15. Amendment of Tenders**

- 15.1 If an error is identified in the invitation to tender documentation before the closing date for the return of tenders, all Tenderers shall be appraised of the error and invited to adjust their tenders.
- 15.2 If an error in the invitation to tender documentation is identified after the closing date for the return of tenders, but prior to opening of tenders, all Tenderers shall be given details of the error and afforded the opportunity of withdrawing the tender or submitting an amended tender.
- 15.3 Except as provided in this Rule 15, a tender may not be amended by the Tenderer after it has been received unless examination of it reveals errors or discrepancies which would affect the tender figure in an otherwise successful tender, in which case:
  - 15.3.1 If the error is not arithmetical the Tenderer shall be given details of the error(s) and shall be given the opportunity of confirming without amendment or withdrawing the tender, or
  - 15.3.2 If the error is arithmetical the Appropriate Chief Officer shall correct the error(s) provided that, apart from these genuine arithmetic error(s), no other adjustment revision or qualification is permitted.

## **16. Post-Tender Negotiation and Clarification**

- 16.1 Where procurement is conducted pursuant to the Regulations through either the open, restricted, innovative partnerships or competitive dialogue procedures, no post-tender negotiations are permitted. Any negotiation in respect of the competitive procedure with negotiation must comply with the requirements of the Regulations.
- 16.2 The responsible officer may seek clarification from tenderers where appropriate in consultation with the Corporate Procurement Manager.



- 16.3 Where procurements do not exceed the Regulations thresholds the Appropriate Chief Officer may authorise negotiations in exceptional circumstances, following the opening of tenders and before acceptance, subject to compliance with any legislative requirements, and only when:
- (a) Amendments have been made to any relevant specification since the invitation of tenders, which could not have been foreseen at the invitation stage, or
  - (b) The volume of goods, works or services required by the Council has substantially increased or decreased since the invitation of tenders, or
  - (c) Only one tender has been received, or
  - (d) Tender prices exceed financial targets predetermined by the Council, the Cabinet or the appropriate Committee,

In all instances, the possibility of such negotiations must have been indicated in the invitation to tender.

- 16.4 Negotiations shall be conducted in a manner which treats all Tenderers equally and is non-discriminatory and transparent at all times during the procurement process, and a full record of the negotiations shall be made by the Appropriate Chief Officer which shall include the names of the officers involved, minutes of all meetings and copies of all relevant correspondence and other documents.

## **17. Evaluation of Tenders**

- 17.1 The Appropriate Chief Officer shall examine tenders in accordance with predetermined evaluation criteria.
- 17.2 In respect of all tenders the tender criteria shall be Most Economically Advantageous Tender (which can be the lowest/highest price only where appropriate) and the evaluation criteria shall as a minimum be listed in the Invitation To Tender documentation in order of importance. Any particular scoring or weighting attributable to any criteria and sub-criteria must be clearly stated. In addition, the criteria must be strictly observed and remain unchanged at all times throughout the Contract award procedure.

## **18. Acceptance and Award of Tenders**

- 18.1A Contract shall only be awarded subject to the tender evaluation criteria specified in the invitation to tender document.
- 18.2 Tenders for Contracts having an estimated value exceeding £5,000,000 may be invited and accepted only by the Appropriate Body unless the power to do so has been specifically allocated or delegated to the appropriate Cabinet Member or Appropriate Chief Officer.
- 18.3 No tender relating to a Contract to which Sections 2 to 9 of the Local Government (Contracts) Act 1997 apply, shall be accepted without the approval of the Monitoring Officer.
- 18.4 Before a tender is accepted other than for the sale of goods the Appropriate Chief Officer must obtain the Chief Finance Officer's confirmation that the Tenderer's financial standing is satisfactory, unless the Tenderer has already been approved using the prequalification of the tender process.
- 18.5 The award of any Contract shall be in accordance with the Regulations and any other Legal Requirements.

- 18.6 If the award of any Contract is subject to the Regulations then there shall be a standstill period of at least ten calendar days between the communication of the decision of the intention to award the Contract being notified to those parties who were selected to tender, or who applied to be selected to tender, and the entering into of that Contract.
- 18.7 Standstill letters issued as part of a tender process under the Regulations must not be issued prior to confirmation of award in accordance with the Council's constitution.
- 18.8 Feedback to unsuccessful tenderers must be included in the standstill letters and must include the characteristics and relative advantages of the tender selected. For Contracts subject to the Regulations, the requirements of the Regulations must also be complied with.
- 18.9 Where a tender above the Regulations threshold has been tendered and advertised on Sell2Wales, the Council shall publish a Contract Award Notice on Sell2Wales which will also be included on Find a Tender, as soon as possible after the decision to award and in any event no later than 30 calendar days after the date of award of the Contract.
- 18.10 All correspondence notifying evaluation outcomes must be communicated through the approved portal

## **19. Letters of Intent**

- 19.1 Letters of Intent shall only be used with the agreement of the Chief Officer Legal and Regulatory Services, HR and Corporate Policy and Monitoring Officer and only in very exceptional circumstances.
- 19.2 Where the terms and conditions of the Contract are not fully agreed no Contractor shall be allowed on site to begin preliminary works until a full risk assessment has been carried out by the Appropriate Chief Officer as to possible implications to the Council by the Contractor being allowed to start on site before the Contract terms and conditions have been finalised.

## **20. Execution of Contracts**

- 20.1 Every Contract not exceeding £500,000 in amount or value shall be in writing in a form approved by the Monitoring Officer such form being the Form of Tender. However, the Form of Tender should not be used in the following situations and a formal Contract must be entered into:
  - (a) where the appropriate Directorate has assessed the level of risk associated with the Contract and it deems the level of risk to be high; or
  - (b) where the Contract must be executed under seal.

The Form of Tender must be issued as part of the tender and must be signed and returned by the bidder. On contract award the signed Form of Tender must be issued with the award letter, signed by either the Appropriate Chief Officer of the Monitoring Officer, or another officer authorised in writing to sign on behalf of the Appropriate Chief Officer or the Monitoring Officer. Both Parties are to keep a signed Form of Tender.

- 20.2 Every Contract, including frameworks which exceeds £500,000 in amount or value shall be referred to the Solicitor for the Council for approval.
- 20.3 Contracts in writing or official orders not exceeding £500,000 in amount or value may be signed either by the Appropriate Chief Officer or by an officer in writing authorised to approve on behalf of the Appropriate Chief Officer.

- 20.4 Every Contract for Works (other than Framework Agreements) exceeding £1,000,000 shall require a performance bond and for Contracts below this limit the Appropriate Chief Officer shall determine the necessity for a Performance Bond based on an assessment of risk for that Contract. A Surety shall be approved by the Chief Finance Officer.
- 20.5 A risk assessment shall be conducted for all service Contracts to determine the necessity for a performance bond. The approval of the Chief Finance Officer is required where a performance bond is not deemed necessary for service Contracts in excess of £1,000,000 in value.
- 20.6 Contracts not exceeding £500,000 may be signed electronically except in the following situations:
- (a) where the appropriate Directorate has assessed the level of risk associated with the Contract and it deems the level of risk to be high; or
  - (b) where the Contract must be executed under seal.
- The use of electronic signature must be in accordance with the procedure set down by the Corporate Procurement Manager.

## **21. Assignment and Novation**

- 21.1 Any Contract subject to potential assignment or novation must be referred to the Monitoring Officer at the earliest possible instance.

## **22. Termination of Contracts**

- 22.1 For any Contract, or part thereof, exceeding £100,000 in value, early termination shall be approved by the Appropriate Chief Officer in consultation with the Monitoring Officer and the Chief Finance Officer and must be in accordance with the termination provisions set out in the Contract. Contracts of a lesser value may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the Contract.

## **23. Financial Limits**

- 23.1 With the exception of the financial limit specified in Rule 20, which may be varied only by the Council, the financial limits specified in these Contract Procedure Rules or any of them may be varied at any time by the Chief Finance Officer in consultation with the Monitoring Officer, but any alterations shall be reported to the next meeting of the Council.

## **24. Record and Document Retention and Control**

- 24.1 A full report of all Contracts awarded should be written and kept electronically. (A checklist of what the report should contain can be found on the Corporate Procurement Page.)
- 24.2 A full record of all documents used including the Delegated Power to invite and accept, any other internal approvals, should be scanned and uploaded into the approved portal or procurements 'o' drive against the specific Contract reference number.
- 24.3 All Contracts under seal i.e. Deeds (inc. Tenders) must be retained for a minimum of 12 years after the term of the Contract has expired. Contracts which have not been sealed must be

retained for a minimum of 6 years after the term of the Contract has expired, unless a longer period is required by legislation or grant conditions.

- 24.4 Unsuccessful tender and pre-qualifying documents which have been accepted for tender purposes will be retained for a minimum period of 2 years after the start of the Contract within the approved portal.
- 24.5 Any tender which is rejected or disqualified at the time of opening will be notified via the approved portal.
- 24.6 All request for quotations must be retained for a minimum period of 2 years after the term of the Contract has expired.
- 24.7 Where Contracts are subject to the Regulations, they must also comply with the record, document retention and control requirements of the Regulations.

## **25. Contract Management**

- 25.1 A Contract must not start until the Contract has been signed or sealed by both parties and dated. Directorates must allow time for this in their forward work plan.
- 25.2 Within ten calendar days of the start of the Contract, the directorate must add the details of the Contract onto the Corporate Contracts Register and record all the required information within etender wales.  

These details must be maintained and updated as and when required to do so. Officers should contact the Corporate Procurement Manager if training is required.
- 25.3 The Directorate shall be the Contract manager for the Contracts for which they are responsible for up to the Regulations threshold, but may authorise another officer to have day-to-day responsibility for managing the Contract. For Contracts over the Regulations threshold, the directorate must appoint a dedicated Contract manager with appropriate skills and experience.
- 25.4 The Contract manager is responsible for:
  - (a) Managing the Contract and ensuring that it is carried out in accordance with its terms and conditions;
  - (b) Monitoring the Contractor's performance and carrying out mid-Contract reviews to determine ongoing value for money;
  - (c) Ensuring that the Contractor maintains the insurance policies required by the Contract; and
  - (d) Keeping a record of all payments, claims, monitoring, changes and certificates under the Contract.
- 25.5 The Contract manager must consult the Monitoring Officer for consideration of the Council's legal position:
  - (a) Before any Contract is to be terminated or suspended; or
  - (b) In the event of a claim for payment not clearly within the terms and conditions of Contract.

## **26. Corporate Contracts Register**

- 26.1 The Corporate Contracts Register is held within the approved portal and all quotations and tenders conducted must be created into a Contract. It is the responsibility of each Directorate to create and maintain their own Contracts within the portal.

26.2 It is the responsibility of each Directorate to update the register following a quotation or tender process within the approved portal.

26.3 Any officer that requires training must contact the corporate procurement unit.

**27. Review and Amendment of Contract Procedure Rules**

27.1 The Corporate Procurement Manager shall continually review these Contract Procedure Rules and shall undertake a formal review at least every three years.

27.2 With the exception of Rule 23.1 the Monitoring Officer shall have authority to make alterations of a minor nature or such as are required to be enacted immediately to ensure compliance with statutory obligations. Any minor changes will be reported to the next meeting of the Council.

## **SECTION 19**

### **19. CODE OF CONDUCT FOR MEMBERS**

#### **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 —

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

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 sub-committee;

“meeting” (“*cyfarfod*”) means any meeting —

(a) of the relevant authority,

of any executive or board of the relevant authority,

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-committee of any executive or board of the authority, or

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 (Committee 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” (“*awdordod perthnasol*”) means—

(b) a county council,

a county borough council,

a community council,

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,

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.

(1) In relation to a community council \_

“proper officer” (“*swyddog prifol*”) means an officer of the Council within the meaning of section 270(3) of the Local Government Act 1972; and

“standards committee” (“*pwyllgor safonau*”) means the standards committee of the 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 or 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 Chief Executive;
  - (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 sub-paragraph (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, industrial and provident 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 —
  - (xi) 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;
  - (xii) any employment or business carried on by persons as described in 10(2)(c)(i);
  - (xiii) 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;
  - (xiv) 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
  - (xv) 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 sub-committees; 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 subparagraph (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**

**14.**

##### ***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 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.

**APPENDIX 1 TO SECTION ERROR! REFERENCE SOURCE NOT FOUND.**

**Conduct of Members – The Principles**

1. **SELFLESSNESS**

Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

2. **HONESTY**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. **INTEGRITY AND PROPRIETY**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. **DUTY TO UPHOLD THE LAW**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. **STEWARDSHIP**

In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

6. **OBJECTIVITY IN DECISION-MAKING**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

7. **EQUALITY AND RESPECT**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others.

8. **OPENNESS**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

9. **ACCOUNTABILITY**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. **LEADERSHIP**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

## **APPENDIX 2 TO SECTION ERROR! REFERENCE SOURCE NOT FOUND.**

### **Protocol - Standard of Conduct Expected by Members**

This protocol sets out the standards of conduct expected from Members within Bridgend County Borough Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct and the Member/Officer Protocol. It adds to these documents and does not detract from them.

Members are expected to:

#### **1. PUBLIC BEHAVIOUR**

- 1.1 show respect to each other;
- 1.2 not to make personal abusive comments about each other;
- 1.3 not to publish anything insulting about each other;
- 1.4 not to make malicious allegations against each other;
- 1.5 not to publish or spread any false information about each other;
- 1.6 show respect to diversity and equality;

#### **2. BEHAVIOUR IN MEETINGS**

- 2.1 behave with dignity;
- 2.2 show respect to the Chair and obey his/her decisions;
- 2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

#### **3. CONFIDENTIALITY**

- 3.1 keep the confidentiality of exempt papers and any other documents which are not public;
- 3.2 not to release confidential information to the press or the public;
- 3.3 not to use confidential information for purposes other than intended;

#### **4. LOCAL MEMBERS**

- 4.1 work with Members of adjoining electoral divisions for the benefit of the locality;
- 4.2 if dealing with any matter relating to another electoral division:
  - 4.2.1 explain to anyone seeking assistance that he/she is not the local Member;
  - 4.2.2 inform the local Member, unless it would lead to a breach of confidentiality.



**APPENDIX 3 TO SECTION ERROR! REFERENCE SOURCE NOT FOUND.**

**Procedure for Dealing with Allegations made against Councillors and referred to the Standards Committee**

**1. INTRODUCTION**

This document sets out the procedure that the Council's Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

**2. INTERPRETATION**

In this procedure:

- 2.1 the "Act" means the Local Government Act 2000;
- 2.2 the "Council" means Bridgend County Borough Council;
- 2.3 the "Code of Conduct" means the code of conduct for members adopted by the Council or the community councils within the Council's area in 2008 in accordance with section 51 of the Act, including any revisions;
- 2.4 the "Complainant" means any person who made any allegation which gave rise to the investigation;
- 2.5 the "Investigating Officer" means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer;
- 2.6 an "investigation report" means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under s71(2) of the Act or by the Monitoring Officer under the Regulations;
- 2.7 the "Member" means any person who is the subject of an investigation into any alleged breach of the Code of Conduct;
- 2.8 the "Monitoring Officer" means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989;
- 2.9 the "Ombudsman" means the Public Services Ombudsman for Wales;
- 2.10 the "Regulations" means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended;
- 2.11 the "Standards Officer" means the officer for the time being appointed by the Council to support the work of the Standards Committee.

**3. SUMMARY OF THE PROCEDURE**

- 3.1 Under section 69 of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by Members or Co-Opted Members (or former Members or co-opted Members) of the Council or a community council in the Council's area.

- 3.2 Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he/she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
- 3.3 Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he/she will produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Standards Committee. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Standards Committee.
- 3.4 The Standards Committee will then make an initial determination either:
  - 3.4.1 that there is no evidence of any failure to comply with the Code of Conduct; or
  - 3.4.2 that the Member should be given the opportunity to make representations, either orally or in writing.
- 3.5 Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:
  - 3.5.1 there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken;
  - 3.5.2 the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
  - 3.5.3 the Member has failed to comply with the Code of Conduct and should be censured; or
  - 3.5.4 the Member has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted Member of his/her authority for a period not exceeding six months

and take any such action accordingly.

#### 4. **INVESTIGATIONS BY THE MONITORING OFFICER (REFERRALS UNDER SECTION 70(4) OF THE ACT)**

- 4.1 Where the Ombudsman ceases his/her investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:
  - 4.1.1 conduct and investigation; and
  - 4.1.2 report, and if appropriate, make recommendations to the Council's Standards Committee.
- 4.2 The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.
- 4.3 After concluding an investigation, the Monitoring Officer must:

4.3.1 produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee;

4.3.2 send a copy of the report to the Member; and

4.3.3 take reasonable steps to send a copy of the report to the Complainant.

4.4 The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

5. **INVESTIGATIONS BY THE OMBUDSMAN (REFERRALS UNDER SECTION 71(2) OF THE ACT)**

5.1 Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.

5.2 The Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

6. **THE FIRST MEETING OF THE STANDARDS COMMITTEE - INITIAL DETERMINATION**

6.1 After the Monitoring Officer has:

6.1.1 produced an investigation report in accordance with paragraph 4.3; or

6.1.2 considered the Ombudsman's investigation report in accordance with paragraph 5.1

he/she will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.

6.2 Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972 as amended by the Standards Committees (Wales) Regulations 2001.

6.3 If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.

6.4 The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:

6.4.1 that there is no evidence of any failure to comply with the Code of Conduct; or

6.4.2 that the Member should be given the opportunity to make representations,

either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

## **7. AFTER THE FIRST MEETING OF THE STANDARDS COMMITTEE**

- 7.1 Where the Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman.
- 7.2 Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

## **8. PREPARING FOR THE HEARING TO CONSIDER THE MEMBER'S REPRESENTATIONS**

- 8.1 The Standards Officer, in consultation with the Chair of the Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to respond in writing within 14 days to confirm whether he/she:
  - 8.1.1 is able to attend the hearing;
  - 8.1.2 wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response;
  - 8.1.3 disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements;
  - 8.1.4 wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations;
  - 8.1.5 wants to give evidence to the Standards Committee, either orally or in writing;
  - 8.1.6 wants to call relevant witnesses to give evidence to the Standards Committee;
  - 8.1.7 wants any part of the meeting to be held in private;
  - 8.1.8 wants any part of the investigation report or other relevant documents to be withheld from the public
- 8.2 The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.
- 8.3 The Standards Officer will send a copy of the Member's response under paragraph 8.1 to the Investigating Officer and will ask him/her to confirm in writing within seven days whether he/she:
  - 8.3.1 has any comments on the Member's response;
  - 8.3.2 wants to be represented at the hearing;
  - 8.3.3 wants to call relevant witnesses to give evidence to the Standards Committee;
  - 8.3.4 wants any part of the meeting to be held in private; and
  - 8.3.5 wants any part of the investigation report or other relevant documents to be withheld from the public.

- 8.4 The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:
- 8.4.1 confirm the date, time and place for the hearing;
  - 8.4.2 summarise the allegation;
  - 8.4.3 outline the main facts of the case that are agreed;
  - 8.4.4 outline the main facts which are not agreed;
  - 8.4.5 note whether the Member or the Investigating Officer will attend or be represented at the hearing;
  - 8.4.6 list those witnesses, if any, who will be asked to give evidence;
  - 8.4.7 enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
  - 8.4.8 outline the proposed procedure for the meeting.

## 9. **POWERS OF THE STANDARDS COMMITTEE**

- 9.1 The Standards Committee may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings. It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.
- 9.2 The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.
- 9.3 The Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.
- 9.4 Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding six months.

## 10. **PROCEDURE AT THE HEARING**

- 10.1 The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.
- 10.2 The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

### 10.3 **Introduction**

The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

10.4 **First Stage - Preliminary Procedural Issues**

The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the prehearing process.

10.5 **Second Stage - Making Findings of Fact**

The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.

10.5.1 If there is a disagreement as to the facts:

- (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report;
- (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer;
- (c) the Member will then be invited to make representations to support his or her version of the facts;
- (d) the Member may call any necessary witnesses to give evidence, with the Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.

10.5.2 At any time, the Standards Committee may question any of the people involved or any of the witnesses.

10.5.3 If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigation report;
- (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.

10.5.4 At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

10.6 **Third Stage - Deciding whether the Member has failed to comply with the Code**

- 10.6.1 The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.
- 10.6.2 The Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.
- 10.6.3 The Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, he or she has failed to comply with the Code of Conduct.
- 10.6.4 The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.
- 10.6.5 The Member will be invited to make any final relevant points.
- 10.6.6 The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

10.7 **Fourth Stage - Action to be Taken**

- 10.7.1 If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.
- 10.7.2 If the Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:
  - (a) whether or not the Committee should apply a sanction; and
  - (b) what form any sanction should take.
- 10.7.3 The Standards Committee will retire to deliberate in private on the representations and decide either that:
  - (a) no action needs to be taken in respect of the failure to comply with the Code of Conduct;
  - (b) the Member should be censured; or
  - (c) the Member should be suspended or partially suspended from being a member or Co-Opted Member of his or her authority for a period not exceeding six months,after which the Chair of the Standards Committee will announce their decision.
- 10.7.4 After making a decision the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision (including details of the Member's right of

appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.

#### **11. FAILURE TO MAKE REPRESENTATIONS / ATTEND THE HEARING**

- 11.1 If the Member fails to make representations, the Standards Committee may:
  - 11.1.1 unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
  - 11.1.2 give the Member a further opportunity to make representations.
- 11.2 If a party fails to be present or represented at a hearing, the Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence:
  - 11.2.1 hear and decide the matter in the party's absence; or
  - 11.2.2 adjourn the hearing.

#### **12. ILLNESS OR INCAPACITY**

If the Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

#### **13. SUSPENSION**

A period of suspension or partial suspension will commence on the day after:

- 13.1 the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (ie within 21 days of receiving notification of the Standards Committee's determination);
- 13.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations;
- 13.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

#### **14. REFERRAL BY AN APPEALS TRIBUNAL**

- 14.1 Where the Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales.
- 14.2 An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.
- 14.3 If:
  - 14.3.1 the Standards Committee determines that the Member failed to comply with the Code of Conduct;



14.3.2 the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and

14.3.3 the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,

the Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

14.4 After making its determination the Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

## 15. **PUBLICATION OF THE STANDARDS COMMITTEE'S REPORT**

15.1 The Standards Committee will cause to be produced within 14 days after:

15.1.1 the expiry of the time allowed to lodge a notice of appeal under the Regulations, or

15.1.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations, or

15.1.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

15.2 Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:

15.2.1 for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available;

15.2.2 supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and

15.2.3 not later than seven days after the report is received from the Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by paragraphs 15.2.1 and 15.2.2 above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

## 16. **COSTS**

The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

## **SECTION 20**

### **OFFICERS' CODE OF CONDUCT**

#### **Introduction**

The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity. The organisation strives to maintain the highest standards of employee conduct and ethical behaviour in all its operations and when managing our supply chain. This Code of Conduct outlines the existing rules and conditions of service which apply to all council employees and is designed to provide clear guidance to assist employees in their day to day work.

Every employee has a responsibility to conduct themselves in their private lives in a manner that does not compromise their position in the workplace or put themselves in a position where their job, or the Council's interests and their own personal interests conflict.

All employees of the Council must have due regard and uphold the standards and behaviours expected of this Code and all other policies, protocols and procedures of the Council. Reference should also be made to Nolan's Seven Principles of Public Life. All employees of the Council are required to observe and uphold the standards of the Code and all policies and procedures of the Council. Failure to meet the standards and requirements of this Code may result in disciplinary action against an employee or action for breach of their employment contract with the Council. Further advice or guidance can be accessed from Human Resources or Legal Services. In addition to this Code, those employees who have professional memberships or registration will also need to adhere to specific professional codes of conduct, e.g. [Social Care Wales](#) / [Education Workforce Council](#).

This Code of Conduct applies to all Council employees with the exception of teachers, for whom alternative arrangements will apply. The issues covered in this document will affect some more than others.

#### **1. Standards**

1.1 Local Government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through the procedures set out in the Council's [Whistleblowing Policy](#), and without fear of recrimination, to bring to the attention of the appropriate level of management any irregularity or deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

#### **2. Disclosure of Information**

2.1 The Council is committed to open government and the law requires that certain types of information must be available to members, auditors, government department, service users and the public.

2.2 Employees should ensure that the individual or personal circumstance of clients and users of Council services are treated confidentially. Information should not be released to anyone other than an individual who is entitled to receive it or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

- 2.3 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee which does not belong to the Council should not be divulged by the employee without the prior approval, except where such disclosure is required or sanctioned by the law.
- 2.4 The Council has policies which provide guidance on disclosing or maintaining information which can be found [here](#). E-learning resources are also available for staff to access.
- 2.5 The use of non-corporate communications channels, such as personal emails or WhatsApp should not be used for official business, however, if this cannot be avoided then employees/members must ensure that all official information on non-corporate communication channels is transferred promptly onto official systems. The information contained within such communication channels would be within the scope for Freedom of Information requests.
- 2.6 Erasing, destroying or concealing information with the intention of preventing its disclosure following receipt of a formal request for information is a criminal offence under section 77 of the Freedom of Information Act 2000. This offence can apply to both a public authority and to any person who is employed by, is an officer of, or is subject to the direction of the authority. For example, where information that a request covers is knowingly treated as not held because it is in a non-corporate communications channel, this may count as concealment intended to prevent the disclosure of information. The person concealing the information may be liable to prosecution.

### **3. Safeguarding**

- 3.1 All employees should be alert to the possibility of abuse and have an understanding of their roles and responsibilities when working with adults or children at risk and the requirement for reporting concerns.
- 3.2 It is not the responsibility of any one employee to determine whether abuse has taken place or if an individual is at risk of harm, however, employees do have a responsibility to report if there are concerns.
- 3.3 The Corporate Safeguarding policy provides information on how to report a concern about a child or adult at risk. As well as general information and resources on safeguarding.

### **4. Political Neutrality**

- 4.1 Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the administration and must ensure that the individual rights of all councillors are respected.
- 4.2 It will also be a requirement of some employees' job role to advise political groups. If this is the case it must be done in ways which do not compromise their political neutrality.
- 4.3 Certain employees will be in politically restricted roles and they will be subject to restrictions enforced by legislation.
- 4.4 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

- 4.5 Those roles that are identified as being politically restricted will be reviewed by the Corporate Management Board and detailed within an employee's Written Statement of Particulars subject.

## **5. Relationships**

### **5.1 Councillors**

For some employees, their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government, more detail can be found in the protocol on Member Officer Relations.

### **5.2 The Local Community and Citizens**

- 5.2.1 Employees should always remember their responsibilities to the public and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the Council's policies.

### **5.3 Contractors**

- 5.3.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

- 5.3.2 Employees who engage or supervise contracts or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the line manager, who will notify the service Group Manager.

### **5.4 Separation of Roles during tendering**

- 5.4.1 Employees involved in the tendering process and dealing with contractors should be clear on the specification of client and contractor roles within the Council. Senior employees who have both a client and contractors responsibility must be aware of the need for accountability and openness.

- 5.4.2 Employees who are involved as part of the evaluation panel for a tender process must complete and return to the procurement officer a Confidentiality Undertaking Form and a Conflict of Interest Declaration form. These are available on the [Procurement intranet page](#)

- 5.4.3 All employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

- 5.4.4 Employees who are privy to confidential information on tenders technical or commercial information for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

- 5.4.5 Employees who have an existing or potential interest in a company that may bid for a tender should inform the appropriate manager and withdraw from the tender process, including any preparation of tender documentation.

- 5.4.6 Employees should be especially careful to ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

5.4.7 Employees that engage or supervise contractors / suppliers or have an official relationship with contractors / suppliers and have previously had or currently have a relationship in a private or domestic capacity should declare to their line manager.

## **6 Appointments and Other Employment Matters**

6.4 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal or familial relationship with a candidate.

6.5 Similarly, employees should not be involved in decisions relating to discipline, promotion for any other employee who they have a close personal or familial relationship.

## **7 Investigations by Monitoring Officers**

7.4 When a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 an employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

## **8 Outside Commitments (Secondary Employment)**

8.4 Employees are required to obtain authorisation to take any secondary employment. All employees should be clear about their contractual obligations and should not take secondary employment or become involved in any other activity, whether paid or not, which conflicts with the Council's interest. An employee's obligations when proposing to pursue secondary employment are covered in the [Secondary Employment protocol](#).

8.5 Employees should seek advice on the ownership of intellectual property of copyright created during their employment.

## **9 Personal Interests and Opinions**

9.4 The Council accepts that every employee has a right to their own opinion but should not allow any private or personal interests to affect how they do their job or make decisions.

9.4.3 Whilst it is accepted that in the workplace employees may discuss various matters and interest, they should ensure that any such discussions are amicable, respectful and do not express opinions that may contravene the Equality Act 2010.

9.4.4 An employee must not in their official or personal capacity:

- Allow their personal interests to conflict with the Council's requirements; or
- Use their position improperly to confer an advantage or disadvantage on any person.

9.4.5 Employees are required to declare any potential conflict of interest if they have a connection with any business or organisation (including voluntary bodies) which deals with the council and impacts on their role. This can be declared using the [Declaration of Personal Interests form](#) and returned to the Head of Service / Corporate Director for their acknowledgement. If employees are unsure about a potential conflict of interest, they must speak with their line manager.

9.4.6 Employees should declare to an appropriate manager their membership of any organisation, not open to the public without formal membership, if that membership could result in a conflict with the business of the Council.

9.4.7 Every employee has a responsibility to conduct themselves in their private lives in a manner that does not compromise their contractual obligations or are detrimental to the interests or reputation of the Council. An employee should not put themselves in a position where their role and the council's interest conflict.

9.4.8 Employees must not undertake private or personal work of any description in working hours or in the office unless the employee has received specific permission by their manager/supervisor.

9.4.9 The Council requires all employees to notify their Corporate Director / Head of Service without delay of any criminal investigation, charge or caution imposed upon them, with the exception of minor driving offences if their role does not include the use of a car.

## 9.5 Social Media

9.5.3 Employees must never publish or disclose any information on any form of social media site, about the Council which is not already in the public arena. Where employees have access to the internet as part of their role they are not permitted to access social networking sites such as Facebook, Twitter or similar. Please refer to the [ICT Code of Conduct](#) and [Social Media Protocol](#) for more information.

## 9.6 Financial Interests

9.6.3 Employees must declare to the Monitoring Officer, Section 151 Officer or publicly whenever they are present at any meeting of the Authority (whenever an Officer and a Member are present) any financial or non-financial interests which could conflict with the Council's interest.

## 9.7 Alcohol and Drug misuse

9.7.3 Employees have a responsibility to ensure that they attend work free from the consumption and influence of alcohol and/or substances. Employees must not return to or engage in formal council business following any consumption of alcohol and/or substances. This excludes hospitality and civic engagements when not returning to council business. For more detail on this issue please refer to the [Alcohol and Substance Misuse Protocol](#)

## 10 **Equality Issues**

10.4 All employees should ensure that legislation relating to equality issues are complied with. All members of the local community, customers and employees have a right to be treated with fairness, equity and dignity. The Council is fully committed to ensuring no individual suffers harassment or is treated unfavourably on the basis of any of the protected characteristics included within the Equality Act 2010.

## 11 **Corruption**

Employees should ensure that they are fully conversant with the [Anti-Fraud & Bribery Policy](#) and should report any suspicious activity to the Monitoring / Section 151 Officer.

11.4 Employees must report to their Chief Officer if anyone approaches them, which seems to them, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract.

## 12 **Use of Financial Resources**

12.4 All employees involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, grounds or services must follow the Council Financial Procedure Rules. Details on financial procedures and systems can be found [here](#).

12.5 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

### **13 Gifts & Hospitality**

13.4 Employees should not accept any significant personal gifts in the course of their duties, unless the item(s) are insignificant items of modest values (up to £25) such as mugs, calendars, pens, diaries or other simple items of office equipment for use in council offices.

13.5 If item(s) are over £25 employees should complete the [officer's declaration form](#) and forward to the Monitoring Officer within 28 days of receiving the gift/hospitality.

13.6 Employees should not acquire materials, labour or plant at cost, trade or discount prices from or through a contractor employed by the Council.

13.7 Employees should only accept offers of hospitality if there is a genuine need to receive or impart information or represent the council in the community. Offers to attend purely social or sporting functions should be accepted only when the council should be seen to be represented. They should be properly authorised and recorded.

13.8 Acceptance by employees of hospitality through attendance at relevant conferences, seminars and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent is given by or on behalf of the council and where purchasing decisions are not compromised.

13.9 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the council may be taking affecting those providing the hospitality.

13.10 In all cases gifts/hospitality refused and accepted should be entered and retained on the Council's register. The Monitoring Officer will maintain a register recording details of gifts and hospitality offered to employees. Employees are to notify the Monitoring Officer within 28 days of the offer being made using the [Gifts and Hospitality Form](#). Authorisation will be considered for the acceptance of the gift or hospitality. All relevant details will be added to the register which shall be available for public inspection and subject to annual inspection by the Council's Audit service.

### **14 Review of the Code**

14.4 The operation of the Code will be evaluated from time to time and will be subject to review as necessary.

### **15 Compliance**

15.4 Any breach of the requirements set out within the code of conduct policy may lead to disciplinary action and could lead to dismissal.

## **SECTION 21**

### **PROTOCOL ON MEMBER / OFFICER RELATIONS**

#### **Introduction**

- 1.1 The purpose of this Protocol is to guide Members and Officers of Bridgend County Borough Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- 1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- 1.5 The National Assembly for Wales issued a Code of Conduct for Qualifying Employees of Relevant Authorities. This covers all the Council's employees. Paragraph 4 of the Code is reproduced below:

“Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.”

The Council's own Code of Conduct for Officers contains similar wording.

- 1.6 In line with the reference in the Code to “mutual respect” it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.7 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the relevant Chief Officer. The Chief Officer will then look into the facts and report back to the Member. If the Member continues to feel concern, s/he should then report the facts to the Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Policy and Procedure.
- 1.8 Where an Officer feels that s/he has not been properly treated with respect and courtesy they should raise the matter with the Chief Officer or the Chief Executive as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Chief Officer or Chief Executive will take appropriate action either by approaching the individual Member and/or the relevant group leader.



## **2. Officer Advice to Members and Party Groups**

2.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council.

2.2 Paragraph 4 of the Council's Code of Conduct for Members and Co-opted Members states that:

"Members:

(a) .....

(b) must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees."

Similarly, paragraph 4 (Political Neutrality) of the Council's Code of Conduct for Officers states as follows:

"Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the administration and must ensure that the individual rights of all councillors are respected.

It will also be a requirement of some employees' job role to advise political groups. If this is the case it must be done in ways which do not compromise their political neutrality.

Certain employees will be in politically restricted roles and they will be subject to restrictions enforced by legislation.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work".

2.3 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

2.4 The support provided by Officers can take many forms ranging from a briefing meeting with Cabinet Members or a Chairperson prior to a meeting of the Cabinet, a Committee or other decision making body to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support should be available to all party groups.

2.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

2.5.1 Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;

2.5.2 Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions

reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

- 2.5.3 Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council, the Cabinet, the relevant Committee or other decision making body when the matter in question is considered.
- 2.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Code of Conduct for Members and Co-opted Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not attend and give advice at such a group meeting.
- 2.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 2.8 Whilst any Member may ask a relevant Chief Officer or the Chief Executive for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work. Requests will be met subject to any overriding legal considerations (which will be determined by the Monitoring Officer, or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable). If that is the case, s/he will raise the matter with the Chief Executive who will discuss the issue with the relevant group leader(s).
- 2.9 Where a Member requests factual information (usually written) from an Officer as set out in paragraph 2.8 above, that information will also be supplied to the appropriate Cabinet Member or Chairperson of the appropriate Committee and relevant Officers.
- 2.10 Where a Member requests policy advice (usually oral) that advice will not be supplied to the relevant Cabinet Member or Chairperson of the appropriate Committee without the consent of the requesting Member.
- 2.11 In relation to Budget proposals:
- (a) the Cabinet shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until the Cabinet's Budget proposals are published; and
  - (b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative Budget proposals. These will remain confidential until determined by the respective opposition groups or until published whichever is the earlier.
- 2.12 It must not be assumed by any party group or Member that any Officer is supportive of any plan, policy or strategy developed because of that Officer's assistance in the formulation of that plan, policy or strategy.
- 2.13 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

### **3. Support Services to Members and Party Groups**

- 3.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

### **4. Members' Access to Information and to Council Documents**

- 4.1 Members are free to approach any Directorate of the Council to ask for information in accordance with paragraph 2.8. This right extends to such information, explanation or advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Director or another senior Officer of the Directorate concerned.
- 4.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 4.3 Further and more detailed information regarding Members rights to inspect Council documents is contained in the Access to Information Procedure Rules in Section 15 of this Constitution and Members may obtain advice on their rights from the Council's Monitoring Officer.
- 4.4 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

### **5. Relationships between Officers and Cabinet Members/Chairpersons**

- 5.1 It is clearly important that there should be a close working relationship between Cabinet Members, Chairpersons of Committees etc. and the Officers who report to or interact with the Cabinet and Committees etc. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.
- 5.2 It must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Director or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report may be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet Member or a Chairperson and a Director or other Senior Officer in this area should be referred to the Chief Executive for resolution in conjunction with the Monitoring Officer.

### **6. Correspondence**

- 6.1 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

## **7. Site Visits / Meetings with Members**

- 7.1 The ability of Officers to undertake duties free from political pressure prevails over any provisions which enable Member meetings and site visits to take place. As part of the operational role of the Directorates, Officers will arrange and undertake various meetings or site visits that will assist in the development of recommendations for senior officers or elected Members. It is not always appropriate that these meetings be attended by Elected Members and it is at the discretion of the responsible Officer to determine the merits of inviting either the Local Elected Members or an Elected Member with a particular responsibility or interest in the site or issues relating to that site.
- 7.2 It is recognised that there are occasions when Members need to meet with officers and the electorate or other third parties and attend site visits to carry out their legitimate role as Ward Councillors. Officers will attend site visits as are necessary for the performance of their duties and will, often separate to this function, ensure that Member meetings and site visits are available to Members.
- 7.3 The Development Control Committee has determined that for Planning purposes, only local members can request a site visit. This is usually restricted to sites within the Members own Ward and occasionally sites close to boundaries between wards where the impact of any development may affect an adjacent ward
- 7.4 Elected members will be invited to meetings and site visits when these are requested by individuals such as Assembly Members or Members of Parliament. These requests are likely to have an impact on the ward or areas of responsibility of the Elected Member.

## **SECTION 22**

### **MEMBER ROLE DESCRIPTIONS**

#### **Elected Member Role Description**

##### Accountabilities

- (a) To Full Council.
- (b) To the electorate of their ward.

##### Role Purpose and Activity

##### (c) *Representing and Supporting Communities*

- (i) To represent ward interests.
- (ii) To be an advocate for the Council in the ward and communities they serve.
- (iii) To be a channel of communication to the community on council strategies, policies, services and procedures.
- (iv) To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally.
- (v) To liaise with executive members, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported.
- (vi) To promote tolerance and cohesion in local communities.

##### (d) *Making Decisions and Overseeing Council Performance*

- (i) To participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance.
- (ii) To participate in informed and balanced decision making on committees and panels to which they might be appointed.
- (iii) To adhere to the principles of democracy and collective responsibility in decision making.
- (iv) To promote and ensure efficiency and effectiveness in the provision of council and other public services.

(e) *Representing the Council (Subject to Appointment)*

- (i) To represent the Council on local outside bodies as an appointee of the Council.
- (ii) To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain.
- (iii) To represent and be an advocate for the Council on national bodies and at national events.

(f) *Internal Governance, Ethical Standards and Relationships*

- (i) To promote and support good governance of the Council and its affairs  
To provide community leadership and promote active citizenship.
- (ii) To promote and support open and transparent government.
- (iii) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- (iv) To adhere to the Member's Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office.

(g) *Personal and Role Development*

To participate in opportunities for development provided for members by the authority.

Values

To be committed to the values of the Council and the following values in public office:

- (h) openness and transparency;
- (i) honesty and integrity;
- (j) tolerance and respect;
- (k) equality and fairness;
- (l) appreciation of cultural difference;
- (m) sustainability.

## **Leader and Deputy Role Description**

### Accountabilities

- (a) To Full Council.
- (b) The Public.

### Role Purpose and Activity

- (c) *Providing Political Leadership to the Council*
  - (i) To be a political figurehead for the Council; to be the principal political spokesperson for the Council.
  - (ii) To provide leadership in building a political consensus around council policies.
  - (iii) To form a vision for the Council and community.
  - (iv) To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery.
- (d) *Appointing the Cabinet*
  - (i) To designate the appropriate portfolios.
  - (ii) To appoint appropriate elected members to each portfolio.
  - (iii) To allocate cabinet members to roles with regard to their abilities.
  - (iv) To designate the Deputy Leader.
- (e) *Representing and Acting as Ambassador for the Authority*
  - (i) To represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County and at external bodies.
  - (ii) To represent the Authority on the WLGA coordinating committee and the WLGA regional partnership board.
  - (iii) To represent the Authority on the Public Services Board.
  - (iv) To be the Council member on the Corporate Joint Committee
  - (v) To provide leadership and support local partnerships and organisations.
  - (vi) To represent the Authority in regional and national bodies as appropriate.
- (f) *Providing Leadership within the Portfolio*

To fulfil the role of a portfolio holder, having regard to the role purpose and activities, and role specification of an executive member.

- (g) *Managing and Leading the Work of the Cabinet and Chairing Meetings*
  - (i) To ensure the effective running of the Cabinet by managing the Forward Work Programme and ensuring its continuing development.
  - (ii) To ensure the work of the Cabinet meets national policy objectives.
  - (iii) To advise and mentor other cabinet members in their work.
  - (iv) To chair meetings of the Cabinet in line with the Constitution.
  - (v) In the Leader's absence the Deputy Leader should fulfil this role.
- (h) *Participating in the Collective Decision Making of the Cabinet*
  - (i) To work closely with other cabinet members to ensure the development of effective council policies and the budgetary framework for the Council, and the delivery of high quality services to local people.
  - (ii) To accept collective responsibility and support decisions made by the Cabinet once they have been made.
- (i) *Working with Officers to Lead the Organisation*
  - (i) To liaise with the Chief Executive, and other appropriate officers, on a regular basis.
  - (ii) To work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues.
- (j) *Leading Partnerships and Community Leadership*
  - (i) To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities.
  - (ii) To negotiate and broker in cases of differing priorities and disagreement.
  - (iii) To act as a leader of the local community by showing vision and foresight.
- (k) *Internal Governance, Ethical Standards and Relationships*
  - (i) To promote and support good governance of the Council and its affairs.
  - (ii) To provide community leadership and promote active citizenship.
  - (iii) To promote and support open and transparent government.
  - (iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.



- (v) To adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

### Values

To be committed to and demonstrate the following values in public office:

- (l) openness and transparency;
- (m) honesty and integrity;
- (n) tolerance and respect;
- (o) equality and fairness;
- (p) appreciation of cultural difference;
- (q) sustainability;
- (r) inclusive leadership;
- (s) consensus building.

### **Deputy Leader**

To fulfil the duties of the Leader in his or her absence.

To assist the Leader in specific duties as required.

### **Cabinet Member Role Description**

#### Accountabilities

- (a) To the Leader.
- (b) To the Cabinet (through collective responsibility).
- (c) To Full Council.

#### Role Purpose and Activities

- (d) *Providing Portfolio Leadership*
  - (i) To give political direction to officers working within the portfolio.
  - (ii) To gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes.
  - (iii) To provide leadership in the portfolio.
  - (iv) To liaise with the appropriate scrutiny chair and receive scrutiny reports as required.
  - (v) To be accountable for choices and performance in the portfolio.

- (vi) To have an overview of the performance management, efficiency and effectiveness of the portfolio.
  - (vii) To make Executive Decisions within the Portfolio.
- (e) *Contributing to the Setting of the Strategic Agenda and Work Programme for the Portfolio*
- (i) To work with officers to formulate policy documents both strategic and statutory. Ensure that the political will of the majority is carried to and through the Cabinet.
  - (ii) To provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with stakeholders as required. Make sure that the portfolio's Forward Work Programme is kept up to date and accurate.
- (f) *Providing Representation for the Portfolio*
- To provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.
- (g) *Reporting and Accounting*
- (i) To report as appropriate to the Leader, Full Council, Cabinet, appropriate chair of scrutiny, regulatory bodies and the media.
  - (ii) To be the principal political spokesperson for the portfolio.
  - (iii) To appear before scrutiny committees in respect of matters within the portfolio.
- (h) *Taking an Active Part in Cabinet Meetings and Decision Making*
- (i) To show an interest in and support for the portfolios of others.
  - (ii) To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility.
- (i) *Leading Partnerships and Community Leadership*
- (i) To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities.
  - (ii) To negotiate and broker in cases of differing priorities and disagreement.
  - (iii) To act as a leader of the local community by showing vision and foresight.
- (j) *Internal Governance, Ethical Standards and Relationships*
- (i) To promote and support good governance of the Council and its affairs.
  - (ii) To provide community leadership and promote active citizenship.

- (iii) To promote and support open and transparent government.
- (iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- (v) To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

### Values

To be committed to the values of the Council and the following values in public office:

- (k) openness and transparency;
- (l) honesty and integrity;
- (m) tolerance and respect;
- (n) equality and fairness;
- (o) appreciation of cultural difference;
- (p) sustainability;
- (q) inclusive leadership.

## **Mayor Role Description**

### Accountabilities

Full Council.

### Role Purpose and Activity

- (n) *Acting as a symbol of the Council's democratic authority*
  - (i) As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council.
  - (ii) To represent the Council at civic and ceremonial functions.
- (o) *Chairing Council Meetings*
  - (i) To preside over meetings of the Council, so that its business can be carried out efficiently.
  - (ii) To ensure the Council conducts its meetings in line with the Council's Standing Orders.
- (p) *Upholding and Promoting the Council's Constitution*

To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution.

(q) *Internal Governance, Ethical Standards and Relationships*

- (i) To promote and support good governance of the Council and its affairs.
- (ii) To provide community leadership and promote active citizenship.
- (iii) To promote and support open and transparent government.
- (iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- (v) To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

(r) *Work Programming*

To prepare and manage an annual work programme for the Council to meet its legal obligations (eg setting the budget and the council tax and making appointments).

Values

To be committed to the values of the Council and the following values in public office:

- (s) openness and transparency;
- (t) honesty and integrity;
- (u) tolerance and respect;
- (v) equality and fairness;
- (w) appreciation of cultural difference;
- (x) sustainability.

**Vice Chair**

To fulfil the duties of the Chair in his or her absence.

To assist the Chair in specific duties as required.

**Chair of Democratic Services Committee Role Description**

Accountabilities

To Full Council.

Role Purpose and Activity

(a) *Providing Leadership and Direction*

- (i) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.

- (ii) To lead the committee in its role in:
    - (A) designating the Head of Democratic Services;
    - (B) keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate;
    - (C) make annual reports to the full council in relation to the above;
    - (D) appointing sub committees and chairs of sub-committees to undertake functions delegated by the committee;
    - (E) considering reports prepared by the Head of Democratic Services;
    - (F) developing the Authority's member support and development strategy;
    - (G) ensuring that members have access to a reasonable level of training and development as described in the Authority's member development strategy and the Wales Charter for Member Support and Development;
    - (H) ensuring that the budget for member development is sufficient;
    - (I) ensuring that members have access to personal development planning and annual personal development reviews;
    - (J) work with the member support and development champion where relevant to promote the role of members and necessary support and development.
  - (iii) To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.
- (b) *Promoting the Role of the Democratic Services Committee*
- (i) To act as an ambassador for the DS committee, facilitating understanding of the role.
  - (ii) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
  - (iii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.
- (c) *Internal Governance, Ethical Standards and Relationships*
- (i) To develop the standing and integrity of the committee and its decision making.
  - (ii) To understand the respective roles of members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

- (iii) To promote and support good governance by the Council.

#### Values

To be committed to the values of the council and the following values in public office:

- (d) openness and transparency;
- (e) honesty and integrity;
- (f) tolerance and respect;
- (g) equality and fairness;
- (h) appreciation of cultural differences;
- (i) sustainability.

### **Member of a Democratic Services Committee Role Description**

#### Accountabilities

- (a) To Full Council.
- (b) To the Chair of the Democratic Services Committee.

#### Role Purpose and Activity

- (c) Understanding the Nature of the Governance and Audit Committee:
  - (i) To be aware of and effectively undertake the role of the committee in:
    - (A) designating the Head of Democratic Services;
    - (B) keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate;
    - (C) make annual reports to the full council in relation to the above;
    - (D) appointing sub committees and chairs of sub-committees to undertake functions delegated by the committee;
    - (E) considering reports prepared by the Head of Democratic Services;
    - (F) developing the Authority's member support and development strategy;
    - (G) ensuring that members have access to a reasonable level of training and development as described in the member development strategy and the Wales Charter for Member Support and Development;
    - (H) ensuring that the budget for member development is sufficient;

- (l) ensuring that members have access to personal development planning and annual personal development reviews.
- (d) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- (e) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee.
- (f) Participating in Meetings and Making Decisions
  - (i) To participate effectively in meetings of the Democratic Services Committee.
  - (ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.
- (g) Internal Governance, Ethical Standards and Relationships
  - (i) To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.
  - (ii) To promote and support good governance by the Council.
  - (iii) To understand the respective roles of members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

### Values

To be committed to the values of the Council and the following values in public office:

- (h) openness and transparency;
- (i) honesty and integrity;
- (j) tolerance and respect;
- (k) equality and fairness;
- (l) appreciation of cultural difference;
- (m) sustainability.

## **Chair of a Regulatory Committee Role Description**

### Accountabilities

- (a) To Full Council.
- (b) To the members of the regulatory committee.

### Role Purpose and Activity

- (c) Providing Leadership and Direction
  - (i) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.
  - (ii) To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process.
  - (iii) To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.
  - (iv) To delegate actions to sub committees as appropriate
- (d) Promoting the Role of the Regulatory Committee and Quasi-Judicial Decision Making
  - (i) To act as an ambassador for the regulatory committee, facilitating understanding of the role.
  - (ii) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
  - (iii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings.
- (e) Internal Governance, Ethical Standards and Relationships
  - (i) To develop the standing and integrity of the committee and its decision making.
  - (ii) To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility.
  - (iii) To promote and support good governance by the Council.

### Values

To be committed to the values of the council and the following values in public office:

- (f) openness and transparency;
- (g) honesty and integrity;



- (h) tolerance and respect;
- (i) equality and fairness;
- (j) appreciation of cultural differences;
- (k) sustainability.

### **Member of a Regulatory Committee Role Description**

#### Accountabilities

- (a) To Full Council.
- (b) To the Chair of the regulatory committee.

#### Role Purpose and Activity

- (c) Understanding the Nature of the Regulatory Committee and Quasi-Judicial Decision Making
  - (i) To be aware of the quasi-judicial nature of regulatory committee decision making.
  - (ii) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
  - (iii) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee.
- (d) Participating in Meetings and Making Decisions
  - (i) To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making.
  - (ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.
- (e) Internal Governance, Ethical Standards and Relationships
  - (i) To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.
  - (ii) To promote and support good governance by the Council.
  - (iii) To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility.

## Values

To be committed to the values of the Council and the following values in public office:

- (f) openness and transparency;
- (g) honesty and integrity;
- (h) tolerance and respect;
- (i) equality and fairness;
- (j) appreciation of cultural difference;
- (k) sustainability.

## **Chair of Standards Committee Role Description**

### Accountabilities

To Full Council.

### Role Purpose and Activity

- (a) Providing Leadership and Direction
  - (i) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
  - (ii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Code of Conduct.
  - (iii) To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.
  - (iv) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.
  - (v) To lead the committee in its role in:
    - (A) promoting and maintaining high standards of conduct by Councillors and co-opted members;
    - (B) assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
    - (C) advising the Council on the adoption or revision of the Members' Code of Conduct;
    - (D) monitoring the operation of the Members' Code of Conduct;
    - (E) advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;

- (F) granting dispensations to Councillors and co-opted members on dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales;
- (G) the exercise of these functions in relation to community councils and the members of those community councils.

### Values

To be committed to the values of the council and the following values in public office:

- (b) openness and transparency;
- (c) honesty and integrity;
- (d) tolerance and respect;
- (e) equality and fairness;
- (f) appreciation of cultural differences;
- (g) sustainability.

## **Member of a Standards Committee Role Description**

### Accountabilities

- (a) To Full Council.
- (b) To the Chair of the Standards Committee.

### Role Purpose and Activity

- (c) Understanding the nature of the Standards committee and effectively fulfilling its functions by:
  - (i) promoting and maintaining high standards of conduct by Councillors and co-opted members;
  - (ii) assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
  - (iii) advising the Council on the adoption or revision of the Members' Code of Conduct;
  - (iv) monitoring the operation of the Members' Code of Conduct;
  - (v) advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
  - (vi) granting dispensations to Councillors and co-opted members on dealing with any reports from a case tribunal or interim case tribunal,

and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.

- (d) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- (e) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee.
- (f) Participating in Meetings and Making Decisions
  - (i) To participate effectively in meetings of the Standards committee.
  - (ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.
- (g) Internal Governance, Ethical Standards and Relationships
  - (i) To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.
  - (ii) To promote and support good governance by the Council.
  - (iii) To understand the respective roles of members, officers and external parties operating within the Standards committee's area of responsibility.

#### Values

To be committed to the values of the Council and the following values in public office:

- (h) openness and transparency;
- (i) honesty and integrity;
- (j) tolerance and respect;
- (k) equality and fairness;
- (l) appreciation of cultural difference;
- (m) sustainability.

### **Chair of Governance and Audit Committee Role Description**

#### Accountabilities

- (a) To Full Council.

#### Role Purpose and Activity

- (b) Providing Leadership and Direction

- (i) To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.
  - (ii) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.
  - (iii) To agree the agendas for Governance and Audit Committee meetings.
  - (iv) To lead the committee in its role in:
    - (A) reviewing and scrutinising the authority's financial affairs;
    - (B) making reports and recommendations in relation to the authority's financial affairs;
    - (C) reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority;
    - (D) making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;
    - (E) overseeing the authority's internal and external audit arrangements;
    - (F) reviewing the financial statements prepared by the authority and approving them when powers are delegated;
    - (G) developing relationships with internal and external auditors and the Authority's Monitoring Officer;
    - (H) developing a Forward Work Programme designed to deliver the governance and audit committees functions;
    - (I) reviewing and self-assessing the performance of the Committee and its members; and
    - (J) reviewing and making recommendations in relation to the self-assessment report pursuant to section 91 of the Local Government and Elections (Wales) Act 2021.
- (c) Promoting the Role of the Governance and Audit Committee
- (i) To act as an ambassador for the governance and audit committee, facilitating understanding of the role.
  - (ii) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
  - (iii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in the audit process.
- (d) Internal Governance, Ethical Standards and Relationships

(i) Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it.

ii) To develop the standing and integrity of the committee and its decision making.

(iii) To understand the respective roles of members, officers and external parties operating within the governance and audit committee's area of responsibility.

(iv) To promote and support good governance by the Council.

### Values

To be committed to the values of the council and the following values in public office:

(e) openness and transparency;

(f) honesty and integrity;

(g) tolerance and respect;

(h) equality and fairness;

(i) appreciation of cultural differences;

(j) sustainability.

## **Member of a Governance and Audit Committee Role Description**

### Accountabilities

(a) To Full Council.

(b) To the Chair of the Governance and Audit Committee.

### Role Purpose and Activity

(c) Understanding the role of the Governance and Audit Committee and undertaking its functions:

(i) reviewing and scrutinising the authority's financial affairs;

(ii) making reports and recommendations in relation to the authority's financial affairs;

(iii) reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority;

(iv) making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;

(v) overseeing the authority's internal and external audit arrangements;

- (vi) reviewing the financial statements prepared by the authority.
- (d) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- (e) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee.
- (f) Participating in Meetings and Making Decisions
  - (i) To participate effectively in meetings of the governance and audit committee; questioning and seeking clarification on matters falling within the committee's remit.
  - (ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.
- (g) Internal Governance, Ethical Standards and Relationships
  - (i) Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it.
  - (ii) To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.
  - (iii) To promote and support good governance by the Council.
  - (iv) To understand the respective roles of members, officers and external parties operating within the governance and audit committee's area of responsibility.

### Values

To be committed to the values of the Council and the following values in public office:

- (h) openness and transparency;
- (i) honesty and integrity;
- (j) tolerance and respect;
- (k) equality and fairness;
- (l) appreciation of cultural difference;
- (m) sustainability.

## **Overview and Scrutiny Chair Role Description**

### Accountabilities

- (a) Full Council.
- (b) The Public.

### Role Purpose and Activity

- (c) Providing Leadership and Direction
  - (i) To provide confident and effective management of the member team.
  - (ii) To promote the role of overview and scrutiny within and outside the council, liaising effectively both internally within the council and externally with the Council's partners.
  - (iii) To demonstrate an objective and evidence based approach to overview and scrutiny.
  - (iv) To evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement.
- (d) Managing the Work Programme
  - (i) To develop a balanced work programme of the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, and holding the executive to account including performance monitoring.
  - (ii) To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues.
  - (iii) To ensure that the work programme is delivered.
  - (iv) To report on progress against the work programme to Council, and others as appropriate.
  - (v) To liaise with officers, other members and community representatives to resource and deliver the work programme.
- (e) Effective Meeting Management
  - (i) To set agendas containing clear objectives and outcomes for the meeting.
  - (ii) To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to.
  - (iii) To ensure that the necessary preparation is done beforehand To ensure that all participants have an opportunity to make an appropriate contribution.



- (f) Community Leadership
  - (i) To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function.
  - (ii) To build understanding and ownership of the overview and scrutiny function within the community.
  - (iii) To identify relevant community based issues for scrutiny.
  - (iv) To promote the full involvement of external stakeholders for example, service users expert witnesses and partners in scrutiny activity.
- (g) Involvement and Development of Committee Members
  - (i) To encourage effective contributions from all committee members in both committee and task and finish groups.
  - (ii) To assess individual and collective performance within the committee and facilitate appropriate development.
  - (iii) To champion the importance of learning and development.

### Values

To be committed to the values of the Council and the following values in public office:

- (h) openness and transparency;
- (i) honesty and integrity;
- (j) tolerance and respect;
- (k) equality and fairness;
- (l) appreciation of cultural difference;
- (m) sustainability.

## **Overview and Scrutiny Member Role Description**

### Accountabilities

- (a) Chair of the appropriate Overview and Scrutiny Committee.
- (b) Full Council.
- (c) The public.

### Role Purpose and Activity

To participate fully in the activities of the Overview and Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups.

- (d) Reviewing and Developing Policy
  - (i) To assist in the creation, development, improvement and refinement of council policy.
  - (ii) To challenge policies on a sound basis of evidence for example against legislation or local political priority.
  - (iii) To assess impact of existing policy.
- (e) Holding the Executive to Account, Monitoring Performance and Service Delivery
  - (i) To monitor the performance of internal and external providers against standards and targets including questioning of executive and senior officers over time.
  - (ii) To contribute to the identification and mitigation of risk.
  - (iii) To investigate and address the causes of poor performance.
  - (iv) To evaluate the validity of Executive Decisions and challenging decisions through call in where appropriate.
- (f) Promoting the Work of Overview and Scrutiny
  - (i) To promote the role of overview and scrutiny within and outside the council, developing effective internal and external relationships.
  - (ii) To demonstrate an objective and evidence based approach to overview and scrutiny.
  - (iii) To add value to the decision making and service provision of the authority through effective scrutiny.
- (g) Community Leadership
  - (i) To use scrutiny as a means to address community issues and engage the public.
  - (ii) To encourage stakeholders to participate in the work of the authority To develop locally viable and acceptable policy solutions.
  - (iii) To build a dialogue around priorities, objectives and performance, among communities and stakeholders.
- (h) Meeting Participation
  - (i) To make adequate and appropriate preparation for meetings through research and briefings.
  - (ii) To participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements.

## Values

To be committed to the values of the Council and the following values in public office:

- (i) openness and transparency;
- (j) honesty and integrity;
- (k) tolerance and respect;
- (l) equality and fairness;
- (m) appreciation of cultural difference;
- (n) sustainability.

## **Leader of the Opposition Role Description**

### Accountabilities

To the nominating group within the constitution.

### Role Purpose and Activity

- (a) Providing Political Leadership for an Opposition Group
  - (i) To be a political figurehead for the opposition group; to be the principal political spokesperson for the Council's opposition.
  - (ii) To provide leadership in the constructive challenge of the Council's policies.
  - (iii) To constructively challenge the vision for the Council and community where appropriate.
  - (iv) To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery.
- (b) Representing the Authority's Opposition
  - (i) To represent the Opposition Group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority.
  - (ii) To represent the Council on external bodies.
- (c) Internal Governance, Ethical Standards and Relationships
  - (i) To promote and support good governance of the Council and its affairs.
  - (ii) To provide community leadership and promote active citizenship.
  - (iii) To promote and support open and transparent government.

- (iv) To promote, support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- (v) To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

### Values

To be committed to and demonstrate the following values in public office:

- (d) openness and transparency;
- (e) honesty and integrity;
- (f) tolerance and respect;
- (g) equality and fairness;
- (h) appreciation of cultural difference;
- (i) sustainability;
- (j) inclusive leadership;
- (k) consensus building.

### **Role of the Deputy Leader of the Opposition**

To fulfil the duties of the Leader in his or her absence.

To assist the Leader in specific duties as required.

### **Member Champion Purpose and Role**

#### What are Member Champions?

- (a) Member Champions exist to provide a voice for traditionally underrepresented groups, or issues which need to be kept at the forefront of council business although they may not be the responsibility of any individual or committee.
- (b) Member Champions, (sometimes called lead members) are elected members who in addition to their other council responsibilities make sure that the issue or group that they are championing are taken into account when council policy is being developed and decisions are made. Members act as champions in areas such as children, homelessness, equalities, older people, young people, scrutiny, member support and development, health improvement and anti-poverty. There is a statutory role for a lead member of children's and young people's services with a responsibility for over-seeing the arrangements made under sections 25 and 26 of the 2004 Children Act.
- (c) Guidance on undertaking the role with regard to the subject knowledge that members need is sometimes available from the outside bodies associated with the issue being championed for example the toolkit for older peoples' champions from the LGA. Otherwise they will be reliant on their authority for

guidance in the subject they lead on and also their role as lead member in this area.

#### What do they do?

Typically, the lead member will:

- (d) make sure that their area of interest is taken into account when developing policy or making decisions;
- (e) ask questions about performance and resourcing for the area;
- (f) raise the profile of the area and make the authority aware of good practice;
- (g) engage with external bodies who work in the area;
- (h) engage with other officers and members in relation to the role;
- (i) engage with community groups with an interest/stake in the area;
- (j) report action to the council.

#### How does their role fit within the Corporate Structure?

- (k) This will vary according to the area/issue that is being championed and how the authority functions. There is potential for confusion and overlap between the role of the member champion and those of the relevant executive member or overview and scrutiny members. The champion role itself could be undertaken by either the relevant executive member or a non-executive member.
- (l) It is therefore important that members and officers work together to agree roles and action for the area being championed and that there are mechanisms for lead members to report on their activities. It is helpful for the authority to draft a protocol which sets out what powers champions have and do not have, such as whether or not they are able to make decisions on behalf of the authority. Similarly, the appointment of champions varies between authorities, and includes appointments being made by full council meetings or by the leader.

#### The Role Description

It is difficult to create a role description that fits with the different roles expected of champions and how they operate in the different authorities' structures. The following is a generic model which will require local adaptation, particularly to reflect the difference that may exist between a statutory role, one undertaken by an executive member and a non-executive lead.

### **Member Champion Role Description**

#### Accountabilities

To Full Council.

### Role Purpose and Activities

#### (a) Within the Council

- (i) To promote the interest being championed within the Council's corporate and service priorities.
- (ii) To promote the needs of the client group represented in the interest to the decision makers within the council.
- (iii) To work with the decision makers in the Council to establish strategies/ policies/work plans connected with the interest.
- (iv) To maintain an awareness of all matters connected with the interest.
- (v) To contribute to good practice and the continuous improvement of services and functions related to the interest.
- (vi) To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet /Full Council meetings etc.
- (vii) Raising awareness of and taking a lead role in the development of all members and officers in relation to the interest.

#### (b) In the Community

- (i) To raise the profile of the interest in the community.
- (ii) To engage with citizens and community groups in matters related to the interest.
- (iii) To lead and support local initiatives related to the interest.

### Values

To be committed to the values of the Council and the following values in public office:

- (c) openness and transparency;
- (d) honesty and integrity;
- (e) tolerance and respect;
- (f) equality and fairness;
- (g) appreciation of cultural difference;
- (h) sustainability;
- (i) inclusive leadership.

### **Elected Member Person Specification**

To fulfil his or her role as laid out in the role description, an effective member requires the following:

#### **Representing and Supporting Communities**

- (a) Good advocacy skills.
- (b) Interpersonal skills.
- (c) Integrity and the ability to set aside own views and act impartially.
- (d) The ability to present relevant and well-reasoned arguments.
- (e) Good communication skills.

#### **Making Decisions and Overseeing Council Performance**

- (f) Knowledge and understanding of meetings law, rules and conventions.
- (g) An understanding of strategic, policy and service contexts for decisions.
- (h) The ability to challenge ideas and contribute positively to policy development.

#### **Representing the Council (Subject to Appointment)**

- (i) Good public speaking skills.
- (j) Good presentation skills.
- (k) The ability to persuade others and act with integrity.

#### **Internal Governance, Ethical Standards and Relationships**

- (l) An understanding of the roles of officers, members and different agencies.
- (m) Respect for, and desire to work with, different groups and individuals.
- (n) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.
- (o) A knowledge and commitment to the values of the Council.

#### **Personal and Role Development**

- (p) An ability to assess personal and role development needs.
- (q) Desire and skills to participate in development.

### **Leader Person Specification**

To fulfil his or her role as laid out in the role description, an effective leader requires:

#### Providing Political Leadership to the Council

- (a) Knowledge of community strengths, areas of improvement and key issues.
- (b) An understanding of the relationship between national and local politics.
- (c) Have a good strategic awareness of issues facing the Council.
- (d) An understanding of the Council's strategy, policies and operations.

#### Appointing the Cabinet\*

- (e) An understanding of the rules for the appointment of Cabinet Members.
- (f) An ability to recognise talent amongst members.
- (g) An ability to negotiate the most advantageous appointments within and across political groups.
- (h) To appraise, guide and mentor senior members.

#### Representing and Acting as Ambassador for the Authority

- (i) High level communication skills to communicate to the media, local community and wider audience.
- (j) Good public speaking skills.

#### Providing Leadership within the Portfolio

The skills necessary for a cabinet member to fulfil their role.

#### Managing and Leading the work of the Cabinet and Chairing Meetings of the Cabinet

- (k) An understanding of the Cabinet procedure rules.
- (l) Skills to Chair meetings, including encouraging participation from all members.
- (m) A knowledge and understanding of national policy objectives.
- (n) An overview of the work being carried out by cabinet members.

#### Participating in the Collective Decision Making of the Cabinet

The ability to constructively challenge decisions and suggest alternatives.

#### Working with Officers to Lead the Organisation

An understanding of the roles and responsibilities of the Chief Executive and other officers.

#### Leading Partnerships and Community Leadership

- (o) Adaptive leadership skills.



- (p) Negotiation and brokerage skills.
- (q) Creative and lateral thinking skills; the ability to see ahead and be predictive.

#### Internal Governance, Ethical Standards and Relationships

- (r) An understanding of the roles of officers, members and different agencies.
- (s) Respect for, and desire to work with, different groups and individuals.
- (t) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.
- (u) A knowledge and commitment to the values of the Council.

### **Cabinet Member Person Specification**

To fulfil his or her role as laid out in the role description, an effective Cabinet Member requires:

#### Portfolio Leadership

- (a) An understanding of the Council's strategy, policies and operations.
- (b) Leadership skills.

#### Contributing to the setting of the Strategic Agenda and Work Programme for the Portfolio

- (c) The ability to present to others.
- (d) The ability to exercise strategic awareness and judgement.
- (e) Knowledge of relevant issues and who to involve in decision making.
- (f) The ability to persuade others.
- (g) Knowledge of Council and national objectives.

#### Providing Representation for the Portfolio

- (h) Public speaking skills.
- (i) Good presentation skills.

#### Reporting as Appropriate

High level communication skills.

#### Taking an Active Part in Cabinet Meetings and Decisions

- (j) The ability to constructively challenge decisions and suggest alternatives.
- (k) The knowledge, confidence and ability to contribute to discussion and resolution of cross cutting and collective issues.

### Leading Partnerships and Community Leadership

- (l) Adaptive leadership skills.
- (m) Negotiation and brokerage skills.
- (n) Creative and lateral thinking skills; the ability to see ahead and be predictive.

### Internal Governance, Ethical Standards and Relationships

- (o) An understanding of the roles of officers, members and different agencies.
- (p) Respect for, and desire to work with, different groups and individuals.
- (q) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.
- (r) A knowledge and commitment to the values of the Council.

### **Mayor Person Specification**

To fulfil his or her role as laid out in the role description, an effective member requires the following:

#### Acting as a Symbol of the Council's Democratic Authority

- (a) Good public speaking skills.
- (b) An in-depth understanding of role of Chair.

#### Chairing Council Meetings

- (c) Skills to chair meetings, to ensure business is carried out effectively and all those attending participate.
- (d) An understanding of the Council's Standing Orders.

#### Upholding and Promoting the Council's Constitution

- (e) An understanding of the Council's Constitution.
- (f) An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution.

#### Internal Governance, Ethical Standards and Relationships

- (g) An understanding of the roles of officers, members and different agencies.
- (h) Respect for, and desire to work with, different groups and individuals.
- (i) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.
- (j) A knowledge and commitment to the values of the Council.

### Work Programming

The ability and discipline to plan and manage work programmes.

### **Chair of Regulatory Committee Person Specification**

To fulfil his or her role as set out in the role description, an effective regulatory committee chair requires:

#### Providing Leadership and Direction

- (a) Ability to conduct meetings to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused.
- (b) Understanding of the Council's role and ability to ensuring that stake holders are aware of that role.
- (c) Communication skills Knowledge of local issues.
- (d) Ability to manage the work of the committee.
- (e) Ability to support and develop necessary skills in fellow members of the committee.

#### Promoting the Role of the Regulatory Committee and Quasi-Judicial Decision Making

- (f) Understanding and appreciation of the regulatory framework.
- (g) Ability to inspire and enthuse committee members for the work of the committee.
- (h) Integrity and the ability to set aside own views and act impartially.
- (i) Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them.

#### Internal Governance, Ethical Standards and Relationships

- (j) Knowledge and understanding of the Code of Conduct(s) and protocols.
- (k) Knowledge of and commitment to the values of the Council.

### **Regulatory Committee Member Person Specification**

To fulfil his or her role as laid out in the role/job description, an effective member of a regulatory committee requires the following:

#### Understanding the Nature of the Regulatory Committee and Quasi-Judicial Decision Making

- (a) Integrity and the ability to set aside own views and act impartially.
- (b) Knowledge of law, policy and procedures for that regulatory/quasi-judicial area.

- (c) Maintenance of knowledge.
- (d) Objectivity and judgement.

#### Participating in Meetings and Making Decisions

- (e) Ability to listen and to consider and respect the views of other contributors.
- (f) Good public speaking skills.
- (g) Good advocacy skills.

#### Internal Governance, Ethical Standards and Relationships

- (h) Knowledge and understanding of the Code of Conduct(s) and protocols.
- (i) Knowledge of and a commitment to the values of the Council.

### **Scrutiny Chair Person Specification**

To fulfil his or her role laid out in the role description an effective Scrutiny Chair requires:

#### Providing Leadership and Direction

- (a) Understanding of council role and functions.
- (b) Understanding of role of scrutiny, terms of reference for the committee, role of chair, and other aspects of the democratic arrangements.
- (c) Understanding of member support functions. Understanding of council priorities and risks Ability to develop work programmes.
- (d) Understanding of community issues.
- (e) Objectivity.
- (f) Negotiation and consensus building.
- (g) Ability to build constructive and 'critical friend' relationships with the Executive.

#### Managing the Work Programme

- (h) Ability to manage projects and resources.
- (i) Ability to manage people.
- (j) Ability to prioritise.
- (k) Ability to report progress to different groups in different styles.

#### Effective Meeting Management

- (l) Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements.

- (m) Ability to chair meetings effectively, managing the agenda and progressing business.
- (n) Ability to facilitate effective discussions.
- (o) Ability to listen and question effectively.

#### Community Leadership

- (p) Understanding of the community leadership role.
- (q) Knowledge of local issues and expectations.
- (r) Ability to work effectively with all members of the community and build understanding and ownership of scrutiny.
- (s) Knowledge of the individuals and organisations in the community especially those traditionally excluded.

#### Involving and Developing of Committee Members

- (t) Understanding of the role and skills of the scrutiny committee and its individuals.
- (u) Ability to support members and the committee in assessing their performance.
- (v) Ability to identify any training and development needs and Champion and participate in appropriate learning and development.

### **Scrutiny Member Person Specification**

To fulfil his or her role as laid out in the role description, an effective scrutiny member requires:

#### Participating Fully in the Activities of the Scrutiny Function

- (a) Full understanding of the scrutiny remit and role, and terms of reference for their own committee and others.
- (b) Understanding of member support functions.
- (c) Willingness to work within the guidance of the chair.
- (d) Willingness to undertake training as necessary.

#### Reviewing and Developing Policy

- (e) Knowledge of and ability to evaluate existing policy.
- (f) Understanding of best practice.
- (g) Understanding of national and local legislative and policy context.

### Monitoring Performance and Service Delivery and Holding the Executive to Account

- (h) Understanding of the Wales Programme for Improvement (WPI) and associated risk assessment arrangements.
- (i) Understanding of the principles and practice of performance management.
- (j) Understanding of council's performance management arrangements.
- (k) Ability to analyse data and challenge performance.
- (l) Understanding of arrangements for call in.

### Promoting the Work of Scrutiny

- (m) Ability to negotiate and build consensus.
- (n) Ability to act objectively and on the basis of evidence.

### Community Leadership

- (o) An understanding of the community leadership role.
- (p) Knowledge of local issues and expectations.
- (q) Ability to work effectively with all members of the community and build understanding and ownership of scrutiny.
- (r) Knowledge of the individuals and organisations in the community especially those traditionally excluded.

### Meeting Participation

- (s) Ability to interpret information and data from a range of sources.
- (t) Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements.
- (u) Ability to participate in meetings including effective listening, questioning and speaking.

## **Leader of the Opposition Person Specification**

To fulfil his or her role as laid out in the role description, an effective leader of the opposition requires:

### In Providing Political Leadership for the Opposition Group

- (a) Knowledge of community strengths, areas of improvement and key issues.
- (b) An understanding of the relationship between national and local politics.
- (c) Have a good strategic awareness of issues facing the Council.
- (d) An understanding of the Council's strategy, policies and operations.

- (e) An ability to challenge different strategies, policies and operations.

#### In Representing the Authority's Opposition

- (f) High level communication skills to communicate to the media, local community and wider audience.
- (g) Good public speaking skills.
- (h) Creative and lateral thinking skills; the ability to see ahead and be foresighted.
- (i) Leadership skills.

#### Internal Governance, Ethical Standards and Relationships

- (j) An understanding of the roles of officers, members and different agencies  
Respect for, and willingness to work with, different groups and individuals.
- (k) A thorough knowledge and understanding of the Code of Conduct and Member/Officer Protocol.
- (l) A knowledge of and commitment to the values of the Council.

### **Member Champion Person Specification**

#### Within the Council

- (a) Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group.
- (b) Ability to engage with a range of members and officers around the area of interest and listening to requirements.
- (c) Ability to advocate on behalf of the area of interest within the council.

#### In the Community

- (d) Understanding of the needs of the community in relation to the interest
- (e) Ability to engage with citizens and community groups in matters related to the interest.
- (f) Ability to lead and support local initiatives related to the interest.
- (g) Ability to represent the position of the council to the community in relation to the interest.