

# Constitution

February 2024

Version 1.5



Cyngor Bwrdeistref Sirol

**Blaenau Gwent**

County Borough Council

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# **BLAENAU GWENT COUNTY BOROUGH COUNCIL 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, Ethics and Standards Committee and Regulatory Committees. Section 11 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 13 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, e.g. 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 18 to 20 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 33 Councillors elected every five years. Each Councillor is democratically accountable to the residents of their electoral division as well as those who live in Blaenau Gwent. 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 Ethics and 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 annually. The Full

Council 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 Cabinet 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.

## **SECTION 2**

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

#### **2.1 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 23).

## 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 Officer”	any Officer as defined by legislation as being a Chief Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services);
“Corporate Leadership Team”	the senior management body for Officers (Section 11). It includes those Officers designated by the Chief Executive from time to time as Members of the Corporate Leadership Team;
“Councillor”	a person elected to the Council to represent an area (called an electoral division) within Blaenau Gwent also referred to as “Elected Members”;
“Deputy Chief Officer” (also known as Heads of Service”)	any Officer as defined by law (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;
“Cabinet”	the Cabinet or a Member or

Members of the Cabinet when exercising Cabinet Functions;

“Cabinet Decision”

any decision taken by the Cabinet to exercise or refrain from exercising a Cabinet Function. It also includes decisions made by persons or Member bodies to whom the Cabinet has delegated Cabinet functions to exercise or refrain from exercising those functions;

“Cabinet Function”

- (a) Cabinet 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 a Cabinet function
- (b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Cabinet functions.

It should be noted that Regulatory functions such as planning, licensing and building control, are not Cabinet functions;

“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 Committee 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;

“Chief Executive”

an Officer who must be appointed by law to carry out certain functions. See Section 11 for more details.

“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-Cabinet, 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 Cabinet 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:

- Full Council;

- Cabinet
- An Overview and Scrutiny Committee joint arrangements;
- Licensing Committee;
- Ethics and Standards Committee (or one of its Sub-Committees);
- Planning Committee;
- Appeals Panel;
- Governance and Audit Committee;
- Democratic Services Committee;

Note – references to Committee also includes Sub-Committee;

“Monitoring Officer”

an Officer who must be appointed by law to carry out certain functions. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Monitoring Officer.

“Non-Cabinet 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.

“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;

“Section 151 Officer”

an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See



Section 11 for which Officer is the Section 151 Officer.

“Service” one of the services provided by the Council;

“Well-Being Plan” The Well-being of Future Generations (Wales) Act 2015 places a statutory collective duty on the Council and other public service providers and interested parties in the local area, to work in partnership through a statutory Public Services Board (PSB) to put in place a local well-being plan which sets out collective local objectives and the proposed steps to take to meet them. A new well-being plan will be set every five years.

“Corporate Plan (including the Well-being objectives)” This is the Council’s business plan and identifies the key priorities that are to be implemented, based on the needs of the local community. All Council business should be informed by the priorities of this Plan.

## **2.3 Interpretation of the Constitution**

2.3.1 We have tried to make the Constitution as clear and 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 16 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 16 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, the changes to the Constitution will only be approved by the Full Council after consideration of a proposal by the Constitution Working Group being advised by the Monitoring Officer.

### **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 on the Council's website.

2.8.2 The Monitoring Officer will provide a link to a 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 and published on the Council's website.

2.8.3 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 Committee will be considering and when these matters will be discussed.

(c) *Information Available Prior to a Meeting*

Three working days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection 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 on request make available to the public present at a meeting access to the agenda and

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 by electronic means. The background information shall remain open for inspection for a period of four years.

(f) *Council's Accounts*

Inspect the Council's accounts and make views known to the external auditor (Sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 2014, the accounts will be available for public inspection for twenty 20 working days after the date appointed by the auditor.

Information which is confidential or exempt (as defined in paragraphs 14.10.3 and 14.10.4) 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 14) without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisations(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 or meeting of the Cabinet ;
- (b) any decision taken by an individual Member of the Cabinet .

An Overview and Scrutiny Member is not 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 is included in the Committee's Forward Work Programme.

N.B. 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 Data Protection legislation.

## 3.2 Getting Involved

### 3.2.1 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 a 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, subject to reasonable advance notice being given;*

(ii) *attending a meeting of the body and suggest that it looks at an issue when it is considering “items of future business relating to the functions of the Member Body”.*

(c) *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).*

(d) *Views of the Public*



*Under the arrangements put in place by the Authority under Section 62 of the Local Government (Wales) Measure 2011, to 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.*

(e) *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 14.10 for definition of exempt information and Section 14.11 for definition of public interest).

(f) *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 at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone 0845 601 0987 or via the website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).

(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 Public Services Ombudsman for Wales (contact details above).

(g) *Engage with Overview and Scrutiny*

All members of the public who live or work in the area of the Council may bring to the attention of an Overview and Scrutiny Committee their views on any matter under consideration by that Committee. An Overview and Scrutiny Committee must take into account any views brought to its attention by a member of the public.

### **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>
Democratic Services Committee	Council
Overview and Scrutiny Committee	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 meetings of the Council, its Committees or Sub-Committees or the Cabinet.

- (a) The following is subject to the general rules relating to participation and speaking at Council meetings (Section 4).
  - (i) Members of the Council may attend and speak at any meetings where they are a Member of that body.
  - (ii) Where they are not a Member of that body, other than in respect of public meetings, their attendance is at the discretion of the Chair of the body. However, if the Member wishes to ask questions or speak in relation to any business then they must give 3 working days' notice of the question or point, prior to the

meeting. Notice is to be given to the Chair of the body, who may consult with Officers prior to determining whether to permit the question or point.

(iii) Cabinet Members may only attend Scrutiny Committee meetings by invite of the Committee.

- (b) Members of the Council may be allowed to remain in the meeting for exempt items, subject to the discretion of the Chair although any personal or prejudicial interests relating to that Member needs to be highlighted.
- (c) Members of the Cabinet have a special role to play within the Council. They are entitled to exercise any Cabinet function provided the Cabinet function has been delegated to them by the Leader of the Council.
- (d) Attendance of non-Councillors as Co-opted Members/Expert Witnesses to attend meetings will be considered, as long as they add value in their professional role or experience to the Committee.

### 3.3.3 Comments and Complaints

- (a) Members may comment, subject to restrictions in the Code of Conduct for Members (Section 18) on any aspect of Council business by:
  - (i) talking to Officers;
  - (ii) talking to the Leader or Member 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 (Section 21).

(ii) *Member*

The procedure set out in Appendix 3 to Section 18 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. 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 specified Posts/Officers. In Wales functions and responsibilities are prescribed by regulation.

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

The Policy Framework means the following plans and strategies:

- Education Strategic Plan for Wales 2015
- Corporate Plan (including Well-being Plans and Objectives)
- Crime and Disorder Reduction Strategy - Section 5 and 6 of the Crime and Disorder Act 1998 (c37) Local Transport Plan - Section 108 of the Transport Act 2000 (c38)
- Plans and alterations which together comprise the Development Plan Section 10A of the Town and Country Planning Act 1990 (c8)
- Welsh Language Strategy
- Youth Justice Strategy
- Gwent Public Service Board Strategies
- Housing Strategy - Section 87 of the Local Government Act 2003 (c26)

The Council has resolved that in addition to the plans and strategies referred to above it will reserve to itself the adoption or approval of the:-

- Freedom of Information Publication Scheme
- Treasury Strategy Statement
- Council Annual Self-Assessment

### **4.3 The Well-being Plan**

The Well-being of Future Generations (Wales) Act 2015 places a statutory collective duty on the Council and other public service providers and interested parties in the local area, to work in partnership through a statutory Public Services Board (PSB) to put in place a local well-being plan which sets out collective local objectives and the proposed steps to take to meet them. A new well-being plan will be set every five years.

### **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 15 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 National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose 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 Well-being Plan, Corporate Plan, Council's Well-being Objectives, Policy Framework decisions, the Budget, and determining any application to the Welsh Government Ministers in respect of relevant matters;

4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 14 of this Constitution, making decisions about any matter in the discharge of a Cabinet 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 The Leader, Cabinet Portfolios, Scrutiny Committees and other Committees;

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 changing the name of the area or conferring the title of freedom of the Borough;



- 4.6.7 making the appointment of the Chief Executive, and confirming the appointment of other Chief Officers/Heads of Service, following appointment by the sub-committee;
- 4.6.8 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
- 4.6.9 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- 4.6.10 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
- 4.6.11 appointing representatives to outside bodies (unless the appointment has been delegated by the Council).

## **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 Full Council.

### **4.7.3 Chairing the Council**

- (a) The Councillor elected annually by the Council as its chair will be called the Presiding Member.
- (b) The Presiding Member will cease to be the Chairperson 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 Presiding Member after an election until their successor has been appointed.

#### 4.7.4 Role and Function of the Presiding Member

The Presiding Member of the Council and in his/her absence, the Deputy Presiding Member will have the following roles and functions;

##### *Responsibilities of the Presiding Member*

- (i) to uphold and promote the purpose of the Constitution, and assist 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 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 the 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 March, April or May. The Annual Meeting will:

- (a) elect a person to preside if the Presiding Member and Deputy Presiding Member of the Council is not present;
- (b) elect the Presiding Member of the Council;
- (c) elect the Deputy Presiding Member of the Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements.

4.10.2 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 if the Presiding Member and Deputy Presiding Member are not present;
- 4.11.2 Simultaneous Translation;
- 4.11.3 Receive apologies;
- 4.11.4 receive any declarations of interest from Members;
- 4.11.5 receive any announcements from the Presiding Member;
- 4.11.6 confirm the minutes of the last Council meeting;
- 4.11.7 confirm minutes from the Cabinet. Only questions relating to accuracy of the minutes may be considered;

- 4.11.8 confirm minutes from the Council's Committees. Only questions relating to accuracy of the minutes may be considered;
- 4.11.9 deal with questions from Members in accordance with Rule 4.19;
- 4.11.10 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Presiding Member are relevant to the Council's functions;
- 4.11.11 receive and consider reports (including recommendations / motions) and receive questions and answers on the reports including the business of joint arrangements and external organisations.
- 4.11.12 consider any other business specified in the summons to the meeting;

## **4.12 Extraordinary Meetings**

### **4.12.1 Calling Extraordinary Meetings**

The Proper Officer (Chief Executive) may call Council meetings in addition to ordinary meetings. Those listed below may request the Proper Officer (Chief Executive) to call additional Council meetings:-

- (a) the Council by resolution;
- (b) the Presiding Member;
- (c) any five Members of the Council if they have signed a requisition presented to the Presiding Member of the Council and he/she 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 Presiding Member 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

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

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

The Chief Executive 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 14. At least 3 working days before a meeting, the Chief Executive 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 specify the business to be transacted and will be accompanied by such reports as are available.

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

The person presiding at the meeting may exercise any power or duty of the Presiding Member. Where these rules apply to Committee and Sub-Committee meetings, references to the Presiding Member should instead be read as reference to the Chair of that Committee or Sub-Committee.

#### **4.16 Quorum**

The quorum of a meeting shall be one quarter of the whole number of Members. During any meeting if the Presiding Member 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 Presiding Member. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### **4.17 Remote Attendance (2011 Measure as amended by Democracy Act 2013 and Local Government (Wales) Act 2021)**

Since July 2020, as a consequence of the Covid Regulations, the Council has held meetings by remote attendance. The ability to hold remote meetings in totality has been made permanent by virtue of section 47 of the Local Government & Elections (Wales) Act 2021. The Council will hold remote meetings in accordance with that Act and in line with the Council policy and procedures in connection with multi-location meetings.

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

#### 4.18.1 General

- (a) Members of the public may ask questions of Members of the Council at ordinary meetings of the Council.
- (b) The total time allocated for questions by the public should be limited to 30 minutes.

#### 4.18.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Presiding Member 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 Head of Governance and Partnerships and the Monitoring Officer no later than midday, three clear working days before the day of the meeting. Each question must give the name and address of the questioner. For example, if a meeting is to be held at 10am on a Thursday, notice of questions must be received by 9.59am on the Monday immediately before.

#### 4.18.4 Number of Questions

At anyone 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 Chief Executive having consulted with the Monitoring Officer and the Head of Governance & Partnerships may reject a question if it:

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

#### 4.18.6 Record of Questions

The Chief Executive or the Head of Governance & Partnerships will record each question open to 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.

#### 4.18.7 Asking the Question at the Meeting

The Presiding Member 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 Presiding Member to put the question on their behalf. The Presiding Member 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 Presiding Member 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 Presiding Member 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 Committee

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice

directly arising from a report under consideration at the Council meeting. NB. This provision is not intended to apply to items in connection with confirmation of minutes from previous meetings.

#### 4.19.2 Questions on Notice at Full Council

Subject to Rule 4.19.4, a Member of the Council may ask:

- (a) the Presiding Member;
- (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 substantially affects the County Borough of Blaenau Gwent.

#### 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 substantially affects the County Borough, and which falls within the terms of reference of that Committee or Sub-Committee.

#### 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 3 working days' notice in writing of the question to the Chief Executive /

4.19.5 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 Presiding Member, Committee or Sub-Committee.

4.19.6 Content of Questions

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

- (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.

4.19.7 Response

An answer may take the form of:

- (a) a direct or 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 5 working days to the questioner.

#### 4.19.8 Supplementary Question

A Member asking a question under Rules 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 supplementary question must arise directly out of the original question or the reply.

#### 4.19.9 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 five minutes unless the Presiding Member consents to a longer period.

#### 4.19.10 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 30 minutes.
- (b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Presiding Member shall conclude the meeting.
- (c) 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 Chief Executive , signed by at least 5 Members, not later than 5.00 p.m. on the fifth working day before the Council meeting at which it is to be considered. Motions received will be open to 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 determined by the Presiding Member.

#### 4.20.3 Scope

Motions must be about matters for which the Council has a responsibility, or which affect the wellbeing of the administrative area of the Council.

#### 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% (5 Members of the current Council) 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 (ie 22 Members) of those Members voting and present in the room at the time the question was put.

- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12-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 Presiding Member.

#### 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 five 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 Presiding Member 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 Presiding Member shall allow the motion to be formally seconded (without comment);
- (b) if the speech to be concluded is a speech moving an amendment, the Presiding Member 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 Presiding Member 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;
- 4.21.16 to give the consent of the Council where its content 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 unless the motion has been seconded.

### 4.22.2 Right to Require Motion in Writing

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

### 4.22.3 Seconders' 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 person explanation or point of order no speech may exceed 5 minutes without the consent of the Presiding Member.

#### 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 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 words

As 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 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 Presiding Member 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 Presiding Member 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 Presiding Member 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 Presiding Member 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 Presiding Member to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The Presiding Member 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 Presiding Member 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 Presiding Member on the admissibility of a personal explanation will be final.

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

### **4.23.1 Calling of Debate**

The Leader may call a state of the County Borough debate annually on a date and in a form to be agreed with the Presiding Member.

### **4.23.2 Form of Debate**

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the debate.

### **4.23.3 Chairing of Debate**

The debate will be Chaired by the Presiding Member.

### **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 the 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 in the room at the time the question was put.

### **4.25.2 Council Presiding Member's Casting Vote**

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



#### 4.25.3 Method of Voting

Unless a recorded vote is demanded under Rule 4.25.4 the Presiding Member 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 any Member present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded 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.

### **4.26 Minutes**

#### 4.26.1 Approval of the Minutes

The Presiding Member will approve the minutes of the proceedings at the next suitable meeting. The Presiding Member will move that the minutes of the previous meeting be approved as a correct record. The only part of the minutes that can be discussed is their accuracy.

4.26.2 No Requirement to approve Minutes of Previous Meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of approving 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 approval of minutes.

4.26.3 Form of Minutes

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

## **4.27 Record of Attendance**

All Members present during the whole or part of a meeting will be recorded as being in attendance before the conclusion of every meeting.

Where members attend meetings virtually, they must ensure their presence is known to the minute taker in order to ensure their presence is recorded.

## **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 14 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 Presiding Member. If more than one Member signifies their intention to speak, the Presiding Member 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 personal explanation.

### **4.29.2 Presiding Member Speaking**

When the Presiding Member 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 Presiding Member by behaving improperly or offensively or deliberately obstructs business, the Presiding Member 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 Presiding Member 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 Presiding Member may adjourn the meeting for as long as s/he 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 Presiding Member will warn the person concerned. If they continue to interrupt, the Presiding Member will order their removal from the meeting room.

#### 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 Presiding Member may call for that part to be cleared.

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

In meetings which are open to the public, filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting. Recording will be provided at any public meetings/Committees.

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

### 4.32.1 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 (22) of those Members present and voting.

### 4.32.2 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.

## **4.33 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 4.33 (but not Rule 4.29.1) apply to meetings of Committees and Sub-Committees.

## **4.34 Appointment of Substitute Members on Council Bodies**

4.34.1 The substitution rules will not apply to meetings of the Cabinet, the Ethics and Standards Committee or the Governance and Audit Committee. NB. There are also

special rules in relation to the Planning Committee – see below.

4.34.2 Subject to any other restrictions elsewhere in the Constitution (see section 9) any Member of the Council will be permitted to act as a substitute on a Council Body.

Note: Planning Committee - The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 precludes the use of substitutes at Planning Committees), Working parties or task groups shall be entitled to set out their own rules in relation to substitutions.

4.34.3 The Head of Legal & Corporate Compliance will allow a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.

4.34.4 In order to be eligible to sit as substitutes on regulatory or quasi-judicial Committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received recent formal training in relevant procedures and the law.

4.34.5 Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.34.6 Substitute Members may attend meetings in that capacity only:

(a) to take the place of the ordinary Member for whom they are designated substitute;

(b) where the ordinary Member will be absent for the whole of the meeting; and

- (c) where the ordinary Member or that Member's political group has notified the Chief Executive/Head of Legal & Corporate Compliance/Head of Governance & Partnerships of the intended substitution at least one hour before the start of the relevant meeting.

## **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 Council.

NB. The requirements in relation to political balance and proportionality do not apply to the composition of the Cabinet.

#### **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 Council will appoint a Deputy Leader to act as Leader in the Leader's absence and may also if it thinks fit remove the Deputy Leader from the 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 absence 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 Council. 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 Council may at any time appoint a Cabinet Member to fill any vacancies.

## 5.6 Delegation of Functions

The Council will determine Cabinet functions to:

5.6.1 the Cabinet as a whole;

5.6.2 a Committee of the Cabinet (comprising Cabinet Members only);

5.6.3 an individual Cabinet Member;

5.6.4 a Joint Committee;

5.6.5 another Local Authority or the Cabinet of another Local Authority;

5.6.6 a delegated Officer.

## **5.7 Rules of Procedure and Debate**

The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Section 5.9 below.

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

Following the annual meeting the Chief Executive, in consultation with the Leader, will prepare and submit for approval a Cabinet Scheme of Delegation setting out the delegations of Cabinet functions.

### **5.8.1 Conflicts of Interest**

- (a) 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 in Section 18 of this Constitution.
- (b) If the exercise of a Cabinet function has been delegated to a Committee of the Cabinet, 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 in Section 18 of this Constitution.

#### 5.8.2 Cabinet Meetings – When and Where?

The frequency and timing of meetings of the Cabinet will be determined by the Leader.

#### 5.8.3 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 14, for example where confidential or exempt information is being discussed.

#### 5.8.4 Quorum

- (a) The quorum for a meeting of the Cabinet shall be not less than 3 Councillors, including the Leader or Deputy Leader.

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

Cabinet 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 14 of this Constitution.

### **5.9 How are Cabinet Meetings Conducted?**

#### 5.9.1 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.

#### 5.9.2 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Section 14 of this Constitution. See also Section 3 in relation to Member participation in meetings.

#### 5.9.3 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) Simultaneous translation;
- (d) Apologies;
- (e) matters referred to the Cabinet (whether by Overview and Scrutiny Committees or other 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 15 of this Constitution;
- (f) consideration of reports from Overview and Scrutiny Committees and other Committees;

- (g) consideration of reports from Cabinet Committees;
- (h) reports from Officers of the Authority.

#### 5.9.4 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 or other 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.

#### 5.9.5 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 Chief Executive 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 Finance Office 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, the Chief Officer - Resources 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.

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

- 5.10.1 The provisions in Council Procedure Rules in Section 4.30 in relation to disturbance by the public may apply to meetings of the Cabinet.
- 5.10.2 The provisions in Council Procedure Rules in Section 4.31 relating to filming and use of social media apply to meetings of the Cabinet.

## **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 for a term of one year. However, where the post of Leader becomes vacant between Council elections 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. The Leader is appointed for a term of one year.

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

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

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 Council 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 thinks fit, remove the Deputy Leader from office at any time.

## **6.5 Functions and Delegated Authority**

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

The Council appoints and dismisses the Members of the Cabinet subject only to there being a minimum of two, and a maximum of nine Members of the Cabinet (not counting the Leader) at any time.

### **6.5.2 Role of the Leader**

The Leader will chair meetings of the Cabinet.



### 6.5.3 The Cabinet Scheme of Delegations

The Chief Executive in consultation with the Leader, will prepare and submit for approval a Cabinet Scheme of Delegations setting out the delegations of Cabinet functions, including where the principle has been approved as part of the Council's Cabinet arrangements, 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 Cabinet functions not covered by the Scheme for the time being.

(N.B. No Member of the Cabinet may have a Deputy, other than the Leader. This means that no Member of the Cabinet can have responsibilities which mean that they will work to, or under, another Member of the Cabinet, except the Leader).

### 6.5.4 Meetings of the Cabinet

Subject to the requirement to publish notice of each meeting three clear days before it takes place, and other conditions contained in Section 4 pages 43/44, the Leader can call meetings of the Cabinet at such times and places as he/she chooses (N.B: the Chief Executive , the Section 151 Officer, and the Monitoring Officer can all, should be the need arise, call meetings of the Cabinet as well).

### 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 (subject to quorum).

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

7.2.4 exercise the right to call in or reconsider 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>Scrutiny Committee</b>	<b>Remit</b>
People Scrutiny Committee	<ul style="list-style-type: none"> <li>• Social Services</li> <li>• Education</li> <li>• Corporate Safeguarding</li> </ul>
Partnership Scrutiny Committee	<ul style="list-style-type: none"> <li>• Education Achievement Service (EAS)</li> <li>• Shared Resource Service (SRS)</li> <li>• Aneurin Leisure Trust (ALT)</li> <li>• Corporate Joint Committees (CJCs)</li> <li>• Gwent Crematoria</li> <li>• Gwent Archives</li> <li>• Library Services</li> <li>• Local Well-Being Partnership Local Delivery Programme</li> </ul>

<b>Scrutiny Committee</b>	<b>Remit</b>
Place Scrutiny	<ul style="list-style-type: none"> <li>• Regeneration</li> <li>• Community</li> </ul>

Committee	Services <ul style="list-style-type: none"> <li>• Decarbonisation / Climate Change</li> <li>• Community Safety including CCTV</li> </ul>
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Scrutiny Committee	Remit
Corporate and Performance Scrutiny Committee	<ul style="list-style-type: none"> <li>• Corporate Overview</li> <li>• Performance</li> <li>• Finance (including remit of the former Joint Budget 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 Officer 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 is 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 Annual Report

The Overview and Scrutiny Committee must report annually to the Full Council on the activity over the year including any recommendations for their future work programme or 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 may be Members of the Overview and Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which he/she has been directly involved.

Although a Cabinet Member is not a Member of a Scrutiny Committee, they may participate by invitation only. The purpose of a Cabinet member attending Scrutiny is to advocate for specific portfolio issues and be questioned by the Committee regarding

the specific portfolio items on the agenda. The Cabinet Member is not in attendance to ask questions of the officers or for information.

## **7.7 Co-optees**

Each Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a maximum of two people as non-voting co-optees in order to provide expertise to specific areas of the Scrutiny programme. Co-optees can sit on a Committee as expert witnesses to undertake specific pieces of work. 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.

Each Scrutiny Committee will consider their individual requirements and review co-optees on an annual basis to ensure they are fit for purpose. No co-optee shall remain on a Committee indefinitely.

## **7.8 Education Representatives**

The People Scrutiny Committee shall include in its membership voting representatives of religious faiths and of parent governors, as required by law and guidance from Welsh Government.

## **7.9 Who Chairs?**

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

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

7.10.1 The role of the Chair of the Overview and Scrutiny Committees will be essential in implementing the new method of working. The Chairs will liaise with the Cabinet and supervise the Work Programme and identify cross cutting themes arising from the various Overview and Scrutiny Committees.

7.10.2 In summary, therefore, the Chair will:

- (a) be accountable for delivering the new way of working for scrutiny;
- (b) will meet regularly to monitor Work Programmes with the Committee and Support Officer;
- (c) will liaise with the Cabinet on issues affecting the Scrutiny Work Programme; and
- (d) have a responsibility for the development of a forward work programme linked to the priorities of the Council found within the Council's Corporate Plan.
- (e) when a recommendation is added to or amended the Scrutiny Chair is required to attend the Cabinet Committee to present the Scrutiny Committee's recommendation to explain the rationale.

## **7.11 Work Programme**

The Overview and Scrutiny Committees will be responsible for setting their own Work Programme and in doing so they should take into account wishes of Members of that Committee who are not Members of the largest political group on the Council. It may also consider urgent and unforeseen matters not included in the Work Programme.



## **7.12 Meetings**

- 7.12.1 The cycle of each overview and scrutiny committee will be determined at the beginning of each cycle linked to the business within the Forward Work Programme
- 7.12.2 Special meetings may be called from time to time in order to deal with call-ins (Section 7.25) where the Chair of an Overview and Scrutiny Committee and the Chair of Council agree it is necessary for that Overview and Scrutiny Committee to consider the called in decision before the Committees next programmed meeting.
- 7.12.3 The quorum of an Overview and Scrutiny Committee will be one third (3 Members).

## **7.13 Joint Overview and Scrutiny Committees**

Under Section 58 of The Measure, regulations may be made to permit two or more Local Authorities to appoint a Joint Overview and Scrutiny Committee. This is set out in the Local Authority (Joint Overview and Scrutiny) (Wales) Regulations 2012.

## **7.14 Rules of Procedure and Debate**

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

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

7.15.1 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 to report back to them. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist.

7.15.2 The terms of reference of the various Overview and Scrutiny Committees will be:

7.15.3 Each Overview and Scrutiny Committee will be chaired by a Chair appointed by the Council. In the absence of both the chair and deputy chair, a member appointed at the meeting will preside.

(a) there will be proportionate 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.

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

The Council will 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, (in consultation with the Chief Executive) or in their absence the Vice-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 in his or her absence, the Vice-Chair) or by the Chief Executive if he or she considers it necessary or appropriate. Any Member may sit on a Task and Finish Group if they have a specific interest or knowledge and are invited to do so, as long as there are no prejudicial interests.

## **7.17 Quorum**

The quorum for an Overview and Scrutiny Committee shall be one third (3 members).

## **7.18 Agenda Items**

- 7.18.1 Any Member of a particular Overview and Scrutiny Committee shall be entitled to give notice to the Chief Executive that he wishes an item relevant to the functions of that Committee to be included on the agenda for the next available meeting. Seven working days' notice of the item should be given to the Head of Democratic Services together with sufficient information to enable the Officer to advise about the nature and purpose of the item, linked to the forward work programme criteria.
- 7.18.2 On receipt of such a request, so long as it is an appropriate matter to be considered and is appropriate to the priorities within the Council's Corporate Plan and the Forward Work Programme, the Chief Executive/ will ensure that it is included on the next available agenda.
- 7.18.3 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 Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

- 7.18.4 If, in considering a recommendation from any scrutiny committee, the Cabinet partly or wholly reject a recommendation, the relevant scrutiny committee can require the relevant Cabinet member attend the next meeting to explain the rationale for the decision and answer any questions.

## **7.19 Policy Review and Development**

- 7.19.1 The role of the Overview and Scrutiny Committee 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.
- 7.19.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, and 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.
- 7.19.3 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 expense for doing so.

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

- 7.20.1 All formal reports from the Overview and Scrutiny Committees will be submitted to the Chief Executive / 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 Budget and Policy Framework).
- 7.20.2 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.
- 7.20.3 The Council or Cabinet shall consider the report of an Overview and Scrutiny Committee one month of it being submitted to the Chief Executive.

## **7.21 Making sure that Overview and Scrutiny Reports are considered by the Cabinet**

Any recommendations made in respect of reports which have been considered by Overview and Scrutiny Committees will be brought back to Cabinet as soon as practicably possible. Where an item is not considered by the Cabinet within three months, the Cabinet will give an explanation of the reasons for the delay to the Chair of the relevant Overview and Scrutiny Committee as soon as practicable.

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

- 7.22.1 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 14 of this Constitution.
- 7.22.2 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.

## **7.23 Members and Officers Giving Account**

- 7.23.1 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 in an effective and timely way.

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

- 7.23.2 For this purpose, Senior Officer includes any Chief Officer or Deputy Chief Officer/Head of Service. 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 Committee Chair or Vice-Chair with a view to achieving consensus.
- 7.23.3 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 Head of Governance & Partnerships. The Head of Governance & Partnerships will make arrangements to inform the Member or Officer, if necessary in writing, giving at least three 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.
- 7.23.4 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.
- 7.23.5 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.



## 7.24 Attendance by Others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 7.23 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.

## 7.25 Call-In

### 7.25.1 Rules

- (a) Where a decision is made by the Cabinet, or a Committee of the Cabinet or under joint arrangements, the decision shall be published by the Head of Governance & Partnerships by electronic means, and shall be available at the main offices of the Council normally within five clear working days of it being made. All Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same time scale, by a person responsible for publishing the decision. All relevant decisions of the Cabinet will be included on the next agenda for the appropriate Scrutiny Committee.
- (b) The notice of decision 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 ie. the period between publication of the decision and the expiry of five clear working days, and subject to the rules set out below, the Monitoring Officer may call-in a decision for scrutiny by an Overview and Scrutiny Committee if so requested in the specified format by five Members of that Overview and Scrutiny Committee and, shall then notify the decision taker of the call-in. He/she shall arrange to call a meeting of that Overview and Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the chair or Vice-Chair of that Overview and Scrutiny Committee, and in any case within fifteen clear working days of the decision to call-in (only in exceptional circumstances will the Chair of the Overview and Scrutiny Committee 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 body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Full Council. If referred to the decision maker they shall then reconsider within a further 10 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 10 working day period, whichever is the earlier.

- (f) If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary, and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decisions to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within five working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council's request.
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.
- (h) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are placed on its use. These are:
  - (i) an Overview and Scrutiny Committee may only call-in a total of three decisions per three-month period;

- (ii) five Members of an Overview and Scrutiny Committee are needed for a decision to be called in and their signatures must be placed upon the request which must also contain valid written reasons for the call-in request;
- (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;
- (i) The Monitoring Officer in consultation with the Chief Executive may veto any request for call-in if it falls outside the remit of this scheme.
- (j) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

#### 7.25.2 Call-in Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent 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. The Presiding Member must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Presiding Member the Deputy Presiding Member'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.

## **7.26 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.

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

- 7.27.1 An Overview and Scrutiny Committee shall consider the following business:
  - (a) minutes of the last meeting;
  - (b) declarations of interest;
  - (c) Simultaneous Translation;
  - (d) Apologies
  - (e) consideration of any matter referred to that Overview and Scrutiny Committee;

- (f) responses of the Cabinet to reports of that Overview and Scrutiny Committee;
- (g) the business otherwise set out on the agenda for the meeting;
- (h) Consideration of agenda items for the next 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 a Member of an Overview and Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

7.27.2 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.

7.27.3 Following any investigation or review, an Overview and Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Council as

appropriate detailing the discussions of the Committee and its recommendations and shall make its report and findings public.

## **7.28 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 Chief Executive or Head of Democratic Services.

## **7.29 Councillor Call for Action**

- 7.29.1 The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of “last resort”.
- 7.29.2 Any Member may request that an item is placed on the agenda of an Overview and Scrutiny Committee for consideration.
- 7.29.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action – Guidance for Councillor attached to these Rules at Appendix 1.

## **APPENDIX 1 TO SECTION 7**

### **Councillor Call for Action – Guidance for Councillors**

#### **1. INTRODUCTION**

- 1.1 The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for “Councillor Calls for Action” (CCfA) which enables Councillors to refer issues of local importance to Overview and Scrutiny Committees.
- 1.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which elected Members have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Member to the designated Crime and Disorder Scrutiny Committee (role undertaken by the Corporate Overview and Performance Scrutiny Committee) for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation.
- 1.3 As part of their community leadership role, Councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for Councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.
- 1.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Member for the Council to refer to the Scrutiny



Committees, 'a local government matter' which falls within the Scrutiny Committee's remit.

2. **HOW SHOULD I NORMALLY ATTEMPT TO RESOLVE A LOCAL ISSUE IN MY AREA?**

- 2.1 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government's Statutory Guidance from the Local Government Measure 2011:
- 2.1.1 informal discussions with Officers or other Councillors;
  - 2.1.2 informal discussions with partner representatives;
  - 2.1.3 referral to other "scrutiny" bodies such as Community Health Councils or internal audit committee;
  - 2.1.4 formal discussions with Officers and Councillors;
  - 2.1.5 formal letters to the Cabinet Members;
  - 2.1.6 asking questions at Full Council;
  - 2.1.7 submitting a motion to Full Council;
  - 2.1.8 organising public meetings;
  - 2.1.9 use of petitions;
  - 2.1.10 making a complaint;
  - 2.1.11 questions at Full Council;
  - 2.1.12 freedom of information requests;
  - 2.1.13 communication with local AMs or MPs;

2.1.14 use of social media or email based campaigns.

2.2. This is not an exhaustive list and Councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible alternative routes, then a local Councillor can refer it to the appropriate Overview and Scrutiny Committee.

### 3. **WHAT IS A COUNCILLOR CALL FOR ACTION**

3.1 In order for the Committee to accept a CCfA as an agenda item for discussion at one of their meetings, the issue must affect either all or part of a Councillor's electoral area or it must affect someone who lives or works in that area.

3.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that a CCfA is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

### 4. **HOW AND WHEN SHOULD MAKE A CCFA**

4.1 A flowchart showing the process is provided at Appendix 2. A Councillor may initiate the process by completing the form at Appendix 3. Further copies are available from the Democratic Services section. It is important that the local Councillor specifies what outcome is expected from the referral. After completion, the form should be returned to the Democratic Services section who will log and acknowledge the referral within five working days, to track its progress and forward a copy of the form to the Head of Legal and Corporate Compliance (The Monitoring Officer).

4.2 The Proper Officer will confirm whether or not the referral satisfies the requirements outlined in section 3 above to enable it to be placed on the agenda for discussion at a meeting of the Committee. The Proper Officer reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or

otherwise potentially unlawful; and the Councillor will be informed of this outcome as soon as practicable.

5. **CRITERIA TO BE FOLLOWED BY AN OVERVIEW AND SCRUTINY COMMITTEE**

5.1 It is up to the Members of the Corporate Overview and Performance Scrutiny Committee to decide whether, and in what form, to take the matter further. The Corporate Overview and Performance Scrutiny Committee will use the following criteria to decide whether or not the referral is appropriate to be considered by that Committee.

5.1.1 Is that the Corporate Overview and Performance Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?

5.1.2 Has that Committee considered a similar issue recently? If so, have the circumstances or evidence changed?

5.1.3 Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

5.1.4 Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?

5.1.5 Is this a case that is being or should be pursued via the Council's corporate complaints procedure?

5.1.6 Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?

5.1.7 Is the matter an issue of genuine local concern which

impacts on the local community rather than a personal matter?

5.1.8 Is this an issue currently being looked at by another form of local scrutiny?

5.1.9 And, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Member's electoral division?

NB: Crime and Disorder referrals should be directed to the Place Scrutiny Committee.

5.2 If the Corporate Overview and Performance Scrutiny Committee decides not to accept the CCfA, it must inform the Councillor of the decision and the reasons for it.

5.3 If the Corporate Overview and Performance Scrutiny Committee decides to accept the CCfA, the Councillor will be informed and advised of the agreed Protocol, e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee meeting. The Councillor will be requested to attend the Committee and informed that he/she will have five minutes in which to address the Committee. The Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:

5.3.1 asking the relevant responsible authorities to respond to the CCfA;

5.3.2 setting up a research or task and finish group to undertake a more in-depth review;

5.3.3 asking for further evidence and / or witnesses to be brought to a future meeting. The Corporate Overview and Performance Scrutiny Committee has the power to request "designated persons" such as representatives from other

public bodies / agencies to attend, where relevant, and to request information.

## 6. **POTENTIAL OUTCOMES FROM A CCFA**

6.1 The Corporate Overview and Performance Scrutiny Committee could:

6.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;

6.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;

6.1.3 decide that further action is not appropriate giving its reasons.

6.2 Once Corporate Overview and Performance Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

## 7. **TIMESCALES FOR DEALING WITH A CCFA**

7.1 In exceptional circumstances, for example where there are unavoidable time constraints, a special Committee meeting may be convened.

7.2 Should a CCfA result in recommendations to the Cabinet responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.

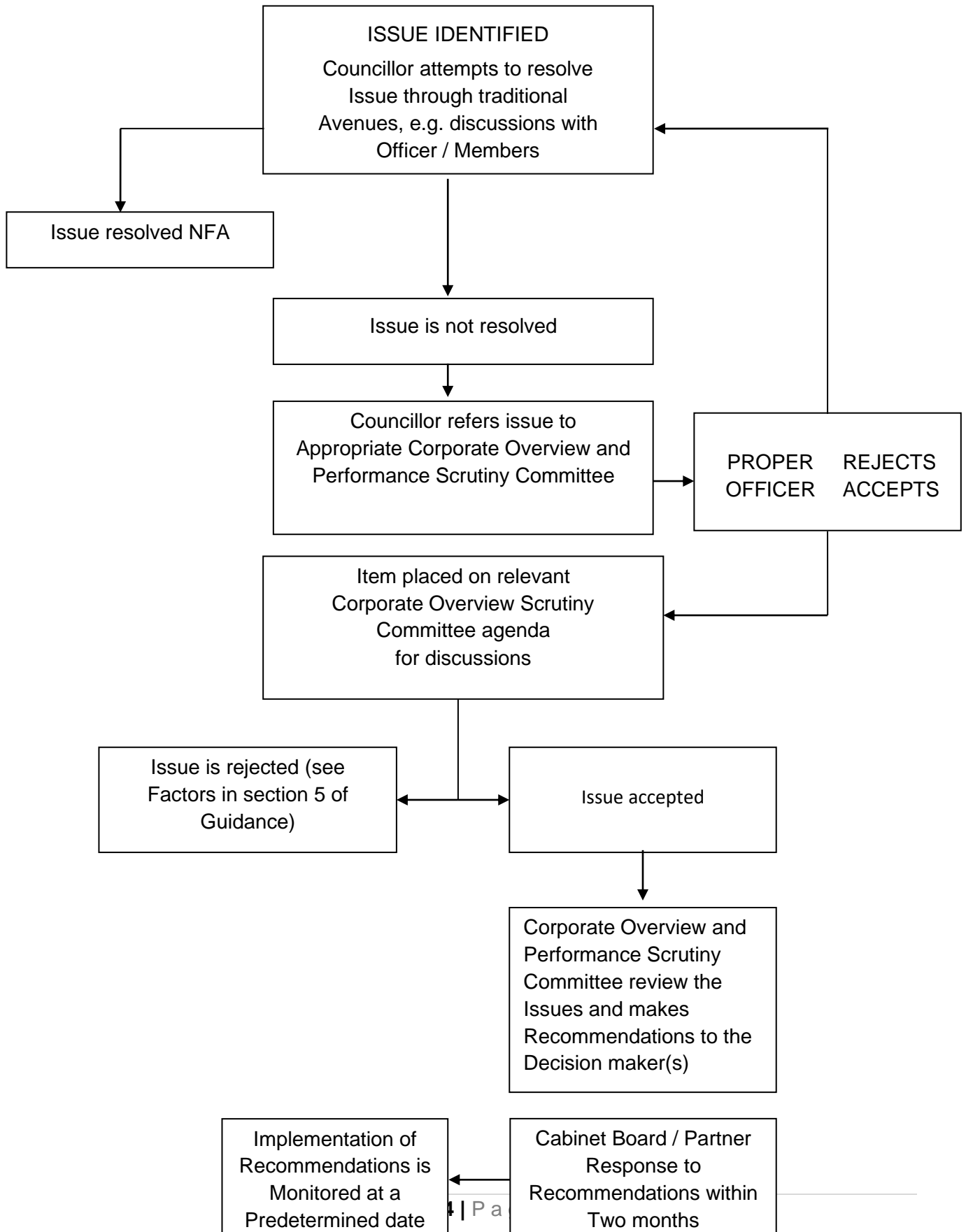
7.3 The Corporate Overview and Performance Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.

## 8. **REVIEW OF THIS GUIDANCE**

This guidance is based on a model prepared and approved by the Association of County Secretaries and Solicitors (ACSeS) in October 2009. ACSeS will review their model guidance in light of experience of the use of these procedures by local authorities in Wales, and this guidance may therefore be modified accordingly.

## APPENDIX 2 TO SECTION 7

### Flow Chart for Councillor Call for Action





**APPENDIX 3 TO SECTION 7**  
**Councillor Call for Action Referral**

<b>For the attention of (name and title of Proper Officer)</b>	
<b>From</b>	
<b>Electoral Division</b>	
<b>Contact details</b>	
<b>Telephone</b>	
<b>E-mail</b>	
<b>SUBJECT</b>	
<b>Details</b> Please briefly explain what the issue is and how it affects your electoral division.	
<b>Action taken to date</b> Please explain what steps have been taken, with whom, to try to resolve the issue (please tick the actions you have taken to date) or add additional.	<ul style="list-style-type: none"> <li>● Informal discussions with Officers or other Councillors</li> <li>● Informal discussions with partner representatives</li> <li>● Referral to other “scrutiny” bodies such as Community Health Councils or internal audit committee</li> <li>● Formal discussions with Officers and Councillors</li> <li>● Formal letters to the Cabinet Members</li> <li>● Asking questions at Full Council</li> <li>● Submitting a motion to Full Council</li> <li>● Organising public meetings</li> <li>● Use of petitions</li> <li>● Making a complaint</li> <li>● Questions at Full Council</li> <li>● Freedom of Information requests</li> <li>● Communication with local AMs or MPs</li> <li>● Use of social media or email based campaigns</li> </ul>
<b>Expected Outcome</b> Please describe the outcome you hope to gain via this referral.	
<b>Papers attached</b> Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.	

1. The following criteria will be taken into consideration when the Corporate

Overview Scrutiny Committee decide whether to progress with your CCfA:

- 1.1 Have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
- 1.2 Has the Committee considered a similar issue recently – if yes, have the circumstances or evidence changed?
- 1.3 Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate LCDR hearing. Relevant time pressures on resolving the LCDR should be taken into account.
- 1.4 Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
- 1.5 Is this a case that is being or should be pursued via the Council’s corporate complaints procedure?
- 1.6 Is it relating to a “quasi-judicial” matter or decision such as planning or licensing?
- 1.7 Is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
- 1.8 Is this an issue currently being looked at by another form of local scrutiny?
- 1.9 And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations, which could realistically be implemented and lead to improvements for anyone living or working in your electoral division.

2. Please consider whether your referral might be considered premature by the Corporate Overview and Performance Scrutiny Committee. Consider whether other potential remedies have been exhausted, before a referral is made. Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Proper Officer believes that the referral is premature, he / she will advise you accordingly.

## APPENDIX 4 TO SECTION 7 Gwent Public Service Board (PSB)

### Purpose of the Public Service Board

The purpose of the Public Service Board is to improve the economic, social, environmental and cultural well-being of the people living in the Blaenau Gwent area. In pursuing this purpose, the Board will deliver against the national well-being goals that are:

- A more prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language
- A globally responsible Wales

The Board will operate within sustainable development principles. This means acting in a manner that seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

This means that decision making by the board will need to take into account five key areas:

- **Long term:** The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.
- **Prevention:** How acting to prevent problems occurring or getting worse may help, public bodies meet their objectives.
- **Integration:** Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.
- **Collaboration:** Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.
- **Involvement:** The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the Blaenau Gwent area.



## **SECTION 8**

### **8. THE ETHICS AND STANDARDS COMMITTEE**

#### **Composition**

##### **8.1 Membership**

The Ethics and Standards Committee is composed of Nine 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 Committee (Wales) Regulations 2001 (as amended);

8.1.2 Three Councillors other than the Leader and not more than one Member of the Cabinet; and

8.1.3 One Community Council Member(s).

##### **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 not exceeding four years.

8.2.2 Members of Local Authorities who are Members of the Ethics and Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their reappointment,

whichever is the shorter. They may be reappointed for one further consecutive term.

### **8.3 Quorum**

A meeting of the Ethics and 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 (ie. not an Elected Member of the Council).

### **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 Ethics and Standards Committee may be the Chair.

8.5.2 The Chair and Vice-Chair will be elected by the Members of the Ethics and 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 Ethics and 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.

## **8.7 Work Programme**

The Committee will prepare a work programme, which will be reviewed and approved at each Committee meeting.

## **8.8 Rules of Procedure and Debate**

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

8.8.2 When considering the conduct of individual Councillors, the procedures outlined in Appendix 3 to Section 18 will apply.



## **SECTION 9**

### **9. REGULATORY COMMITTEES**

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

The Council will appoint Committees to discharge the functions set out in Section 13 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 13 of this Constitution and in accordance with Sections 81-87 of The Measure.

9.2.2 The Committee shall comprise of Councillor Members (being at least two thirds of the Membership) and at least one third lay members. No more than one Member of the Cabinet (which Cabinet Member must not be the Leader).

9.2.3 The Chair and Deputy Chair of the Governance and Audit Committee is appointed by it. The Committee Chair must be a lay person and the Deputy Chair must not be a member of the Council's Executive or an assistant to its Executive.

9.2.4 Members of the Governance and 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 13 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 Leader).

9.3.3 The Chair of the Democratic Services Committee is appointed by Full Council and must not be a member of a Cabinet group.

#### **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 Planning 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**

The Council Procedure Rules in Section 4 will apply.

#### **9.6 Quorum**

9.6.1 Regulatory Committees requirement for quorate shall be in accordance with the Council Procedure Rules in Section 4, ie. one quarter unless there are overriding legislative requirements applicable, such as is the case in respect of the Planning Committee which requires that one half is required for a Planning meeting to be quorate.

### **9.7 Substitute Members in the Planning Committee**

Substitute Members are not permitted in respect of the Planning Committee in accordance with schedule 2A of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 which states that, 'A relevant authority is not to appoint another of their members to act as a member of a committee in the absence of the member appointed in accordance with the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017(7)'.

### **9.8 Voting at Planning Committee**

Where a Ward Councillor in respect of a planning application is also a member of the Planning Committee, they shall be excluded from taking part in the debate relevant to that application within their Ward, and shall not vote on that application. However, they may address Planning Committee on the application in their role, as a Ward Councillor, under the terms of Planning Committee Public Speaking Policy. Once they have made verbal representations, they must take no further part in the debate and will not be permitted to vote.

## **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, including to promote the economic, social or environmental wellbeing of its area.

#### **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 Cabinets to exercise functions which are not Cabinet 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 Cabinet 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.

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

- 10.4.1 The Access to Information Procedure Rules in Section 14 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-Cabinet Functions to another Local Authority or, where those functions are the responsibility of the Cabinet of another Local Authority, to that Cabinet.
- 10.5.2 The Cabinet can delegate Cabinet functions to another Local Authority or the Cabinet 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-Cabinet Functions) and the Cabinet (in respect of Cabinet 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. OFFICERS

#### **11.1 Management Structure**

##### 11.1.1 General

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

##### 11.1.2 Chief Officers

The Full Council will engage person for the following posts, who will be designated Chief Officers, which designation includes person 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 Officers.</li><li>• Principal advisor 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></ul>

- Together with the Monitoring Officer, responsibility for a system of record keeping for all the Authority’s decisions (Cabinet or otherwise).
- Representing the Authority on partnership and external bodies (as required by statute or the Council).
- Service to the whole Council, on a politically neutral basis.
- Policy & Performance, Business Support Services, Central Democratic Support Services, Corporate Administration, Governance Support, Organisational Development, Transformation and Resilience.

Corporate  
Director of  
Regeneration  
& Community  
Services

- Highways, Transportation and Fleet Management, Waste and other Technical functions including Public Protection, Leisure and Cultural Services, Regeneration, Housing, Estates and Strategic Asset Management.

Corporate  
Director  
Social  
Services

- Social Services Community Care functions.
- Children’s Services including child protection, looked after children and children in need.
- Safeguarding of children and adults at risk.



Corporate  
Director of  
Education

- Education Services including schools and continuing education.

Chief Officer  
– Resources

- Section 151 Officer. Responsibility to administer financial affairs and financial information as appropriate. Responsible for risk management, accountancy, internal audit, payments, insurance, Council Tax, commercial rates and other income. Deputy Returning Officer. Senior Information Risk Owner (SIRO).

Chief Officer  
– Commercial

- Responsible for provision of payroll, Human Resources, Organisational Development, Internal Health & Safety, Business Support, Joint Workforce Development Team, Customer Services (Benefits & C2BG), Communications, Workforce Management, Digital and IT, Procurement and Strategic Transformation.

11.1.3 Chief Executive, Monitoring Officer, Chief Officer - Resources and Head of Democratic Services

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Chief Executive
Head of Legal & Corporate Compliance	Monitoring Officer
Chief Officer - Resources	Section 151 Officer
Head of Governance and Partnerships	Head of Democratic Services

Such posts will have the functions described in Sections 11.2 to 11.5.

## 11.2 Functions of the Chief Executive

### 11.2.1 Discharge of Functions by the Council

The Local Government Acts 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.

### 11.2.2 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 Officer - Resources if a qualified accountant.

### **11.3 Functions of the Monitoring Officer**

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

#### **11.3.1 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.

#### **11.3.2 Ensuring Lawfulness and Fairness of Decision Making**

After consulting with the Chief Executive and Chief Officer - Resources, 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.

#### **11.3.3 Supporting the Ethics and Standards Committee**

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

#### **11.3.4 Receiving Reports**

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

11.3.5 Conducting Investigations

The Monitoring Officer will oversee investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Ethics and Standards Committee.

11.3.6 Proper Officer for Access to Information

The Monitoring Officer, in conjunction with the Head of Governance, will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

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

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

11.3.8 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.

11.3.9 Restrictions on Posts

The Monitoring Officer cannot be the Chief Officer - Resources, or the Chief Executive.

## **11.4 Functions of the Chief Officer – Resources (Section 151 Officer)**

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

### **11.4.1 Ensuring Lawfulness and Financial Prudence of Decision Making**

After consulting with the Chief Executive and the Monitoring Officer, the Chief Officer - Resources will report to the Full Council or to the Cabinet in relation to a Cabinet 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.

### **11.4.2 Administration of Financial Affairs**

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

### **11.4.3 Contributing to Corporate Management**

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

### **11.4.4 Providing Advice**

The Chief Officer - Resources 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.

11.4.5 Give Financial Information

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

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

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

11.4.7 Restrictions on Posts

The Chief Officer - Resources cannot be the Monitoring Officer or the Head of Democratic Services.

## **11.5 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:

11.5.1 to provide support and advice to the Authority in relation to its meetings, subject to paragraph 11.5.10;

11.5.2 to provide support and advice to Committees of the Authority (other than the Committees mentioned in

paragraph 11.5.5) and the Members of those Committees, subject to paragraph 11.5.10;

- 11.5.3 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 11.5.10;
- 11.5.4 to promote the role of the Authority's Overview and Scrutiny Committee;
- 11.5.5 to provide support and advice to:
  - (a) the Authority's Overview and Scrutiny Committee and the Members of that Committee or 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 Committee and Governance and Audit Committee to each of the following:
    - (i) Members of the Authority;
    - (ii) Members of the Cabinet of the Authority;
    - (iii) Officers of the Authority;
  - (d) to provide support and advice to each Member of the Authority in carrying out the role of Member of the Authority, subject to paragraph 11.5.11;
- 11.5.7 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;

11.5.8 such other functions as may be prescribed by law.

11.5.9 Restrictions on Posts

There are no restrictions on the post.

11.5.10 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.

11.5.11 Advice to a Member does not include advice in connection with their role as a Cabinet 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.

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

The Council will provide the Chief Executive, the Monitoring Officer, the Chief Officer - Resources 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.



## **11.7 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Sections 20 and 21 of this Constitution.

## **11.8 Employment**

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

## **11.9 Remuneration**

Under Section 112 of the Local Government Act 1972 the Council has the power "to appoint officers on such reasonable terms and conditions as the Council thinks fit". The Council's Pay Policy Statement sets out the Council's approach to Pay in accordance with the requirements of Section 38 - 43 of the Localism Act 2011.

The Full Council will determine the level and any change in the level of the remuneration to be paid to Chief Officers. Remuneration is defined in accordance with Section 43(3) of the Localism Act 2011.

## **11.10 Officer Employment Procedure Rules**

### **11.10.1 Recruitment and Appointment**

#### **(a) *Declarations***

- (i) The Council has drawn up procedures which include a requirement that any candidate for an appointment as an Officer must state in writing whether they have

any relationship with any Councillor or Officer of the Council.

- (ii) No candidate so related to a Councillor or a Senior Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by them.

(b) *Seeking Support for Appointment*

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No Councillor or employee of the Council will seek support for any person for any appointment with the Council.

11.10.2 Recruitment of Chief Officers and Deputy Chief Officers (Head of Service)

Where the Council proposes to appoint a Chief Officer or Deputy Chief Officer (Head of Service) (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006) and as defined in this Constitution, and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- (a) draw up a statement including the following:
  - (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 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 procedures mentioned in paragraph (a) to be sent to any person on request.

11.10.3 Appointment of Chief Executive

- (a) The Full Council will interview and appoint the Chief Executive. A shortlisting exercise will first be undertaken by a Committee or Sub-Committee of the Council, and the Committee or Sub-Committee must include at least one Member of the Cabinet. There will then be a suitable candidate assessment process to determine candidates to be interviewed by Full Council

11.10.4 Appointment and Dismissal of Chief Officers, Deputy Chief Officers (Heads of Service)

- (a) In this paragraph:
  - “the Committee” means the Appointments Committee; and
- (b) Subject to the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006, the recommendation for any appointment and dismissal of the Chief Executive, Chief Officers, Deputy Chief Officers (Heads of Service), is the responsibility of the Committee.

- (c) At least one Member of the Cabinet must be a Member of the Committee and not more than half the Members of that Committee should be Members of the Cabinet (Schedule 3 of the Local Authorities (Standing Orders) (Wales) Regulations 2006).
- (d) Where the Committee is proposing to appoint or dismiss the Chief Executive, the Full Council must approve that appointment before the offer of appointment is made or must approve that dismissal before notice of dismissal is given.

#### 11.10.5 Other Officers

- (a) Appointment and dismissal of Officers below Chief Officer, Deputy Chief Officer/Head of Service level as defined by the Local Authorities (Standing Orders) (Wales) Regulations 2006 and by Council Policy is the responsibility of the Chief Executive) or his/her nominee, and may not be undertaken by Councillors.
- (b) Councillors will not be involved in disciplinary action against any Officer below Chief Officer, Deputy Chief Officer (Heads of Service) as defined by the Local Authorities (Standing Orders) (Wales) Regulations 2006 and by Council Policy except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to Members.

#### 11.10.6 Disciplinary Action

(a) In this paragraph “disciplinary action” includes proposed dismissal for any reason other than redundancy, permanent ill health or failure to renew a fixed term contract, planned retirement and early retirement and unsatisfactory probationary periods.

(b) *Written Procedures*

(i) Disciplinary action against the Chief Executive, the Monitoring Officer and the Chief Officer - Resources will be taken in accordance with the Council’s Chief Officer Procedures (this includes an officer who was employed in one of the above posts at the time of the alleged misconduct, but at the time of the proposed disciplinary action is no longer in that post).

(ii) Disciplinary action against all other Officers will be taken in accordance with the Local Conditions of Service.

(c) *Independent Person*

No disciplinary action may be taken under paragraph (b)(i) above except 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).

(d) *Suspension*

An Officer may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay.

#### 11.10.7 Appeals

None of the above shall prevent a Councillor serving as a Member of an Appeals Committee or body established to consider an appeal by:

- (a) any person against any decision relating to the appointment of that person as a Member of staff of the Authority; or
- (b) a Member of staff of the Authority against any decision relating to the dismissal of, or taking disciplinary action against, that Member of staff unless the dismissal relates to a capability issue, misconduct, some other substantial reason, some other statutory enactment or planned retirement where the Member of staff has less than six months' notice. In these instances, the appeal shall be conducted by a Senior Officer.

## **SECTION 12**

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

#### **12.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Section 16 of this Constitution.

#### **12.2 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Section 17 of this Constitution.

#### **12.3 Legal Proceedings**

12.3.1 The Head of Legal & Corporate Compliance 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 Head of Legal & Corporate Compliance considers that such action is necessary to protect the Council's interests.

12.3.2 The Head of Legal & Corporate Compliance has delegated powers to authorise Officers to appear in court on the Council's behalf.

## 12.4 Authentication of Documents

- 12.4.1 Where any document is necessary to instigate any legal proceedings on behalf of the Council, it will be signed by the Head of Legal & Corporate Compliance 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.
- 12.4.2 Any contract with a value exceeding £50,000, entered into on behalf of the Council shall be made in writing. Subject to the Contracts Procedure Rules, such contracts must be signed by at least two Officers of the Council or made under common seal of the Council attested by at least one Officer if they exceed £50,000 in value.
- 12.4.3 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 Head of Legal & Corporate Compliance;
  - (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.



## **12.5 Common Seal of the Council**

### **12.5.1 Common Seal**

- (a) The Common Seal of the Council shall be kept securely.
- (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.

### **12.5.2 Sealing and Execution of Documents**

- (a) Any Officer of grade JNC 2 and above shall have authority to affix the Common Seal and execute under Seal any deed or document.
- (b) Any Officer with the appropriate authorised signatory status shall have authority to execute any deed or document, not required by law to be under seal, which is necessary to give effect to the decisions of the Council.
- (c) This function can be delegated further in writing by the persons referenced in (a) above.

### **12.5.3 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 and consecutively numbered in a record to be provided for the purpose.

## **SECTION 13**

### **13. 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.

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

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

- 13.1.1 Full Council;
- 13.1.2 a Committee or Sub-Committee of Council;
- 13.1.3 the Cabinet;
- 13.1.4 a Committee of Cabinet;
- 13.1.5 a Joint Committee;
- 13.1.6 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 13 of this Constitution.

#### **13.2 Principles of Decision Making**

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

- 13.2.1 proportionately (i.e. the action must be proportionate to the desired outcome);

- 13.2.2 due consideration and the taking of professional advice from Officers;
- 13.2.3 respect for human rights;
- 13.2.4 a presumption in favour of openness;
- 13.2.5 clarity of aims and desired outcomes;
- 13.2.6 consideration of any alternative options; and
- 13.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

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

#### 13.3.1 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.

#### 13.3.2 Non-Cabinet 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.

#### 13.3.3 “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-Cabinet, at its discretion.

#### 13.3.4 Cabinet Functions

All other functions are Cabinet functions.

### **13.4 Other Bodies**

#### 13.4.1 Advisory Bodies

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

#### 13.4.2 Overview and Scrutiny Committees

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

#### 13.4.3 Officer Delegations

Officer delegations are also contained in this Section of the Constitution.

### **13.5 Who Decides – Non-Cabinet Functions?**

13.5.1 The Council may decide whether to delegate Non-Cabinet functions to a Committee, Sub-Committee, delegated Officer or Joint Committee.

13.5.2 Where a Non-Cabinet function has been delegated to a Committee, the Committee may further delegate to a Sub-Committee or delegated Officer.

- 13.5.3 Where a Non-Cabinet Function has been delegated to a Sub-Committee, the Sub-Committee may further delegate to a delegated Officer.

## **13.6 Who Decides – Cabinet Functions?**

The Council may decide whether to delegate Cabinet Functions to a Committee of the Cabinet, delegated Officer or a Joint Committee.

## **13.7 Removal of Delegation**

- 13.7.1 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.
- 13.7.2 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.

## **13.8 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 or on behalf 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.

Please see the note on Delegated Authority under ‘Delegation of Functions’ below.



## Portfolio Responsibilities

### **Leader / Cabinet Member - Corporate and Performance**

- Leadership Role
- Corporate Services Role, incorporating:
  - Cardiff Capital Region City Deal
  - Local Well-being Partnership / Gwent Public Service Board Well Being of Future Generations
  - Reforming Local Government
  - Culture, Customs and Practices of Council
  - Policy and Performance (Strategy) and Regulatory Engagement
  - Financial Planning (MTFS) Collaboration
  - Remuneration Panel
  - Member Development

### Financial Management and Strategy

- Accountancy
- Revenues and Benefits
- Interface with and monitoring of the Shared Resource Service
- Audit
- Procurement
- Strategic Financial Management
- Exchequer Services
- Insurance
- Payroll
- Benefits

### Corporate Services

- Equalities
- Welsh Language
- Organisational Development
- Business Support
- Policy and Performance
- Democratic Services
- Communications & Marketing
- Customer Services / C2BG

- Civil Contingencies
- Health and Safety
- Legal
- Registration
- Workforce Management
- Digital and IT
- Procurement

## **Deputy Leader / Cabinet Member Place & Environment**

- Deputise for the Leader
- Waste Management and Recycling
- Street Lighting
- Highways Maintenance and Winter Maintenance
- Transport
- Cemeteries
- Grounds Maintenance
- Meals on wheels, Schools Catering, Building Cleaning
- Markets
- Energy
- Biodiversity
- Trading Standards & Licensing
- Environmental Health (incl. Private Sector Housing Standards Enforcement & Empty Property Strategy)
- Housing Solutions (Homelessness & Common Housing Register)
- Private Sector Housing Renewal Policy (Adaptations Grants & Improvement Loans & Domestic Energy Efficiency Schemes)
- Travellers (Strategy & Operations)
- Flood Management
- Transportation Strategy/Joint Passenger Transport Unit
- Roads and Street Works
- Road Safety
- Reservoirs, Mines and Quarries
- Highways and Engineering
- Corporate Landlord
- Community Safety
- CCTV
- Climate Change and Decarbonisation



## **Cabinet Member Place and Regeneration**

- Strategic Regeneration Projects
- Economic Development and Tourism
- External Business Support and Enterprise
- Industrial Units Portfolio (Development and Management)
- Community and Social Regeneration
- Planning Policy/Local Development Plan
- Town Centre Development
- Employability
- Skills Development
- Preparing Young People for Work (supported by the Education portfolio)
- Housing Strategy (Development & Support)
- Affordable Housing Development Plan
- Estates and Asset Management (Supported by Leader)
- Cardiff Capital Region City Deal

## **Cabinet Member People and Education**

- School Improvement and the interface and monitoring of the Education Achievement Service, Ethnic Minority Achievement Service, VI/HL Service and ALN Service
- Education Psychology Service: SEN and ALN
- Education Welfare Service
- Traveller Service
- Healthy Schools
- Youth Service
- Education Transformation and 21<sup>st</sup> Century School Programme
- School Admissions and Surplus Places
- Schools, Special School and Pupil Referral Unit
- Safeguarding in Education
- Interface with and monitoring of Aneurin Leisure Trust

## **Cabinet Member People and Social Services**

- Social Services and Well-Being Act;
- Assessment and Case Management in Children's Services;
- Safeguarding children;
- Fostering;
- Southeast Wales Adoption Service;
- Residential Placements for Children;
- Families First;
- Flying Start;
- Play and Early Years;
- Carers including young carers;
- Direct Payments;
- Social Services Complaints;
- Assessment and care management in Adult Services;
- Safeguarding adults;
- Commissioning domiciliary care, residential and nursing homes;
- Supporting People;
- In house Home Care Service;
- In house Residential Home;
- In house respite provision;
- Community Options (Adult day service provision);
- Interface between Social Care and Health;
- Partnership working between Social Care, health, Police, other local authorities, third sector and independent and private sector.

## Delegation of Functions

**NOTE 1 – An Officer to whom a power, duty or function is delegated may nominate or authorise another officer to exercise that power, duty or function, provided that officer reports to or is responsible to the delegator.**

**NOTE 2 - Where the Constitution states that matters of policy are reserved to Cabinet or Council, approval of the introduction of basic operational policies and minor amendments to existing policy in relation to operational issues may be undertaken through delegated powers without Cabinet approval by the relevant Director or Head of Service and after consultation with the relevant Cabinet Member. If there is any doubt about whether a proposed policy requires Cabinet or Council approval, or if any amendment to existing policy is minor in nature, advice should be sought from the Council’s Monitoring Officer.**

## LEADER / CABINET PORTFOLIO FOR CORPORATE SERVICES SUBJECT TO SCRUTINY BY THE CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE

### CABINET BUSINESS MANAGER ROLE

#### FUNCTION

#### DELEGATION

- |     |                                    |   |
|-----|------------------------------------|---|
| 1.  | Leadership of the Council          | Cabinet<br>Chief Executive              |
| 2.  | Representation with WLGA           | Council                                 |
| 3.  | Constitutional Issues              |   |
| (a) | Policy                             | Council                                 |
| (b) | Operational                        | Head of Legal &<br>Corporate Compliance |
| 4.  | Public Relations & Media Interface |   |
| (a) | Policy                             | Cabinet                                 |

(b)	Operational	Chief Officer Commercial and Customer
<b>5. Business Transformation &amp; Business Support</b>		
(a)	Policy	Cabinet
(b)	Operational	Chief Officer Commercial and Customer
<b>6. Workplace Transformation (including rationalisation of buildings/agile working)</b>		
(a)	Policy	Cabinet
(b)	Operational	Corporate Director of Regeneration and Community Services
<b>7. Collaboration</b>		
(a)	Policy	Cabinet
(b)	Operational	Appropriate Director(s)
<b>8. Remuneration Panel</b>		
(a)	Policy	Council
(b)	Operational	Chief Officer - Resources
<b>9. Member Development</b>		
(a)	Policy	Cabinet
(b)	Operational	Chief Executive
<b>10. Policy, Performance &amp; Strategy and Regulatory Engagement</b>		
(a)	General	Cabinet
(b)	Policy	Chief Executive

(c) Operational Management

Relevant Chief Officer

## **LEADER / CABINET PORTFOLIO FOR CORPORATE SERVICES**

### **FINANCIAL MANAGEMENT AND STRATEGY**

#### **FUNCTION**

#### **DELEGATION**

- |  |                           |
|--|---------------------------|
| 1. Write-off of Debts  | Chief Officer - Resources |
| 2. Institution of prosecutions or proceedings under any statutory provisions or the taking of any civil proceedings within the purview of the Committee. | Chief Officer – Resources |
| 3. Setting of Mortgage Interest Rates  | Chief Officer - Resources |
| 4. Recovery action for arrears of Council Tax, Rates and Industrial Rates.   | Chief Officer - Resources |
| 5. Rates of interest on sums recoverable – Section 1(6) Local Government Planning & Land Act 1980  | Chief Officer - Resources |
| 6. To make recommendation to the Council on the estimates required for the financial year and undertake appropriate consultation.                        | Cabinet                   |
| (a) To consider reports of consultation meetings   | Cabinet                   |
| 7. Functions in respect of the calculation of Council Tax base in accordance with any of the following:-   |                           |
| (a) The determination of the Council Tax base in section 33 (1) and 44 (1) of the Local  |                           |

- Government Act 1982.
- (b) The determination of an amount of precept from town/community councils in sections 34(3) 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992.
- (c) The determination of an amount required for determining an amount for the items mentioned in paragraph (a) or (b) above.
- |         |           |                              |
|---------|-----------|------------------------------|
| (a)-(c) | Policy    | Cabinet                      |
| (a)-(c) | Operation | Chief Officer -<br>Resources |
- 8.** (a) The implementation and monitoring of the Treasury Strategy Statement Chief Officer - Resources
- (b) To receive and consider at least two reports in each financial year on the activities of Treasury Management. Cabinet
- (c) To make Cabinet decision on borrowing, investments and leasing. Chief Officer - Resources (within approved policy)
- 9.** To approve adjustments to reserves and provisions as necessary when finalising the accounts in compliance with relevant accounting principles and the Accounting Code of Practice. Chief Officer - Resources
- 10.** Superannuation Fund
- |     |                        |                              |
|-----|------------------------|------------------------------|
| (a) | Policy                 | Cabinet                      |
| (b) | Operational Management | Chief Officer -<br>Resources |
- 11.** The terms and the taking up of such

insurance policies as may be necessary to provide adequate and cost-effective insurance cover in accordance with:-

- |            |   |                              |
|------------|---|------------------------------|
| (a)        | The Authority's risk management policies  | Chief Officer -<br>Resources |
| (b)        | Risks notified by Chief Officers  | Chief Officer -<br>Resources |
| <b>12.</b> | Management of Authority's insurance portfolio including the approval of insurance provisions and application of the insurance reserve to risk management. | Chief Officer -<br>Resources |
| <b>13.</b> | Operation of bank account(s) and authorised users.  | Chief Officer -<br>Resources |
| <b>14.</b> | Exercising 'options to tax' on property and other assets.   | Chief Officer -<br>Resources |
| <b>15.</b> | Grants Welsh Church Fund Act, recreational and entertainments grants to voluntary organisations, senior citizens and allotments associations.             | Cabinet                      |
| <b>16.</b> | V.S.S. Grants   | Cabinet                      |



## **LEADER / CABINET PORTFOLIO FOR CORPORATE SERVICES PORTFOLIO**

### **CORPORATE SERVICES**

#### **FUNCTION**

#### **DELEGATION**

- |           |  |  |
|-----------|--|--|
| <b>1.</b> | Local Land Charges and Common Land                   | Head of Legal and Corporate Compliance |
| <b>2.</b> | Pay and grading, conditions of service and HR Policy | Council                                |
| <b>3.</b> | People Strategy                                      |  |
| (a)       | Policy   | Cabinet                                |
| (b)       | Operational Management                               | Chief Officer – Commercial             |
| <b>4.</b> | Customer Strategy / C2BG                             |  |
| (a)       | Policy   | Cabinet                                |
| (b)       | Operational Management                               | Chief Officer – Commercial             |
| <b>5.</b> | Corporate Governance                                 |  |
| (a)       | Policy   | Cabinet                                |
| (b)       | Co-ordination  | Chief Executive                        |
| (c)       | Operational Management                               | Chief Officer                          |
| <b>6.</b> | Policy & Performance and Regulation Engagement       |  |
| (a)       | Policy   | Cabinet                                |
| (b)       | Operational Management                               | Chief Executive                        |

- |            |  |  |
|------------|--|--|
| <b>7.</b>  | Registration of Births, Deaths & Marriages   | Proper Officer for<br>Registration of Births,<br>Deaths & Marriages<br>(Head of Legal) |
| <b>8.</b>  | Civil Contingencies  |  |
| <i>(a)</i> | Policy   | Cabinet  |
| <i>(b)</i> | Operational  | Chief Executive  |
| <b>9.</b>  | Policy and Performance (including<br>engagement, community safety and<br>scrutiny development) |  |
| <i>(a)</i> | Policy   | Cabinet  |
| <i>(b)</i> | Operational  | Chief Executive  |
| <b>10.</b> | CCTV   |  |
| <i>(a)</i> | Policy   | Cabinet  |
| <i>(b)</i> | Operational  | Chief Officer -<br>Commercial  |
| <b>11.</b> | Acceptance of Tenders  | Relevant Director as<br>determined by the<br>Contract Procedure<br>Rules (section 17)  |

**DEPUTY LEADER/CABINET PORTFOLIO FOR ENVIRONMENT SUBJECT TO SCRUTINY BY THE PLACES SCRUTINY COMMITTEE**

**FUNCTION**

**DELEGATION**

**HOUSING**

**6. Housing Letting and Allocations**

- (a) General Policy
- (b) Operational Management

Cabinet  
Corporate Director of  
Regeneration and  
Community Services

**7. Statutory duty for homelessness**

- (a) Homelessness Strategy
- (b) Operational Management

Cabinet Committee  
Corporate Director of  
Regeneration and  
Community Services

**PRIVATE SECTOR HOUSING**

**8. Housing Loans, Disabled Facilities Grants and Improvement Grants (including recovery of Grants) and declaration of Renewal Areas.**

- (a) General policy
- (b) Operational Management and Approval of all forms of housing repair, improvement or adaptation grants.

Cabinet  
Corporate Director of  
Regeneration and  
Community Services /  
Authorised Signatories

**9. Functions relating to Housing Enforcement**

under the Housing Act 2004, including any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same

- |   |   |
|---|---|
| (a) General Policy                                | Cabinet   |
| (b) Procedures relating to Operational Management | Corporate Director of Regeneration and Community Services |

## **Part 1 - Housing Conditions**

Section 4 – To carry out inspections to see whether any category 1 or 2 hazards exist.	Corporate Director of Regeneration and Community Services
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Section 4 – To be the Proper Officer to whom any official complaint about the condition of residential premises must be made.	Corporate Director of Regeneration and Community Services
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### **FUNCTION**

### **DELEGATION**

Section 11 – To serve an Improvement Notice for Category 1 hazard	Corporate Director of Regeneration and Community Services
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Section 12 – To serve an Improvement Notice for a Category 2 hazard	Corporate Director of Regeneration and Community Services
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Section 14 – To suspend an Improvement Notice	Corporate Director of Regeneration and Community Services
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Section 16 – To revoke or vary an Improvement Notice	Corporate Director of Regeneration and Community Services
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Section 17 – To review a suspended Improvement Notice and give notice of the decision on a review	Corporate Director of Regeneration and Community Services
Section 20 – To make and serve a Prohibition Order in respect of Category 1 Hazards	Corporate Director of Regeneration and Community Services
Section 21 – To make and serve a prohibition order in respect of Category 2 hazards	Corporate Director of Regeneration and Community Services
Section 23 – To suspend a Prohibition Order	Corporate Director of Regeneration and Community Services
Section 25 – To revoke or vary a Prohibition Order	Corporate Director of Regeneration and Community Services
Section 26 – To review a suspended Prohibition Order and to serve notice of the decision of any review	Corporate Director of Regeneration and Community Services
Section 28 – To serve a Hazard Awareness Notice relating to a category 1 hazard	Corporate Director of Regeneration and Community Services
Section 29 – to serve a Hazard Awareness Notice for a category 2 hazard	Corporate Director of Regeneration and Community Services
Section 31 and Schedule 3 – To take action in respect of an Improvement Notice	Corporate Director of Regeneration and Community Services

Section 31 and Schedule 3 – To recover related expenses following action.	Corporate Director of Regeneration and Community Services
Sections 40 and 41 – To take emergency remedial action where there is a category 1 hazard and to serve the requisite notices	Corporate Director of Regeneration and Community Services
Section 42 – To recover expenses after taking emergency remedial action	Corporate Director of Regeneration and Community Services
Section 43 – To serve an emergency prohibition order for category 1 hazard	Corporate Director of Regeneration and Community Services
Section 46 (Housing Act 1985 S 265) – To serve a demolition order for category 1 or 2 hazards	Cabinet
Section 47 (Housing Act 1985, S 289) – To declare a clearance area	Cabinet
Sections 49 and 50 – To make a charge for enforcement action and to recover costs	Corporate Director of Regeneration and Community Services / Head of Legal & Corporate Compliance or any solicitor in the division

**Part 2 – Licensing of Houses in Multiple Occupation**

Section 62 – To serve a temporary exemption from the licensing requirement for HMOs	Corporate Director of Regeneration and Community Services
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Sections 64, 69 and 70 – To grant or refuse a licence for an HMO, to vary or revoke the licence. Corporate Director of Regeneration and Community Services

Section 73 – To apply for a rent repayment order, and to serve the requisite notices Corporate Director of Regeneration and Community Services

### **Part 3**

Section 96 – To apply for a rent repayment order and to serve the requisite notices Corporate Director of Regeneration and Community Services

### **Part 4 – Additional control provisions in relation to residential accommodation**

Sections 102, 111 and 112 – To make, vary and revoke interim management orders Corporate Director of Regeneration and Community Services

Sections 113, 121 and 122 – To make, vary and revoke final management orders Corporate Director of Regeneration and Community Services

Section 131 – Power of entry to carry out works where management order is in force, and to appoint, in writing, persons to enter the premises to carry out the work. Corporate Director of Regeneration and Community Services, Head of Legal & Corporate Compliance or any solicitor in the division.

Section 133 – To make an interim empty dwelling management order	Corporate Director of Regeneration and Community Services
Section 136 – To make a final empty dwelling management order	Corporate Director of Regeneration and Community Services
Section 139 – To serve an overcrowding notice	Corporate Director of Regeneration and Community Services
Section 144 – To revoke and vary overcrowding notices	Corporate Director of Regeneration and Community Services
Section 235 – To serve notice requiring documents to be produced	Corporate Director of Regeneration and Community Services
Section 239 – To enter premises for purposes of carrying out a survey or examination	Corporate Director of Regeneration and Community Services
Section 239 - To be the Proper Officer for determining if a survey or examination is necessary	Corporate Director of Regeneration and Community Services
Section 243 – To be the Appropriate Officer for Authorisations for Enforcement Purposes	Corporate Director of Regeneration and Community Services
Section 255 and 256 – To serve, and to revoke, an HMO declaration notice	Corporate Director of Regeneration and Community Services



## **FUNCTION**

## **DELEGATION**

- 10.** Functions under the Housing Act 1985 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.
- (a) General Policy Cabinet
- (b) Procedures relating to Operational Management Corporate Director of Regeneration and Community Services
- (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 11.** Institution of prosecutions or proceedings under any statutory provisions or the taking of civil proceedings within the purview of the portfolio. Head of Legal & Corporate Compliance or any solicitor in the Council
- 12.** Acceptance of Tenders As determined by the Contract Procedure Rules (see section17)
- 13.** Functions relating to Empty Properties
- (a) General Policy Cabinet
- (b) Procedures relating to Operational Management Corporate Director of Regeneration and Community Services
- 14.** Functions under the Law of Property Act 1925 relating to Enforced Sale and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same
- (a) General Policy Cabinet
- (b) Procedures relating to Operational Management Corporate Director of

- |            |  |  |
|------------|--|--|
| (c)        | Implementation & Enforcement   | Regeneration and<br>Community Services<br>Corporate Director of<br>Regeneration and<br>Community Services /<br>Head of Legal &<br>Corporate Compliance<br>or any solicitor in the<br>Council |
| <br>       |  |  |
| <b>15.</b> | Functions under all Food Safety and Food Standards Legislation where the Authority is the enforcing Authority with the exception of the following:-  |  |
|            | <ul style="list-style-type: none"> <li>• the power to register and license premises for the preparation of food under Section 19 of the Food Safety Act 1990; and</li> <li>• the duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006;</li> </ul> |  |
| (a)        | General Policy   | Cabinet  |
| (b)        | Service Delivery Planning, Implementation & Enforcement  | Corporate Director of<br>Regeneration and<br>Community Services  |
| (c)        | Appointment of Public Analyst  | Corporate Director of<br>Regeneration and<br>Community Services  |
| <br>       |  |  |
| <b>16.</b> | Functions under the National Assistance Act 1948 Section 47 as amended by the National Assistance (Amendment) Act 1951 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or   |  |

amending the same.

- |   |  |
|---|--|
| <p>(a) General Policy</p> <p>(b) Implementation &amp; enforcement</p> | <p>Cabinet</p> <p>Corporate Director of<br/>Regeneration and<br/>Community Services or<br/>Corporate Director of<br/>Social Services</p> |
|---|--|

**17.** Functions under the Public Health (Control of Diseases) Act 1984 (as amended by the Health and Social Care Act 2008) the Health Protection (Notification) (Wales) Regulations 2010, the Health Protection (Part 2A Orders) (Wales) Regulations 2010, the Health Protection (Local Authority Powers) (Wales) Regulations 2010, and any other Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same

- |   |   |
|---|---|
| <p>(a) General Policy</p> <p>(b) Implementation &amp; enforcement</p> | <p>Cabinet</p> <p>Corporate Director of<br/>Regeneration and<br/>Community Services</p> |
| <p>(c) Appointment of Proper Officers</p>                             | <p>Corporate Director of<br/>Regeneration and<br/>Community Services</p>                |

**18.** Functions under the Sunday Trading Act 1994

- |   |   |
|---|---|
| <p>(a) General Policy</p> <p>(b) Implementation &amp; Enforcement</p> | <p>Cabinet</p> <p>Corporate Director of<br/>Regeneration and<br/>Community Services</p> |
|---|---|

**19.** Functions relating to statutory nuisance and

noise control and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.

- |     |   |   |
|-----|---|---|
| (a) | General Policy                                | Cabinet   |
| (b) | Procedures relating to Operational Management | Corporate Director of Regeneration and Community Services |
| (c) | Implementation & Enforcement                  | Corporate Director of Regeneration and Community Services |

**20.** Functions relating to pollution prevention and control measures, including Local Authority Integrated Pollution Prevention and Control [LA-IPPC] and Local Authority Pollution Prevention and Control [LAPPC] as provided for in the Pollution Prevention and Control Act 1999, and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.

- |     |  |   |
|-----|--|---|
| (a) | General Policy                             | Cabinet   |
| (b) | Operational Management                     | Corporate Director of Regeneration and Community Services |
| (c) | Permitting of prescribed activities        | Corporate Director of Regeneration and Community Services |
| (d) | Authorisation of the following actions: -  |   |
|     | - Variation Notice                         | Corporate Director of Regeneration and Community Services |
|     | - Revocation Notice                        | Corporate Director of Regeneration and Community Services |
|     | - Suspension notice                        | Corporate Director of Regeneration and Community Services |
|     | - Enforcement notice                       | Corporate Director of Regeneration and Community Services |
|     | - Prevention and/or remedying of pollution | Corporate Director of Regeneration and Community Services |
|     | - Acceptance of the surrender of a permit  | Corporate Director of Regeneration and Community Services |
| (e) | Implementation & enforcement including the | Corporate Director of Regeneration and Community Services |

service of notices requiring information.

Regeneration and  
Community Services

**21.** Functions in relation to air pollution control and local air quality management (including the review and assessment of local air quality as required by the Environment Act 1995) (as amended)), and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.

(a) General Policy

Cabinet

(b) Operational Management

Corporate Director of  
Regeneration and  
Community Services

(c) Implementation & Enforcement

Corporate Director of  
Regeneration and  
Community Services

**22.** Legislative provisions in relation to contaminated land as contained in the Environmental Protection Act 1990, Environment Act 1995 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.

(a) General Policy & Strategy

Cabinet

(b) Implementation of Policy/Strategy

Corporate Director of  
Regeneration and  
Community Services

(c) Enforcement

Corporate Director of  
Regeneration and  
Community Services

(d) Implementation of remedial works, where appropriate

Corporate Director of  
Regeneration and  
Community Services

(e) Acceptance of tenders relevant to contaminated land remediation

Corporate Director of  
Regeneration and

- 23.** Legislative functions in relation to Animal Health and Welfare
- (a) General Policy Cabinet
  - (b) Procedures relating to Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 24.** Legislative provisions in relation to the control of dogs.
- (a) General Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 25.** Legislative provisions in relation to the control of pests and provision of Pest Control Service.
- (a) General Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 26.** Health Education & Promotion Functions
- (a) General Policy Cabinet

(b)	Operational Management	Corporate Director of Regeneration and Community Services
(c)	Implementation	Corporate Director of Regeneration and Community Services
<b>27.</b>	Home Safety Functions	
(a)	General Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
(c)	Implementation	Corporate Director of Regeneration and Community Services
<b>28.</b>	Climatological and Meteorological Services	
(a)	General Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
(c)	Implementation	Corporate Director of Regeneration and Community Services
<b>29.</b>	Burials under section 46 Public Health (Control of Disease) Act 1984 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same	Corporate Director of Regeneration and Community Services
<b>30.</b>	Statutory duties under Weights & Measures Legislation	
(a)	General Policy, including fee setting	Cabinet
(b)	Enforcement	Corporate Director of Regeneration and Community Services

- 31.** Agriculture Acts and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same
- (a) General Policy Cabinet
- (b) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 32.** Other Trading Standards Legislation/ Complementary Trading Standards Legislation
- (a) General Policy Cabinet
- (b) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 33.** Children & Young Persons Protection from Tobacco Acts and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.
- (a) Policy Cabinet
- (b) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 34.** Consumer Advice/Education
- (a) General Policy Cabinet
- (b) Day to Day Operation Corporate Director of Regeneration and Community Services
- 35.** Business Advice/Partnerships
- (a) General Policy Cabinet
- (b) Day to Day Operation Corporate Director of Regeneration and Community Services



- |            |  |  |
|------------|--|--|
| <b>36.</b> | Duty to appoint one or more persons to act as Agricultural Analysts for the Purposes of the Agriculture Act 1970 or other statutory legislation made thereunder or replacing or amending the same. | Cabinet  |
| <b>37.</b> | Scientific Services  |  |
| (a)        | Appointment of Scientific Adviser  | Corporate Director –<br>Regeneration & Community<br>Services               |
| (b)        | General Policy   | Cabinet  |
| <b>38.</b> | Institution of prosecutions or proceedings under any statutory provisions or the taking of civil proceedings within the purview of the portfolio.  | Head of Legal &<br>Corporate Compliance or<br>any Solicitor in the Council |
| <b>39.</b> | Consideration of Consultative Documents affecting the duties/functions of the portfolio.   | Corporate Director –<br>Regeneration & Community<br>Services               |
| <b>40.</b> | Enforcement of legislative provisions in relation to the control of litter and waste   |  |
| (a)        | General Policy   | Cabinet  |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services            |
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services.           |
| <b>41.</b> | Legislative provisions in relation to Abandoned Vehicles   |  |
| (a)        | General Policy   | Cabinet  |

- |            |  |   |
|------------|--|---|
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services |
| (c)        | Implementation & enforcement   | Corporate Director of<br>Regeneration and<br>Community Services |
| <br>       |  |   |
| <b>42.</b> | Enforcement of legislative provisions in<br>relation to sewerage, drainage and sanitary<br>conveniences                        |   |
| (a)        | General Policy   | Cabinet   |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services |
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services |
| <br>       |  |   |
| <b>43.</b> | Monitoring and enforcement of legislation in<br>relation to the monitoring and control of public<br>and private water supplies |   |
| (a)        | General Policy   | Cabinet   |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services |
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services |

44. Legislative provisions available under the following legislation:-

- Public Health Act 1961 (as amended)
- Public Health Act (Control of Disease) Act 1984 (as amended)
- Public Health Act 1936 (as amended)
- Clean Air Act 1993 (as amended)
- Local Government (Miscellaneous Provisions) Act 1974 (as amended)
- Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- Local Government (Miscellaneous Provisions) Act 1982 (as amended)
- Clean Neighbourhoods and Environment Act 2005 (as amended)
- Control of Pollution Act 1974 (as amended)
- Control of Pollution (Amendment) Act 1989
- Refuse Disposal (Amenity) Act 1978
- Environment Act 1995
- Building Act 1984
- Antisocial Behaviour Act 2003
- Slaughterhouse Act 1974
- Housing (Wales) Act 2004
- Anti-Social Behaviour, Crime & Policing Act 2014
- Public Health (Wales) Act 2017
- The Safety of Sports Grounds Act 1975
- The Fire Safety and Safety of Places of Sport Act 1987
- The Safety of Sports Grounds Regulations 1987
- The Safety of Places of Sport Regulations 1988
- Energy Act 2011
- Energy Efficiency (Private Rented Property (England & Wales) Regulations 2015
- The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007
- Renting Homes (Fees etc) (Wales) Act 2019

and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same, with the exception of provisions available under the above legislation which have been specifically mentioned elsewhere in this document.

- |     |                        |   |
|-----|------------------------|---|
| (a) | General Policy         | Cabinet   |
| (b) | Operational Management | Corporate Director of<br>Regeneration and<br>Community Services |

- |            |   |   |
|------------|---|---|
| (c)        | Implementation & Enforcement  | Corporate Director of<br>Regeneration and<br>Community Services |
| <br>       |   |   |
| <b>45.</b> | Functions under the European Communities Act 1972 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same   |   |
| (a)        | General Policy  | Cabinet   |
| (b)        | Operational Management  | Corporate Director of<br>Regeneration and<br>Community Services |
| (b)        | Implementation & Enforcement  | Corporate Director of<br>Regeneration and<br>Community Services |
| <br>       |   |   |
| <b>46.</b> | Functions under the Health Act 2006 relating to Smoke Free Premises, Places and Vehicles and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same. |   |
| (a)        | General Policy  | Cabinet   |
| (b)        | Operational Management  | Corporate Director of<br>Regeneration and<br>Community Services |
| (c)        | Implementation & Enforcement  | Corporate Director of<br>Regeneration and<br>Community Services |
| <br>       |   |   |
| <b>47.</b> | Poisons Legislation   |   |
| (a)        | General Policy, including fees  | Cabinet   |
| (b)        | Registration of Premises  | Corporate Director of<br>Regeneration and<br>Community Services |

- |            |  |   |
|------------|--|---|
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>48.</b> | Functions under the Sunbeds (Regulation) Act 2010 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same. |   |
| (a)        | General Policy   | Cabinet   |
| (b)        | Procedures relating to Operational Management  | Corporate Director of<br>Regeneration and<br>Community Services |
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>49.</b> | Functions under the Climate Change Act 2008 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.       |   |
| (a)        | General Policy   | Cabinet   |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services |
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>50.</b> | Public Convenience, Cemeteries and Impounding Animals  |   |
| (a)        | Policy   | Cabinet   |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>51.</b> | Acceptance of Tenders  | As determined by the<br>Contract Procedure Rules                |

- 52.** Catering Services (including Education)
- (a) Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
- 53.** Functions under the Caravan Site and Control of Development Act 1960 (as amended) and the Caravan Sites Act 1968
- (a) Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 54.** Management of Local Authority owned Caravan Sites and provisions relating to illegal encampments of Travellers
- (a) General Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & enforcement relating to illegal encampments Corporate Director of Regeneration and Community Services
- 55.** Scrap metal dealers and motor salvage operators
- (a) Policy and conditions Cabinet
  - (b) Licence Fees Corporate Director of Regeneration and Community Services

		(subject to Scrutiny by General Licensing Committee)
(c)	Initial Grant/Renewal of Licenses – where in compliance with the appropriate policy	Corporate Director of Regeneration and Community Services
(d)	Determination of applications (new and renewals) – where not in compliance with the relevant policy	Corporate Director of Regeneration and Community Services
(e)	Licence reviews, and Appeals where an oral representation is requested	Corporate Director of Regeneration and Community Services
(f)	Enforcement	Corporate Director of Regeneration and Community Services
<b>56.</b>	<b>Grounds Maintenance</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>57.</b>	<b>Hackney Carriage &amp; Private Hire Vehicles</b>	
(a)	Power to fix rates or fares for hackney carriages and private hire vehicles	Corporate Director of Regeneration and Community Services (subject to Scrutiny by General Licensing Committee)
<b>58.</b>	<b>Refuse and Recycling</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services

(c)	Implementation & enforcement	Corporate Director of Regeneration and Community Services
<b>59.</b>	Street Cleansing	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
(c)	Implementation & enforcement	Corporate Director of Regeneration and Community Services
<b>60.</b>	Open air Markets	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>61.</b>	Building Cleaning	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>62.</b>	Transport	
(a)	Local Transport Plan & Policy	Council
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>63.</b>	Biodiversity Strategies	
(a)	Policy	Cabinet
(b)	Operational	Corporate Director of Regeneration and Community Services
<b>64</b>	Landscape Improvement Schemes	



(a) (b)	Policy Implementation	Cabinet Corporate Director of Regeneration and Community Services
<b>65</b>	Arboriculture Services and Tree Preservation Orders	
(a) (b)	Policy Operational Management	Cabinet Corporate Director of Regeneration and Community Services
(c)	Issue and confirmation of Tree Preservation Orders. Applications to fell, prune or other work to a protected tree.	Corporate Director of Regeneration and Community Services in consultation with the relevant Cabinet portfolio Member, provided there are no objections. If objections, referral to Cabinet.
<b>66</b>	Corporate Landlord Function	
(a) (b)	Policy Operational Management	Cabinet Corporate Director of Regeneration and Community Services

**CABINET PORTFOLIO FOR REGENERATION & ECONOMIC DEVELOPMENT SUBJECT TO SCRUTINY BY THE PLACES SCRUTINY COMMITTEE, EXCEPT PARAGRAPH 34 WHICH IS SUBJECT TO SCRUTINY BY THE PEOPLE SCRUTINY COMMITTEE.**

**FUNCTION**

**DELEGATION**

- |  |  |
|--|--|
| <p><b>1.</b> Car Parking (Control Charges, etc.)</p> <p>(a) Policy</p> <p>(b) Operational Management</p>   | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>  |
| <p><b>2.</b> Safe Routes to Schools</p> <p>(a) Policy</p> <p>(b) Operational Management</p>  | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services in consultation with the Director of Education</p>                   |
| <p><b>3.</b> Functions relating to New Roads and Street Works Act</p> <p>(a) Policy</p> <p>(b) Operational Management</p>                        | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>  |
| <p><b>4.</b> Street Works and Consent Orders</p> <p>(a) Policy</p> <p>(b) Operational Management</p> <p>(c) Implementation &amp; Enforcement</p> | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p> <p>Corporate Director of Regeneration and Community Services</p> |

- |           |  |  |
|-----------|--|--|
| <b>5.</b> | General highways matters including Highway structures including Trunk Road Agency Agreement, Highways Act 1980 |  |
| (a)       | Policy   | Cabinet  |
| (b)       | Procedures relating to Operational Management  | Corporate Director of Regeneration and Community Services                                      |
| (c)       | Implementation & Enforcement   | Corporate Director of Regeneration and Community Services                                      |
| <b>6.</b> | Sewers and sewerage water supplies, land drainage schemes  |  |
| (a)       | General Policy   | Cabinet  |
| (b)       | Operational Management   | Corporate Director of Regeneration and Community Services                                      |
| <b>7.</b> | Ebbw Valley Railway  |  |
| (a)       | Policy   | Cabinet  |
| (b)       | Operational Management   | Corporate Director of Regeneration and Community Services                                      |
| <b>8.</b> | Transportation Strategy (including Heads of the Valleys dualling)  |  |
| (a)       | Policy   | Cabinet  |
| (b)       | Operational Management   | Corporate Director of Regeneration and Community Services                                      |
| <b>9.</b> | Street (re)naming and (re)numbering schemes.   | Corporate Director of Regeneration and Community Services after consultation with Ward Members |

- |            |  |   |
|------------|--|---|
| <b>10.</b> | Alteration and provision of Street Lighting  |   |
| (a)        | Policy   | Cabinet   |
| (b)        | Operational  | Corporate Director of<br>Regeneration and<br>Community Services                   |
| <b>11.</b> | Institution of prosecutions or proceedings under any Statutory Provisions or the taking of any civil proceedings within the purview of the Committee | Head of Legal &<br>Corporate<br>Compliance or any<br>Solicitor in the<br>Division |
| <b>12.</b> | Road Traffic Regulation matters, including temporary closures  | Corporate Director of<br>Regeneration and<br>Community Services                   |
| <b>13.</b> | Road Safety – Traffic Management & Disabled Parking  |   |
| (a)        | Policy   | Cabinet   |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services                   |
| <b>14.</b> | Provision of Bus Shelters  |   |
| (a)        | Policy   | Cabinet   |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services                   |
| <b>15.</b> | Stands for Hackney Carriages (Taxi Ranks)  |   |
| (a)        | Appointment of stands for hackney carriages (taxis)  | Cabinet   |
| (b)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services                   |
| <b>16.</b> | Service of any notices under any Statutory Provisions under the Committee’s Terms of   | Corporate Director of<br>Regeneration and   |

Reference	Community Services
<p><b>17.</b> Reservoirs, Mines, Quarries, Tips and Unstable Ground.</p> <p>(a) Policy</p> <p>(b) Operational Management</p>	<p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>
<p><b>18.</b> Markets &amp; Fairs</p> <p>(a) Policy</p> <p>(b) Operational Management</p>	<p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>
<p><b>19.</b> War Memorials &amp; Cenotaphs (other than Town or Community Councils)</p> <p>(a) Policy</p> <p>(b) Operational Management</p>	<p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>
<p><b>20.</b> Public Transport</p> <p>(a) Policy</p> <p>(b) Operational Management</p>	<p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>
<p><b>21.</b> (a) Local Development Plan</p> <p>(b) Operational Management</p>	<p>Cabinet/Council</p> <p>Corporate Director of Regeneration and Community Services</p>
<p><b>22.</b> Making routine observations upon consultations from other bodies and agencies on planning and other applications.</p>	<p>Corporate Director of Regeneration and Community Services</p>

- 23.** Economic Development, attraction of new industry, existing industrial sites and other matters of an economic development nature including marketing and promotion of sites and premises
- (a) Policy Cabinet
- (b) Operational Management Corporate Director of Regeneration and Community Services
- 24.** Economic Development Grants and Loans
- (a) Policy Cabinet
- (b) Implementation and Award of Grants / Repayable Loans Corporate Director of Regeneration and Community Services
- 25.** Commercial and Industrial Improvement Areas
- (a) Declaration of Areas Cabinet
- (b) Grants Corporate Director of Regeneration and Community Services
- 26.** To implement the Council's and Regional Regeneration Strategies, major regeneration projects and Associated Funding Programmes
- (a) Policy/Strategy Cabinet
- (b) Operational Management Corporate Director of Regeneration and Community Services
- 27.** Repayable Funding Town Centre Loan Scheme & Property Recyclable Loan Scheme
- (a) Policy Cabinet
- (b) Operational Management (Implementation and Award of Loans) Corporate Director of Regeneration and Community Services

<b>28.</b>	Industrial Estates Maintenance	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>29.</b>	Skills and Employability (18+)	
(a)	Policy	Cabinet
(b)	Operational	Corporate Director of Regeneration and Community Services
<b>30.</b>	Acceptance of Tenders	As determined by the Council's Contract Procedure Rules (s 17)
<b>31.</b>	Tredegar Townscape Heritage initiative	
(a)	Policy	Cabinet
(b)	Operational (Implementation and Award of Grants)	Corporate Director of Regeneration and Community Services
<b>32.</b>	Adult and Continuing Education	
(a)	Policy	Cabinet
(b)	Operational	Corporate Director of Education
<b>33.</b>	Destination Management	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>34.</b>	Management of the Council's portfolio of Industrial Units	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services

- 35.** Approval of Heads of Terms for lettings of Industrial Units when occupancy to be governed by Licence Agreement or Standard Form Tenancy Agreement (Contracted-Out of LTA 1954)
- (a) Policy Cabinet
- (b) Operational Management Corporate Director of Regeneration and Community Services
- 
- 36.** Approval of Heads of Terms for lettings of Industrial Units when occupancy to be governed by Lease Agreement rather than a Licence agreement or Standard Form Tenancy Agreement (Contracted-Out of LTA 1954)
- (a) Policy Cabinet
- (b) Operational Management Corporate Director of Regeneration and Community Services
- 
- 37.** Winter Maintenance
- (a) Policy Cabinet
- (b) Operational Management Corporate Director of Regeneration and Community Services
- 
- 38.** Housing Strategy
- (a) Policy Council
- (b) Operational Management Corporate Director of Regeneration and Community Services
- 
- 39.** Housing Grant administration
- (a) Annual Investment Programme Corporate Director of Regeneration and



- |     |                        |   |
|-----|------------------------|---|
| (b) | Operational Management | Community Services<br>Corporate Director of<br>Regeneration and<br>Community Services |
|-----|------------------------|---|

**Function**

The Disposal and Acquisitions of Land and Property Policy sets out the approved framework and detail under this Part, below is a summary of the main provisions

**Delegation**

- |            |  |   |
|------------|--|---|
| <b>40.</b> | Disposal and Acquisition of Land and Property Policy   | Cabinet   |
|            | Community Asset Transfer Policy  | Cabinet   |
| (a)        | To consider and approve reports which propose a disposal or purchase of land and property, including approving their valuation terms, subject to (b) below | Corporate Director of<br>Regeneration and<br>Community Services |
| (b)        | Disposal of any property where value is in excess of £500,000  | Cabinet   |
| (c)        | All statutory sales and compensation   | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>41.</b> | Arranging and agreeing small rentals, tenancies and short-term leases and extensions of leases, including approving their terms.                           | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>42.</b> | Land for Grazing Policy  | Cabinet   |
| (a)        | Operational Management, including approving their terms  | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>43.</b> | Easements, Licences, etc.  | Cabinet   |
| (a)        | Policy   | Cabinet   |
| (b)        | Operational Management, including approving their terms  | Corporate Director of<br>Regeneration and                       |

Community Services

**44.** Village Greens

Corporate Director of  
Regeneration and  
Community Services

## CABINET PORTFOLIO FOR EDUCATION SUBJECT TO SCRUTINY BY THE PEOPLE SCRUTINY COMMITTEE

### FUNCTION

### DELEGATION

- |   |  |
|---|--|
| <p><b>1.</b> To exercise the Council's functions as Local Education Authority subject to the exercise by School Governors of those functions stipulated in the Instruments of Government.</p>   | <p>Cabinet</p>                         |
| <p><b>2.</b> To consider all major issues of educational policy (including the approval and/or determination of school organisation proposals (including those which receive objections) except for those that are required to be considered by Welsh Ministers).</p> | <p>Cabinet</p>                         |
| <p><b>3.</b> Pupil Services</p>   |  |
| <p>(a) Policy</p>   | <p>Cabinet</p>                         |
| <p>(b) (i) Admission of pupils to schools</p>   | <p>Corporate Director of Education</p> |
| <p>(ii) Appeals</p>   | <p>Appeals Committee</p>               |
| <p>(c) (i) Eligibility to home-school transport (including provision on danger grounds).</p>  | <p>Corporate Director of Education</p> |
| <p>(ii) Appeals</p>   | <p>Appeals Committee</p>               |
| <p>(d) (i) Approval for early admission to school.</p>  | <p>Corporate Director of Education</p> |
| <p>(ii) Appeals</p>   | <p>Appeals Committee</p>               |
| <p>(e) (i) Policy</p>   | <p>Cabinet</p>                         |
| <p>(ii) Grants</p>  | <p>Corporate Director of Education</p> |
| <p>(iii) Operational Management</p>   | <p>Corporate Director of Education</p> |
| <p>(f) Consideration of disciplinary matters on</p>   | <p>Appeals Committee</p>               |

reference by school governing bodies

- |           |   |                                 |
|-----------|---|---------------------------------|
| <b>4.</b> | Student Awards  | Corporate Director of Education |
| <b>5.</b> | Education Psychology Service  |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Operational Management  | Corporate Director of Education |
| <b>6.</b> | Education Welfare Service   |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Operational Management  | Corporate Director of Education |
| <b>7.</b> | Home and Hospital Tuition Services  |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Determination   | Corporate Director of Education |
| <b>8.</b> | Building Programme  |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Construction  | Corporate Director of Education |
| (c)       | Approval of school's self help and benefaction schemes  | Corporate Director of Education |
| <b>9.</b> | Building and Environmental Engineering Maintenance  |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Operational Management  | Corporate Director of Education |
| (c)       | School's self help and benefaction schemes  | Corporate Director of Education |
| (d)       | Approval of expenditure to a value of £15,000 in respect of accommodation matters – use of security firms – action to eliminate safety hazards. | Corporate Director of Education |

<b>10.</b>	(a) Governor Support & Training Policy (b) Determination of Training	Cabinet Corporate Director of Education
<b>11.</b>	Curriculum Advice, Training & Inspection (a) Policy (b) (i) Approval of parental applications to educate their children otherwise than at school. (ii) Appeals (c) Determination of GEST Programmes	Cabinet Corporate Director of Education Appeals Committee Corporate Director of Education
<b>12.</b>	(a) Policy and provision for pupils with Special Education Needs. (b) Determination of distribution of S.E.N. Funding to schools in accordance with the Scheme of Local Management (c) Issue of statements of special educational need in accordance with the principles approved by the Council.	Cabinet Corporate Director of Education Corporate Director of Education
<b>13.</b>	Ethnic Minority Pupil Support (a) Policy (b) Operational Management	Cabinet Corporate Director of Education
<b>14.</b>	Music Support (a) Policy (b) Operational Management	Cabinet Corporate Director of Education
<b>15.</b>	Provision of Transport (a) Policy (b) Determination	Cabinet Corporate Director of Education

(c)	Operational Management	Corporate Director of Regeneration and Community Services / Corporate Director of Education
<b>16.</b>	Consideration of consultative documents affecting the duties/functions of the Portfolio	Cabinet
<b>17.</b>	Consultation with professional associations within the Education Service	Cabinet
<b>18.</b>	School Support	
(a)	Policy	Cabinet
(b)	Expenditure on L.E.A. initiative, within the Budget determined by the Council	Corporate Director of Education
(c)	Determination of action to be taken by school governors in relation to school budget deficits	Corporate Director of Education
<b>19.</b>	Approval of temporary closure of schools	
(a)	Implementation	Corporate Director of Education
(b)	Formal warning notice to a Governing Body	Corporate Director of Education after consultation with the Cabinet member
(c)	Suspension of a Schools Devolved Budget	Cabinet
(d)	Appointment of Additional Governors	Cabinet
<b>20.</b>	School Library	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Education
<b>21.</b>	The Learning Campus	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of

## Education

- 22.** Playing fields and recreation grounds
- (a) Policy
  - (b) Operational Management
- 23.** Playing fields and recreation grounds, schools if the LEA so direct or agrees.
- (a) Policy
  - (b) Operational Management
- 24.** General Policy on the fixing of general charges and letting of buildings (including waiving or reducing of fixed charges) for the use of facilities within the Portfolio
- 25.** Playschemes
- (a) Policy
  - (b) Operational Management
- 26.** Archives
- (a) Policy
  - (b) Operational Management
- 27.** Museum Education

(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services / Corporate Director Education
<b>28.</b>	<b>Youth Service</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Education
<b>29.</b>	<b>Outdoor Education</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Education
<b>30.</b>	<b>Allotments</b>	
(a)	Policy	Cabinet
(b)	Lettings to Allotment Association	Corporate Director of Regeneration and Community Services
<b>31.</b>	<b>Acceptance of Tenders</b>	Relevant Director as determined by the Contract Procedure Rules (s.17)
<b>32.</b>	<b>Interface with EAS, but not Cabinet role</b>	Corporate Director of Education



**CABINET PORTFOLIO FOR SOCIAL SERVICES SUBJECT TO SCRUTINY  
BY THE PEOPLE SCRUTINY COMMITTEE**

**FUNCTION**

**DELEGATION**

- |   |  |
|---|--|
| <p><b>1.</b> Children &amp; Families Services</p> <p>(a) Policy</p> <p>(b) Operational</p>  | <p>Cabinet</p> <p>Corporate Director of Social Services</p>  |
| <p><b>2.</b> Child and Adult Protection</p> <p>(a) Policy</p> <p>(b) Monitoring and Evaluation</p> <p>(c) Operational</p>                                     | <p>Cabinet</p> <p>Corporate Director of Social Services and Local Safeguarding Children’s Board</p> <p>Corporate Director of Social Services</p> |
| <p><b>3.</b> Adoption</p> <p>(a) Policy</p> <p>(b) Implementation</p>   | <p>Cabinet</p> <p>Corporate Director of Social Services</p>  |
| <p><b>4.</b> Families First, Flying Start, Early years and play</p> <p>(a) Policy</p> <p>(b) Operational</p>  | <p>Cabinet</p> <p>Director of Social Services</p>  |
| <p><b>5.</b></p> <p>(a) To exercise the Council’s functions at Social Services Authority.</p> <p>(b) Statutory duties of the Director of Social Services.</p> | <p>Cabinet</p> <p>Corporate Director of Social Services</p>  |
| <p><b>6.</b> Strategic Planning</p>   |  |

(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>7.</b>	Special Training (In-House)	Corporate Director of Social Services
<b>8.</b>	Emergency out of hours Social Work Service	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services / Joint Arrangement
<b>9.</b>	Older People & Physically Disabled People	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>10.</b>	Mental Health and Substance Abuse Services	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
(c)	Guardianship	Corporate Director of Social Services
<b>11.</b>	Learning Disabilities Services	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>12.</b>	Visually Impaired (except education)	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>13.</b>	Building Programme	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of

		Regeneration and Community Services
<b>14.</b>	Social Services premises including maintenance	
(a)	Policy	Cabinet
(b)	Implementation	Corporate Director of Regeneration and Community Services
<b>15.</b>	Provisions of Transport	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
(c)	Fleet Management Provision	Corporate Director of Regeneration and Community Services
<b>16.</b>	Individual Care Plans and Placements	Corporate Director of Social Services
<b>17.</b>	Care in the Community	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>18.</b>	Complaints Management	
(a)	Policy	Cabinet
(b)	Operational Management	Director of Social Services
(c)	Appeals	Appointed panel
<b>19.</b>	Consideration of consultative documents affecting the duties/functions of the Portfolio.	Cabinet
<b>20.</b>	Meals on Wheels	

<p>(a) Policy</p> <p>(b) Implementation</p>	<p>Cabinet</p> <p>Corporate Director of Social Services /</p> <p>Corporate Director of Regeneration and Community Services</p>
<p><b>21.</b> Grants to Independent/Voluntary Bodies relevant to the functions of this Committee</p> <p>(a) Policy</p> <p>(b) Implementation</p>	<p>Cabinet</p> <p>Corporate Director of Social Services</p>
<p><b>22.</b> Grounds Maintenance (Client) (Social Services)</p> <p>(a) Policy</p> <p>(b) Operational Management</p>	<p>Cabinet</p> <p>Corporate Director of Social Services</p>
<p><b>23.</b> Statutory duty for homelessness</p> <p>Operational</p>	<p>Corporate Director of Social Services</p> <p>Corporate Director of Regeneration and Community Services</p>
<p><b>24.</b> Acceptance of Tenders</p>	<p>Relevant Director as determined by the Council's Contract Procurement Rules</p>

**PLANNING COMMITTEE**  
**(PLEASE NOTE THE PROVISIONS IN RELATION TO QUORATE**  
**MEETINGS re PLANNING ITEMS – see Section 9, para 9.6)**

**Function**

**Delegation**

1. **BUILDING REGULATION FUNCTIONS**

Determination of Building Regulation applications

Corporate Director of  
Regeneration and  
Community Services

All relevant enforcement matters

Corporate Director of  
Regeneration and  
Community Services

Fee setting

Corporate Director of  
Regeneration and  
Community Services

## **PLANNING CONTROL - APPLICATIONS**

Screening and scoping opinions relating to Environmental Impact Assessment

Corporate Director of Regeneration and Community Services (subject to 24 hours notification to Ward Members)

1 To offer professional planning advice under the local or national scheme for preliminary planning advice. Includes responding to pre-application (PAC) consultations for DNS.

Corporate Director of Regeneration and Community Services

2 Consultation by neighbouring Local Planning Authority

Corporate Director of Regeneration and Community Services

Determination of all planning and related applications unless otherwise specified in the scheme of delegation. This shall include TPO, listed buildings, adverts, lawful development certificates, CAAD, CAC, s73, discharge of conditions, non-material amendments, prior notifications, reserved matters and hazardous substances consent. 3 To include cases where s106 obligations are applicable.

Corporate Director of Regeneration and Community Services

4 To decline to entertain an application when s70A of the Act applies

Corporate Director of Regeneration and Community Services

Major 5 residential applications of 10 or more units or site area 0.5ha or more.

Planning Committee

Approval of applications that are deemed to be a material departure from the Local Development Plan.

Planning Committee

7 Applications for non-domestic renewable energy schemes (solar, hydro and wind) which give rise to concerns of noise, visual impact or other material concerns.

Planning Committee

8 Local Impact Report relating to Development of National Significance

Corporate Director of Regeneration and Community Services

(Note: Members wishing to express a view on the merits of a scheme to submit representations direct to the Inspector by the prescribed deadline)

Applications which in the opinion of the Director/Service Manager are of wider public interest.

Planning Committee

Where a Member submits a written request (within 21 days of application appearing on the published weekly list) citing material planning reasons that an application be heard at Planning Committee.

Planning Committee  
(Subject to call in request being approved by the Chair)

10 Applications submitted by an Officer of the Development & Estates team, an officer directly involved in the planning process or an elected Member of the Council (or on land/buildings in their ownership).

Planning Committee

11 To agree extensions of time on planning and related applications

Corporate Director of Regeneration and Community Services  
Corporate Director of Regeneration and Community Services

12 To respond to consultations from Welsh Government on changes to policy, regulations and primary legislation.

Corporate Director of Regeneration and Community Services

### 3. **PLANNING ENFORCEMENT**

The service of a planning contravention notice (or other requisition for information), enforcement notice, breach of condition notice, s215 notice or enforcement under advertisement regulations.

Corporate Director of Regeneration and Community Services

Determination that no further action be taken where

Corporate Director of



it is considered no breach or that it is not expedient to take enforcement action.	Regeneration and Community Services
In emergencies, the service of a stop notice or injunction.	Corporate Director of Regeneration and Community Services in consultation with the Head of Legal
To instigate proceedings for non-return or non-compliance with a notice.	Corporate Director of Regeneration and Community Services
Cases which in the opinion of the Service Manager are of wider public interest given the circumstances of the case.	Planning Committee
RIPA Authorisations	Appropriate authorised officer signatory in accordance with the Council's RIPA Policy

**4. MISCELLANEOUS**

Appointing Officer for the purpose of Section 10(8) of the Party Wall Act 1996	Corporate Director of Regeneration and Community Services
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Powers relating to footpaths and bridleways	Corporate Director of Regeneration and Community Services in consultation with the Chair of Planning
Powers relating to protection of important hedgerows.	Corporate Director of Regeneration and Community Services
Determination and confirmation of Public Path Orders under the Highways Act 1980 or Town and Country Planning Act 1990, where objections have been received at pre-order consultation stage	Planning Committee
Determination and confirmation of Public Path Orders under the Highways Act 1980 or Town and Country Planning Act 1990, where <b>no objections</b> are received at pre-order consultation stage	Corporate Director of Regeneration and Community Services
Functions in respect of the management, maintenance, enforcement, changing and recording of Public Rights of Way, Countryside Access & Active Travel other than where specifically delegated otherwise	Corporate Director of Regeneration and Community Services
Determination and confirmation of evidential Definitive Map Modification Orders received under s53(3)(b) or s53(3)(c) of the Wildlife and Countryside Act, where no objections are received at pre-order consultation stage	Corporate Director of Regeneration and Community Services
Determination and confirmation of evidential Definitive Map Modification Orders received under	Planning Committee

s53(3)(b) or s53(3)(c) of the Wildlife and Countryside Act, where objections have been received at pre-order consultation stage

Confirmation of Definitive Map Modification Orders under s53(3)(a) of the Wildlife and Countryside Act (Legal Event Modification Orders)

Corporate Director of Regeneration and Community Services

Dedication of Public Rights of Way on land owned by the Council

Corporate Director of Regeneration and Community Services

**GENERAL LICENSING COMMITTEE**  
**FUNCTION**

**DELEGATION**

1. Duty to enforce and execute Regulations (EC)852/2004 and 853/2004 in relation to food business operators as further specified in Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006 in relation to the issuing, approval and refusal of licences/registration/ approval (as appropriate),

(a) General Policy

General Licensing Committee

(b) Approval under EC Regulation 853/2004 (food premises processing products of animal origin)

Corporate Director of Regeneration and Community Services

(c) Implementation & Enforcement

Corporate Director of Regeneration and Community Services

2. Power to register and licence premises for the

preparation of food under Section 19 of the Food Safety Act 1990

- |      |  |   |
|------|--|---|
| (a)  | General Policy   | General Licensing Committee   |
| (b)  | Implementation & Enforcement   | Corporate Director of Regeneration and Community Services                             |
| <br> |  |   |
| 3.   | All functions under any of the “relevant statutory provisions” within the meaning of Part I of the Health and Safety at Work etc. Act 1974 (including any associated Regulations, Orders, Byelaws or other statutory legislation, with the exception of provisions available under the above legislation which have been specifically mentioned elsewhere in this document), to the extent that those functions are discharged otherwise than in the Authority’s capacity as an employer |   |
| (a)  | General Policy, including fees   | Corporate Director of Regeneration and Community Services                             |
| (b)  | Implementation & Enforcement   | Inspectors appointed by the Corporate Director of Regeneration and Community Services |
| <br> |  |   |
| 4.   | Power to licence dealers in game and the killing and selling of game in pursuance of Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); Sections 2 to 16 of the Game Licences Act 1869 (c.90), Section 4 of the Customs and Inland Revenue Act 1883 (c.10), Section 27 of the Local Government Act 1894 (c.73), and Section 213 of the Local  |   |

Government Act 1972 (c.70)

- |     |                              |   |
|-----|------------------------------|---|
| (a) | General Policy               | General Licensing Committee                               |
| (b) | Implementation & Enforcement | Corporate Director of Regeneration and Community Services |

**6.** Powers to licence hackney carriage and private hire vehicles, hackney carriage and private hire vehicle driver's and private hire vehicle operators in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976:-

- |     |  |  |
|-----|--|--|
| (a) | Licence conditions/policies  | General Licensing Committee  |
| (b) | Licence Fees   | Corporate Director of Regeneration and Community Services (subject to Scrutiny by General Licensing Committee) |
| (c) | Determination of applications – where in compliance with the relevant policy     | Corporate Director of Regeneration and Community Services  |
| (d) | Determination of applications – where not in compliance with the relevant policy | General Licensing Committee  |

*New*

General Licensing Committee

## *Renewal*

- |           |   |   |
|-----------|---|---|
| (e)       | Determination of reviews – urgent or non-contentious  | Corporate Director of Regeneration and Community Services |
| (f)       | Determination of reviews – contentious and non-urgent   | General Licensing Committee                               |
| (g)       | Enforcement/General Implementation  | Corporate Director of Regeneration and Community Services |
| <b>7.</b> | <b>Powers under the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended, the House-to-House Collections Act 1939, the Charities Act 1992 and the Charitable Institutions (Fund Raising) Regulations 1994 in respect of street collection permits and house to house collection licences relating to charitable collections</b> |   |
| (a)       | Policies/Licence Conditions   | General Licensing Committee                               |
| (b)       | Determination of applications – where in compliance with the relevant policies  | Corporate Director of Regeneration and Community Services |
| (c)       | Determination of applications – where not in compliance with the relevant policies  | General Licensing Committee                               |
| (d)       | Determination of review of consents   | Corporate Director of Regeneration and Community Services |
| (e)       | Enforcement/General Implementation  | Corporate Director of Regeneration and                    |

**8. Street Trading**

- (a) Licence conditions/policies  
General Licensing Committee
- (b) Licence Fees  
Corporate Director of Regeneration and Community Services  
(subject to Scrutiny by General Licensing Committee)
- (c) Determination of applications – where in compliance with the relevant policy  
Corporate Director of Regeneration and Community Services
- (d) Determination of applications – where not in compliance with the relevant policy
- New*  
General Licensing Committee Panel
- Renewal*  
General Licensing Committee  
Corporate Director of Regeneration and Community Services
- (e) Determination of reviews – urgent or non-contentious  
General Licensing Committee
- (f) Determination of reviews – contentious and non-urgent  
Corporate Director of Regeneration and Community Services
- (g) Enforcement/General Implementation

**9. Sex Shops & Sex Cinemas**

- |     |  |   |
|-----|--|---|
| (a) | Licence conditions/policies                  | General Licensing Committee   |
| (b) | Licence Fees                                 | Corporate Director of Regeneration & Community Services<br>(subject to Scrutiny by General Licensing Committee) |
| (c) | Determination of all applications            | General Licensing Committee   |
| (d) | Determination of all reviews of applications | General Licensing Committee   |
| (e) | Enforcement/General Implementation           | Corporate Director of Regeneration and Community Services   |

**10. Issue or refusal of licences/registration/approval (as appropriate), the determination of such conditions, terms or limitations as may be appropriate and the enforcement of such conditions/terms/limitations for the following:-**

- |     |               |   |
|-----|---------------|---|
| (a) | Caravan Sites | Corporate Director of Regeneration and Community Services |
| (b) | Pet Shops     | Corporate Director of Regeneration and                    |



(c)	Animal Breeding and Boarding Establishments	Community Services Corporate Director of Regeneration and
(d)	Riding Establishments	Community Services Corporate Director of Regeneration and
(e)	Zoos and Performing Animals	Community Services Corporate Director of Regeneration and
(f)	Dangerous Wild Animals	Community Services Corporate Director of Regeneration and
(g)	Tattooing, cosmetic piercing, semi-permanent skin colouring, electrolysis, acupuncture or any other cosmetic procedures of a similar nature and any other special procedures or intimate piercings*	Community Services Corporate Director of Regeneration and
*as provided for in the Public Health (Wales) Act 2017 (including any associated Regulations, Orders, Byelaws or other statutory legislation, with the exception of provisions available under the above legislation which have been specifically mentioned elsewhere in this document)		
(h)	Petroleum	Corporate Director of Regeneration and Community Services
(i)	Explosives	Corporate Director of Regeneration and Community Services
(j)	Safety Certificates at Sports Grounds	Corporate Director of Regeneration and Community Services
(k)	Premises for Solemnisation Marriages and the Registration of Civil Partnerships	Head of Legal & Corporate Compliance

- |     |  |   |
|-----|--|---|
| (l) | Power to Licence the use of moveable dwellings and camping sites | Corporate Director of Regeneration and Community Services |
|-----|--|---|

**STATUTORY LICENSING COMMITTEE**

**FUNCTION**

**DELEGATION**

- |     |  |   |
|-----|--|---|
| 1.  | Functions under the Licensing Act 2003 (as amended)  |   |
| (a) | Licensing Policy   | Council   |
| (b) | Premise Licences and Club Premises Certificate Applications / variations / transfer / provisional statements – no representations received | Corporate Director of Regeneration and Community Services |
| (c) | Premise Licences and Club Premise Certificate applications/variations/ Transfer/provisional statements – representations received          | Statutory Licensing Committee / Sub-Committee             |
| (d) | Personal Licence applications – no representations received  | Corporate Director of Regeneration and Community Services |
| (e) | Personal Licence applications – representations received or where applicant has relevant convictions                                       | Statutory Licensing Committee / Sub-Committee             |
| (f) | Reviews of licences and certificates   | Statutory Licensing Committee / Sub-Committee             |
| (g) | Temporary Event Notices – no representations received  | Corporate Director of Regeneration and Community Services |
| (h) | Temporary Event Notices – representations received   | Statutory Licensing Committee / Sub-Committee             |
| (i) | Application to vary/remove   | Corporate Director of                                     |

- |     |  |   |
|-----|--|---|
|     | Designated Premises Supervisor – no representations received   | Regeneration and Community Services                       |
| (j) | Application to vary/remove Designated Premises Supervisor – representations received                             | Statutory Licensing Committee / Sub-Committee /           |
| (k) | Application for interim authorities – no representations   | Corporate Director of Regeneration and Community Services |
| (l) | Applications for interim authorities – representations received  | Statutory Licensing Committee / Sub-Committee /           |
| (m) | Decision to object when Local Authority is consultee, and not the relevant Authority considering the application | Corporate Director of Regeneration and Community Services |
| (n) | Enforcement/General Implementation   | Corporate Director of Regeneration and Community Services |

**2. Functions under the Gambling Act 2005 (as amended)**

- |     |   |   |
|-----|---|---|
| (a) | Licensing Policy  | Council   |
| (b) | Licence Fees  | Statutory Licensing Committee                             |
| (c) | Policy to permit casinos  | Council   |
| (d) | Premise Licence applications/variation/<br>Transfers and provisional statements – no representations        | Corporate Director of Regeneration and Community Services |
| (e) | Premise Licence applications/variations/<br>Transfers and provisional statements – representations received | Statutory Licensing Committee/<br>Sub-Committee           |
| (f) | Reviews of Premise Licences and Permits   | Statutory Licensing Committee/<br>Sub-Committee           |
| (g) | Application for club gaming/club machine permits – no representations                                       | Corporate Director of Regeneration and Community Services |
| (h) | Application for club gaming/club machine permits – representations  | Statutory Licensing Committee/<br>Sub-Committee           |

- received
- |   |   |
|---|---|
| (i) Cancellation of club gaming/club machine permits                    | Corporate Director of Regeneration and Community Services |
| (j) Cancellation of licensed premises gaming machine permits            | Corporate Director of Regeneration and Community Services |
| (k) Application for other permits/consideration of temporary use notice | Corporate Director of Regeneration and Community Services |
| (l) Decision to give a counter notice to temporary use notice           | Corporate Director of Regeneration and Community Services |
| (m) Enforcement/General Implementation                                  | Corporate Director of Regeneration and Community Services |

## **DEMOCRATIC SERVICES COMMITTEE**

To exercise the following functions:-

- (a) To designate the Head of Democratic Services.
- (b) To consider reports by the Head of Democratic Services in accordance with Section 9(1)(h) of the Local Government (Wales) Measure 2011 (adequacy of resources to discharge democratic services functions) within 3 months and make recommendations to Council, as appropriate.
- (c) To ensure that all reports of Democratic Services Committee under Section 11 of the Local Government (Wales) Measure 2011 (recommendations regarding the adequacy of resources to discharge democratic services functions) are circulated to all Members and considered within 3 months.

- (d) To require the attendance of any Members or Officers of the Council to answer questions and invite other persons to attend meetings, as required.
- (e) To require any Member or Officer attending meetings to answer any questions (unless they are to refuse on legal grounds).
- (f) To appoint one or more Sub-Committees and to arrange for the discharge of any of its function by such a Sub-Committee.
- (g) To review and monitor the effectiveness of the Council's democratic services functions, including:-
  - The provision of support and advice to meetings of the Council, Committees, Sub-Committees and Joint Committees.
  - Promoting the role of Scrutiny.
  - The provision of support and advice to Scrutiny.  
The provision of support and advice to individual Councillors in carrying out their roles as Members.
  - Such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers and make recommendation to Cabinet and Council, as appropriate.
- (h) To review the adequacy of the Council's democratic services resources and to make recommendations, where necessary.
- (i) To review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution and make recommendations, as necessary, to Cabinet and/or the Council.
- (j) Review the Role Descriptions for elected Members.
- (k) Annual reports for Members.
- (l) Remuneration Panel reports.

(m) Remote attendance for Members/hybrid meetings/recording/live broadcasting.

## **APPEALS COMMITTEE**

### **Terms of Reference**

#### **Education Matters**

- (i) Pupil Services – Admission of pupils to schools
- (ii) Eligibility for home to school transport
- (iii) Approval for early admission to school
- (iv) Consideration of disciplinary matters on reference from School Governing Bodies

#### **Public Protection Matters**

- (i) Tree Preservation Orders

#### **Human Resources Matters**

- (i) Appeals against disciplinary actions in respect of dismissals.

## **APPOINTMENTS COMMITTEE – JNC OFFICERS**

### **Terms of Reference**

- (i) Interview and Appointment of JNC Officers where appropriate.

## **DISCIPLINARY COMMITTEE – JNC OFFICERS**

- (i) To consider disciplinary action in respect of Directors/Heads of Service/Statutory Officers



## **GOVERNANCE AND AUDIT COMMITTEE**

### **PURPOSE**

1. The Governance and Audit Committee should:-
  - (a) Review, scrutinise and issue reports and recommendations in relation to the Authority's financial affairs;
  - (b) Provide independent assurance of the adequacy of the risk management framework and the associated control environment;
  - (c) Provide independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment;
  - (d) Oversee the financial reporting process.
  - (e) Oversee the effectiveness of the Council's complaints process (service complaints).
2. To achieve these objectives the Governance and Audit Committee should:-
  - (a) Approve (but not direct) internal Audit's strategy, plan and performance;
  - (b) Review the planned activity and results of both Internal Audit and External Audit and receive regular reports accordingly;
  - (c) Review summary Internal Audit reports and the main issues arising, consider the adequacy of management responses, and seek assurances that action has been taken where necessary;
  - (d) Receive the annual report of the Head of Internal Control and monitor action in response to the issues raised in the report;

- (e) Consider the effectiveness of the Council's risk management arrangements and the control environment;
- (f) Approve the Council's formal policies for combating fraud and anti-corruption and arrangements for special investigations, together with associated policies such as Whistle Blowing and Benefit Fraud prosecutions;
- (g) Consider arrangements for raising the profile of probity within the Council and receive ad hoc reports on any issues relating to the above;
- (h) Receive reports from the Section 151 Officer or his/her representatives on the strategic processes for financial risk, control and governance;
- (i) Seek assurances that action is being taken on risk related issues identified by auditors and regulators;
- (j) Obtain satisfaction that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- (k) Ensure there are effective relationships between External and Internal audit, regulation/inspection agencies and other relevant bodies and that the value of the audit process is actively promoted;
- (l) Review the annual financial statements with the Section 151 Officer, including the level and nature of any significant errors identified, together with the Section 151 Officer's letter of representation to the External Auditor;
- (m) Review the External Auditor's opinion and reports to Members on these annual financial statements and consider the adequacy of management responses and action in relation to the issues raised by External Audit;
- (n) The Chief Officer - Resources, the Head of Financial Service, the Head of Internal Audit, the Monitoring Officer and the representative of the External Auditor will have free and confidential access to the Chair of the Committee.

- 3.** As and when appropriate, the Committee will also be provided each financial year with:-
- (a) Details of any significant amendments to the terms of reference of Internal Audit;
  - (b) The Internal Audit Plan;
  - (c) The financial statements of the Council, including the Annual Governance Statement, and audit opinion to be provided by the External Auditor;
  - (d) External audit outputs including: the Regulatory Plan; ISA260 Report to 'Those Charged with Governance'; Audit Opinion; Financial Accounts Memorandum and Annual Audit Letter; and
  - (e) Consideration of the Policy regarding the Regulation of Investigatory Powers Act.

## **SECTION 14**

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

#### **14.1 Scope**

These rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committee, Governance and Audit Committee, Democratic Services Committee, Ethics and Standards Committee, and Regulatory Committees.

#### **14.2 Additional Rights to Information**

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

#### **14.3 Rights to Attend Meetings**

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

#### **14.4 Notices of Meeting**

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.

#### **14.5 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.

#### **14.6 Supply of Copies**

The Council will supply copies of:

- 14.6.1 any agenda and reports which are open to public inspection;
- 14.6.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 14.6.3 if the Chief Executive 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.

#### **14.7 Access to Minutes after the Meeting**

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

- 14.7.1 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;
- 14.7.2 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;

- 14.7.3 the agenda for the meeting; and
- 14.7.4 reports relating to items when the meeting was open to the public.

## **14.8 Background Papers**

### 14.8.1 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;
- (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 14.10.

### 14.8.2 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.

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

A written summary of the public's rights to attend meetings and to inspect and copy documents will be made available to the public on request.

## **14.10 Exclusion of Access by the Public to Meetings**

### **14.10.1 Confidential Information – Requirement to Exclude Public**

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.

### **14.10.2 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.

### **14.10.3 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.

### **14.10.4 Meaning of Exempt Information**

Exempt information means information falling within the categories as defined by Schedule 12A of the Local Government Act 1972 as amended

NOTE: 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.

## **14.11 Public Interest Test**

14.11.1 Information which:

- (a) falls within any relevant paragraphs of the schedule to the Act stated 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.

14.11.2 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.

14.11.3 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?

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

If the Head of Legal & Corporate Compliance 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 14.10, 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.

## **14.13 The Forward Work Programme**

### **14.13.1 Period of Forward Work Programme**

The Forward Work Programme will be prepared by the Head of Democratic Services to cover a period twelve months. It will be updated at the end of this period.

#### 14.13.2 Contents of Forward Work Programme

- (a) The Forward Work Programme will contain matters which the Cabinet, Overview and Scrutiny Committee 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 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 Committee.
- (b) The Forward Work Programme will be published at least 14 days before the start of the period covered. The Head of Democratic Services 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.

#### **14.14 Consultation on Proposals to be considered by the Cabinet**

- 14.14.1 At least four weeks should be permitted in the Forward Work Programme for consultation with the

Overview and Scrutiny Committee and Electoral Division Members 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 14.10).

14.14.2 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.

14.14.3 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 Presiding Member or, in his/her absence, the Deputy Presiding Member 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.

## **14.15 Record of Decisions of the Cabinet**

### 14.15.1 The Decision Record

(a) A written record will be made of every Cabinet Decision made by the Cabinet and its Committees (if any) and by Joint Committees and Joint Sub-Committees whose Members are all Members of a Local Authority Cabinet.

- (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 Ethics and Standards Committee;
  - (vi) any consultation undertaken prior to the decision.

#### 14.15.2 Preparing the Decision Record

The Head of Legal & Corporate Compliance 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 Cabinet, and shall, as soon as reasonably practicable after the meeting, produce a decision record.

### **14.16 Overview and Scrutiny Committees and other Committees and Members' Access to Documents**

#### 14.16.1 Rights of Access

Subject to paragraph 14.17.2 below, Overview and Scrutiny Committees and other 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.

#### 14.16.2 Limit on Rights

Overview and Scrutiny Committees and other Committees 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 review or scrutinised or any review contained in a programme of work of the Committees.

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

#### 14.17.1 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 Members of the Cabinet.

#### 14.17.2 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

#### 14.17.3 Nature of Rights

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

## **SECTION 15**

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

#### **15.1 The Framework for Cabinet 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.

#### **15.2 Process for Developing the Framework**

15.2.1 The Cabinet, following detailed reports from respective Chief Officers, (following appropriate consultation with stakeholders) will present to Council, 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.

15.2.2 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. In considering the matter, the Council shall have before it the Cabinet's proposals and any related report from an Overview and Scrutiny Committee.

15.2.3 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 Chief Executive in

writing and signed by the proposer and seconder not later than 17:00 at least 3 clear days before the date of the Council meeting.

- 15.2.4 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 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.
  
- 15.2.5 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.
  
- 15.2.6 The Council meeting must take place within 5 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.
  
- 15.2.7 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 in accordance with Section 14 and shall be implemented immediately.



- 15.2.8 All policy and budget reports presented to Council for decision shall subsequently be presented to the next calendar relevant Overview and Scrutiny Committee.

### **15.3 Process for Developing the Budget**

- 15.3.1 The Cabinet will follow the process set out in the Financial Procedure Rules in Section 16 of the Constitution. In addition, the following process shall apply to the development of the Budget:

- (a) The Cabinet will prepare 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.

- 15.3.2 The Cabinet will take any response from the relevant Overview and Scrutiny Committee into 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.

15.3.3 Once the Cabinet has approved the firm proposals, it will refer them at the earliest opportunity to the Council. Any alternative proposed amendments to the recommendations of Cabinet may not be considered by Council unless notice of the proposed amendment(s) has been given in writing via e-mail (with the names of the Proposer and Seconder clearly stated) to the Section 151 Officer and the Chief Executive not later than 5:00pm at least 3 clear working days (not including the date of the meeting) before the date of the Council meeting. If there is less than 3 days between the Cabinet meeting which has determined the formal budget recommendations, then such notice of amendment referred to above shall be given, in the same specified form, as soon as possible but not less than 1 working day before the Council meeting.

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

15.4.1 Subject to the provisions of paragraph 15.6 (virement) the Cabinet, Committees of the Cabinet or any Officers or joint arrangements discharging Cabinet 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 15.5 below.

15.4.2 If the Cabinet, Committees of the Cabinet, individual Members of the Cabinet or any Officers or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Officer -

Resources 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.

- 15.4.3 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 15.5 (urgent decisions outside the Budget and Policy Framework) shall apply.

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

- 15.5.1 The Cabinet, a Committee of the Cabinet or Officers or joint arrangements discharging Cabinet 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.

- 15.5.2 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 Presiding Member and in the absence of both the Deputy Presiding Member of the Council will be sufficient.

- 15.5.3 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.

## **15.6 Virement**

Steps taken by the Cabinet, a Committee of the Cabinet, or Officers or joint arrangements discharging Cabinet 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 16 of this Constitution.

## **15.7 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, or Officers or joint arrangements discharging Cabinet 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:

- 15.7.1 which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- 15.7.2 necessary to ensure compliance with the law, ministerial direction or government guidance;

- 15.7.3 in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
- 15.7.4 which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; or
- 15.7.5 for which provision is made within the relevant budget or policy.

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

- 15.8.1 Where the relevant Overview and Scrutiny Committee is of the opinion that a Cabinet 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 Officer - Resources.
- 15.8.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Officer - Resources 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 Officer - Resources report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Officer - Resources conclude that the decision was a departure, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Chief Officer - Resources conclude that the decision was not a departure.

15.8.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the and/or the Chief Officer - Resources 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 the 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 10 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 Officer - Resources. The Council may either.

- (a) endorse a decision or proposal of the Cabinet 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 Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet 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 framework to accommodate it, require the Cabinet to reconsider the matter in accordance

with the advice of either the Monitoring Officer  
or Chief Officer - Resources.

## **SECTION 16**

### **16. FINANCIAL PROCEDURE RULES**

#### **16.1 INTRODUCTION**

The purpose of these Financial Regulations is to ensure:

- (a) Public accountability and high standards of financial integrity are exercised by Council in controlling the public funds and assets for which it is responsible. They govern the day-to-day administration of the Council's finances. They are set down to protect the interests of the Council as a whole and individual Councillors and employees.
- (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) 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.

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 resources and assets under their control, and for ensuring that the use of resources and assets is legal, is consistent with council policies and priorities, is properly authorised, and provides value for money.



Where an employee is identified in the Regulations by job title, the post holder may delegate functions to employees under their control, but they retain responsibility to the Council for the actions of those individuals.

Failure to comply with these Regulations, or the instructions issued under them, or any arrangements made for the purposes of them, may constitute misconduct.

In the event of dispute as to the meaning of any of the provisions of these Financial Regulations, the matter shall be determined by the S151 Officer, whose decision shall be final.

## **16.2 DEFINITIONS**

“Chief Officer” means the appropriate Director

“Committee” means the Council or the appropriate Committee of the Council (including the Cabinet) discharging the function

## **16.3 FINANCIAL MANAGEMENT - GENERAL RESPONSIBILITIES**

- (a) The Full Council is responsible for approving the Budget. The budget setting process includes the approval of Prudential Indicators as requested by the CIPFA Prudential Code for Capital Finance in Local Authorities. The role of the Council is set out in this Constitution.
- (b) Cabinet is responsible for proposing the Annual Budget to Full Council.
- (c) The Chief Officer - Resources shall for the purpose of Section 151 of the Local Government Act 1972 be responsible under the general direction of the Council for the proper administration of the Council's financial affairs,

and is the professional adviser on financial matters. The Chief Officer – Resources' responsibilities include:

- (i) the proper administration of the Council's financial affairs;
  - (ii) advising on the corporate financial position and on key financial controls necessary to secure sound financial management;
  - (iii) providing financial information and advice to the Corporate Leadership Team, the Cabinet and the Council on all aspects of its activity including the presentation of appropriate financial options as necessary;
  - (iv) providing training for Members and Officers on Financial Procedures and Financial Management Standards;
  - (v) preparing and monitoring the revenue budget, capital programme and the Medium-Term Financial Plan;
  - (vi) ensuring an effective Internal Audit Function and Treasury Management Function;
  - (vii) ensuring that the level of reserves is adequate to meet known financial risks facing the Council over the medium term;
  - (viii) ensuring that financial information is available to enable accurate and timely monitoring and reporting.
- (d) The Financial Regulations shall apply to schools only to the extent that the provisions are consistent with the statutory provisions and the arrangements made in relation to schools. Separate financial procedures have been incorporated into the Council's Scheme for Financing of Schools and relate to those matters where decisions have been delegated to school governing bodies.

## **16.4 CODES OF PRACTICE**

The Council will comply with the latest Codes of Practice for Local Authority Accountancy and Financial Administration. Any significant exceptions to this approach due to practical difficulties shall be reported to the Cabinet.

## **16.5 REVENUE EXPENDITURE ESTIMATES**

### **Budget Setting Process**

- (a) The Chief Officer - Resources in collaboration with Chief Officers shall prepare annual revenue and expenditure estimates in accordance with the Council's Medium Term Financial Strategy.
- (b) The Chief Officer - Resources shall summarise in one document the estimates as approved and submit them to a special meeting of the Cabinet Committee. The Cabinet Committee shall consider the effect of the aggregate estimates on the Council's financial resources, and shall submit its recommendations on the following matters to Full Council:-
  - (i) Any amendments deemed necessary.
  - (ii) The utilisation or replenishment of fund balances.
  - (iii) The rate of Council Tax to be levied.

### **Budget Virements**

During the year, Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs and priorities or to address in year overspends/unplanned expenditure or budget pressures.

For budget virements during the financial year:

- (a) Within a Portfolio – each Chief Officer should make the appropriate arrangements for values up to £250,000 between any one budget head to another for which they are responsible. These virements should be approved in writing by the relevant Portfolio Accountant. Budget

virements exceeding £250,000 will require the approval of the Cabinet.

- (b) Between Portfolios – Virements below £250,000 will require consultation with and agreement from the relevant Cabinet Members. Budget virements exceeding £250,000 will require the approval of the Cabinet.
- (c) Budget virements to cover planned expenditure on approved transfers of staff or services between Portfolios will not require further approval.
- (d) Council approval is required for any budget transfer, of whatever amount, where the proposed transfer will result in a change of policy, the introduction of a new service or the termination of an existing service.

### **Budget Monitoring Framework**

The Chief Officer - Resources is responsible for:

- (a) Providing an agreed programme of budget monitoring reports to the Cabinet and Scrutiny Committees on a quarterly basis throughout the financial year. These reports will contain, where appropriate:
  - (i) the financial statement of the Portfolio;
  - (ii) details of any budget virements auctioned during the period;
  - (iii) action plans to address budget pressures/overspends;
  - (iv) an analysis of any major movements in expenditure between reporting periods.
- (b) Provide appropriate financial information to Chief Officers/budget holders to enable budgets to be monitored effectively.

- (c) In the event of a Portfolio budget being underspent at the end of the financial year, it will be at the discretion of the Chief Officer - Resources on the utilisation of any such underspend.

It is the responsibility of Chief Officers to:

- (a) Control income and expenditure within their service areas.
- (b) Take any corrective action necessary to avoid exceeding their budget allocation and alert the Chief Officer - Resources to any problems.

Where any sanction of a Government Department is required for expenditure, such expenditure shall not be incurred before such sanction has been obtained.

### **Use of Council Reserves**

The Chief Officer - Resources is responsible for advising the Council/Cabinet on the levels of reserves for the Council. The advice will be based on a quarterly assessment. The aim will be to minimise the draw from the Council Fund Reserve.

The Council will set aside appropriate sums in reserves and provisions to fund expected and unexpected liabilities and to fund transformational projects and schemes.

## **16.6 CAPITAL EXPENDITURE ESTIMATES**

- (a) All proposed schemes for capital works shall be the subject of detailed consideration prior to their inclusion in the Medium-Term Financial Strategy.
- (b) The Chief Executive, Chief Officers and the Chief Officer - Resources shall prepare lists of proposed capital works for all services and all other services for at least the next six years. Resource Prioritisation criteria will be applied to

these lists. The lists shall be submitted to the Cabinet Committee and shall include:

- (i) The estimated capital costs of the scheme, in accordance with Paragraph 4(a) above.
  - (ii) The Prioritisation criteria.
  - (iii) The nature of the works to be undertaken.
  - (iv) The time scales for expenditure and completion of the scheme.
  - (v) revenue budget implications throughout the life of the capital programme.
- (c) Following consideration by Cabinet of the list of proposed capital schemes, the Capital Programme will require formal approval by Council.
- (d) Requests for capital funding for schemes not within the approved six-year capital programme will only be considered if:-
- (i) amounts allocated to approved projects vary in order that funding can be released to another project;
  - (ii) the level of forecast capital receipts exceeds the anticipated target;
  - (iii) prudential borrowing opportunities arise through the realisation of additional revenue savings;
  - (iv) slippage funding becomes available for reallocation.
- (e) Slippage – Annually Chief Officers will be required to formally request that any unspent capital amounts allocated within the approved capital programme be slipped from one financial year to the next. All slippage requests need to include a detailed explanation to justify the amounts being slipped forward. These will then be considered by Corporate Leadership Team who will determine those schemes eligible to be slipped forward. It should not be assumed that all requests will be agreed.

- (f) Where it is necessary to arrange the virement of Capital Expenditure from one head to another within the approved Capital Programme, each Chief Officer should make the appropriate arrangements for values up to £250,000. Virements above £250,000 within a Portfolio require the approval of the Cabinet.
- (g) Any subsequent alterations to a scheme approved under (b) which alter the approved costs can only be incorporated after the Cabinet Committee's further approval is obtained.
- (h) If the lowest tender is different from the approved cost by more than £50,000 the Chief Officer shall inform the Cabinet Committee as required in (d).
- (i) Where any sanction of a Government Department is required for expenditure, such expenditure shall not be incurred before such sanction has been obtained.
- (j) Where a Government Department or other agency has made 100% funding available for a capital scheme, at short notice and late in the financial year, such that it would not be possible to meet the above requirements in time to enable the project to be completed by the year end, the Chief Officer shall prepare a formal report for the next Cabinet Committee. The Chief Officer must agree this report with the Chief Executive, the Chief Officer - Resources and the relevant Cabinet Member but will then be permitted to progress procedures under the Contract Procedure Rules before the Cabinet Committee has met.
- (k) Where contracts provide for payment to be made by instalments, the Chief Officer - Resources shall arrange for the keeping of contracts register, to show the state of account on each contract between the Council and the contractor, together with any other payments and the related professional fees.
- (l) Payments to contractors shall be made only on a certificate issued by the appropriate Chief Officer.

- (m) The final payment for any contract shall not be authorised until the appropriate Officer has produced to the Chief Officer - Resources or his/her nominated Officer, a detailed final account and all relevant documents.
- (n) The Chief Officer - Resources will provide an agreed programme of budget monitoring reports to the Cabinet and Scrutiny Committees throughout the year. These reports will include a commentary on all significant over or underspending projects, provided by the budget holder with the assistance of the Accountancy Division. This commentary will explain the reasons behind, and the context of the significant variances.

## **16.7 PAYMENT OF ACCOUNTS**

- (a) Each Chief Officer shall provide a list to the Chief Officer - Resources or Officers authorised to certify accounts. All such authorised signatories are required to have read and understood their obligations under Financial Regulations and the Contract Procedure Rules (s.17).
- (b) All invoices or vouchers for payment must have a certification grid completed as required by the Chief Officer - Resources including confirmation that accounts have not been paid before.
- (c) The Chief Officer - Resources shall pay all account which he is satisfied are proper.

## **16.8 PETTY CASH IMPREST ACCOUNTS**

Petty

The Chief Officer - Resources shall control arrangements for Cash Imprest Accounts.



## **16.9 INCOME**

- (a) The collection of all monies shall be under the general control of the Chief Officer - Resources and each Chief Officer must comply with his/her requirements.
- (b) Collecting Officers shall immediately issue an official receipt for all monies received.
- (c) All monies must be promptly banked.
- (d) No payments may be made out of income received and no personal cheques may be cashed out of Council money.
- (e) Each Chief Officer shall promptly furnish the Chief Officer - Resources with all details that are required by him to record all sums due and to enable the efficient rendering of accounts.

## **16.10 BANKING ARRANGEMENTS**

- (a) The Chief Officer - Resources shall make all arrangements with the Council's bank including the operation of such banking accounts as he considers necessary. No banking accounts shall be opened without the express authorisation of the Chief Officer - Resources.
- (b) The Chief Officer - Resources shall nominate sufficient Officers of his/her Department as bank signatories and shall report these names to the Cabinet Committee.
- (c) All cheques, including Giro forms, but excluding cheques drawn on authorised imprest accounts, shall be ordered only on the authority of the Chief Officer - Resources, who shall make proper arrangements for their safe custody.

## **16.11 TREASURY MANAGEMENT**

- (a) This Council adopts the recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code) 2001 as described in S.4 of that Code.
- (b) Accordingly, this Council will create and maintain, as the cornerstones for effective treasury management:-
- A treasury management policy statement (TMPS), stating the policies and objectives of its treasury management activities; and
  - Suitable treasury management practices (TMP), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
  - A Leasing Policy applicable to all Departments of the Council. In addition, a specific Leasing Policy for Schools.
- (c) The Council will receive reports on its treasury management policies, practices and activities including as a minimum, an annual strategy and plan in advance of the year and an annual report after its close, in the form prescribed in its TMPS.
- (d) The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet and for the execution and administration of treasury management decisions to the Chief Officer - Resources who will act in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.
- (e) The Council will set annual Prudential Indicators in accordance with the approved Code of Practice. The Council will delegate responsibility for monitoring these indicators to the Chief Officer - Resources, who will report to the Council on an exceptions basis as and when necessary.

## **16.12 SALARIES AND WAGES**

- (a) The Chief Officer - Resources shall oversee the arrangements for paying employees and former employees and shall issue or approve the form of time sheets and all other payroll documents. All time sheets, electronic forms and other payment requests shall be certified by the appropriate authorised Officer. The operational management of the payroll function is managed by the Chief Officer Commercial.
- (b) Each Chief Officer shall immediately notify the Chief Officer - Resources of all matters affecting payments to employees.
- (c) Each Chief Officer shall maintain holiday and absence records, and where applicable shall ensure that staff comply in full with the provisions of the Flexitime scheme.
- (d) All payments to employees shall comply with the approved Conditions of Service for such employees.
- (e) All Payroll and Creditors' payments must comply with Inland Revenue regulations and other taxes and guidance regarding employment status and deductions of PAYE.

## **16.13 STORES**

- (a) Each Chief Officer is responsible for the care and custody of stores and stockholding in his/her Department.
- (b) The Chief Officer and the Chief Officer - Resources shall agree the arrangements for the control and recording of stores transactions.
- (c) The Chief Officer shall certify the accuracy of stores records as at 31<sup>st</sup> March each year in a form required by the Chief Officer - Resources. All changes to arrangements shall be agreed by the Chief Officer - Resources or their representative.

- (d) The Chief Officer - Resources shall be notified of significant deficiencies or adjustments as soon as they become apparent which shall be certified by the Chief Officer and promptly reported to the Cabinet Committee.

#### **16.14 INVENTORIES**

A Chief Officer shall keep up to date inventories of all plant and equipment with an individual value of £200.00 or more by a system authorised by the Chief Officer - Resources. The Corporate Director of Regeneration and Community Services shall maintain a Council terrier of the Council's land ownerships and shall be responsible for the safe custody of title deeds and documents. Where purchases are made utilising grant arrangements in accordance with the Policies of the Council for the disposal of any Council property surplus to requirement.

#### **16.15 DISPOSALS**

Each Chief Officer shall make proper arrangements in accordance with the policies of the Council for the disposal of all property surplus to requirement.

#### **16.16 INSURANCES**

The Chief Officer - Resources shall be responsible for effecting all the Council's insurance and recoveries thereunder. Each Chief Officer shall be responsible for notifying him about all changes in risks. Each Chief Officer shall immediately notify him in writing of all incidents giving rise to potential claims and shall complete the requisite Claim Form.

#### **16.17 INTERNAL AUDIT**

The Chief Officer - Resources shall exercise an internal audit function over all financial transactions of the Council. The

responsibility of Internal Audit shall be to review, appraise and report on:-

- (a) The soundness, adequacy and application of internal controls;
- (b) The extent to which the Council's assets and interest are accounted for and safeguarded from losses of all kinds arising from:-
  - (i) Fraud and other offences,
  - (ii) Waste, extravagance and inefficient administration, poor value for money or other cause
- (c) The suitability and reliability of financial and other management data developed by the Council.

For the purpose of internal audit the Chief Officer - Resources and his/her nominated staff shall have authority to visit any establishment of the Council without prior notification to examine all accounts and supporting documents relating in any way to the finances of the Council and to require the production of any document, cash, stores and other property, and shall be entitled to require such examinations as he deems necessary in order to satisfy himself of the propriety of any matter under consideration.

## **16.18 FINANCIAL STATIONERY**

All official receipts or other financial stationery shall be controlled under arrangements made by the Chief Officer - Resources.

## **16.19 IRREGULARITIES**

In any case where financial irregularity is suspected the Chief Officer shall immediately inform the Head of Legal & Corporate Compliance and Chief Officer - Resources, who shall arrange

any further investigations thought necessary. If satisfied that irregularities exist, they shall take appropriate action.

## **16.20 EXCEPTIONS**

Exceptions to these Financial Regulations are permitted:-

- (a) By the Cabinet after considering a report from the Chief Officer (who must first liaise with the Chief Officer - Resources).
- (b) In an emergency which must first be certified as an emergency by any two of the Chief Executive or Head of Legal & Corporate Compliance or Chief Officer - Resources and a joint written report must be presented by the Chief Officer to the next available meeting of the Cabinet on the nature of the emergency and the expenditure involved.

## **16.21 RECORDS**

The Chief Officer - Resources shall be responsible to the Cabinet for the whole of the accounting records of the council and Chief Officers shall confer with the Chief Officer - Resources before introducing any books, forms, computer systems or procedures relating to cash, stores or other accounts of the Council. It shall be the duty of the Chief Officer - Resources to see that uniform systems are, as far as practicable, adopted throughout the Departments of the Council.

## **16.22 ORDER FOR WORK, GOOD AND SERVICES**

- (a) Official orders shall be in a form approved by the Chief Officer - Resources, and are to be signed only by Officers authorised by the appropriate Chief Officer who shall be responsible for official orders issued from his/her Department.

- (b) Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments of rent or rates, for petty cash purchases or such other exceptions as the Chief Officer - Resources may approve.

### **16.23 PROTECTION OF PRIVATE PROPERTY**

- (a) All Chief Officers affected shall notify the Chief Officer - Resources in such form as he may require, of any case known to him where steps are necessary to prevent or mitigate loss or damage of moveable property of a third party into the possession of the Council or of that Officer, and shall forward to the Chief Officer - Resources an itemised inventory in each case, prepared in the presence of two Officers.
- (b) All valuables such as jewellery, watches and other small articles of a similar nature and documents of title belonging to a third party shall be deposited in accordance with arrangements agreed with the Chief Officer - Resources for safe custody.

### **16.24 SECURITY**

- (a) Each Chief Officer is responsible for maintaining reasonable security at all times for all data, buildings, stocks, stores, furniture, equipment, cash etc. under the Officer's control.
- (b) Maximum limits for cash holdings shall be agreed with the Chief Officer - Resources.
- (c) Each Chief Officer will be responsible for making reasonable secure arrangements in regard to the custody and availability of keys to safes and similar receptacles in their Department.

## **16.25 MONEY LAUNDERING POLICY**

Money Laundering is the term used for a number of offences involving the proceeds of crime or terrorism funds. The Authority has an 'Anti Money Laundering Policy' setting out procedures to be followed to prevent the use of its services for Money Laundering.

The policy applies to all employees of the Council and sets out the procedures which must be followed to enable the Council to comply with its legal obligations.

The Officer nominated to receive disclosures about Money Laundering activity is the Chief Officer - Resources.

## **16.26 INFORMATION SECURITY**

Information is an important business asset to Blaenau Gwent County Borough Council; it is essential to the organisation's business need. Information security is achieved by implementing a suitable set of controls including policies, processes and procedures, organisational structures, software and hardware functions.

All staff are required to confirm their acceptance and adherence to the Information Security Policy and its supporting operational policies. These policies help to minimise the risks from whatever source to the security of ICT facilities and introduce appropriate levels of controls to offer adequate protections. The policies apply to all BGCBC Members, employees and third parties engaged in work for BGCBC.



## **SECTION 17**

### 17. CONTRACT PROCEDURE RULES

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**Table 1: Procurement Thresholds and Procedures for Sourcing Goods, Services & Works**

NB: All external procurement related expenditure must be included within Departmental Procurement Plans and have SPB approval prior to being progressed					
Value	Buying £0 - £5,000 (Goods, Services & Works)	Low Value Procurement £5,001 - £25,000 (Goods Services & Works)	Intermediate Value Procurement £25,001 - £75,000 (Goods, Services & Works)	High Value Procurement £75,001 – EU Thresholds* (Goods, Services & Works)	Strategic Procurement Above EU Thresholds* (Goods, Services & Works)
CPR Section	CPR 27.1.1 & Appendix A	CPR 27.1.2 & Appendix B	CPR 27.1.3 & Appendix C	CPR 27.1.4 & Appendix D	CPR 27.1.5 & Appendix E
Method	Request for Quotations (RFQ)	Request for Quotations (RFQ)	Request for Quotations (RFQ)	Invitation to Tender (ITT)	Invitation to Tender (ITT)
Pre tender: Procurement Options Report (Gateway 1 Report)	No	No	Yes (SCCB)	Yes (SCCB)	Yes (SCCB)
Selection Method & Number for Goods, Services and Works	Obtain at least 2 verbal or written quotations to demonstrate that value for money is being achieved	Invite at least 3 bidders  Consider using Council's Electronic Tendering System  Prepare specification and award criteria	Invite at least 4 bidders using Council's Electronic Tendering System  Prepare a specification and award criteria  Consider Advertising on Sell2wales	Invite tenders using the Councils Electronic Tendering System  Prepare a specification and award criteria  Consider advertising on sell2wales	Invite tenders in accordance with the Public Contract Regulations  Prepare a specification and award criteria
Opened/Received by	Nominated Officer	Nominated Officers x 2	Nominated Officers x 2 or Corporate Procurement Officer	Nominated Officer(s) & Corporate Procurement Officer	Nominated Officer(s) & Corporate Procurement Officer
Records to be completed by	Service Area  RFQ details kept on file ( T1), authorised by Chief Officer and retained for future reference	Service Area RFQ details recorded on file (T1), authorised by Chief Officer and retained for future reference;  Authorised copy forwarded to CPU for inclusion on Contracts Register	Service Area  RFQ Award Report; Authorised copy forwarded to CPU for inclusion on Contracts Register  Award & rejection letters	Service Area  Tender Award Report; Authorised copy forwarded to CPU for inclusion on Contracts Register  Award & rejection letters	Service Area  Tender Award Report, award & reject letters
Award Approvals: Tender Acceptance Report (Gateway Report 2)	( T1 retained in service area)	( T1 retained in service area and copied to CPU)	Yes (DMT) and copied to CPU	Yes (SCCB) however Contracts in excess of £2m should be referred to CLT**	Yes (SCCB) however Contracts in excess of £2m should be referred to CLT**
Awarded by	Authorised Officer	Authorised Officer	Chief Officer	Chief Officer in conjunction with Corporate Procurement	Corporate Procurement incorporating 10 day standstill
Method of Awarding	Purchase Order	Letter of Award / Contract/Purchase Order	Letter of Award / Contract / Purchase Order	Letter of Award / Legal Contract / Purchase Order	Letter of Award / Legal Contract / Purchase Order

***\*EU procurement thresholds for the public sector 1 January 2020 - 31 December 2021: Works & Concessions £4,733,252; Goods & Services £189,330; Light Touch Regime £663,540\* \*\*Contracts valued in excess of £2,000,000 should be referred to Corporate Leadership Team for consideration with the relevant Cabinet Member and Leadership and where appropriate reported to the Cabinet Committee for approval\*\****

**Table 2: Waivers, Variations & Progress**

All external procurement related expenditure must be included within Departmental Procurement Plans and have SCCB approval prior to being progressed				
<b>Waivers</b>				
Waivers are reserved for exceptional circumstances and will only be considered where good and sufficient reason has been demonstrated.				
A Waiver will not be granted simply on the grounds of convenience or because of inadequate forward planning				
	<b>Low Value Procurement £1 - £25,000 (Goods Services &amp; Works)</b>	<b>Intermediate Value Procurement £25,001 - £75,000 (Goods, Services &amp; Works)</b>	<b>High Value Procurement £75,001 – EU Thresholds* (Goods, Services &amp; Works)</b>	<b>Strategic EU Procurement Above EU Thresholds* (Goods, Services &amp; Works)</b>
<b>Waivers (CPR 10.4)**</b>	Chief Officer	Chief Officer/SCCB	Corporate Leadership Team (CLT). However for contracts in excess of £2m, CLT will consult with the relevant Cabinet Member and Leadership	N/a
<b>Emergency Waivers (CPR 10.5)***</b>	Chief Officer	Any two of the following: Chief Executive, Head of Legal & Corporate Compliance, Chief Finance Officer (S151) and reported to the next CLT	Any two of the following: Chief Executive, Head of Legal & Corporate Compliance, Chief Finance Officer (S151) and reported to the next CLT and Cabinet Committee. Where the value is in excess of £2,000,000, approval is subject to consultation with the relevant Cabinet Member and Leadership and a report must be presented by the Chief Officer to the next available meeting of CLT and/or Cabinet Committee as applicable.	
<b>Variations &amp; Progress</b>				
<b>Variations (CPR 51)</b>	Cumulative values not exceeding the lower of £10,000 or 10% of the original contract sum and still within approved budget (CPR 53.1)	Cumulative values exceeding the lower of £10,000 or 10% of the original contract sum and still within approved budget (CPR 53.2)	Cumulative value exceeding the approved budget (CPR 53.3)	Variation being applied for by Corporate Procurement (CPR 53.7)
<b>Approver(s)</b>	Chief Officer	Chief Officer (SCCB Information Report)	SCCB	SCCB / Internal Audit
<b>Progress Reporting (CPR 51.4)</b>	Contracts over £500,000 with a +/- 5% slippage		Contracts over £500,000 with > 50 day over-runs	
<b>Approver(s)</b>	SCCB / Cabinet Committee / Corporate Overview Scrutiny Committee		SCCB / Cabinet Committee / Corporate Overview Scrutiny Committee	

*\*EU procurement thresholds for the public sector 1 January 2020 - 31 December 2021: Works & Concessions £4,733,252; Goods & Services £189,330; Light Touch Regime £663,540\**

*\*\*CPR 10.4 - Waivers for Contracts valued in excess of £2,000,000 should be referred to Corporate Leadership Team for consideration with the relevant Cabinet Member and Leadership and where appropriate reported to the Cabinet Committee for approval*

*\*\*\*CPR 10.5 Emergency Waivers for Contracts valued in excess of £2,000,000 should be referred to Corporate Leadership Team for consideration with the relevant Cabinet Member and Leadership*

## **SECTION 1 – GENERAL CONSIDERATIONS**

### **1 Introduction**

- 1.1 These Contract Procedure Rules (CPRs) are made under Sections 135 of the Local Government Act 1972.
- 1.2 Contract Procedure Rules (CPRs) provide a corporate framework for the procurement of all goods, services and works for the Council. The Rules are designed to safeguard the interests of the Council and its employees and to ensure that all procurement activity is conducted with openness, probity and accountability and in accordance with the Council's Constitution, Public Contract Regulations and English Law.
- 1.3 Procurement is the process by which the Council manages the acquisition of all its goods, services and works. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of awarded contracts.
- 1.4 The Council's procurement activities are governed by detailed European and UK legislation. The law requires all Council procurement and contracting to be conducted transparently, fairly and in a non-discriminatory and disproportionate manner. In the event of statutory or other legal requirement exceeding the requirements contained within these CPRs, then statute shall take precedence over any provision within these CPRs.
- 1.5 All references to competitive tenders and quotations within these CPRs shall apply (with such changes as are appropriate) equally to circumstances where the contract involves the receipt of income by the Council or the disposal of any asset or undertaking by the Council, as they do to purchases to be made by the Council, unless specifically stated otherwise.
- 1.6 All Procurement & Commissioning activities must be incorporated into Annual Departmental Procurement Plans (DPP's) and approved by the Strategic Commissioning and Commercial Board (SCCB) in advance of inviting tenders or requesting quotations (CPR11);
- 1.7 All Procurement and Commissioning activities over £25,001 require the engagement of Corporate Procurement;
- 1.8 Tables 1 and 2 at the beginning of this document set out in summary the key requirements that must be adhered to. However, you are strongly advised to refer to the rest of this document for further guidance and to seek the advice and

support of Corporate Procurement and where legal issues arise, the advice of Legal Services as required.

## **2 Basic Principles**

2.1 Every contract entered into by the Council (including Schools), shall be entered into pursuant to or in connection with the Council's functions and shall comply with:

- (a) All relevant statutory provisions;
- (b) The relevant European Procurement Directives (the EU Treaty, the general principles of community law and the European Union's Public Contracts Directive (2014/24/EU) implemented by the Public Contracts Regulations 2015 or such other amendment, variation or replacement Regulations in force from time to time ("Regulations");
- (c) The Council's Constitution including these CPRs, the Council's Financial Regulations and Scheme of Delegation.

2.2 All procurement procedures must:

- i. realise value for money by achieving the optimum combination of whole life costs, and quality of outcome;
- ii. be consistent with the highest standards of integrity;
- iii. operate in a transparent manner;
- iv. ensure fairness in allocating public contracts;
- v. comply with all legal requirements including European Union (EU) treaty principles;
- vi. support all relevant Council priorities and policies, including the Medium-Term Financial Strategy;

## **3 Relevant Contracts**

3.1 All Relevant Contracts must comply with these CPRs. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works or the provision of supplies or services. These include arrangements for:



- (a) the supply or disposal of goods;
- (b) the hire, rental or lease of goods or equipment;
- (c) the delivery of services, including (but not limited to) those related to:
  - The recruitment of agency staff;
  - Commissioning of social care services;
  - Financial and consultancy services;
- (d) the execution of works
- (e) contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise.

#### 4 **Exempt Contracts**

4.1 The following contracts are exempt from the requirements of these CPRs:

- (a) employment contracts (this exemption does not extend to the recruitment of agency staff or external secondment arrangements);
- (b) contracts relating solely to disposal or acquisition of an interest in land and property, for which there is a separate Council protocol;
- (c) contracts for the execution of mandatory works by statutory undertakers;
- (d) advice or instruction of Counsel made by the Head of Legal and Corporate Compliance;
- (e) transactions made in relation to investments and borrowings made by the Chief Finance Officer;
- (f) award of contract for '**emergency**' individual placements and associated support services, which may include but not be limited to; care support, development or advice to individual clients (children or adults), in order to provide for their well-being and safety as made by the Corporate Directors for Education and Lifelong Learning and Social Services in accordance with the Regulations;

NB non-emergency placements are no longer exempt of the Regulations and should be let in accordance with these CPRs and EU 'Light Touch Regime' (CPR27.1.6);

- (g) contracts which have been procured on the Council's behalf:

- (i) through collaboration with other local authorities or other public bodies, where a competitive process which complies with the CPRs of the leading organisation has been carried out;
  - (ii) by a National or Regional contracting authority where the process followed is in line with the Public Contracts Regulations; or
  - (iii) under the terms of a Strategic Partnership arrangement approved by the Cabinet Committee;
- (h) the payment of grants to third parties;

## **5 Categories**

5.1 These CPRs relate to five categories of procurement based on the estimated value of contracts:

- (i) Up to £5,000 (Buying)
- (ii) £5,001 to £25,000 (Low Value Procurement)
- (iii) £25,001 to £75,000 (Intermediate Value Procurement)
- (iv) £75,001 to European Union (EU) Procurement Thresholds (High Value)
- (v) Above EU Thresholds (Strategic Procurement)
  - £189,330 for the purchase of goods and services, and
  - £4,733,252 for works

(Current values are set 1st January 2020 – 31st December 2021)

## **6 Electronic Procurement and Purchasing**

6.1 Aligned to the Council's continued modernisation agenda, the Chief Finance Officer via Corporate Procurement has implemented a number of electronic procurement systems that should be utilised as corporate solutions to support the cost-efficient procurement of goods, works and services;

- (a) E-Procurement (sourcing, tendering and contract management)
  - (i) All Requests for Quotations (RFQ's) with an estimated value above £25,001 and all Invitations to Tender (above £75,001) must be administered electronically via the E-Procurement system.

- (ii) In addition, consideration should be given to inviting all RFQ's with an estimated value over £5,001 electronically via the E-Procurement system.

(b) E-purchasing (raising purchase orders)

- (i) All purchase orders issued for the provision of goods, works and services must be raised electronically via the Council's integrated E-purchasing system (Civica).

6.2 Chief Officers should contact the Corporate Procurement Manager regarding the use of electronic procurement and purchasing solutions.

6.3 In exceptional cases, where specific circumstances mean that a procurement process cannot be carried out electronically, permission to conduct a procurement process by alternative means must be obtained from the Chief Finance Officer.

## **7 Declaration of Interests**

7.1 No Elected Member, Officer or agent of the Council shall improperly use their position to obtain any personal or private benefit from any contract entered into by the Council.

7.2 Elected Members and Employees of the Council shall comply with the requirements of Section 117 of the Local Government Act 1972 and the Elected Members and Officers Codes of Conduct as set out in the Constitution in respect of the declaration of interests in contracts with the Council.

7.3 Such interests must be declared to the relevant persons in accordance with the Council's Code of Conduct for Elected Members and Officers, contained within the Constitution, detailing how the conflict has been addressed.

## **8 Prevention of Corruption – Bribery Act**

8.1 Bribery is a criminal offence. The Council complies with the Bribery Act 2010. The Council does not and will not, pay bribes or offer improper inducements to anyone for any purpose, nor does it or will it accept any bribes or improper inducements.

8.2 Any alleged acts of bribery must be immediately reported to the Chief Finance Officer and Head of Legal & Corporate Compliance so that appropriate action can be taken.

## **9 Roles and Responsibilities**

## 9.1 Strategic Commercial Commissioning Board

9.1.1 The Strategic Commercial Commissioning Board (SCCB), is an Officer Board which provides strategic guidance to the procurement and commissioning community.

9.1.2 The goal of the SCCB is to:

- i) provide oversight and scrutiny of the Council's commercial activities, primarily Commissioning and Procurement;
- ii) review and approve commercial activities at key stages of the commissioning and procurement lifecycle;
- iii) ensure alignment with corporate priorities and objectives;
- iv) ensure adherence to constitutional requirements for all commercial activities;

9.1.3 The SCCB reserves the right to call in any officer of the Council who has failed to comply with these CPRs.

## 9.2 Corporate Directors & Chief Officers

9.2.1 Each Corporate Director/Chief Officer is accountable for all Procurement activity in their respective directorates. Their duties are to:

- (a) ensure compliance with the Public Procurement Regulations, Financial Regulations and these Contract Procedure Rules;
- (b) ensure the use of compliant best practice Procurement for their directorate's Procurement activity;
- (c) ensure that Procurement carried out for the execution of Works or the provision of Goods and Services are approved and covered by suitable Council terms and conditions of contract so that the responsibilities of each party are clear. If it is deemed necessary to sign up to any arrangement which deviates from the Council's standard terms and conditions advice should be sought from the Head of Legal and Corporate Compliance and the Corporate Procurement Manager.
- (d) ensure contracts are recorded in the Corporate Contracts Register as held and maintained by Corporate Procurement;

- (e) use their best endeavours to ensure that no Contract commences prior to the Terms and Conditions of Contract being signed and, where necessary, sealed;
- (f) ensure that all Contracts are awarded on the basis of the Most Economically Advantageous Tender (MEAT). Social and environmental criteria must be considered as part of the assessment process, to the extent that they relate proportionately to the subject matter of the Contract and are non-discriminatory;
- (g) identify, evaluate, record and appropriately mitigate risk (e.g. provision of performance bond, parent company guarantee and appropriate payment provisions and termination clauses within Contracts);
- (h) ensure that all Invitation to Tender documents clearly describe the Evaluation Criteria, sub criteria and weightings and that the tender evaluation is based strictly on the published criteria and weightings.
- (i) ensure immediate corrective action is taken in the event of a breach of the Contract Procedure Rules;
- (j) ensure that Contracts are not artificially underestimated or disaggregated into two or more separate Contracts where the intent is to avoid the application of the Contract Procedure Rules or Public Procurement Regulations.
- (k) ensure Purchase Orders are raised on the Corporate Financial System prior to procuring Goods, Works and Services, unless an exemption is approved by the Chief Finance Officer;
- (l) ensure that their Directorate supports and facilitates the work of the Strategic Commercial Commissioning Board.

### 9.3 Authorised Officers

9.3.1 Authorised Officers will comply with these Contract Procedure Rules (CPRs), the Council's Constitution and with all UK and EU legal requirements. Authorised Officers will:

- (a) take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs;
- (b) keep the records required by Rule 46 of these CPRs in a manner determined by the Chief Finance Officer;

(c) prior to letting a contract on behalf of the Council, check whether:

(i) the Council already has an appropriate contract in place in the Corporate Contracts Register; or

(ii) an appropriate national, regional or other collaborative contract is already in place.

(iii) Where the Council already has an appropriate contract in place, then this must be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with Corporate Procurement.

(iv) Where an appropriate national, regional or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money.

(d) ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) issues are considered and Legal and Organisational Development (OD) advice from within the Council is obtained prior to proceeding with the procurement exercise.

(e) ensure that any agents, consultants and contractual partners acting on their behalf also comply.

9.4 Failure to comply with any of the provisions of these CPRs the Council's Constitution or UK or EU legal requirements must be brought to the attention of the Chief Executive, Monitoring Officer, Head of Internal Audit, or relevant Corporate Director as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.

9.5 Any doubt or uncertainty as to how these CPRs are to be interpreted and any inconsistency between these CPRs and any other Council document shall be referred to the Chief Executive, Chief Finance Officer (section 151 Officer) & Head of Legal and Corporate Compliance (Monitoring Officer), whose decision shall be final.

9.6 A full review of these CPR's will be undertaken following any substantive change of EU or UK law. In addition, the Chief Finance Officer in conjunction with the Head of Legal and Corporate Compliance is permitted to undertake an annual refresh of the CPRs as required.

## 10 Waivers

- 10.1 Circumstances may arise where permission is required to waive one or more of these Contract Procedure Rules. Waivers are reserved for exceptional circumstances and will only be considered where good and sufficient reason has been demonstrated. A Waiver will not be granted simply on the grounds of convenience or because of inadequate forward planning.
- 10.2 The Council can only waive the rules established by the Council – the Council **cannot** waive UK law or EU Procurement Regulations.
- 10.3 Normally the circumstances under which a Waiver can be considered are:
- i) where grant conditions of funding bodies specify appropriate alternative arrangements;
  - ii) for works, supplies or services which are either patented or of such special character that it is not possible to obtain competitive prices;
  - iii) where relevant UK or EU legislation not otherwise referred to in these CPRs prevents the usual procurement process from being followed.
  - iv) involving such urgency that it is not possible to comply to the full extent of the CPRs such as in cases where contracts need to be awarded to take advantage of late funding opportunities or equivalent appropriate circumstances.
- 10.4 Additionally, these Rules may be waived or varied in an emergency situation which must be first certified on the approved form as an emergency, involving such urgency that it is not possible to comply with the CPRs; a written report must be presented by the Authorised Officer on the nature of the emergency and expenditure involved. A copy of the signed emergency certificate should be forwarded to the Chief Finance Officer and the Head of Legal and Corporate Compliance.
- 10.5 Depending upon the estimated value, waivers as defined in Rule 10.3 may be considered following receipt of a written report from the relevant Authorised Officer as follows:
- i) Up to £25,000 may be granted by the relevant Chief Officer;
  - ii) £25,001 - £75,000 may be granted by the relevant Chief Officer in consultation with the Corporate Procurement Manager;
  - iii) £75,001 – Relevant EU Threshold may be granted by Corporate Leadership Team and where the contract value is in excess of £2,000,000, in consultation with the relevant Cabinet Member and Leadership;

10.6 Waivers as defined with Rules 10.4 may be approved/certified following receipt of a written report from the relevant Authorised Officer as follows:

- i) Up to £25,000; may be approved/certified by the relevant Chief Officer;
- ii) £25,001 – £75,000; may be approved/certified by any two (2) of the Chief Executive, Head of Legal & Corporate Compliance or Chief Finance Officer (Section 151 Officer) and a report must be presented by the Chief Officer to the next available meeting of Corporate Leadership Team
- iii) £75,001 – Relevant EU Threshold\*; may be approved/certified by any two (2) of the Chief Executive, Head of Legal & Corporate Compliance or Chief Finance Officer (Section 151 Officer) and a report must be presented by the Chief Officer to the next available meeting of Corporate Leadership Team.

Where the value is in excess of £2,000,000, approval is subject to consultation with the relevant Cabinet Member and Leadership; and a report must be presented by the Chief Officer to the next available meeting of Corporate Leadership Team and/or Cabinet Committee as applicable.

10.7 Wherever a waiver is granted in accordance with CPR10, a copy of the approved Emergency Certificate and Waiver Report must be forwarded to Corporate Procurement for inclusion on the Corporate Contracts Register.



## **SECTION 2 – PROCUREMENT PLANNING**

### **11 Pre-Procurement Considerations – Annual Departmental Procurement Plans**

- 11.1 By the end of March each calendar year, Corporate Directors shall submit to the Strategic Commercial Commissioning Board (SCCB), a completed Annual Departmental Procurement Plan (DPP), detailing all planned procurement and commissioning activities over £5,000 for the forthcoming financial year.
- 11.2 DPPs will be used to by Corporate Procurement to inform the procurement & commissioning forward work programme, to identify collaborative opportunities, to allocate appropriate resources and to ensure all relevant legislative requirements are observed.

### **12 Budget Approval**

- 12.1 No contract shall be let unless the expenditure involved has been included in approved capital or revenue budgets or has been otherwise approved by or on behalf of the Council.

### **13 External Body Grant Funding**

- 13.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Chief Officer must ensure that any rules or conditions imposed by the funding body are adhered to, in relation to the requirements of these CPRs.
- 13.2 Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

### **14 Internal Providers**

- 14.1 Before commencing a procurement activity, the Head of Service or Authorised Officer shall ascertain whether an in-house service provider is able to carry out the works or service.
- 14.2 Where the in-house provider is able to and has the capacity to undertake the requirements, then the instruction should automatically be allocated subject to approval of the relevant Head of Service and in accordance with any funding terms and conditions and such decisions shall be recorded in writing. If in such a case the relevant Head of Service does not wish to use the in-house provider, then they must seek approval from the Council's Corporate Leadership Team prior to the commitment of the procurement.

- 14.3 Where an in-house service is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider service and external bidding organisations.

## **15 Estimating Contract Values**

- 15.1 All Contract Values should be calculated strictly in accordance with the Public Contract Regulations (PCRs).
- 15.2 The estimated value of a contract/procurement exercise shall be the value of the total consideration, net of VAT, which the Council expects to be payable under the contract.
- 15.3 In determining the value of the contract, the Council shall, where relevant, take account of:
- (a) Any form of option.
  - (b) The term/period of the proposed contract.
  - (c) Any rights to renew the contract/extend the contract period.
- 15.4 In determining the value of any contract where the actual term of the contract is not specified or uncertain, then the value shall be taken as equating to the value of the annual consideration multiplied by four (4) (i.e. the estimated value over a four (4) year period). Guidance should be sought from Corporate Procurement where assistance is required in estimating contract values.
- 15.5 The Council shall make the best use of its purchasing power by aggregating purchases wherever possible. In particular contracts for supplies, services or works shall not be split (disaggregated), in an attempt to avoid the applicability of these CPRs or the Regulations.

## **16 Approved Supplier Lists**

- 16.1 In circumstances where no other suitable contract arrangement exists, Chief Officers may maintain and operate Select Lists of Contractors or Providers who have met the Council's criteria for invitations to tender. These lists being categorised according to the type of works or services (and contract values) for which each contractor/provider is approved.
- 16.2 Approved lists should only be used following consultation with the Corporate Procurement Manager.
- 16.3 Approved lists must **not** be used where they are prohibited under the Public Contracts Regulations.

## **17 Framework Agreements and Dynamic Purchasing Systems (DPS)**

- 17.1 Framework Agreements are agreements between the Council and one, or three or more providers for the provision of goods, works or services on agreed terms for a specific period, for estimated quantities against which orders may be placed if and when required during the contracted period.
- 17.2 A DPS is a fully electronic compliant 'Approved List', which in effect operates as an open framework, whereby Economic Operators can apply for and providing they meet the specified suitability criteria, be admitted to the established DPS at any point during its term.
- 17.3 Before committing the Council to any Framework Agreement or DPS, the Chief Officer must seek written approval from the Corporate Procurement Manager.

## **18 Collaborative Arrangements**

- 18.1 When a requirement can be fulfilled through an existing arrangement, put in place by another Organisation and the requirements of the European Procurement Rules have been complied with by that Organisation, the arrangement will be deemed to be in compliance with these CPRs. This includes purchasing through arrangements that have been entered into for example but not limited to Welsh Government, National Procurement Service Wales (NPS), and the UK Government's Procurement Service, Crown Commercial Services (CCS).
- 18.2 Before committing the Council to an arrangement as set out in 18.1, the Chief Officer must seek written approval from the Corporate Procurement Manager.

## **19 Preliminary Market Consultations**

- 19.1 The Council may consult potential suppliers, prior to the issuing of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation.
- 19.2 When engaging with potential suppliers, the Council must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, and where this may prejudice the equal treatment of all potential bidding organisations or distort competition. Assistance should be sought from the Corporate Procurement Manager where consideration is being given to pre-tender market testing.

## **20 Community Benefits and Well Being of Future Generations (Wales) Act 2015**

- 20.1 The Council is committed to achieving economic, social, cultural and environmental well-being for its residents to ensure a better quality of life for everyone, now and for generations to come.
- 20.2 For all procurements over £25,001 the Authorised Officer **must** consider the economic, social and environmental impact of the project when determining the specification and evaluation criteria to maximise the added value of procurement.
- 20.3 Authorised Officers shall seek guidance from Corporate Procurement and Economic Regeneration colleagues on how best to incorporate economic, social, cultural and environmental well-being benefits into tenders and contracts.

## **21 Code of Practice**

- 21.1 **Ethical Employment in Supply Chains:** Blaenau Gwent CBC have signed up to the Welsh Government's Code of Practice – Ethical Employment in Supply Chains, and therefore all tenders must consider the principles of the Code when compiling documentation, vetting suppliers and awarding contracts. The overarching principle of the Code is to ensure that workers in public sector supply chains are employed ethically and in compliance with both the letter and spirit of UK, EU, and international laws. The Code covers Modern Slavery and human rights abuses, Banning, False self-employment, Unfair use of umbrella schemes and zero hours contracts as well as considering paying the living wage. Advice must be sought from Corporate Procurement during tender preparation to ensure processes adhere to the principles of the Code.
- 21.2 **Corporate Safeguarding Responsibilities:** Blaenau Gwent County Borough Council is committed to ensuring that everyone living within the County Borough is safe and protected and that our statutory responsibilities to safeguard and protect children, young people and adults at risk are effectively met. Advice must be sought from Corporate Procurement during tender preparation, to ensure procurement activities consider our corporate safeguarding responsibilities and adhere to the Corporate Safeguarding Policy.

## **22 Division of Contracts into Lots**

- 22.1 The Council may, where it considers appropriate decide to award a contract in the form of separate lots and may determine the size and subject matter of such lots in accordance with the Public Contract Regulations. Refer to Corporate Procurement for advice and guidance.
- 22.2 Where the Council is developing above EU/UK procurement solutions and has decided not to subdivide a contract into lots, it has a duty to provide an

indication of its reasons within the procurement documentation. Refer to Corporate Procurement for advice and guidance.

## **23 Purchase of Vehicles and Plant**

23.1 The Chief Officer holding the Council's Vehicle Operator's Licence, shall be responsible for the purchase or hire of vehicles and plant in accordance with these Contract Procedure Rules.

## **24 Consultants**

24.1 The Commissioning/engagement of Consultants to work within the Council or to undertake work on behalf of the Council as part of a wider project will be subject to these CPRs and the Council's Financial Regulations;

24.2 Where the Council uses consultants to act on its behalf in relation to any procurement, then the Chief Officer shall ensure that the consultants carry out any procurement in accordance with these CPRs. No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to;

24.3 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 Chief Officer prior to the commencement of the procurement process;

24.4 Where the Chief Officer considers that such a conflict of interest is significant the consultant shall not be allowed to participate in the procurement process. The Head of Legal and Corporate Compliance should be consulted in such circumstance.

## **SECTION 3 – PROCUREMENT DOCUMENT PREPARATION**

### **25 Preparing Documentation**

25.1 It is a requirement to produce all documentation associated with the procurement activity prior to making any offer to the market. This should include:

- a) the Specification, which should contain precise details of the requirements, be easily understood by the bidders and have clearly defined, achievable and measurable inputs, outputs or outcomes;

where appropriate for contracts under £25,000 and for all contracts over £25,001:

- b) A draft contract, including any bespoke terms and conditions that may be required over and above the standard terms and conditions of the form of contract used;
- c) Selection and award criteria (including weightings) and the proposed evaluation/scoring methodology.
- d) Where applicable, a Pre-Qualification Questionnaire (PQQ) to enable a fair and transparent means of creating a shortlist of bidders;
- e) Form of Tender
- f) Tender invitation (instructions), clearly stating the requirement to submit bids electronically, the time and date it needs to be submitted by, along with any other relevant instructions and a clear statement that no bids will be considered that have been submitted other than as instructed;

## 25.2 Standards

Relevant British, EU and International standards which apply to the subject matter of the contract, and which are necessary to properly describe the required quality must be included with the contract.

## 25.3 Nominated Products

All goods and services should be specified by reference to objective, non-product specific descriptions. Equivalent goods and services are nearly always capable of being specified. However, if this is not possible on the grounds of genuine technical reasons and a particular type of product or service or method of production or delivery has to be stated, then the words “or equivalent” should always be added.

## 25.4 Contract Terms and Conditions

The Council’s harmonised procurement documents or conditions issued by a relevant professional body will be used. Where there is any deviation from these, the documents to be used must be reviewed by the Head of Legal & Corporate Compliance and the Corporate Procurement Manager prior to being issued. Standard contract terms and conditions and procurement templates are available upon request from Corporate Procurement.

## 26 Evaluation Criteria

### 26.1 Evaluation Criteria

- (a) In any procurement exercise the successful bid should be the one which either:

- (i) offers the lowest price; or
- (ii) offers the most economically advantageous balance between quality and price (MEAT).

In the latter case, the Council will use criteria linked to the subject matter of the contract to determine that an offer is the most economically advantageous, for example: price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service, technical assistance, delivery date, delivery period and period of completion.

- (b) Issues that are important to the Council in terms of meeting its corporate objectives may be used to evaluate bids. The criteria can include, for example sustainability considerations, support for the local economy or the use of sub-contractors. The bidding organisations' approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.
- (c) The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.
- (d) Where a procurement procedure has both selection and award stages, the criteria used at the selection stage should not be used again at the award stage.

## **SECTION 4 – PROCUREMENT TENDERING PROCESS**

### **27 Competition Requirements/Assets for Disposal**

#### **27.1 Competition Requirements**

- (a) Where possible, goods, services and works should be obtained via existing approved arrangements including but not limited to:
  - i. In-house services provision
  - ii. Established corporate contracts, framework agreements and/or consortia arrangements
- (b) Where no such approved arrangements exist, the Authorised Officer must establish the total value of the procurement (including whole life

costs and incorporating any potential extension periods (CPR15) and invite quotations or tenders in accordance with the following procedures:

27.1.1 Buying (Quotations) – Below £5,000

Authorised Officers should obtain a minimum of two (2) quotations to demonstrate competition and value for money.

A written record of enquiries must be made and retained in a manner approved by the Chief Finance Officer.

- Please refer to Appendix A

27.1.2 Low Value Procurement (Quotations) – Between £5,001 and £25,000

Authorised Officers must invite a minimum of three (3) quotations in order to demonstrate competition and they shall accept the lowest or most economically advantageous quotation.

***Consideration should be given to using the Council's E-tendering portal.***

A written record of enquiries must be made and retained in a manner approved by the Chief Finance Officer.

- Please refer to Appendix B

27.1.3 Intermediate Value Procurement (Quotations) £25,001 - £75,000

***All Procurement and Commissioning activities over £25,001 require the engagement of Corporate Procurement;***

***Before quotations are invited, a Pre-Tender Procurement Options Report (Gateway 1 Report) must be submitted to the relevant Departmental Management Team (DMT) for approval;***

***Requests for quotations in excess of £25,001 must be conducted electronically via the Authority's E-tendering system as approved by the Chief Finance Officer.***

***Hard copy RFQ's may only be considered with the prior approval of the Corporate Procurement Manager.***

Authorised Officers should consider advertising the procurement opportunity in accordance with CPR30;



Alternatively, where the opportunity is not subject to open advert, Authorised Officers must invite a minimum of four (4) quotations to demonstrate appropriate competition and they shall accept the lowest or most economically advantageous quotation.

A written record of enquiries must be made and retained in a manner approved by the Chief Finance Officer.

- Please refer to Appendix C

27.1.4 High Value Procurement (Tenders): Between £75,001 and EU Thresholds (£189,330 for goods and services or £4,733,252 for works)

***Procurement and Commissioning activities require the engagement of Corporate Procurement;***

***Before tenders are invited, a Pre-Tender Procurement Options Report (Gateway 1 Report) must be submitted to the Strategic Commercial Commissioning Board (SCCB) for approval.***

***Invitations to Tender must be conducted electronically via the Authority's E-tendering system as approved by the Chief Finance Officer.***

***Hard copy Tenders may only be considered with the prior approval of the Corporate Procurement Manager.***

Invitations to Tender must be sourced via one of the following methods:

- Selective tendering from an appropriate approved list under (CPR16);
- Sourcing from an existing Framework Agreement (CPR17) or collaborative arrangement (CPR18); or
- Competitive tendering by open advertisement (CPR30);

- Please refer to Appendix D

27.1.5 Strategic Procurement contracts invited in accordance with EU Procurement Directives – for goods and services above £189,330 and for works above £4,733,252

***In the case of procurements captured within the European Union Procurement Directives and the Regulations that implement them, the Chief Officer shall consult with the Corporate Procurement Manager to determine the most appropriate procedure for conducting the procurement exercise.***

***Such Directives and Regulations will take precedence over these CPRs.***

***Before tenders are invited, a Pre-Tender Procurement Options Report (Gateway 1 Report) must be reported to the Strategic Commercial Commissioning Board (SPB) for approval.***

***Invitations to Tender must be conducted electronically via the Authority's E-tendering system as approved by the Chief Finance Officer.***

- Please refer to Appendix E

#### 27.1.6 Public Contract Regulations – Light Touch Regime

In addition to the established requirements listed with CPR27.1.5, The Public Contract Regulations have introduced a new light-touch regime (LTR), which is applicable to contracts within the social care, health and education sectors. Previously defined as 'Part B' services and exempt from the full Regulations, service requirements defined within Schedule 3 of the PCR's should now be procured in accordance with the LTR and these CPRs (please refer to Appendix F for further details of the effected services).

***In the case of procurements that fall within the Light Touch Regime, the Chief Officer shall consult with the Corporate Procurement Manager to determine the most appropriate procedure for conducting the procurement exercise.***

- LTR contracts Please refer to Appendix F

## 28 Reduced number of invitations

28.1 For procurements with a value between £5,001 and £75,000, where an Authorised Officer wishes to invite less than the prescribed numbers of organisations to bid, he /she must seek approval from the relevant Chief Officer in consultation with the Corporate Procurement Manager;

28.2 For procurements with a value between £75,001 and applicable EU Threshold, where an Authorised Officer wishes to invite less than the prescribed numbers of organisations to bid, he /she must seek approval from the Strategic Commercial Commissioning Board;

## **29 Assets for Disposal/Tenders Generating Income for the Council**

29.1 In circumstances where the Council is permitted to sell assets, in line with the disposal policies (such as surplus Land & Property), this will generate income to the Council.

29.2 Authorised Officers shall be authorised to dispose of goods and materials surplus to the Council's requirements by whichever means would, in the judgement of the officers, result in the best value for the Council; examples may include;

- auction
- tender
- private sale
- transfer to another service
- donation to a not-for-profit organisation

29.3 Where a surplus item is likely to raise more than £1,000, the appropriate Head of Service shall be consulted before its disposal. Written tenders should be invited for any item likely to realise more than £5,000.

29.4 The Authorised Officer shall accept either the highest price or the most economically advantageous tender dependent on the stipulated award criteria and keep a record of the tenders received and tender sums, in a manner to be determined by the Chief Finance Officer.

## **30 Advertising**

30.1 In accordance with the principles of the Welsh Government's "Opening Doors", The Charter for SME Friendly Procurement, where practical and providing that it represents best value for the Council, consideration should be given to advertising contracts exceeding £25,001 on the Council's E-Procurement System and the Welsh National Procurement Website (Sell2wales).

30.2 Where the subject matter of the intended contract or where the anticipated audience and their expectations suggests, advertisements and associated documentation must be published bilingually in Welsh and English.

30.3 The Corporate Procurement Manager will be responsible for publishing all notices to ensure compliance with EU treaty principles.

## **31 Contractor Subsidies and State Aid**

31.1 Where it is proposed to provide financial support to a Contractor, or where a Contractor's proposal entails financial support or benefit from the Council or another public body necessary to ensure the continuance of Contracting activity (State Aid), the advice of the Chief Finance Officer/Head of Legal and Corporate Compliance must be sought prior to advertising the opportunity or concluding the Contract.

## **32 Supplier Selection, Short-listing or Pre-Qualification**

32.1 The Council shall only enter into a contract with a Contractor if it is satisfied as to the Contractor's competencies.

32.2 Supplier Selection criteria for shortlisting may include, but not be limited to:

- i. The eligibility of the contractor/provider.
- ii. Financial standing, including provisions for insurance to cover liability
- iii. Technical or professional capability and capacity
- iv. Health & Safety assurances
- v. Environmental /Sustainability licences

32.3 Chief/Authorised Officers should contact the Corporate Procurement Manager in advance of undertaking any form of third-party shortlisting or pre-qualification.

## **33 Contract Terms and Conditions**

33.1 Officers shall use their best endeavours to ensure that contracts are entered into on the appropriate set of Council's terms and conditions, which shall be included with each purchase order or invitation to tender. Where this is not possible, variations to the relevant Council terms and conditions and/or the terms and conditions submitted by a contractor must be reviewed by the Head of Legal and Corporate Compliance and/or the Corporate Procurement Manager.

## **34 Form of Tender/Quotation**

34.1 For all procurements over £5,001 a Form of Tender/Quotation must be completed by all tenderers. The Form of Tender/Quotation is a covering document prepared by the Council and signed by the tenderer to indicate that it understands the tender/quotation and accepts to be bound by the technical response (if applicable), commercial schedule, terms and conditions and other requirements of participating in the exercise.

## **35 Liquidated damages**

35.1 All contracts over £75,001 must state, if the contractor fails to meet the terms of the contract, the contractor is liable for liquidated damages, estimated by the Chief Officer as a genuine pre-estimate of the loss likely to be incurred due to the contractor's default.

## **36 Security for Performing Contracts**

36.1 The Head of Legal & Corporate Compliance and Chief Finance Officer, in conjunction with the Chief Officer, may determine whether security is required from a contractor.

## **37 Corruption: Cancellation of Contracts**

37.1 All contracts must state that the Council will cancel any contract and recover all resulting losses if the contractor or his employees or agents with or without his knowledge:

- (i) Does anything improper to influence the Council to give him the contract;
- (ii) Commits an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972.

37.2 All invitations to tender must be accompanied by a requirement for tenderers to confirm that they have not participated in any form of collusive tendering arrangements with other parties.

## **38 Form of Contract**

38.1 All contracts shall be in a form approved by the Head of Legal and Corporate Compliance.

38.2 Chief Officers should prepare appropriate contract specification documents within one month of the award of the contract and forward to contractors for signing. The contractor should return the signed contract to the relevant Chief Officer within one month of receipt. Persistent failure to meet such deadlines may result in suspension from future procurements.

38.3 No payment shall be authorised until a formal contract is in being, or written authority is given by the Head of Legal & Corporate Compliance to make such a payment.

## **39 Contract Signature**

39.1 Contract agreements must:

- (i) where the contract is in the form of a deed, be made under the Council's seal and attested as required by the Constitution; or
- (ii) where the contract is in the form of an agreement, either:
  - (a) be signed by at least two Officers of the Council authorised as required by the Constitution; or
  - (b) be formalised by the sending of an award letter and the subsequent issuing of a purchase order.

39.2 The Chief Officer should contact the Head of Legal & Corporate Compliance on the use of deeds and agreements to form contracts.

#### **40 Review of Tenders and Contracts**

40.1 To ensure the integrity of the procurement process:

- (a) all proposed Invitations to Tender, not in compliance with the County Borough Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, must be reviewed by the Head of Legal & Corporate Compliance and Corporate Procurement Manager;
- (b) any proposed contract where there is any deviation from the contract terms included in the invitation to tender must be reviewed by the Head of Legal & Corporate Compliance and Corporate Procurement Manager.

#### **41 Submission, Receipt and Opening of Tenders/Quotations**

##### **41.1 Tendering periods**

Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender response, consistent with the complexity of the contract requirements.

The Public Contract Regulations lay down specific minimum time periods for tenders. The Corporate Procurement Manager must be consulted prior to initiating any EU procurement exercise.

##### **41.2 Quotations (Up to £75,000)**

- (a) As in CPR6.1, competitive quotations valued in excess of £25,001, must be administered electronically via the Council's E-tendering system, except where specifically exempt under CPR6.3;

- (b) Request for Quotations (RFQ's) must clearly set out the latest return date and time;
- (c) Late responses will **not** be considered.

#### 41.3 Tenders (£75,000+)

- (a) All tenders, except those which have been approved exempt from electronic tendering, must be administered electronically via the Council's E-tendering system;
- (b) Invitations to tender must clearly set out the latest tender return date and time;
- (c) Late tenders will **not** be considered;
- (d) At least three (3) valid tenders must be received by the stipulated tender return date/time; otherwise a report seeking approval of the appropriate action must be submitted to the Corporate Procurement Manager;

#### 41.4 Electronic Arrangements

- (a) Requests for Quotations and Pre-Qualification Questionnaires which are received electronically via the Council's E-tendering system may be opened by a minimum of two (2) Authorised Officers designated by the appropriate Chief Officer. The system will not allow any quotations to be opened until the allocated return date/time has passed.
- (b) Tenders (in excess of £75,001) which are received electronically via the Council's E-tendering system may be opened by a minimum of two (2) Authorised Officers designated by the Chief Finance Officer and appropriate Chief Officer.

#### 41.5 Hard Copy Arrangements

- (a) In the event that "hard copy" tenders are to be accepted these must be submitted to the Corporate Procurement Manager, sealed, in a plain envelope, without any mark revealing the bidding organisation's identity and clearly and prominently marked with the word 'Tender', followed by the title of the contract.
- (b) All hard copy tenders will be held by the Corporate Procurement Manager until the tender opening date/time has been reached.

- (c) All hard copy tenders for the same contract will be opened at the same time by the Corporate Procurement Manager together with the relevant Chief Officer.
- (d) The Chief Officer must keep a record of all tender sums submitted, showing the gross price of the contract, together with any essential criteria.
- (e) The Chief Finance Officer and Chief Officers may designate Authorised Officers to be present at tender opening.
- (f) In the event that hard copy quotations are to be accepted these must be submitted in a plain envelope marked "Quotation for ....." followed by a description of the goods, works or services being procured.
- (g) Hard copy quotations may be received directly by Authorised Officers. All quotations must be opened together once the official return date/time has passed and in the presence of at least two (2) Authorised Officers.
- (h) The Chief Officer must keep a record of all quotations submitted, showing the gross price of the contract, together with any essential criteria.

## **42 Reduced Numbers of Quotations or Tenders**

42.1 Where the minimum numbers of quotations or tenders stated in these CPRs have not been received, then consideration must be given to the merits of accepting any tender and/or re-running the procurement. If the contract is for a sum of less than £75,000, the decision can be taken by the relevant Chief Officer in consultation with the Corporate Procurement Manager. If the contract is for a sum in excess of £75,001, the decision must be referred to the Strategic Commercial Commissioning Board and considered in any subsequent approval request.

## **43 Clarification Procedures**

43.1 The Council can ask bidding organisations for clarification of any details submitted as part of their bid. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission.

## **44 Evaluation and Checking of Quotations or Tenders**

### **44.1 Evaluation**

- (a) The evaluation criteria and weightings must be predetermined and approved in advance of inviting quotations or tenders as defined in CPR26. The criteria cannot be amended once published in the Invitation to Tender (ITT)



or Request for Quotation (RFQ) and must be strictly observed (at all times throughout the procurement procedure). Guidance relating to the application of evaluation criteria/weighting may be obtained from Corporate Procurement.

- (b) The evaluation of bids must be conducted in accordance with the evaluation criteria, associated weightings and approved scoring methodology as set out in the ITT or RFQ documentation, as provided to bidding organisations.
- (c) All Contracts, except Contracts where lowest price was predetermined to be the appropriate criterion, must be awarded on the basis of the offer which represents best value for money to the Council (Most Economically Advantageous Tender).
- (d) For each Contract, the Authorised Officer must form an evaluation team (minimum of two (2) suitably qualified and knowledgeable technical officers), with responsibility for evaluating tenders.
- (e) The Authorised Officer must ensure that all records relating to the Tender evaluation must be signed and dated by the relevant evaluation team member and retained for future reference.

#### 44.2 Checking

- (a) The lowest or most economically advantageous tender must be checked for arithmetical errors and any other significant error of principle.
- (b) Where such an error(s) occurs, the tenderer shall be given details in writing (but no other information) and afforded the opportunity of confirming the tender submission as corrected or withdrawing his tender, also in writing.
- (c) Where deemed reasonable and in the best interests of the Council, the Chief Officer shall have the discretion to consider a request from the tenderer to correct genuine arithmetical errors. If the tenderer elects to amend his original tender figure to correct such errors and the corrected tender is still the lowest or most economically advantageous tender, then the tender may be adjusted, and the corrected figure recommended for acceptance. If such errors result in a tender sum being reduced, then only the corrected figure may be recommended for acceptance.
- (d) If the first tender is withdrawn, the second lowest or second most economically advantageous tender is to be checked, if necessary, this tenderer must be given a similar opportunity.

- (e) The Chief Executive, the Head of Legal & Corporate Compliance and the Chief Finance Officer shall determine whether any exception to the above procedure should be authorised.

#### **45 Abnormally Low Tenders**

45.1 Whereas a result of identifying that the overall tendered price or costs raises significant doubts that the Contractor will be able to complete the contract within the contract terms, the Council shall require tenderers to fully explain the price or costs proposed. Where the Council determine the explanation is insufficient or believe significant doubts as to the Contractors ability to meet the requirements still exist, the Council reserve the right to reject the tender. This must be undertaken in accordance with the Regulations and in consultation with the Corporate Procurement Manager.

#### **46 Records**

46.1 The outcome of any competitive procurement process must be recorded in a manner as determined by the Chief Finance Officer and Head of Legal & Corporate Compliance;

#### **47 Accepting and Reporting of Quotations**

47.1 Acceptance of quotations up to £25,000 shall be decided by the relevant Chief Officer following receipt of a T1 report from the Authorised Officer.

47.2 Acceptance of quotations with a value between £25,001 and £75,000 shall be decided by the relevant Chief Officer/DMT following receipt of a Procurement Acceptance Report (Gateway 2 report) from the Authorised Officer.

#### **48 Acceptance and Reporting of Tenders (£75,001 and above)**

48.1 Before accepting any tender, the Chief Officer must submit a Procurement Acceptance report (Gateway 2 report) to the Strategic Commercial Commissioning Board (SCCB), stating:

- (a) a description of the project and the procurement procedure undertaken (including a summary of the evaluation criteria and basis of award);
- (b) the names and abbreviated addresses of those contractors that accepted the invitation to tender in alphabetical order;
- (c) where applicable, the rationale for excluding any contractor(s);
- (d) a summary of the tender evaluations

- (e) details of the amount of all tenders received in ascending order;
- (f) reasons why any tender has not been opened;
- (g) the name of the tenderer recommended for acceptance and the amount of the tender.
- (h) the revenue implications on the budget or the approved capital costs of the scheme, and any further details as required by Financial Regulation 4.

48.2 Additionally, where the procurement is subject to Public Contracts Regulations, contracting authorities are required to maintain the following comprehensive records of procurement activities:

- (a) contract details including value;
- (b) selection decision;
- (c) justification for use of the selected procedure;
- (d) names of bidding organisations, both successful and unsuccessful;
- (e) reasons for selection;
- (f) reasons for abandoning a procedure.

48.3 Where a tender has a cumulative value in excess of £2,000,000 then the SCCB may defer the Procurement Acceptance Report to Corporate Leadership Team (CLT) for approval in consultation with the relevant Cabinet Member and Leadership; prior to entering into any contractual relationship.

48.4 In circumstances where the Corporate Leadership Team (CLT) in conjunction with the Head of Legal and Corporate Compliance, relevant Cabinet Member and Leadership, determine that the contract is of such high value and/or complexity that it is deemed appropriate, a report may be prepared for the Cabinet Committee to consider acceptance of the tender.

48.5 Following approval of a report in accordance with Rule 48, the Chief Officer can accept the lowest or most economically advantageous tender in accordance with the approved tender evaluation criteria.

## **49 Award of Contract and Debriefing of Organisations**

### 49.1 Award of Contract

- (a) The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.
- (b) Where procurement has been subject to the Public Contract Regulations, a mandatory 10-day standstill period, before a contract can be awarded, will need to be included in the procurement timetable. In addition, the Council is required to publish a contract award notice in the Official Journal of the European Union (OJEU) no later than 48 days after the award of contract.
- (c) All communications relating to EU procurements will be issued via Corporate Procurement.
- (d) Decisions on award of contract must be made in accordance with the scheme of delegations in the Council's Constitution.

#### 49.2 Debriefing

- (a) Once the contract award decision has been made, then save for the successful tenderer, all those expressing an interest will receive a standard regret letter containing details of:
  - (i) award criteria and weightings;
  - (ii) score that the tenderer obtained against each of the specified award criteria (where relevant);
  - (iii) name and score obtained by the winning tenderer;
  - (iv) reasons for the decision, including the characteristics and relative advantages of the successful tender;
  - (v) a precise statement in terms of the standstill period;
- (b) If any additional information is to be disclosed to tenderers, this must be agreed in advance with the Corporate Procurement Manager, taking into account the requirements of any legislation relating to the disclosure of information.
- (c) Debriefing is recommended as a means of assisting tenderers to improve their competitive performance.
- (d) For all procurements over £75,001, debriefing will be conducted by the Authorised Officer in conjunction with the Corporate Procurement Manager.

- (e) The list of points where debriefing is required or may be appropriate includes:
  - (i) selection: where the candidate is not selected (short-listed) to take part in the tender process.
  - (ii) award: where the tenderer was not awarded the contract after evaluation of proposals/tender. Such debriefing should never be conducted before the contract award decision is made and all unsuccessful tenderers have been formally notified of the same. It should be made clear that the debriefing process cannot be used to change the choice of a contractor or to re-open the selection process.
  - (iii) any potential supplier is asked to withdraw or withdraws during the Procurement.
- (f) If the award of a contract is subject to the EU Public Sector Procurement Directive, there must be a standstill period of a minimum of 10 calendar days between communicating the award decision to all tenderers and conclusion of the contract.

## **50 Contracts Register**

50.1 The following contracts shall be recorded on a central contracts register hosted on the council's approved E-Procurement system and administered by Corporate Procurement:

- i) all new contracts over the value of £5,001 (low value procurement and above;
- ii) frameworks or other corporate or collaborative purchasing arrangements accessed by the Council;

50.2 It is the responsibility of the Chief Officer to ensure that their staff complies with CPR50 and that the information provided includes as a minimum:

- i) contract title
- ii) contract scope
- iii) total contract value
- iv) start and expiry dates
- v) extension options
- vi) details of whether the contract is a one-off or expected to be renewed
- vii) copies of associated approval reports (DMT/ SCCB / CLT etc.)

## 51 Statistical Returns

- 51.1 Each year the Council must make a statistical return to the UK Government for onward transmission to the European Commission concerning the Contracts awarded during the year under the Public Contract Regulations.
- 51.2 The Corporate Procurement Manager is responsible for this statistical return and shall make the necessary arrangements for information to be collected annually.

## SECTION 5 - CONTRACT MANAGEMENT

### 52 Contract Management/Monitoring

- 52.1 Once awarded, all contracts must have an appointed Contract Manager who will be responsible for all day-to-day aspects of the Contract.
- 52.2 The day-to-day management of the contract shall include monitoring in respect of:
- (i) performance
  - (ii) compliance with specification and contract terms
  - (iii) cost
  - (iv) any value for money/best value requirements
  - (v) user satisfaction
  - (vi) risk management
  - (vii) compliance with these CPRs (i.e. reporting of progress/variations etc.)

### 53 Progress and Variations

- 53.1 A Chief Officer can approve interim variations to a contract when this has a **cumulative** value not exceeding £10,000 or 10% of the original sum whichever is the lower.
- 53.2 When a variation to a contract is required which will have a cumulative value exceeding £10,000 or 10% of the original contract sum but is still within the specific approved budget for the contract, the Chief Officer shall present a detailed progress report to the Strategic Commercial Commissioning Board for information rather than approval.

- 53.3 When a variation is required which will have a cumulative value exceeding the specific approved budget for the contract, this shall not be accepted until the Strategic Commercial Commissioning Board has approved a progress report presented by the Chief Officer.
- 53.4 The appropriate Chief Officer will complete and submit contract progress reports to the Strategic Commercial Commissioning Board, Cabinet Committee and the Corporate Overview and Performance Scrutiny Committee on an exception basis comprising;
- (a) Contracts over £500,000 when a plus or minus 5% slippage occurs.
  - (b) All contracts over £500,000 which over-run by 50 working days.
- 53.5 The Corporate Overview and Performance Scrutiny Committee may refer contract reports to the appropriate Scrutiny.
- 53.6 All approved variation or progress reports, must be copied to Corporate Procurement for inclusion on the corporate contracts register.
- 53.7 Where a variation is being applied for by Corporate Procurement in relation to a corporate arrangement, then the application must also be scrutinised by Internal Audit, to ensure the robustness of the procedure.

## **54 Contractors Claims**

- 54.1 Claims from or against contracts must be considered by the Chief Officer in consultation with the Head of Legal & Corporate Compliance and Chief Finance Officer before any decision is made and CPR 53 applies to any payment of a claim as if it was a variation.

## **55 Assignments and novation**

- 55.1 Any contracts subject to potential assignment and/or novation must be referred to Head of Legal and Corporate Compliance at the earliest possible opportunity.

## **56 Termination of Contract**

- 56.1 For any contract exceeding £75,001 in value, early termination must be approved by the Head of Legal & Corporate Compliance and Chief Finance Officer. Contracts with 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, following consultation with the Head of Legal & Corporate Compliance.

## **57 Contract End**

- 57.1 At an appropriate point, but generally at least three (3) months prior to the contract end date, the contract manager should review whether or not the contract needs to be renewed, either in its current or an amended form.
- 57.2 If there is no further requirement for the contract, the existing contract may be allowed to lapse. However, some contracts may require more active decommissioning. It is the responsibility of the contract manager to ensure that contracts are appropriately decommissioned, and that sufficient time is allowed to achieve this.
- 57.3 Where there is a requirement for a contract to be renewed, then the contract manager (or other Authorised Officer) shall commence the re-procurement as set out in these CPRs.



## **SECTION 6 – DEFINITIONS, INTERPRETATIONS AND FLOWCHARTS**

In these Rules the following definitions apply:

Approved List	A list of suitable prospective Contractors/Suppliers approved for the purposes of the supply of goods or services or the execution of works;
Authorised/Delegated Officer	Means the holder for the time being of any post named in the Scheme of Delegations as having delegated powers and duties in respect of the procurement concerned;
Award Criteria	The criteria used by the Council to evaluate the Bidders tender against the needs identified within the specification to determine the successful tender. Such criteria may comprise for example – a) Price, or total cost; b) Quality including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions; c) Organisation, qualification and experience of staff assigned to performing the contract, where the quality of the staff assigned can have a significant impact on the level of performance of the contract (and not already evaluated at PQQ stage); or d) After-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion;
Bidder(s) / Tenderer(s)	Economic Operators who are actively involved in a procurement process;
Call Off Contract	A contract awarded in accordance with the terms of an established framework (either direct award or following a further mini competition);
Chief Officer	Means any Officer in the following categories of Officer, Chief Executive, Corporate Director, Chief Officer and/or Head of Service;
Code of Conduct	The Code regulating the conduct of Officers and Members as set out in the Council's Constitution;
Community Benefits	Clauses which can be used to build a range of economic, social, or environmental conditions into the delivery of public contracts. Mandatory on all contracts with a value greater than £1m, but encouraged, on contracts above £5,001;
Competitive Dialogue Procedure	Is an EU compliant process for dealing with complex public contracts, where the delivery for the supply of goods, works

	or services is unknown and needs to be resolved through negotiation with suitable providers. Legal justification is required;
Conflict of Interests	An actual conflict, or a potential conflict, between the pecuniary or personal interests of an officer and the duties that the officer owes to the Council;
Consultant(s)	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to employees with skills, experience or capacity to undertake the work;
Contract	Means any form of agreement (including, without limitation, official purchase orders) for the supply of goods, provision of services or carrying out of works;
Contract Award Notice	Formal notice placed on Sell2Wales and, if appropriate, OJEU giving particulars on the date the contract was awarded, the award criteria, the number of offers received, the name and address of the successful tenderer(s), and the price or price ranges paid. Contract award notices must be sent not later than 48 days after the contract in question has been awarded;
Contract Notice	Formal advert placed on Sell2Wales and, if appropriate, OJEU notifying potential suppliers about a contract opportunity;
Contractor	Means any contractor, supplier or provider with whom the Council enters into a contract for the carrying out of works, provision of services or supply of goods. Include in-house provision, and where appropriate, the relevant Sub-Contractor;
Contract Value	For the purposes of calculating the thresholds under these CPRs, the value of a contract is the estimated total value payable by the Council to a contractor over the terms of the contract, including allowable extensions. In the case of indefinite contract periods, the term of the contract is assumed to be 4 years;
Contracts Register	A central contracts register hosted on the Council's approved electronic system and administered by Corporate Procurement;
Corporate Contract	A contract let or approved by the Corporate Procurement Team to support the Council's aim of achieving Value for Money;
Corporate Procurement Team	The Council's central procurement unit charged with providing strategic direction and advice to secure Value for Money in the Council's procurement and commissioning activities;
CPR's	These Contract Procedure Rules;

Debriefing	Providing feedback to bidding organisations in terms of strengths and weaknesses of their proposals;
Dynamic Purchasing System (DPS)	A fully electronic compliant 'Approved List', which in effect operates as an open framework where Economic Operators can join at any point while the DPS is open, and they meet the Suitability Criteria.
Electronic Procurement Portal	The Council's electronic system for conducting procurement activity;
Electronic Procurement/Tendering	The procurement of all goods, services and works conducted using the Council's approved electronic system. (EtenderWales);
Electronic Auction	A repetitive process involving an electronic device for the presentation of new prices, revised downwards, and/or of new values concerning certain elements of tenders, which occurs after an initial evaluation of the tenders, enabling them to be ranked using automated evaluation methods.
EU	European Union
EU Public Procurement Directives	Rules and regulations set by the European Union with regard to procurement for public sector organisations and apply to the public works, supplies (goods) and service contracts.
EU Thresholds	EU and Government Procurement Agreement thresholds for advertisement of goods, works and services contracts as advised by the Government.
Evaluation Criteria	The publishing of detailed objectively quantifiable award criteria and sub criteria linked to the subject matter of the contract together with their weighting and the method by which you will evaluate them in the contract documents. They may include but are not limited to: Quality, price, technical merit, functional characteristics, environmental characteristics, running costs, life cycle costs, cost effectiveness, after-sales service and technical assistance, delivery date and delivery period or period of completion, security of supply, and interoperability and operational characteristics;
Evaluation Panel	A group of relevant Officers of the Council, or appropriate stakeholders, who have the technical knowledge and experience to evaluate bids received in response to a procurement exercise;
Cabinet	The Council's Cabinet as defined in the Constitution;
Framework Agreement	Means an agreement between the Council and/or other public bodies and one or more Contractors where the volumes to be delivered are not set out at the outset but which establish terms (including price) and standards under which the Contractor will enter into a Contract to provide Goods, Works and/or Services;

Goods	Covers all goods, supplies, substances and materials that the Council purchases, hires or otherwise obtains;
Grant and Grants	A sum of money paid or to be paid by the Council to a third party, and in respect of which the Council does not require the grantee to provide the Council with any Services, or Goods or carry out any Works for the Council's direct benefit. The Grant may be conditional (i.e. obligation to spend the Grant in a particular manner, to account for that spend and repay the Grant if the Grant conditions are breached);
Income Contract	Means any Contract that the Council enters into that generates income for the Council or by their operation establish a right for a Contractor or a third party to generate an income;
Invitation To Tender	A key document within the Procurement Documentation which must contain or reference, the instructions for Bidders, specification, evaluation model and other relevant materials to allow the procurement activity to be concluded successfully;
Joint Commissioning	Where the Council jointly with one or more local authorities or public bodies, enters into a contract;
Light-Touch Regime	Means the parts of the Public Contract Regulations which apply to the procurement of Contracts for 'social and other specific services' (defined at Schedule 3 of the Regulations) that are deemed to be of lower interest to cross-border competition;
Lowest Cost	In relation to a tender means the lowest price if payment is to be made by the Council, and the highest price if payment is to be made to the Council and, in either case, refers to a tender which conforms to the Council's tendering requirements;
Monitoring Officer	The officer designated by the Council as its Statutory Monitoring Officer as required under Section 5 of the Local Government and Housing Act 1989;
Most Economically Advantageous Tender	The most economically advantageous tender to the Council determined by criteria which may include quality, price, technical capacity, delivery period and or period of completion etc.
National Procurement Service (NPS)	The National Procurement Service (NPS) for Wales has been set up to enable the Welsh public sector to collaborate more closely in procuring goods and services;
OJEU	The Official Journal of the European Union in which all high value public sector contracts in the EU are advertised;
Open Procedure	Involves accepting applications and tenders from all interested parties;
Pre-Procurement	The report required to be presented to the respective board

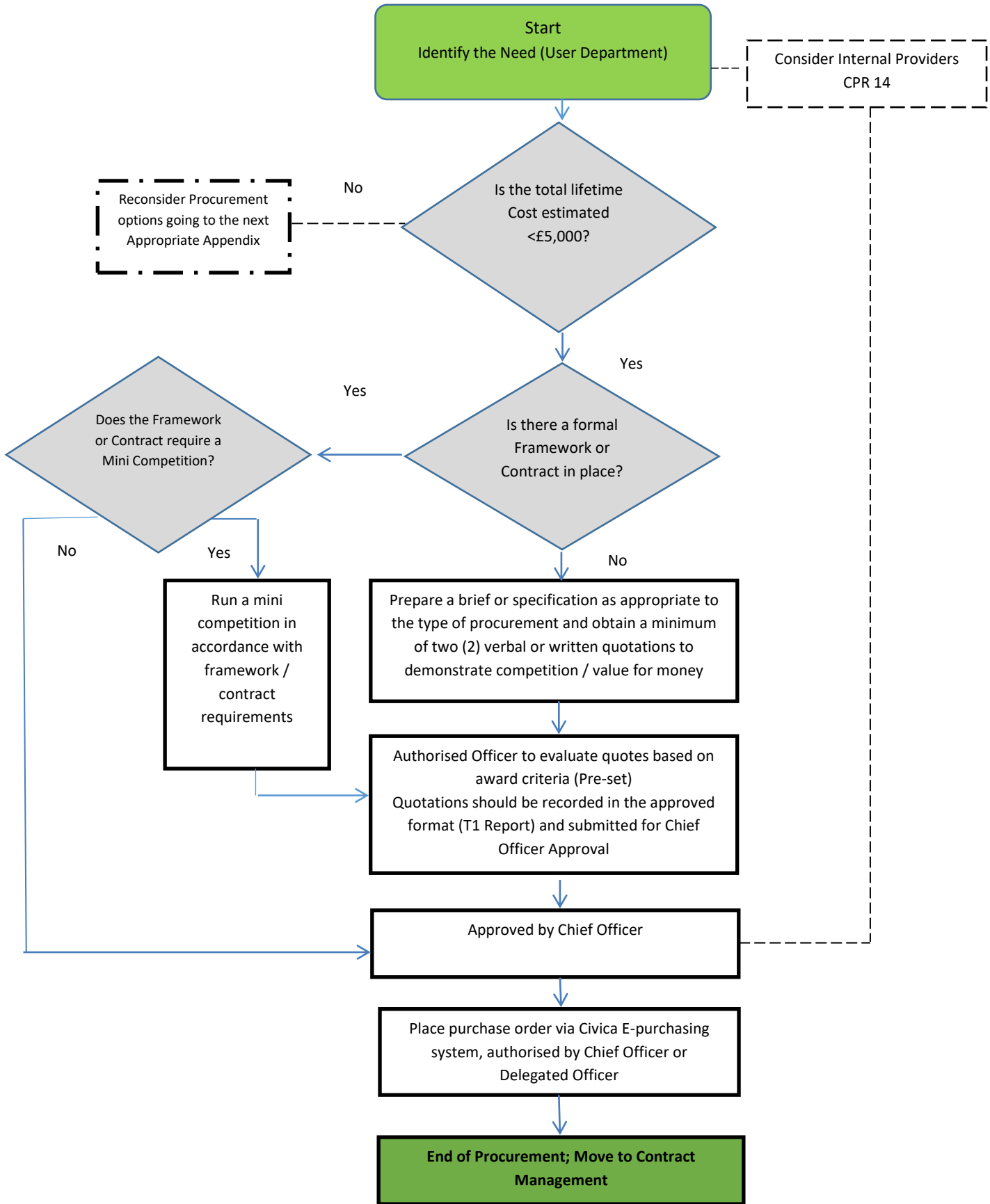
Report	and approved prior to commencing any procurement or commissioning activity;
Pre-qualification	This procedure allows the Council to restrict the number of applicants (tenderers) to whom it issues an invitation to tender. The Council is permitted to shortlist applicants by using specified short-listing criteria including economic/financial standing, capacity and capability, management, equal opportunities, sustainability and health and safety;
Procurement	Means the process by which the Council manages the acquisition of all its goods, services and works. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts;
Procurement Acceptance/Contract Award Report	The report required to be presented to the respective board and then signed off by the scheme of delegation to seek authority to award a contract, extend a contract or seek a waiver to these CPRs;
Procurement Strategy	A corporate document that outlines the Council's approach to procurement and commissioning and sets out the organisations associated aims and objectives;
Purchase Order (Electronic)	An electronic order raised and authorised via the Council's P2P system;
Quality	Fitness for purposes when judging against the standards specified in the contract;
Quotation	A formal offer to supply or purchase goods or materials, execute works or provide services (including consultancy), at a stated price based on the Council's terms and conditions (£1 - £75k);
Regulations	Means the Public Contracts Regulations 2015 (as amended) and/or the Concession Contracts Regulations 2016 (as applicable) as supplemented by the EU Directives on the procurement of Goods, Works, Services and Concessions and as amended and supplemented by the European Court of Justice (often referred to as the 'EU procurement rules');
Restricted Procedure	This procedure allows the Council to restrict the number of applicants (tenderers) to whom it issues an invitation to tender. The Council is permitted to shortlist applicants by using specified short-listing criteria including their economic/financial standing, capacity and capability, management, equal opportunities, sustainability and Health and Safety;
Selection Criteria	A component of the evaluation process set out to assess the Bidders suitability to provide the requirements identified in the ITT. This is not an evaluation of how they will provide

	<p>the requirements requested, more an evaluation of their organisation's intrinsic ability to provide those services.</p> <p>Selection / Suitability Criteria may only relate to:</p> <p>a) Suitability to pursue a professional activity</p> <p>b) Economic and Financial standing</p> <p>c) Technical and Professional ability;</p>
Sell2Wales (National Procurement Website)	The Welsh public sectors approved portal for advertising all quotation & tender opportunities over £25k;
Services	Includes all services which the Council purchases or otherwise obtains, including advice, specialist consultancy work, agency staff etc.
Short-listing	The process of selecting bidders who are to be invited to quote or tender or to proceed to final evaluation;
Specification	A document which sets out the detailed requirements and scope of goods, services or works to be provided by the supplier. The specification should be written in a contractually enforceable manner;
Strategic Commercial Commissioning Board	The board that is responsible for providing strategic guidance to the Council's internal procurement and commissioning community.
Standstill Period	<p>The standstill period is a 10-day pause between contract award decision and the formal award of the contract. The standstill is a legal requirement which the Council must comply with. It applies to all procurements covered by the full scope of the EU Procurement Directives.</p> <p>The period allows unsuccessful bidders to obtain more information on the award of the contract. Unsuccessful bidders can take appropriate action if they believe they have been treated unfairly. The period is also known as the "Alcatel Period". Alcatel was the name of the European case which brought about the change in the law.</p>
Tender (Above £75k)	A formal offer to supply or purchase goods, or materials, execute works or provide services (including consultancy), at a stated price based on the Council's terms and conditions;
Tenderer/Tenderers	Individual, individuals, partnerships, companies or other bodies invited to submit quotes/tenders/prices for providing the Council with services, supplying goods or carrying out works;
TUPE	The Transfer of Undertakings (Protection of Employment) Regulations together with any European Council Directives including but not limited to the Acquired Rights Directive 2001/23/EC, as amended from time to time.
Value	Values 'up to' a figure include that exact figure, but excluding Value Added Tax (VAT);
Value for Money	The optimum combination of whole-life costs, price, quality

	and benefits to meet the Council's requirement. Such a term equates to the EU procurement requirement of "most economically advantageous" offer as well as the duty of Best Value as defined by the Local Government Act 1999 as amended from time to time.
Variation	Means any alteration to a contract, including additions, omissions, substitutions, alterations, or changes of any other nature;
Waiver	An exception from strict compliance with Contract Procedure Rules granted in accordance with CPR10;
Whole Life Cost	Whole Life Costing is a technique to establish the total cost of ownership. It is a structured approach that addresses all the elements of this cost and can be used to produce a spend profile of the Goods, Work or Service over its anticipated lifespan;
Works	Includes all works of new construction and repairs in respect of physical assets (buildings, roads, etc.) including all those activities constituting works for the purposes of the Public Contract Regulations 2015;

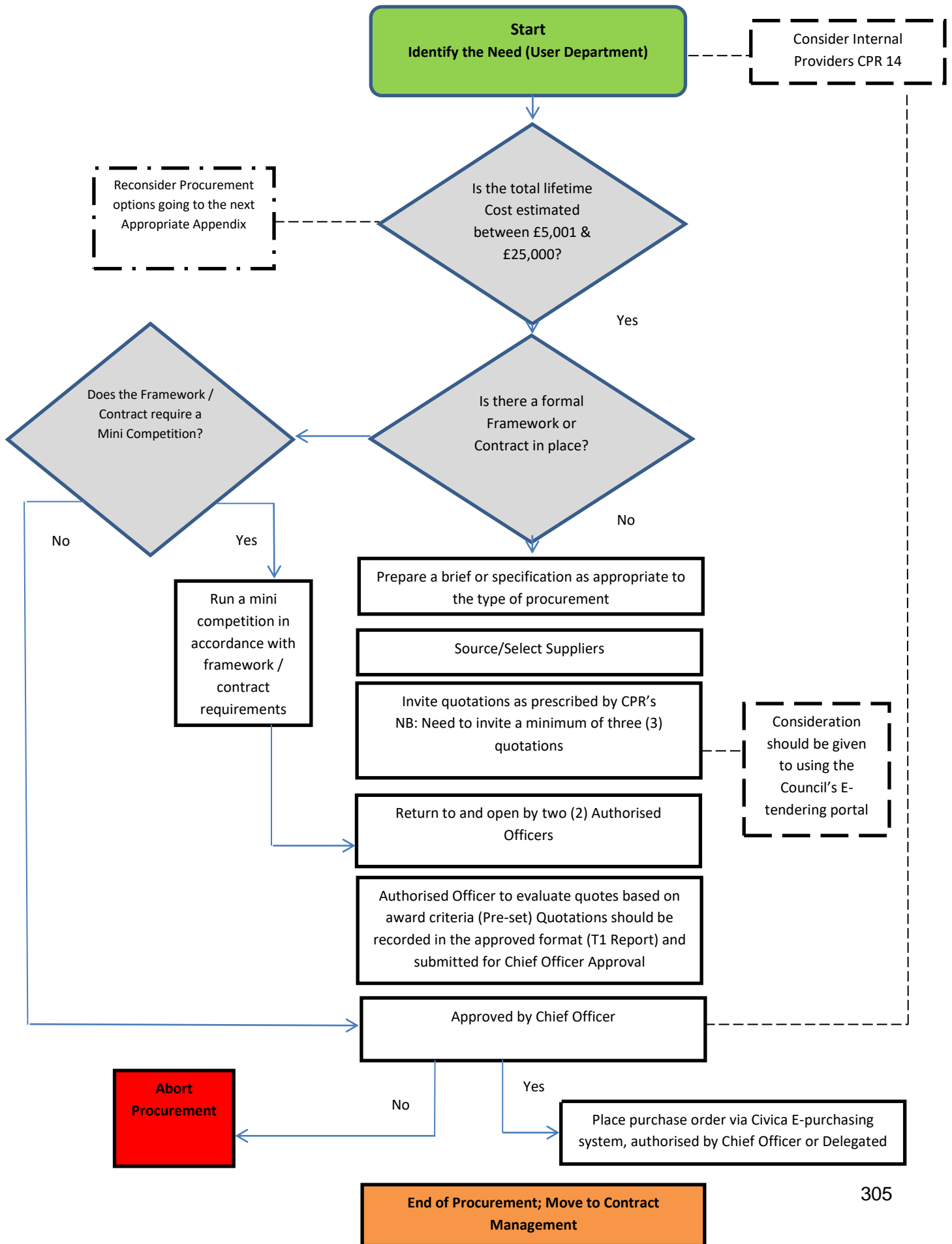
Appendix A: Low Value Buying / Purchasing Up to £5,000

Estimating the contract value should always take into account the provisions of CPR15

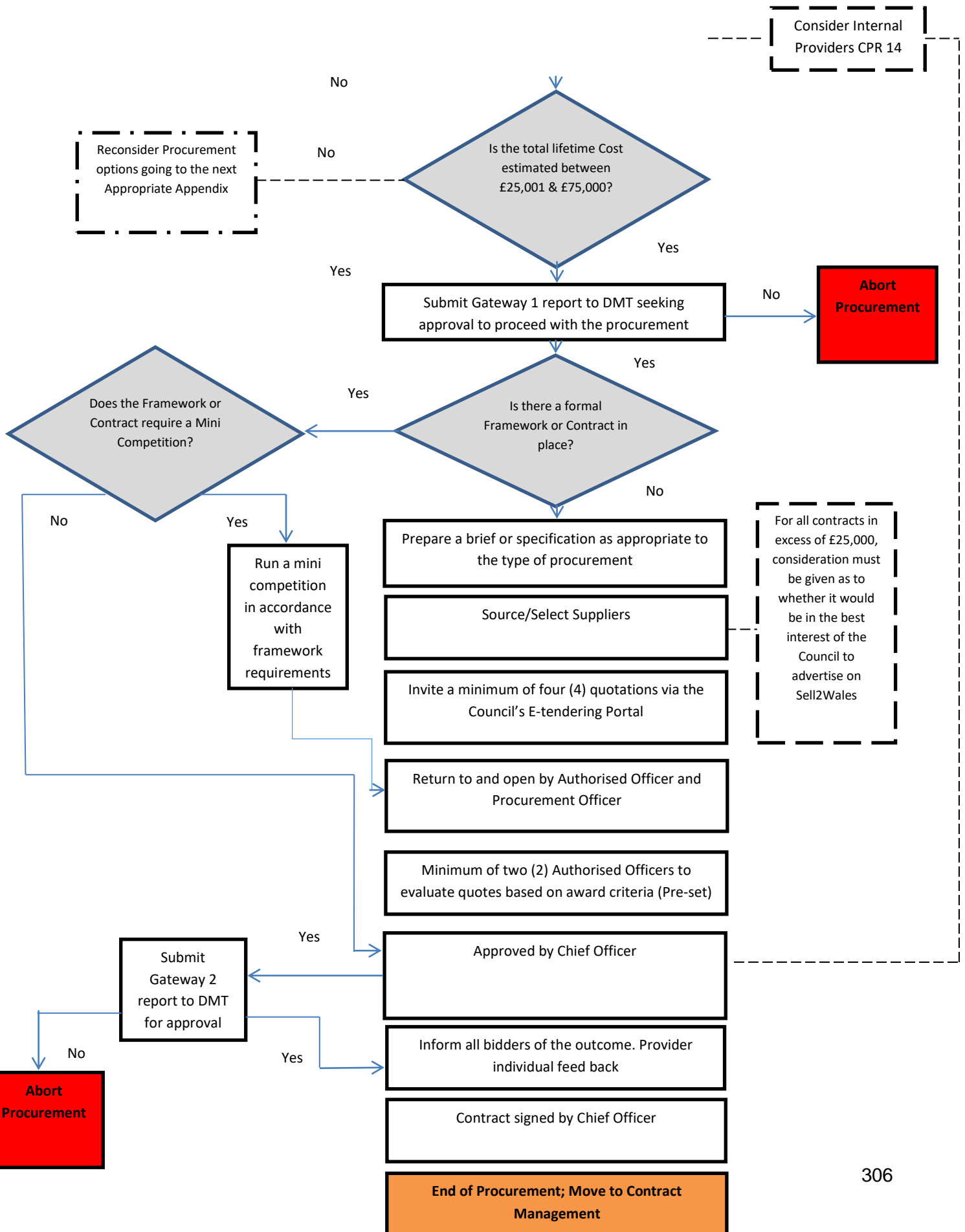




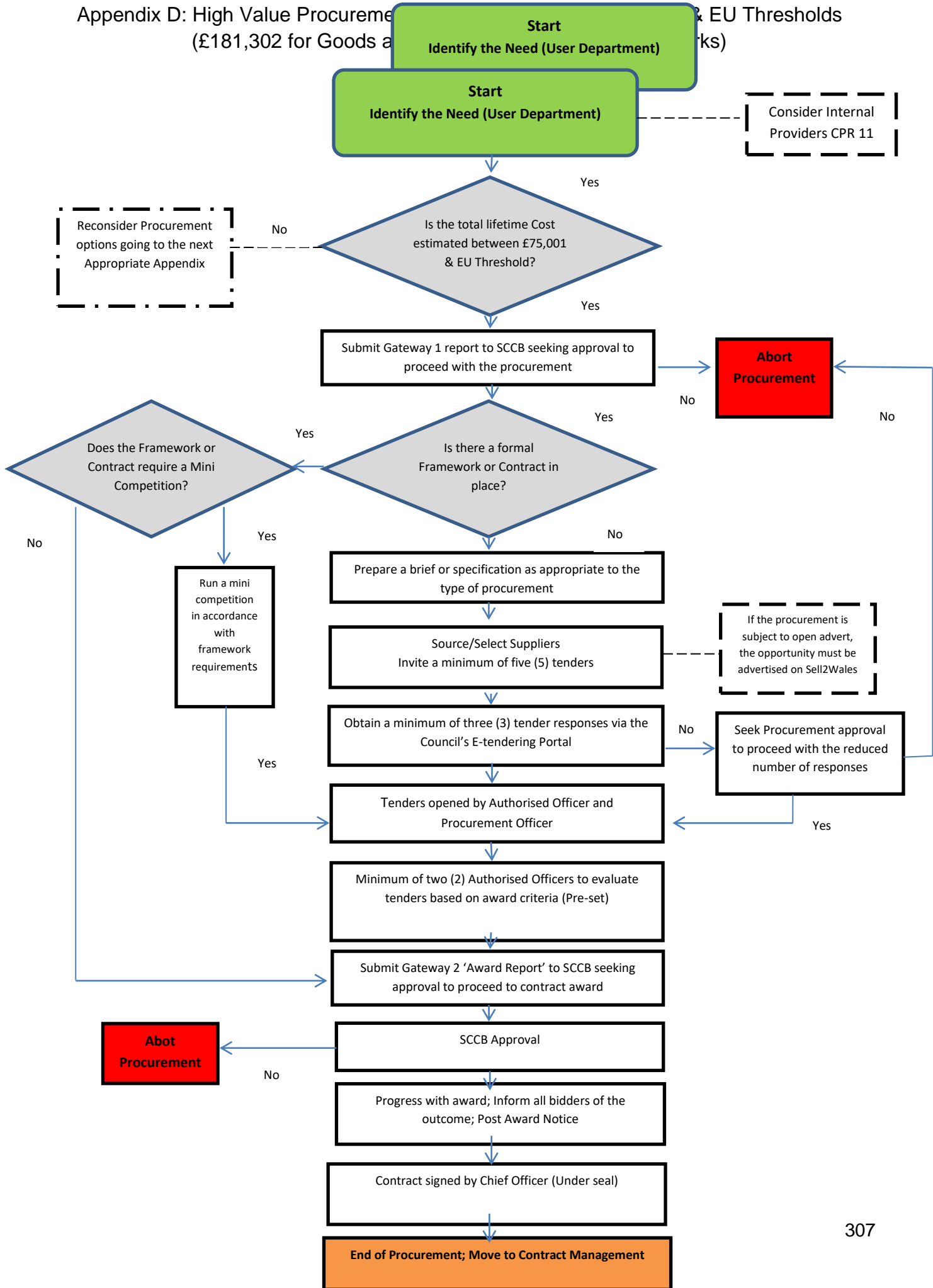
Appendix B: Low Value Procurement (Quotations) – Between £5,001 & £25,000  
 Estimating the contract value should always take into account the provisions of CPR15



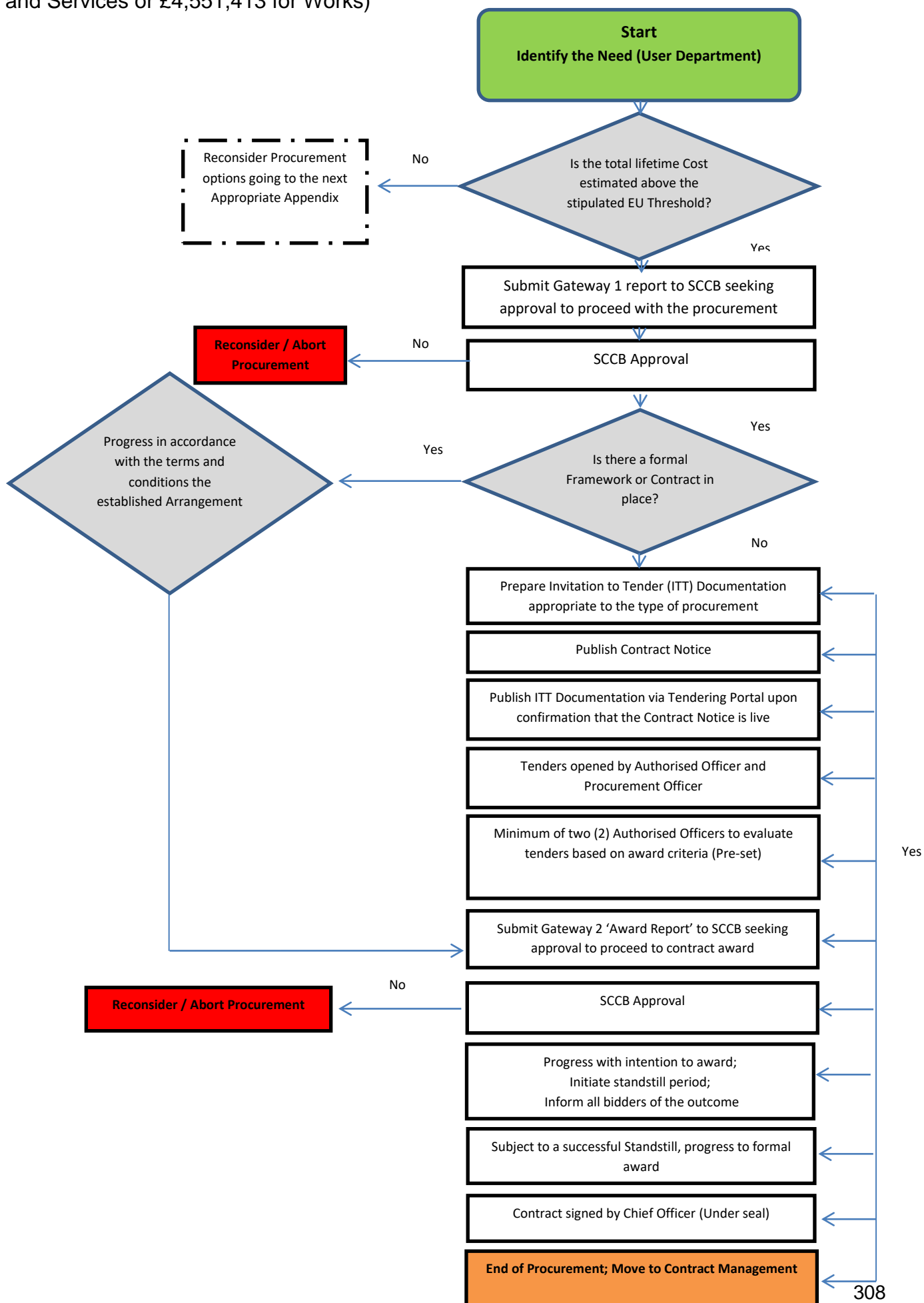
Appendix C: Intermediate Value Procurement (Quotations) – Between £25,001 & £75,000  
 Estimating the contract value should always take into account the provisions of CPR15



Appendix D: High Value Procurement (€181,302 for Goods and Services & EU Thresholds (€181,302 for Goods and Services))



Appendix E: Strategic Procurement (Tenders) – Above EU Thresholds (£181,302 for Goods and Services or £4,551,413 for Works)



## APPENDIX F - List of services covered by the Light Touch Regime

### Schedule 3 of the Public Contract Regulations 2015

#### Regulations 5(1) (d) and 74

#### Social and other specific services

CPV Code	Description
75200000-8; 75231200-6; 75231240-8; 79611000-0; 79622000-0 (Supply services of domestic help personnel); 79624000-4 (Supply services of nursing personnel) and 79625000-1 (Supply services of medical personnel) from 85000000-9 to 85323000-9; 98133100-5, 98133000-4; 98200000-5; 98500000-8 (Private households with employed persons) and 98513000-2 to 98514000-9 (Manpower services for households, Agency staff services for households, Clerical staff services for households, Temporary staff for households, Home-help services and Domestic services)	Health, social and related services
85321000-5 and 85322000-2, 75000000-6 (Administration, defence and social security services), 75121000-0, 75122000-7, 75124000-1; from 79995000-5 to 79995200-7; from 80000000-4 Education and training services to 80660000-8; from 92000000-1 to 92700000-8; 79950000-8 (Exhibition, fair and congress organisation services), 79951000-5 (Seminar organisation services), 79952000-2 (Event services), 79952100-3 (Cultural event organisation services), 79953000-9 (Festival organisation services), 79954000-6 (Party organisation services), 79955000-3 (Fashion shows organisation services), 79956000-0 (Fair and exhibition organisation services)	Administrative social, educational, healthcare and cultural services
75300000-9	Compulsory social security services
75310000-2, 75311000-9, 75312000-6, 75313000-3, 75313100-4, 75314000-0, 75320000-5, 75330000-8, 75340000-1	Benefit services
98000000-3; 98120000-0; 98132000-7; 98133110-8 and 98130000-3	Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership organisation services
98131000-0	Religious services
55100000-1 to 55410000-7; 55521000-8 to	Hotel and restaurant services

55521200-0 (55521000-8 Catering services for private households, 55521100-9 Meals-on wheels services, 55521200-0 Meal delivery service) 55520000-1 Catering services, 55522000-5 Catering services for transport enterprises, 55523000-2 Catering services for other enterprises or other institutions, 55524000-9 School catering services 55510000-8 Canteen services, 55511000-5 Canteen and other restricted-clientele cafeteria services, 55512000-2 Canteen management services, 55523100-3 School-meal services	
79100000-5 to 79140000-7; 75231100-5	Legal services, to the extent not excluded by regulation 10(1)(d)
75100000-7 to 75120000-3; 75123000-4; 75125000-8 to 75131000-3	Other administrative services and government services
75200000-8 to 75231000-4	Provision of services to the community
75231210-9 to 75231230-5; 75240000-0 to 75252000-7; 79430000-7; 98113100-9	Prison related services, public security and rescue services to the extent not excluded by regulation 10(1)(h)
79700000-1 to 79721000-4 (Investigation and security services, Security services, Alarm-monitoring services, Guard services, Surveillance services, Tracing system services, Absconder-tracing services, Patrol services, Identification badge release services, Investigation services and Detective agency services) 79722000-1(Graphology services), 79723000-8 (Waste analysis services)	Investigation and security services
98900000-2 (Services provided by extraterritorial organisations and bodies) and 98910000-5 (Services specific to international organisations and bodies)	International services
64000000-6 (Postal and telecommunications services), 64100000-7 (Post and courier services), 64110000-0 (Postal services), 64111000-7 (Postal services related to newspapers and periodicals), 64112000-4 (Postal services related to letters), 64113000-1 (Postal services related to parcels), 64114000-8 (Post office counter services), 64115000-5 (Mailbox rental), 64116000-2 (Post-restante services), 64122000-7 (Internal office mail and messenger services)	Postal services
50116510-9 (Tyre-remoulding services), 71550000-8 (Blacksmith services)	Miscellaneous services

## **SECTION 18 THE MEMBERS' CODE OF CONDUCT**

This Section sets out the text of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:

- Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (no.2014/1815) (“the 2014 Regulations”) – effective from 1<sup>st</sup> August 2014.
- Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016.

The paragraph numbering adopted below is as appears in the Model Code referred to above, for ease of cross-referencing and future amendment.

### **THE MEMBERS CODE OF CONDUCT**

#### **PART 1 - INTERPRETATION**

1. (1) In this code —

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

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

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

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

(a) of the relevant authority,

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

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

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with

regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

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

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

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

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

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

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

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

(a) a county council,

(b) a county borough council,

(c) a community council,

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

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

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

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

(2) In relation to a community council—



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

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

## **PART 2 - GENERAL PROVISIONS**

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

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

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

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

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

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

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

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

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

4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

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

6. (1) You must —

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

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

**7. You must not —**

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

**8. You must —**

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

(i) the authority's Chief Executive;

(ii) the authority's Chief Officer - Resources;

(iii) the authority's monitoring officer;

(iv) the authority's Head of Legal & Corporate Compliance (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 subparagraph (iv) above;

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

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

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

(ix) any —

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

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

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

(dd) trade union or professional association; or

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

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

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

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

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

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

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

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

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

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

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council taxpayers, 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 taxpayers, 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 a Cabinet 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 Cabinet, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

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

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

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

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

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

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

(b) not exercise Cabinet 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 —

(iii) details of the prejudicial interest;

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

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

(vi) your signature.

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

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

### **Registration of Personal Interests**

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

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

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

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

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

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

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

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

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

## **Sensitive information**

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

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

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

## **Registration of Gifts and Hospitality**

**17.** You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above the value of £20, 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 18**

### **Conduct of Members – The Principles**

#### **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.

#### **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.

#### **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.

#### **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.

#### **STEWARDSHIP**

In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

#### **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.

#### **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, sexual orientation, age or religion, and show respect and consideration for others.

## **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.

## **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.

## **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 18**

### **Protocol - Standard of Conduct Expected by Members**

This protocol sets out the standards of conduct expected from Members within Blaenau Gwent 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 18**

### **Local Procedure for dealing with allegations that a Member has breached the Code of Conduct or the Protocol on Member/Officer relations**

#### **1. Introduction**

- 1.1 The Local Protocol for Blaenau Gwent County Borough Council aims to promote good co-operation between Members and Officers and exemplary standards of behaviour by Members thus allowing the Council to carry out its duties efficiently and professionally.
- 1.2 Legislation sets out a statutory regime whereby complaints for breaches of the Member's Code of Conduct are referred to the Public Services Ombudsman for Wales (the Ombudsman).
- 1.3 The Ombudsman has the direction to decide whether allegations of breaches of the Member's Code of Conduct will be investigated. This Protocol is designed to deal effectively with those complaints which are not suitable for reference to the Ombudsman, or which would benefit from a local determination.
- 1.4 It is important that any allegations made under this protocol are dealt with quickly and effectively.
- 1.5 The purpose of this procedure is to introduce a simple and clear method of dealing with such allegations.

#### **2. Complaints by Officers against Members**

- 2.1 The Chief Executive will be the Lead Officer on all complaints by Officers against Members. The Complainant retains the right to refer the matter to the Ombudsman at any time in the process. The Chief Executive retains the discretion to refer the complaint to the Ethics and Standards Committee under stage 3 of the procedure below, with the consent of the Chair of the Ethics and Standards Committee. The Chief Executive should advise the Monitoring Officer of any complaint received, as the Monitoring Officer's role is to ensure that due process is followed.

2.2 It is hoped that any potential problems may be resolved by early discussion between the Members involved and the Chief Executive. If this proves impossible the Chief Executive may, in consultation with the Chair of the Ethics and Standards Committee, refer the matter to the Ethics and Standards Committee and invite them to reach a view as to whether the Protocol has been breached. The view of the Ethics and Standards Committee will be reported at a Council meeting. The Ethics and Standards Committee will follow Stage 3 of the Procedure.

### **3. Complaints Against Councillors by Other Councillors**

3.1 Complaints against Members by another Member/s will be dealt with under the following three stage procedure.

### **4. Procedure**

#### **4.1 Stage One of the Procedure: Making the Complaint**

- (i) Any Member who wishes to submit an allegation under this Protocol should send the complaint to the Monitoring Officer. Following receipt of the complaint the Monitoring Officer will advise whether the allegation is suitable to be considered within this Protocol or whether the complainant should consider referral to the Ombudsman as an allegation of breach of the Members' Code of Conduct.
- (ii) If following the first stage the Member wishes to proceed with the allegation under this procedure, the matter may be referred either to an informal resolution under Stage 2 or to a hearing by the Committee under Stage 3.

#### **4.2 Stage Two of the Procedure: Informal Resolution**

- (i) At Stage Two, the complaint (if both parties agree) will be referred to the Chief Executive who will contact the Member against whom the complaint is made and, if appropriate, the Leader of the relevant political group, to try and resolve the matter informally. The Chief Executive may ask the Member complained about whether he or she may wish to consider whether to rectify the situation by, for example, offering an apology or withdrawal of a remark.
- (ii) The Chief Executive may decline to undertake Stage Two and with the consent of the Chair of the Committees refer it immediately to Stage Three.

- (iii) If necessary, the Chief Executive can call on the Monitoring Officer, or other Legal Officer for advice and assistance.

#### 4.3 Stage Three of the Procedure: Hearing before the Ethics and Standards Committee

- (i) If either party remained dissatisfied with Stage two, then with the consent of the Chair of the Committee, the Third Stage of the hearing is before the Ethics and Standards Committee. The Member making the complaint will be asked to submit the substance of the complaint in writing, and the Member who is the subject of that complaint will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the Members of the Ethics and Standards Committee.
- (ii) Both the Member making the complaint and the Member complained against have the right to appear before the Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Council will not meet the cost of representations.
- (iii) If either side wishes not to be present or fails to attend, the hearing may be held in this absence.
- (iv) After the evidence has been heard, both sides and their representatives will be asked to leave the Chamber and the Committee will come to a conclusion on the allegation. The Monitoring Officer will advise the Committee.
- (v) The Committee can come to one of three conclusions, namely:-
  - (a) That there is no basis to the complaint.
  - (b) That there is a basis to the complaint but that no further action is required.
  - (c) That there is a basis to the complaint and that the Member should be censured.

The conclusion by the Committee will be reported to Council. In addition, the Committee can make recommendations to the Council regarding changes to any procedures or taking any further action.

#### 5. Other Matters

- 5.1 (i) Publicity will not be given to the names of the

Members involved unless it is decided to uphold the complaint and that the Councillor should be censured. The hearing before the Committee will be exempt ie not open to the public.

- (ii) Stages Two and Three do not have to be followed sequentially. Although it is possible for a Member who remains dissatisfied after the invention of the Chief Executive to ask for the matter to be referred to a hearing before the Committee, it is also possible for a matter to proceed directly to the Committee without being first submitted to the Chief Executive, provided the Chair of the Ethics and Standards Committee agrees.
- (iii) The aim of this Procedure is to try and resolve complaints regarding Members quickly and effectively. Nothing in this procedure prevents an Officer or Member from submitting a complaint to the Ombudsman that a Member has breached the Code of Conduct at any time before Stages Two (in the case of a Member) or Three (in the case of either an Officer or a Member) of the Procedure is engaged.
- (iv) This Protocol is not designed for use by Members of the Public. If there is a complaint by a member of the public against Officer conduct or Member conduct, then that should follow normal processes, either through a complaint to the Chief Executive or relevant Chief Officer in respect of an Officer or to the Monitoring Officer and/or the Ombudsman in respect of a Councillor.

## **APPENDIX 4 TO SECTION 18**

### **Social Media Protocol**

#### **Use of Social Media**

Social media is the term commonly given to websites and online tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests. Examples of social media websites include (this list is not exhaustive):

- social networking (e.g. [www.facebook.com](http://www.facebook.com))
- video sharing (e.g. [www.youtube.com](http://www.youtube.com))
- blogs (e.g. [www.london2012.com/blog](http://www.london2012.com/blog))
- micro-blogging (e.g. [www.twitter.com](http://www.twitter.com))
- message boards (e.g. <http://forums.moneysavingexpert.com>)
- wikis (e.g. [www.wikipedia.org](http://www.wikipedia.org))
- social bookmarking (e.g. [www.delicious.com](http://www.delicious.com))

#### **Scope**

Members can all freely access social media sites, from home, mobile phones, internet cafes, libraries, etc. This activity needs to be handled in a sensible and considered way so that neither you nor the Council is put at potential risk of embarrassment, loss or criminal proceedings.

The Council acknowledges the right of members to freedom of expression; however, you must be aware of the potential legal implications of material, which could be considered abusive or defamatory.

In order to ensure confidentiality and the reputation of the Council are protected, you are required when using Social Networking sites to:

- Ensure that you do not conduct yourself in a way that is detrimental to the Council
- Not refer to the Council, its employees, or other members in a way that is detrimental to the Council or its employees / members.
- Not publish any content, which may result in actions for defamation, discrimination, breaches of confidentiality or copyright, data protection or other claims for damages. This includes, but is not limited to, material of an illegal, sexual or offensive nature that may bring the Council into disrepute

- Not post images of clients, service users or incidents
- Not send or post abusive or defamatory messages. Social networking websites are a public forum; do not assume that your entries on any website will remain private
- Take care not to allow your interaction with others on these sites to damage working relationships between members of staff, clients, service users or partner agencies
- Not use Council logos on personal web pages
- Be aware that information shared with a third party could be published by them and attributed to you implicitly or explicitly

You should always use your own judgement but should bear in mind the principles of the Members' Code of Conduct and other policies which are part of your professional requirements.

#### **You should notify the Monitoring Officer:**

- If you receive press or media contact regarding the content of your personal web page which relates to your role as a Member or the work of the Council
- If you are unsure as to the appropriateness of information or images you want to publish on your personal web page.

#### **Other things to consider include:**

- Journalists increasingly use the web to research stories and may report photographs or comments they may find. Similarly, customers and clients are able to search the Internet for information on Council members they have involvement with. Check your security settings on social networking sites so that your information is only visible to the people who you want to see it
- Put your name into an Internet search engine to see what people can find out about you. Are you happy with what they can see?

#### **Breach of the Members' Code of Conduct**

Be aware that inappropriate use of the internet could result in possible breaches of the Code of Conduct. If in doubt, please seek advice from the Monitoring Officer.

## **SECTION 19**

### 19. PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE

**Who May Speak?** – The Chair will allow one party to speak to put each side of the case. The order of speakers will be:-

- The Chair will introduce the items. The Planning Officer will present the case and address any late correspondence.
- One objector (if there is more than one objector, they must nominate a spokesperson. If agreement cannot be reached amongst objectors, only the first person to register their interest will be allowed to speak).
- One supporter of the scheme.
- One representative of the Town or Community Council.
- Where they are not ready on Planning, the Ward Member(s) in whose Ward the application falls.
- The applicant or his/her agent.

**How to Register to Speak?** – Planning Committee usually meets on the first Thursday of the Month. In order to speak a slot must be previously arranged by giving your name and contact details in writing/email to the Planning Control Section by 12.00 Noon on the Tuesday of the week of Committee. It must also state whether an individual supports or objects to the application. Ward Members need to register.

Individual details will be made public as other speakers may wish to approach you to ensure you cover areas of mutual concern. Failure to register the wish to speak by the deadline will result in the right to speak being lost.

**The request to speak must be submitted separately to any other written representations which you may be sent to the Council regarding the application. It should be noted that if a request to speak at Committee will be disregarded if the application is to be decided under delegated powers.**

**Length of Speaking** – Each speaker will be allotted a maximum of 5 minutes. This time limit will be strictly enforced, the distribution of plans/maps, photographs or other papers will not be allowed. In exceptional cases, more than one person may be allowed to speak either for or against a proposal. This will be at the discretion of the Chair and will be limited to major planning applications or schemes that have generated significant public interest.

**What Can Be Said?** – Any speech should be limited to the relevant planning issues such as the Development Plan, Government policy/guidance, visual appearance/impact or highways considerations. Issues such as devaluation of property, land disputes and competition between businesses are not relevant and will be disregarded by the Planning Committee.

- The Planning Committee must make its decision in accordance with strict rules. It cannot approve an application simply because a number of people are in support – or alternatively refuse planning permission because a number of people object. Each and every decision must be made based on sound and defensible planning reasons.
- Speakers are advised that they are personally accountable for what they say. They must avoid personal comments, any comments of a racist or offensive nature may be referred to the Police. The minutes of the meeting will record the name, address and content of the statement. The Committee forum does not absolve the individual's responsibilities under laws of defamation.
- Any points that may have been raised in any written objections, will be included in the officers' report.
- At the discretion of the Chair, individuals may be asked to answer questions raised by Members of the Planning Committee.
- Applicants are advised that it is their responsibility to check when an application is to appear before Planning Committee. The Council will not notify applicants or their agents that a person has registered their right to speak for or against their application at Planning Committee.



## **At the Committee**

- The Chair conducts the meeting and retains the right to manage proceedings to ensure that all parties have a fair hearing (subject to the Constitution).
- The Chair will intervene if the time limit is exceeded and may adjourn the meeting. Repeating points that have already been adequately addressed or inappropriate remarks or abusing the right to speak before Committee should be adjourned
- Having confirmed the arrangements of the Committee beforehand, individuals should attend at least 20 minutes before the meeting begins and introduce themselves to an officer of the Council who will be present to greet speakers.
- An item will not be deferred if any person who has registered to speak fails to attend the meeting.
- The Council operates a policy of conducting and recording meetings in the medium of English. If however there is a wish to address the Planning Committee in Welsh this must be notified to the Council so that translation arrangements can be made.

**What happens if the application is deferred?** – This Policy only applies to the first hearing of the application at Planning Committee. If a site visit of the Planning Committee is arranged, further speakers will not normally be allowed unless the Chair, under advice from the Head of Legal & Corporate Compliance, considers it is necessary in order to come to an informed decision.

## **SECTION 20**

### 20. CODE OF CONDUCT FOR EMPLOYEES OF THE COUNCIL

NOTE: ANY FORMS REFERRED TO IN THIS CODE OF CONDUCT MAY BE LOCATED ON THE COUNCIL'S INTRANET.

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- APPENDIX 1: DECLARATION OF INTEREST(S) FORM

## 1. PURPOSE

1.1. The Council exists for the benefit of, and is accountable to, the people of Blaenau Gwent. They are entitled to expect conduct of the highest standard from their Council's employees.

1.2. This Code of Conduct for Employees sets out standards of conduct expected of you and applies to all employees, with the exception of School Teachers who have their own arrangements.

1.3. This code has been written for the effective operation of Council business and the wellbeing of its employees. All employees are expected to act in accordance with the Code - failure to do so may result in action in line with the Council's Disciplinary Code.

1.4. The various sections of this Code summarise the key policies and procedures in respect of behaviour and the way you are required to work.

1.5. This code of conduct is not exhaustive and does not replace the general requirements of the law, common sense and good conduct. Please also see section 9 - Professional Qualifications, Registrations and Conduct.

## 2. MANAGER'S RESPONSIBILITIES

2.1 Managers are responsible for the application of this policy in their service area.

## 2.2 Managers must ensure this Code is adhered to and:

- Set a positive example with their own behaviour.
- Ensure standards in the Code are established and communicated.
- Effectively record and update declarations of interest, gifts and hospitality (this information may be held centrally in the Directorate/Service if appropriate).
- Provide clarification, where required, to improve employee understanding.
- Take appropriate action at the earliest opportunity to manage non-compliance with the standards set out in this Code.

## 3. EMPLOYEE'S RESPONSIBILITIES

3.1 You must consider this Code carefully and comply with it fully as it forms part of the terms and conditions of your employment. If you do not understand something in the code, you should ask your manager to explain it to you.

### 3.2 You are expected to:

- Maintain conduct of the highest standard so public confidence in your integrity is sustained.
- Ensure your conduct reflects the Council's values and competencies.
- Declare any actual/potential conflict of interest as soon as is reasonably practicable.
- Incorporate and promote equality in all that you do.
- Perform your work to the best of your ability and in accordance with the Council's policies and procedures. Where performance falls short of the required standard you should work with your manager, complying with any improvement plans, to improve your performance to the required standard.
- Not use any information obtained in the course of your employment to cause damage to or bring disrepute to the Council, or for personal gain or benefit. Nor should you pass information on to others who may use it in such a way. Also, you must not access information that is not specifically required to enable you to undertake your role with the Council.
- Abide by the General Data Protection regulation and the Good Practice Guidance that the Council provides in the area of Information Security.
- Familiarise yourself periodically with the latest version of the Code and comply with it at all times.

3.3 If you are aware that someone else is breaching the code, the Council has a Whistleblowing Policy to enable employees to raise concerns in an appropriate manner and to ensure that they do not suffer any detriment as a result of doing so. The policy is available on the Council's intranet and from the OD Division.

## 4. PUBLIC FUNDS

4.1 The Council has responsibility for the administration of public funds and the importance of probity, financial control and honest administration cannot be overstated.

4.2 Where you have direct responsibility for financial transactions e.g. the ordering of goods or services, you must comply with the Council's Financial and Procurement Regulations.

4.3 If you are found to have claimed entitlement to a government benefit or service (i.e. Council or Housing Benefit, Direct Payment, Blue Badge, Council Property etc. from the Council or another local authority), either directly or indirectly, and failed to disclose accurately/fully your financial or other circumstances that may affect your entitlement to the benefit or service, this would be regarded as gross misconduct, and you may be dismissed. Such cases may also be passed to the Police.

## 5. CUSTOMERS

5.1 You should ensure courteous, efficient and impartial service to all within the community. Antagonistic or aggressive behaviour is not acceptable. If you work with customers who behave aggressively you must familiarise yourself with the Violence and Aggression at Work Policy.

## 6. EQUALITIES

6.1 Your commitment to equality in all aspects of your work is fundamental to effective service delivery and working relationships.

6.2 All members of the local community, customers and colleagues have a right to be treated with fairness and equity.

6.3 The Public Sector Equality duty applies to all decisions made by the Council. The duty includes the need to promote equality for persons with “protected characteristics” i.e. age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, Welsh Language, and have due regard to the need to i) eliminate discrimination, harassment, and victimisation; ii) advance equality of opportunity; and iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

6.4 Employees should familiarise themselves with the Council’s Dignity at Work Policy. The Council will not tolerate discriminatory behaviour, including harassment, which will be dealt with using the Disciplinary Code and may lead to criminal proceedings.

## 7. HEALTH AND SAFETY

7.1 You have a duty of care and must not act wilfully or intentionally in a manner liable to place the public, your colleagues or yourself at risk.

7.2 You must display your identity card at all times on Council premises. An exception can be made if displaying your identity card (or other Blaenau Gwent logos) could put you at risk, and a risk assessment is in place to this effect. In such circumstances the ID must be retained on your person and must be offered for inspection if required by an authorised person.

## 8. STANDARDS OF DRESS AND APPEARANCE

8.1 You must ensure standards of dress and personal ornamentation are appropriate in relation to your duties. Inappropriate dress can create offence or be interpreted as disrespectful.

8.2 The Council values the diversity of its workforce and will take into account ethnic and religious dress requirements by ensuring you are free to observe them.

8.3 In all cases you are expected to wear any uniform issued for health and safety reasons.

## 9. PROFESSIONAL QUALIFICATIONS, REGISTRATIONS AND CONDUCT

9.1 If your employment with the Council is in a post which requires you to be registered with a statutory and/or professional organisation, to hold membership of a professional body or hold any other qualification, it is your duty to ensure you are able to comply with the relevant obligation(s). You will be requested to provide evidence of compliance. You should also comply with any duty you may have to inform your professional body of a matter which may impact on your registration or membership. You should also inform your line manager of the matter.

9.2 You must ensure that the relevant code of practice is followed during the course of your duties, which includes formal reporting to the professional body on any matter where there is a duty to do so.

9.3 If you belong to a profession that has a specific Code of Practice it is your responsibility to comply with both the Council's code and the code relating to your profession. If there is any conflict between the Council's code and your professional code, please seek the advice of your Line Manager or the Organisational Development Division. However, the approach should be that you must comply with the most demanding/highest level requirement(s), whichever code contains it.

## 10. DECLARATION OF FINANCIAL AND OTHER INTERESTS

10.1 You must declare in writing to your manager, using the declaration form (see the Intranet) any financial or other personal interest - whether direct or indirect - or association with any Council activity, which could cause an actual or potential conflict of interest.

10.2 You are responsible for ensuring you keep your manager informed of any change of circumstance that gives rise to a need to submit or update your declarations. Declarations should be made in writing/by email using the appropriate form.

10.3 It is your responsibility to take all reasonable steps to ensure you do not place yourself or the Council in a position where there could be a conflict of interest. This responsibility does not end when you have submitted a declaration form. For example, if you are present at a meeting on another matter and an issue comes up that you have a potential or actual interest in, you must declare this to the meeting and excuse yourself from the meeting if practicable or at the very least have no part in any discussion or decision making on the relevant issue.

## 11. CONFLICTS OF INTEREST - THE KEY TEST

11.1 You should ask yourself the question “Would a member of the public think that my family, close friends or I would benefit from the connection between my personal interest and my employment?”

11.2 If the answer is yes then you must declare the interest by informing your Line Manager as soon as is reasonably practicable by completing the Declaration of Interest Form. All Directorates are responsible for maintaining a Register of Declarations of Interest for their employees. However, individuals are free to take part in activities organised and authorised by the Trade Unions without declaring an interest.

11.3 If you are involved with granting permissions or benefits, for example, planning permission, you must take no part in considering any application made by yourself, a relative, friend, neighbour or anyone you have a close personal association with.

## 12. DEFINITION OF RELATIVE

12.1 A relative means a spouse (husband or wife), partner, parent, parent-in-law, son, daughter, stepson, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of these people. “Partner” means a member of a couple who live together.



## 13. CONDUCT OUTSIDE OF WORK

13.1 Your off-duty hours are your personal concern, but you should not put yourself in a position where there is a conflict of interest between your private life and public duties. If, for example you are a member of a society, club or association which may cause a conflict of interest you must declare this using the declaration form (see appendix 1).

13.2 Any questions or statements you wish to submit as a citizen to public Council meetings must be drafted and sent in your own time and using your own resources (i.e. not with work email). You must be clear that you are doing so as a citizen and not as a Council employee. You should not lobby a Councillor inappropriately on personal employment matters. If you are unsure about the process you are advised to speak to your manager. This does not restrict your right to raise concerns regarding possible malpractice under the Council's Whistleblowing Policy.

13.3 The Council reserves the right to bring action against you where your conduct outside work conflicts with your public duties, i.e. where your conduct outside of work could undermine the Council's reputation or public confidence.

13.4 You must disclose information which is relevant to your capability, capacity and suitability to carry out the duties and responsibilities for which you are employed. You must immediately inform your manager in writing (where this Code requires notification in writing, email is acceptable) if, during your employment with the Council, you are subject to any of the following, which it would be reasonable to understand may impact upon your role, professional standing or the reputation of the Council:

- Advised that you are under investigation for a criminal act (including road traffic offences).
- Arrested in connection with a criminal act.
- Notified that criminal charges are being considered against you.
- In receipt of a summons to appear before a Court of Law for an alleged offence.
- Found guilty and convicted of any offence.
- Given a police caution.

13.5 Notwithstanding the above, Employees whose role requires a DBS check must ensure they comply with the all the requirements of the DBS process.

13.6 If you are required to drive as part of your duties you must also declare any penalties received in connection with motoring offences that may impact your ability to undertake your role. Fixed penalties for offences such as speeding do not need to be declared unless they include a driving ban.

13.7 In all cases, a failure to disclose relevant information or the deliberate withholding of such information can amount to a breach of trust and confidence and may lead to disciplinary action up to and including dismissal.

13.8 Serious misconduct or criminal offences committed during or outside working hours, which bring you or the Council into disrepute, will be subject to disciplinary action under the Council's Disciplinary Code, and may result in dismissal.

## 14. SECONDARY EMPLOYMENT

14.1 You may undertake secondary employment such as: work on a voluntary, fee-paying or recognition-in-kind basis; or engage in any other business; as well as secondary employment within the Council itself.

14.2 Appointments as Governors, Councillors of other local authorities, membership of the Territorial Army, Justice of the Peace etc., do not constitute secondary employment.

14.3 Your working time should not exceed an average of 48 hours per week, taking into account secondary employment.

14.4 If you are paid up to and including spinal column point 28 (or equivalent basic pay pro rata) you must notify your manager of any secondary employment undertaken.

14.5 If you are paid above spinal column 28 (or equivalent basic pay pro rata) you must obtain the consent of your Chief Officer prior to engaging in any other business or taking up any secondary employment. You must subsequently keep your Chief Officer advised of any changes to your secondary employment.

14.6 You may also be required to disclose your total working hours, to enable the Council to monitor your hours worked to comply with the Working Time Regulations.

14.7 Any secondary employment must not be carried out during your contracted Council working hours, nor whilst on standby for official callout purposes, unless such employment can be undertaken from your home. You are also not permitted to use Council property, equipment or associated documents or communications.

14.8 Any secondary employment outside the Council must not conflict with the Council's interests or bring it into disrepute. You may not set up a business, or accept a job with a business, which is in direct competition with the Council.

14.9 Your declaration of secondary employment does not remove the right of the Council to take action if it is deemed to be detrimental to the interests or reputation of the Council, or where it affects your work performance.

14.10 You may not become a trustee or board member of any organisation which receives any form of funding from the Council unless you have the express consent of your Chief Officer, who will consider this in consultation with the Monitoring Officer.

## 15. PROBITY OF RECORDS AND OTHER DOCUMENTS

15.1 If you falsify records or other documents to secure pay or another financial benefit for yourself or others, this is regarded as a criminal offence as well as a serious disciplinary matter.

15.2 Such falsification is dealt with in accordance with the Council's Anti-Fraud, Anti-Corruption, & Anti-Bribery Policy.

15.3 Where deliberate falsification is intended to gain a nonfinancial advantage such as flexi- time credit, the Council will regard this as a serious disciplinary matter. Any deliberate falsification of records or other documents may lead to dismissal.

## 16. FINANCIAL INDUCEMENTS, GIFTS AND HOSPITALITY

16.1 It is an offence to accept any fee or reward whatsoever other than your proper pay. You may receive offers of inducements and it is important you are able to recognise what is, and what is not acceptable; it is advisable to discuss these with your manager.

16.2 On no account should an employee knowingly accept secondary employment or a financial payment from any person, body or organisation who have a professional relationship with the Council or are seeking to establish such a relationship e.g. contractors, developers, consultants.

16.3 Gifts may only be accepted when they are low value i.e. up to £20. Regardless of whether the gift is accepted or not it must be registered by writing/email to your manager, who will record it on the Directorate/Service Register of Gifts and Hospitality (see appendix 2). You should never accept significant gifts (i.e. worth more than £20) or hospitality from service users, actual or potential contractors or outside suppliers.

16.4 Normally, visits by employees to exhibitions, demonstrations, conferences, business meals, and social functions, in connection with their official duties shall be at the Council's expense.

16.5 Where hospitality, in the form of meals and drinks, is offered by a third party, this is normally only acceptable where it forms part of, or immediately follows on from, normal business meetings/discussions held during the normal working day.

16.6 Where offers of hospitality are made, e.g. invitations to dinners, these should only be accepted if there is a clear and demonstrable benefit to the Council, and the hospitality would not expose the Council to criticism that the provider of the hospitality was achieving undue influence. Attendance must have the Chief Officer's approval in advance and will be recorded in the Directorate/Service Register of Gifts and Hospitality.

16.7 Offers of hospitality in the form of purely social events and sporting occasions should on no account be accepted when these are from organisations with which the Council has commercial links. However, invitations to social events from non-commercial organisations with which the Council has a partnership arrangement will be acceptable, but must have the

Chief Officer's advance approval, and must be recorded in the Directorate/Service Register of Gifts and Hospitality.

16.8 Regular social contact e.g. drinks in a public house, with representatives of organisations, which supply, or hope to supply, goods or services to the Council must be avoided. Where such instances do occasionally take place, i.e. after late working, officers should ensure that they "pay their way" and that the other party does not meet the costs of such contact in full. For their own protection, employees should record such events in the Directorate/Service Register.

16.9 Directorate/Service Registers of Declarations of Interest and Gifts and Hospitality will be liable to Audit inspection.

16.10 Apart from participating in concessionary schemes arranged by trade unions or other such groups for their members, you should not engage the services of contractors commissioned by the Council when acquiring materials, labour or plant at cost, trade or discount prices. Whilst this may enable you to make savings compared with other suppliers, you face the risk of being in a compromising situation and bringing the Council into disrepute – this is not acceptable and cannot be over-emphasised.

16.11 The acceptance of or giving of a gift to obtain financial or other advantage, is a criminal offence, as is a threat or retaliation against someone refusing to commit a bribery offence (Bribery Act 2010). The prevention, detection and reporting of bribery is the responsibility of all those working for the Council or under its control. All workers are required to avoid any activity that might lead to, or suggest, a breach of the Bribery Act 2010.

## 17. PROMOTIONAL OFFERS AND PRIZES

17.1 If you are responsible for the purchase of goods and supplies, any promotional offers or prizes given by suppliers are the Council's property. These promotional offers may take the form of a free gift, holiday offer or vouchers. Promotional offers should only be used for the benefit of the Council, and your Chief Officer will decide how offers are used. Promotional offers should be discussed with your manager and recorded on the Register of Gifts and Hospitality, whether accepted or declined.

## 18. PUBLIC CONCERN AND WHISTLEBLOWING

18.1 The Council does not tolerate any form of malpractice. You have an important role to play in reporting any concerns and are expected to co-operate with investigations. Although it is often difficult for employees to report legitimate concerns through fear of victimisation or reprisal, please be assured that in raising concerns you will be supported. Please refer to the Whistleblowing Policy for more information.

## 19. SAFEGUARDING

19.1 There is a statutory requirement for the Council and its employees to protect children and vulnerable adults. If you have any safeguarding related concerns, you are responsible for speaking promptly to your line manager or another manager about your concerns. You should seek guidance from your line manager or safeguarding lead as necessary.

## 20. EMPLOYEES IN POSITIONS OF TRUST

20.1 If you have a caring role or provide a direct personal service you may experience situations where you could benefit financially. For example, people in residential care homes may express their thanks to you by offering significant gifts, money or even making you a beneficiary of their will. You should refuse such 'gifts' politely and explain why you cannot accept them before reporting this matter to your line manager.

20.2 If you, your partner or family have been made a beneficiary in the will of a service user, you should tell your line manager immediately.

20.3 You, your partner and family must not have any financial dealings with any service user to whom the Council provides services, and must not borrow money or property, nor act as executor of a service user's will, except where this is a specific requirement of your post and only within the specific boundaries of your duties.

20.4 You must not give financial advice to service users except where this is a requirement of your post and within the specific boundaries of your duties.

20.5 Where a customer is dependent upon you for a service or has special needs, you must not compromise this relationship; avoid unprofessional emotional or physical interaction or sexual interaction with a service user. If you suspect such behaviour on the part of a colleague you must tell your manager immediately.

20.6 If you work with children or vulnerable adults you must inform your line manager immediately if you are subject to a criminal conviction, caution, ban, police enquiry or pending prosecution – this is essential in helping to safeguard children and vulnerable adults.

## 21. CONTRACTS & CONTRACTORS

21.1 When dealing with contractors, you should be clear on the separation of the client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

21.2 The code of conduct does not preclude anyone from having the opportunity to tender for business. However the process must be, and be seen to be, fair, open and transparent

21.3 Under section 117 of the Local Government Act 1972 you must disclose any interest in an existing or proposed contract in writing as soon as is reasonably practicable.

21.4 If you engage or supervise contractors or have an official relationship with existing or potential contractors, and have had or have a relationship in a private or domestic capacity, you must declare that relationship to your Chief Officer (this means relationship with a director or employee of the contractor). You must ensure no special favour is shown to current or former partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior capacity.

21.5 If you carry out competitive tendering services - directly or indirectly - you must declare to the Chief Officer your membership of, or affiliation to, any organisation, which may have an interest in tendering for the service.

21.6 Where a contract awarding process is under way you must withdraw from, or otherwise play no part in that process if you have an interest or potential interest and must comply with any written guidance issued by your Chief Officer, the Monitoring Officer or any other appropriately qualified Senior Officer of the Council.

21.7 You may not set up a business, or accept a job with a business, which is in direct competition with the Council. If you are contemplating a management buyout, or any arrangement to provide a service similar or identical to that provided by the Council you must, as soon as you have formed a definite intent, notify your Chief Officer.

21.8 If you are planning setting up competing businesses to the Council you must not use confidential information obtained during the course of your duties.

21.9 No materials, information (including contacts, property or other resources) are to be accessed or used by you in the course of planning your competing business during or after your employment with the Council. Where such access or use takes place, the Council will vigorously pursue its rights.

## 22. SPONSORSHIP

22.1 Where the Council sponsors an event or service, you, your partner, spouse or relative must not benefit from the sponsorship. You must seek guidance from your Chief Officer if you are involved with an event or service which the Council proposes to sponsor.

22.2 Where the Council gives support in the community, through sponsorship, grant aid, financial or other means, you should ensure that impartial advice is given, and no conflict of interest exists.

22.3 Where an outside organisation wishes to sponsor a local government activity by invitation, tender, negotiation or voluntarily, the rules concerning acceptance of gifts and hospitality apply.



## 23. POLITICAL NEUTRALITY

23.1 You must not allow your personal or political opinions to interfere with your work.

23.2 You serve the Council as a whole and must serve all elected Members - not just those of the controlling group - and must ensure the individual rights of all Councillors are respected.

23.3 Whilst engaged in Council business you must not wear or display any objects indicating support for or opposition to any political party or view. This applies to private vehicles used whilst undertaking Council business.

23.4 If your post is not politically restricted (see below) you may campaign on behalf of a political party. However, when engaged on Council business you must remain politically neutral and not allow your personal or political views to interfere with your duties.

23.5 If your post is politically restricted you will be advised upon appointment of restrictions and must comply with these.

23.6 Advice to political groups must be given by, or with the consent of, the relevant Chief Officer, who will ensure advice is given in ways which do not compromise political neutrality. Any advice given should be impartial, objective and helpful.

## 24. COUNCILLORS

24.1 Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should be avoided.

24.2 You must declare any personal relationship with a Councillor. Where the relationship could present a conflict of interest, your manager will need to consider how this will be effectively managed.

24.3 The Council has a Protocol on Employee/Member Relations, which can be found in Section 21 of the Council's Constitution. You must comply with the protocol as well as this Code of Conduct.

#### 24.4 Complaints against Members by employees

The Council has a Code of Conduct for Members, which can be found in the Council's Constitution. There is a local protocol for dealing with complaints against Members by employees for breaches of this Code.

24.5 This is in addition to and does not preclude the option of redress via The Ombudsman, which has always been available to employees.

24.6 If you have concerns about a possible breach of the Code of Conduct for Members and/or wish to make a complaint please contact the Chief Executive, who will be able to confidentially discuss your concerns and advise you of the options available.

## 25. THE MEDIA

25.1 Approaches from all national press, radio or TV stations or specialist press should be directed to the Corporate Communications Team, who will discuss the nature of the story and then contact the appropriate Officer or Member asking them to respond. You are not permitted to communicate with the media on matters relating to the activities of the Council without authorisation from the Corporate Communications Team. If you are contacted by journalists, you should refer them to the Team.

25.2 This is not intended to prevent or deter lawful whistleblowing and does not affect your right to speak on trade union issues, whether as an individual or as a TU representative.

25.3 If you wish to write material for publication which does not refer to the Council but relates to your profession (e.g. an article in a professional journal), advise your manager before publication. The article should also contain a disclaimer, which states that the views are those of the individual and not of the Council.

## 26. OTHER EMPLOYEES

26.1 The provisions of this section apply equally to relationships with colleagues not directly employed by the Council, e.g. co-workers from organisations with which the Council is in partnership.

26.2 You must treat colleagues with courtesy and respect and must not abuse them verbally or physically. You must not harass or bully or be insubordinate to colleagues and must comply with the standards set out in this Code in relation to Equalities.

26.3 Employees are expected to treat each other with respect and in a manner which is professional, courteous, non-aggressive and helpful.

26.4 The Council recognises that employees who work together may form personal friendships and, in some cases, close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary to ensure that all employees behave in an appropriate and professional manner at work.

26.5 Any employee who is involved in a close personal relationship with a colleague, contractor, client, customer or supplier must not allow that relationship to influence his/her conduct while at work. There are situations when a personal relationship between employees becomes a management concern, and they may unintentionally impair operational efficiency or affect the integrity of service delivery. You must declare any personal relationship with another employee, where the relationship could affect, or could be perceived to affect your or any colleagues' performance.

26.6 Intimate behaviour during work time, for example kissing, touching or holding hands, is expressly prohibited. This applies during all working time, whether at the normal workplace, on clients' premises or elsewhere. Any breach of this rule will be regarded as a serious disciplinary offence, which could lead to disciplinary action up to and including dismissal.

### 26.7 Line Management of Relatives

Line management of an employee by a relative is to be avoided wherever possible, to avoid conflicts of interest or allegations of nepotism or favouritism.

In a situation where a line manager may be required to manage a relative, efforts will be made to relocate one of the parties.

26.8 Line management of relatives in existence prior to the adoption of this policy will not be affected, unless issues arise that lead/could lead to a conflict of interest or adversely affect the running of the service. If such a situation arises then the above procedures will apply.

26.9 In any situation where employees in a personal relationship work in close proximity, the Council reserves the right (without breach of contract) to require one or both employees to change their roles or duties. This is intended to avoid the employees in a relationship finding themselves in a potentially difficult situation and to avoid perceptions of undue influence or unfairness (whether real or imagined).

## 27. APPOINTMENTS AND OTHER EMPLOYMENT DECISIONS

27.1 Appointments must be made on merit. The relevant procedures are detailed in the Council's Recruitment Charter and Code of Practice.

27.2 Relatives and close personal friends can apply for jobs and will be considered on the basis of their suitability for the role. They should declare their relationship to you on the appropriate section of the application form.

27.3 In order to avoid any possible accusation of bias, you should not be involved in any stage of an appointment if you are related to an applicant or have a close personal relationship with them outside work.

27.4 You should not be involved in decisions relating to discipline or other sanction, or in decisions relating to pay, if you are related to, or have a close personal relationship with, the employee who is subject to that decision.

## 28. USE OF COUNCIL TIME, PROPERTY, FACILITIES OR EQUIPMENT

28.1 You must spend all of your contracted hours working for the Council.

28.2 The Council's property and facilities are provided for official Council business. You are responsible for taking reasonable steps to ensure the safety

and security of any equipment provided to you. All Council-owned equipment and devices must be returned on leaving Council employment and any Council-owned or supplied data must be deleted. Access to systems used for Council purposes must be terminated permanently.

28.3 You may not make personal use of the Council's property or facilities (stationery, photocopiers, etc.) unless authorised to do so by your manager. ICT Resources may only be used in line with the Council's relevant policies and guidance.

28.4 You may only use the Council telephones to make or receive private calls in line with the Council's Policy on the Private Use of Authority-Owned Telephones.

28.5 As a member of the public, if you wish to access property, facilities, services or equipment, which is normally provided by the Council on a commercial basis, you must not gain advantage due to your employment with the Council. Where there may be a perception of potential conflict, you must advise your manager you propose to use Council property, facilities, equipment or services - your manager will guide you and take appropriate action.

## 29. INTELLECTUAL PROPERTY

29.1 'Intellectual Property' is a generic legal term, which refers to the rights and obligations in relation to: inventions, patents, creative writings and drawings (including policy, training and technical documents and materials). If you create these or similar during the course of your employment, the copyright belongs to the Council and, if appropriate, you would be required to cooperate in the registration formalities.

29.2 If you want to publish any material which you have written in connection with your duties or in which you describe yourself as holding a position within the Council you must first gain the consent of your Chief Officer.

## 30. USE OF COUNCIL COMMUNICATION SYSTEMS

30.1 The Council has the right to access and monitor communication systems provided to you and will monitor usage of its communication systems e.g.

telephone, email and Internet access, to ensure their proper use and will run reports detailing usage levels of staff.

30.2 Communication systems may be accessed when the Council suspects an employee has been misusing Council facilities, or, for the investigation of suspected fraud or other irregularity. Very exceptionally and where service delivery reasons exist, employees' senior officer, in conjunction with OD and IT may approve access to emails when an employee is absent. Access to facilities may be temporarily suspended whilst an investigation is on-going and may be permanently withdrawn where misuse is detected. Cases of misuse may result in disciplinary action being taken - this may include dismissal.

## 31. EMAIL AND THE INTERNET

31.1 The primary use of The Council's Email and the Internet systems is for the business purposes of The Council. However, reasonable personal use will be permitted when clocked out/outside of working time, although the policies relating to acceptable use will still apply. All Email and Internet access may be recorded and monitored.

31.2 The use of Email and the Internet must not interfere or conflict in any way with the performance of your duties as an employee of The Council.

31.3 The following is a summary of some of the key points of the Council's Email and Internet Acceptable Use Policies.

31.4 However, it is your responsibility to ensure you are fully aware and compliant with all the relevant policies and guidance, as available on the Information Security page on the Intranet.

31.5 You must inform your manager immediately if you receive inappropriate communication or material.

### 31.6 General Computer Usage

You are only permitted access to parts of the computer system necessary for you to perform your duties or for authorised personal use.

31.7 The following examples constitute computer misuse and are liable to disciplinary action, up to and including dismissal:

- Fraud and theft
- Introduction of viruses
- Obtaining unauthorised access
- Using the system for non-work related activities during work time

### 31.8 Email

No employee shall send or forward emails that in any way may be interpreted as inappropriate, insulting, disruptive or offensive by any other person, company, or which may be harmful to the morale of employees or the reputation of The Council.

31.9 Examples of prohibited material include, but are not limited to:

- Sexually explicit messages, images, cartoons, jokes or movie files.
- Unwelcome propositions, request for dates, or love letters.
- Profanity, obscenity, slander or libel.
- Ethnic, religious, or racial slurs.
- Political beliefs or commentary.
- Any message that could be construed as harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin, disability, or religious or political beliefs.
- Circulating chain mails on the Council's email system.

31.10 Contracts formed by email might be legally binding. Any contractual agreement, offer or acceptance must only be made electronically if you have authority to do this or where specific management authorisation has been given.

### 31.11 Internet

The following is not an exhaustive list but an indication of the types of unacceptable conduct that may result in disciplinary action and possibly dismissal.

### 31.12 Internet access must not be used for:

- Gambling or gambling related content.
- Online gaming and game related content
- Personal business purposes or commercial financial gain.
- Downloading or copying material in breach of copyright licensing.
- Downloading and/or using unauthorised software.
- Seeking, retrieving, displaying or downloading data in any format which is indecent, pornographic, offensive, subversive, illegal or otherwise inappropriate and/or inconsistent with The Council's values and the bounds of common decency.
- Authoring, transmitting or storing messages or attachments containing racist, sexist, defamatory, offensive, abusive, illegal or otherwise inappropriate words or material.
- Accessing and using online computer games.
- Accessing streamed broadcast visual media content such as that provided by BBC iPlayer, ITV and SKY streaming services.
- Engaging in political activity.
- Engaging in or creating binding contracts on behalf of The Council unless you have authority to do this or where specific management authorisation has been given.
- Transmitting unencrypted information protectively marked OFFICIAL-SENSITIVE or above over the Internet.

### 31.13 Social networking

You must be aware that when using the Internet, including social media/networking for personal use, at any time, you could still be identified as a Council employee. As such your activity on the Internet and social networking websites may affect the Council.

31.14 Remember to keep your work and social life separate. Further guidance and helpful tips are contained in The Council's Social Media Guidance document on the Information Security page on the Intranet.

31.15 Users logged in at a computer shall be considered to be the person browsing the Internet. Under no circumstances shall Internet users browse the Internet or use email from an account belonging to someone else.



31.16 The Council shall report any illegal activity to the Police. Employees shall also be liable to The Council's own disciplinary process.

31.17 Employees shall notify their Line Manager and the SRS Information Security Team (Security@srswales.com) immediately should accidental access to such material occur. Normally, no disciplinary action shall be taken against employees who accidentally access sites containing dubious or unethical material providing they raise the issue in a timely manner. However, in order to avoid disciplinary action, it is the user's responsibility to ensure that such unauthorised access does not happen on a frequent basis.

31.18 As stated previously, full details of the relevant policies and guidelines for the use of email and the Internet are available on the Information Security page on the Intranet. It is your responsibility to ensure you are aware of and abide by these requirements.

### 31.19 Disciplinary Action

You must remember you are a representative of The Council and using email, internet and/or social media accounts to make libellous, slanderous or defamatory comments regarding The Council, its employees or Members, or otherwise bringing the Council's reputation into disrepute, or exposing the Council to potential liabilities, will not be tolerated and may lead to disciplinary action up to and including dismissal.

## 32. TRADE UNION REPRESENTATIVES

32.1 Accredited trade union representatives can use Council systems for the purposes of undertaking trade union duties, and these will be treated as confidential.

## 33. CONFIDENTIALITY AND INFORMATION SECURITY

33.1 The Council supports and promotes the principles of open government and welcomes opportunities to share information with the community. However, there is some information that is too sensitive or confidential to release.

33.2 You should be aware of the type of information which must be made available, and to whom; and the type of information which must not be disclosed at all or without specific permission. "Information" can be stored, or communicated in many ways:

- Image (e.g. photos, CCTV, microfiche).
- Verbal conversation (e.g. face to face or by telephone, Skype, etc.).
- Paper documents and manual filing systems (including personal work-related notes).
- Computerised and other electronic systems (e.g. email, voicemail, instant messaging, computer disk, USB, social media, case management systems or other departmental computer systems, etc.).

33.3 You must take all reasonable steps to ensure that the loss, destruction, inaccuracy or improper disclosure of information does not occur as a result of your actions.

33.4 You must not disclose personal or financial information about any other member of staff or service user without the express consent of that individual or authorisation from your Chief Officer.

33.5 You must not use any information obtained in the course of your employment to cause damage to or bring disrepute to the Council, or for personal gain or benefit. Nor should you pass information on to others who may use it in such a way. Also, you must not access information that is not specifically required to enable you to undertake your role with the Council.

33.6 If you have any doubt whether information should be disclosed it is your responsibility to consult your manager before its release.

## 34. DATA PROTECTION

34.1 The Data Protection Act 2018, which covers and supplements the General Data Protection Regulation 2016, deals with appropriate protection of any information in which any living person can be identified. This is personal information and it may not necessarily include a person's name. Both the Council and all staff are under an obligation to comply with the Data Protection Act 2018.

34.2 Information about your obligations can be found in the Council's Data Protection Policy. These obligations include how personal information should be obtained, stored, accessed and used.

34.3 The Council must ensure that:

- The information will be protected against unauthorised access.
- The confidentiality of information will be assured.
- The integrity of information will be maintained.
- Regulatory and legislative requirements will be met.

34.4 A breach of the Data Protection Act 2018 may result in criminal proceedings and may result in disciplinary action which could include dismissal.

34.5 Adherence to The Council's policies is mandatory. Any breach may result in disciplinary and/or criminal proceedings. Disciplinary action may include dismissal.

## 35. PHOTOGRAPHY

35.1 It is important to be aware that permission may be required when using photographs, videos and recordings that identify people. If you have any queries about rights, you should contact the Corporate Communications Team for advice.

35.2 If you plan to publish or upload any photographs of colleagues to the internet or social media you must seek their permission before doing so.

## 36. USE OF COUNCIL INFORMATION

36.1 You must not use any information obtained in the course of your employment for personal gain or benefit, or pass it on to others who might use it in such a way. You must not disclose to any third party confidential information which could be prejudicial to the Council's interests.

## 37. RECORDINGS

37.1 The Council's Audio/Video Recording Guidance document covers all recordings, including covert recording of staff meetings and covert recording in Council establishments, by employees and/or associated third parties.

37.2 In certain circumstances employees or clients of the Authority may endeavour to make a covert audio/video recording, for example of a work meeting or of care provided in a residential care home, for a number of reasons. For example, an individual may think that a recording will provide evidence of unfair treatment or malpractice. However, no-one has the right to record an employment meeting without express permission and there are a number of legal factors to consider if a client of the Authority intends to make a covert recording.

37.3 Any covert recording to be carried out on behalf of the Authority must have prior approval in accordance with the Council's RIPA Policy. Any other covert recording may be deemed as gross misconduct and will be considered in line with the Council's Disciplinary Code.

## 38. CONTRACT OF EMPLOYMENT

38.1 This Code is part of your contract of employment. An extract of the Code is issued to every employee as part of their terms and conditions of employment, together with advice on how to access the full document.

## 39. FAILURE TO COMPLY

39.1 Failure to comply with any of the provisions included in this Code and/or its associated policies may result in disciplinary action being taken under the Disciplinary Code, or legal action if necessary.

**APPENDIX 1 TO SECTION 20**  
**ALL OFFICERS TO NOTE THE PROVISIONS OF THE LOCAL**  
**GOVERNMENT ACT 1972, Section 117**

1. If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has a pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein. For the purposes of this Section, an Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of Section [95] above had he been a Member of the authority.
2. An Officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
3. Any person who contravenes the provisions of paragraphs 1 or 2 above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
4. References in this Section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

## **SECTION 21**

### 21. Protocol on Member / Officer Relations

#### **21.1 Introduction**

The purpose of this Protocol is to guide Members and Employees of the Council in their relations with one another.

21.1.1 Mutual respect between Members and Employees is essential to good local government. However, close personal familiarity between individual Members and Employees can damage this relationship and prove embarrassing to other Members and Employees.

21.1.2 The relationship has to function without compromising the ultimate responsibilities of Employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Employees.

#### **21.2 Roles of Members**

Members undertake many different roles. Broadly these are:

21.2.1 Members express political values and support the policies of the party or group to which they belong (if any).

21.2.2 Members represent their electoral division and are advocates for the citizens who live in the area.

21.2.3 Members are involved in active partnerships with other organisations as community leaders.

21.2.4 Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.

21.2.5 Members help develop and review policy and strategy.

21.2.6 Members monitor and review policy implementation and service quality.

21.2.7 Members are involved in quasi-judicial work through their Membership of regulatory committees.

## **21.3 Roles of Employees**

Briefly, Employees have the following main roles:

21.3.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.

21.3.2 Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.

21.3.3 Initiating policy proposals.

21.3.4 Implementing agreed policy.

21.3.5 Ensuring that the Council always acts in a lawful manner.

## **21.4 Respect and Courtesy**

21.4.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Employees. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Employees remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Employees, in public places.

### **21.4.2 Undue Pressure**

It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position.

In their dealings with Employees (especially junior Employees) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.

A Member should not apply undue pressure on an Employee either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. *(The Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Confidential Reporting Code.)*

#### 21.4.3 Familiarity

Close personal familiarity between individual Members and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

Such familiarity could also cause embarrassment to other Members and/or other Employees and even give rise to suspicions of favouritism.

For these reasons close personal familiarity must be avoided.

#### 21.4.4 Breach of Protocol

If a Member considers that he has not been treated with proper respect or courtesy they may raise the issue with the Employee's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the employee concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Employee if the circumstances warrant it.

If an employee of the Council considers that a Member has contravened the protocol, then the procedure outlined in Appendix 3 to Section 18 may be followed i.e. "Local Procedure for dealing with allegations that a Member has breached the Code of Conduct or the Protocol on Member/Officer relations". If the complaint may constitute a breach of the Members' Code of Conduct, the employee has the right to refer the complaint directly to the Ombudsman. Many complaints will be capable of informal resolution without requiring a referral to the Ombudsman. The Monitoring Officer or the Chief Executive, may assist in this process if necessary.

### **21.5 Provision of Advice and Information to Members**

21.5.1 Members are free to approach Employees of the Council to provide them with such information and 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.

- 21.5.2 Employees should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed ie either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within five working days of the receipt of the enquiry.
- 21.5.3 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.
- 21.5.4 The Access to Information Procedure Rules of this Constitution explain the position with regard to access to papers relating to the business of a Council body.
- 21.5.5 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.
- 21.5.6 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.
- 21.5.7 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that he represents. Local Members should be informed about proposals that affect their electoral division and should also be invited to attend Council initiated events within their electoral division. (Further details are contained in the Local Member Consultative Charter, which is annexed to this Protocol).
- 21.5.8 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or

likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chair concerned should be advised about the information provided.

21.5.9 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.

21.5.10 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the “need to know”. Employees are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member’s enquiry that any individual would be entitled to receive such documentation. The Council’s Information and Governance Officer will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.

## **21.6 Confidentiality**

21.6.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:

he/she has the consent of a person authorised to give it;

he/she is required by law to do so;

the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

the disclosure is:

- a) reasonable and in the public interest; and
- b) made in good faith and in compliance with the reasonable requirements of the authority.

- 21.6.2 Confidential Committee papers are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 21.6.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 21.6.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.
- 21.6.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 21.6.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

## **21.7 Provision of Support Services to Members**

- 21.7.1 The only basis on which the Council can lawfully provide support services (eg stationery, word processing, 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.

### 21.7.2 Correspondence

Official letters on behalf of the Council should be sent in the name of the appropriate Employee, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. 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.

### 21.7.3 Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Employees provide factual information. If a Member is unsure about the circumstances of a particular issue, he should contact the appropriate Director or Head of Service concerned or ask the Press Office to do so.

## **21.8 The Council's Role as Employer**

In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

## **21.9 Political Activity**

21.9.1 There are a number of constraints that apply to an employee who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

21.9.2 In summary, such employees are prevented from:

being a Member of Parliament, European Parliament or local authority;

acting as an election agent or sub-agent for a candidate for election as a Member of any the bodies referred to above;

being an Officer of a political party or any branch of a political party or a Member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him to:

- a) participate in the general management of the party or branch; or

b) act on behalf of the party or branch in dealings with persons other than Members of the party;

canvassing on behalf of a political party or a candidate for election to any the bodies referred to above;

speaking to the public with the apparent intent of affecting public support for a political party; and

publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

- 21.9.3 It is common for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Employees may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles, eg chairperson or spokesperson. Employees should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Employees is preserved and that group confidentiality is maintained by Employees.
- 21.9.4 Usually the only Employees involved in attending group meetings will be the Chief Executive , Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.
- 21.9.5 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold.
- 21.9.6 Both Members and Employees are subject to their own Codes of Conduct which can be found in the Constitution.

This Protocol provides guidance on working relationships between Members and Employees. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

## **21.10 Sanctions**

21.10.1 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

21.10.2 Complaints about any breach of this protocol by an Officer may be referred to the Chief Executive.

## **21.11 Conclusion**

It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.

**APPENDIX TO SECTION 21**  
**Local Member Consultative Charter**

1. The Council is committed to providing its Elected Members with accurate, helpful and timely consultation, advice and information in relation to any matters of any significance or sensitivity which relate to their particular Electoral Division and where circumstances render it appropriate to involve a Local Member.
2. Directors and staff will be continually vigilant to identify such matters and ensure that Local Members are informed accordingly. This will also include any matter which could impact upon the neighbouring areas of other Members.
3. Directors will ensure that all correspondence/enquiries from Local Members are dealt with promptly and if necessary Members will be kept advised of progress.
4. Appropriate Directors will ensure that, where the Council's Constitution allows, Local Members will be invited to meetings and receive the necessary documentation.
5. Any matter of significance or sensitivity which relates to a particular Electoral Division or Divisions will be discussed with the Local Member(s) concerned before being submitted for consideration by the Cabinet or other Council Body. This will provide the opportunity for early awareness and allow a local perspective to be obtained.
6. Directors and staff will regularly brief appropriate Cabinet Members on service and partnership issues and developments and will use such occasions to help identify any potential local issues.
7. Details of any petitions received which relate to matters in a particular Electoral Division will be sent to the Local Member concerned. In addition, copies will also be provided to the Leader. Local Members will be kept informed on the progress/outcomes of such petitions.
8. Subject to any restrictions caused by commercial, legal or personal confidentiality, copies of all correspondence with Parish/Town Councils and the Local Government Ombudsman which relate to matters of any significance or sensitivity in a particular Electoral Division will be sent to the Local Member concerned.
9. Copies of all correspondence with MPs, AM's and MEPs which relate to matters in a particular Electoral Division will be sent to the Local Member concerned. In addition, copies will also be provided to the Leader. This is subject to the restrictions mentioned in paragraph 8 above.

10. A contact guide for senior Officers and their areas of responsibility will be provided to all Members. Wherever appropriate, Services will make Local Members aware of and invite them to service events and activities in their area. This will include strict adherence to the arrangements that have been agreed for the official opening/launch of Council projects, schemes, exhibitions etc.
11. In certain instances, both Members and Officers will receive an enquiry which relates to a matter in a particular area. In order to ensure consistency of approach in these circumstances, Officers will ensure a single response is provided to such enquiries.
12. As part of a continual review of the Charter's effectiveness, the co-operation of Members is sought in the responsible use at all times of advice and information that is provided to them, and Members are encouraged to advise Officers of the information requirements and of any local circumstances or sensitivities which might have a bearing on the Council's work.



## **SECTION 22**

### 22. Confidential Reporting (“Whistleblowing”) Code

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#### **1. INTRODUCTION**

1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of

the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.3 This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This whistleblowing policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

1.4 The policy applies to all employees and all persons who could be in a position to identify serious concerns within the Council, for example, contractors, Councillors, members of the public and close partner agencies.

1.5 This policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to directorates. You are responsible for making service users aware of the existence of these procedures.

1.6 The Council has a range of policies and procedures, which deal with standards of behaviour at work; they cover such matters as discipline, grievance, harassment and recruitment/selection. Employees are encouraged to use the provisions of those procedures when appropriate. There may be times, however, when the matter may not be about your personal employment position in isolation and needs to be handled in a different way, for example, where there is persistent disregard for legislation, particularly in relation to health and safety at work.

1.7 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

## **2. AIMS AND SCOPE OF THIS POLICY**

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied

- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The whistleblowing policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees (e.g. excessive case/workloads)
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients or vulnerable people
- other unethical conduct

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the whistleblowing policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's own Constitution and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 Concerns raised under the Whistleblowing Policy may result in the application of other policies e.g. Disciplinary Code or Grievance Procedure.

### **3. SAFEGUARDS**

3.1 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer/the Council and those for whom you are providing a service.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest.

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

3.5 The Public Interest Disclosure Act 1998 (PIDA) provides legal protection against dismissal and other detriments when disclosing certain types of information in the public interest to a prescribed body.

#### **4. CONFIDENTIALITY**

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

#### **5. ANONYMOUS ALLEGATIONS**

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council, although, receipt of an anonymous allegation is preferable to not receiving an allegation at all.

5.3 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **6. UNTRUE ALLEGATIONS**

6.1 If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **7. PERFORMANCE MANAGEMENT**

7.1 Issues addressed via the Whistleblowing Policy will be reported to Corporate Leadership Team (CLT) on a timely basis, whenever possible at the next weekly CLT meeting following the decision that the information meets, or may meet, the definition of a Whistleblowing concern.

7.2 The information will be presented by the Head of Legal and Corporate Compliance to CLT, who will maintain the strict standards of confidentiality required by the policy. Details of the allegation will not be disclosed at this stage, pending an investigation.

7.3 An annual update, consisting of the number of cases and any actions resulting, will be presented to CLT and then the Council's Governance and Audit Committee. This update will not contain details of specific cases as it will be an overview of the amount of Whistleblowing cases the Council has dealt with in the previous 12 months and what actions, if any, have been taken to address relevant issues and prevent recurrence.

## **8. HOW TO RAISE A CONCERN**

8.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that line management is involved you should approach:

Name/Position Telephone Email  
Damien McCann

Interim Chief Executive(01495) 355001 damien.mccann@blaenau-gwent.gov.uk

Andrea Jones

Head of Legal & Corporate Compliance (01495) 355024  
andrea.jones@blaenau-gwent.gov.uk

Louise Rosser

Head of Internal Audit (01495) 355142 louise.rosser@blaenau-gwent.gov.uk

8.2 Concerns may be raised verbally or in writing (including email). Those who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why you are particularly concerned about the situation.

8.3 The earlier you express the concern the easier it is to take action.

8.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

8.5 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## 9. HOW THE COUNCIL WILL RESPOND

9.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

9.2 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

- involve other internal/other department or independent persons carrying out the investigation, depending on the circumstances

9.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

9.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this may be taken before any investigation is conducted.

9.5 Within ten working days of a concern being raised, the responsible person will write to you:

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on employee support mechanisms, and
- telling you whether further investigations will take place and if not, why not

9.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

9.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

9.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

9.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## 10. THE RESPONSIBLE OFFICER

10.1 The Head of Organisational Development, in consultation with the Head of Legal and Corporate Compliance has overall responsibility for the maintenance and operation of this policy. The policy is monitored, themes are identified, and a record kept of concerns raised and the outcome (but in a form which does not endanger confidentiality) and will report as necessary to the Council.

## 11. HOW THE MATTER CAN BE TAKEN FURTHER

11.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not and feel it is right to take the matter outside the Council, the following are possible contact points:

- the external auditor, Wales Audit Office:

PIDA Officer  
The Auditor General for Wales  
24 Cathedral Road  
Cardiff  
CF11 9LJ

E-mail: [whistleblowing@audit.wales](mailto:whistleblowing@audit.wales)

Phone: 029 2032 0522

Wales Audit Office Whistleblowing web page:

<https://www.wao.gov.uk/whistleblowing>

- your trade union
- Public Concern at Work, a registered charity whose services are free and strictly confidential. Tel: 020 7404 6609, website: <http://www.pcaw.co.uk>
- your local Citizens Advice Bureau



- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police
- You can find a comprehensive list here of organisations that may be appropriate to contact, depending on the nature of your concern:  
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2#>

11.2 If you do take the matter outside the Council, you should ensure, as far as is reasonably practicable, that you do not disclose confidential information that is not pertinent and relevant to the concern(s) you are raising. Check with the person you contact about this as they may be able to help you with this.

## **SECTION 23**

### 23. Member Role Descriptions

#### **The Role of an Elected Member**

Designation:	<b>Elected Member</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the people of Blaenau Gwent County Borough and their Ward constituents</b>
Purpose:	<b>As a collective determine policy and oversee a number of strategic and corporate management functions whilst individually effectively represent the interests of their electoral division and of individual constituents.</b>
<b>1. Role, Purpose and Activity:</b>	
<b>1.1 Representing and Supporting Communities</b>	
<ul style="list-style-type: none"><li>• To represent ward interests.</li><li>• To be an advocate for the Council in the ward and communities they serve.</li><li>• Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making by the Council and its partners.</li><li>• Respond to constituents' enquiries and representations, fairly and impartially.</li><li>• To be a channel of communication to the community on council strategies, policies, services and procedures.</li><li>• Participate in the governance of Council.</li><li>• To liaise with Cabinet members, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported.</li><li>• To promote equalities, tolerance and cohesion in local communities.</li><li>• Ensure key outcomes are delivered for the community.</li><li>• Inspire people and lead by example.</li></ul>	

## **1.2 Making decisions and overseeing council performance**

- To participate in Full Council meetings, reaching and making informed and balanced decisions including policy and budgetary decisions, and overseeing performance.
- To participate in informed and balanced decision making on committees and panels to which appointed.
- To adhere to the principles of democracy and collective responsibility in decision-making.
- To promote and ensure efficiency and effectiveness in the provision of council and other public services.
- To contribute to the continual improvement of Council services.
- To understand and acknowledge the role and right of partners in running the council and delivering the services.
- To appropriately challenge and scrutinise operational service delivery.

## **1.3 Representing the Council (subject to appointment)**

- To represent the Council on local outside bodies as an appointee of the Council.
- To represent and be an advocate for the Council on national bodies and at national events.
- To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain.

## **1.4 Governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- To adhere to the Member's Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office.
- To adhere to the rules and procedures as set out in the Council's Constitution.

## **1.5 Personal and role development**

- To participate in opportunities for training and development

provided for members by the authority.

## **2. Values and Ethical Behaviour**

- To be committed to the values of the Council and the values in public office.
- In carrying out their role, Elected Members will be expected to act in accordance with the highest standards of probity in public life by:-
  - Maintaining any necessary confidentiality requirements at all times.
  - Mainstreaming into their work, equalities and value for money principles.
  - Serving the community without personal gain.

Committing to and demonstrating the following values in public office:-

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for an Elected Member**

To fulfil his or her role as laid out in the role description, an effective Elected Member requires the following:-

#### **Representing and supporting communities**

- Good advocacy skills
- Interpersonal skills
- Integrity and the ability to set aside own views and act impartially
- The ability to present relevant and well reasoned arguments
- Good communication skills – written and oral

#### **Making decisions and overseeing council performance**

- Knowledge and understanding of meetings law, rules and conventions including the Council's constitution
- An understanding of strategic, policy and service contexts for decisions
- The ability to challenge ideas and contribute positively to policy development

#### **Representing the Council (subject to appointment)**

- Good public speaking skills
- Good presentation skills
- The ability to persuade others and act with integrity and courtesy

#### **Governance, Ethical Standards and Relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

#### **Personal and role development**

- An ability to assess personal and role development needs
- Desire and skills to participate in development and training

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of a Presiding Member**

Designation:	<b>Presiding Member of the County Borough of Blaenau Gwent</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the people of Blaenau Gwent County Borough and his/her Ward constituents</b>
Purpose:	<b>As the Chairperson of the Council, to be non-political and uphold the democratic values of the Council. In addition, when required, to represent the Council at civic functions as a representative for the Authority.</b>

### **1. Chair of Council Meetings**

- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community.
- To ensure the Council conducts its meetings in line with the Council's Constitution.
- 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 Chairpersons to account.

### **2. Uphold and Promote the Council's Constitution**

- To uphold and promote the purposes of the Constitution, and to assist to interpret the Constitution when necessary.

### **3. Governance, Ethical Standards and Relationships**

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote public involvement in the Council's activities.
- To be the conscience of the Council.

- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- Promoting the effective democratic functioning of the Council in a manner that secures the rights of Councillors and the public under this Constitution and promotes the involvement of the public and organisations within the County Borough in decisions that affect them.
- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

#### **4. Values**

To be committed to the values of the Council and the following values in public office:-

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others



## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Presiding Member**

To fulfil his or her role as laid out in the role description, an effective Presiding Member requires the following:-

#### **Acting as a symbol of the Council's democratic authority**

- Good public speaking skills
- An in-depth understanding of role of Chair

#### **Chairing Council meetings**

- Skills to chair meetings, to ensure business is carried out effectively and all those attending are able to participate
- An understanding of the Council's Constitution

#### **Upholding and promoting the Council's Constitution**

- An understanding of the Council's Constitution
- An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution

#### **Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **The Role of a Deputy Presiding Member**

Vice-Chair of the Council will be known as the Deputy Presiding Member, who will be appointed annually by the Council, and who will deputise for the Presiding Member in his or her absence and assist the Presiding Member in specific duties as required.

## COUNTY BOROUGH OF BLAENAU GWENT

### Person Specification for a Deputy Presiding Member

To fulfil his or her role as laid out in the role description, an effective Deputy Presiding Member requires the following:-

#### **Acting as a symbol of the Council's democratic authority**

- Good public speaking skills
- An in-depth understanding of role of Chair

#### **Chairing Council meetings**

- Skills to chair meetings in the absence of the Presiding Member, to ensure business is carried out effectively and all those attending participate
- An understanding of the Council's Constitution

#### **Upholding and promoting the Council's Constitution**

- An understanding of the Council's Constitution
- An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution

#### **Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of the Leader of the Council**

Designation:	<b>Leader of the Council</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the people of Blaenau Gwent County Borough and his or her Ward constituents To nominating Group</b>
Purpose:	<b>To be a political figurehead and the principal political spokesperson for the Council and act as an ambassador for the Council.</b>
<b>1. Role Purpose and Activity</b>	
<b>1.1 Provide Political Leadership to the Council</b>	
<ul style="list-style-type: none"><li>• To provide leadership in building a political consensus around council policies.</li><li>• To provide a strong, clear leadership in the co-ordination of policies, strategies and service delivery and general overview to policy direction so as to ensure consistency, strategy and purpose.</li><li>• To provide clear strategic direction for the Council and community.</li><li>• To be readily available to all Members.</li></ul>	
<b>1.2 Appoint the Cabinet (ratification at Annual Meeting of Council)</b>	
<ul style="list-style-type: none"><li>• Designate the appropriate portfolios.</li><li>• Appoint appropriate elected members to each portfolio.</li><li>• Allocate Cabinet members to roles with regard to their abilities.</li><li>• Designate Deputy Leader.</li></ul>	
<b>1.3 Representing and Acting as Ambassador for the Authority</b>	

- 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.
- To represent the Council in the media to local people and organisations and at national and regional level.
- Represent the Authority on the WLGA.
- Provide leadership and support local partnerships and organisations.
- To act as the public face of the Council in co-operation with other Cabinet Members.
- Represent the Authority on regional and national bodies as appropriate.

#### **1.4 Provide Leadership within the Portfolio**

- Fulfil the role of a portfolio holder, having regard to the role purpose and activities and role specification of a Cabinet Member.

#### **1.5 To Direct and Lead the Work of the Cabinet and Chair the Meetings**

- Ensure the effective running of the Cabinet through the implementation of the forward work programme and ensure its continuing development.
- Ensure the work of Cabinet meets local and national policy objectives.
- Advise and mentor other Cabinet Members in their work.
- To chair meetings of the Cabinet in line with the Constitution.
- To promote appropriate training and development opportunities for Cabinet Members and other Members to ensure they can undertake their roles effectively.
- In the absence of the Leader, the Deputy Leader should fulfil this role.

#### **1.6 Participate in the Collective Decision Making of Cabinet**

- 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.

- To accept collective responsibility and support decisions made by the Cabinet once they have been made.
- To share leadership with Cabinet Members, Committee Chairs recognising that leaders cannot provide every skill on their own.

### **1.7 To Work with Officers to Lead the Organisation**

- Liaise with the Chief Executive, and other appropriate Officers on a regular basis.
- 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.

### **1.8 Actively Participate in Partnerships and Community Leadership**

- To actively participate in local strategic partnerships in pursuit of common aims and priorities.
- To negotiate and broker in cases of differing priorities and disagreement.
- To act as a leader of the local community by showing vision and foresight.

### **1.9 Governance, Ethical Standards and Relationships**

- To promote and support effective governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote public involvement in the Council's activities.
- To be the conscience of the Council.
- To protect and promote the Council's reputation.
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

## **2. Values**

To be committed to the values of the Council and the following values in public office:-

Openness and transparency  
Honesty

Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for Leader of the Council**

**To fulfil his or her role as laid out in the role description, an effective Leader requires:**

#### **Providing political leadership to the Council**

- Knowledge of community strengths, areas of improvement and key issues
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations

#### **Appointing the Cabinet**

- An understanding of the rules for the appointment of Cabinet Members
- An ability to recognise talent amongst Members
- An ability to negotiate the most advantageous appointments within and across political groups
- To appraise, guide and mentor Senior Members

#### **Representing and acting as ambassador for the Authority**

- High-level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills

#### **Providing leadership within the portfolio**

- The skills necessary for a Cabinet member to fulfil their role

#### **Direct and lead the work of the Cabinet and chairing meetings of the Cabinet**

- An understanding of the Cabinet procedure rules
- Skills to Chair meetings, including encouraging participation from all members
- A knowledge and understanding of national policy objectives



- 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

### **Actively participate in partnerships and community leadership**

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

### **Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

### **The Role of the Deputy Leader of the Council**

Designation:	<b>Deputy Leader of the Council</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the Leader of the Council To the people of Blaenau Gwent County Borough and his or her Ward constituents To nominating Group</b>
Purpose:	<b>To be a political figurehead and the principal political spokesperson for the Council in the absence of the Leader.</b>

#### **1.1 Role Purpose and Activity**

- To support the Leader in his/her responsibilities & duties and deputise for the Leader in his/her absence.
- To give political direction to officers working within the portfolio.
- To gain the respect of officers within the portfolio, providing support to officers in the implementation of portfolio programmes.
- To liaise with the appropriate Scrutiny Chair and receive scrutiny reports as required.
- To be accountable for choices and performance in the portfolio.
- To have an overview of the performance management, efficiency and effectiveness of the portfolio.
- To complement the Leader's position by bringing different skills and interests to the Cabinet.
- To work up detailed policies to complement the Leaders strategic vision.
- To assist the Leader in specific duties as required.
- To be readily available to all Members.

## **1.2 Contributing to the Setting of the Strategic Agenda and Work Programme for the Portfolio**

- Fulfil the role of a portfolio holder, having regard to the role purpose and activities and role specification of a Cabinet Member in addition to Deputy Leader responsibilities.
- 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 Cabinet.
- To provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with stakeholders as required. Ensure that the portfolio's work programme is kept up to date and accurate.

### **Providing Representation for the Portfolio**

- To provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.

### **Reporting and Accounting**

- To report as appropriate to the Leader, Full Council, Cabinet, appropriate Scrutiny Chair, regulatory bodies and the media.
- To be the principal political spokesperson for the portfolio.
- To appear before Scrutiny Committees in respect of matters within the portfolio.

### **Taking an Active Part in Cabinet Meetings and Decision Making**

- To show an interest in and support for the portfolios of others.
- To recognise and contribute to issues which cross cut portfolios or are issues of collective responsibility.

## **1.3 Appoint the Cabinet (ratification at Annual Meeting of Council) in the absence of the Leader**

- Designate the appropriate portfolios.
- Appoint appropriate elected members to each portfolio.
- Allocate Cabinet Members to roles with regard to their abilities.

#### **1.4 Representing and Acting as Ambassador for the Authority**

- 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.
- To represent the Council in the media to local people and organisations and at national and regional level.
- Represent the Authority on the WLGA.
- To act as the public face of the Council in co-operation with other Cabinet Members.
- Represent the Authority on regional and national bodies as appropriate.

#### **1.5 Participate in the Collective Decision Making of Cabinet**

- 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.
- To accept collective responsibility and support decisions made by the Cabinet once they have been made.
- To share leadership with Cabinet Members, Committee Chairs recognising that deputy leaders cannot provide every skill on their own.

#### **1.6 To Work with Officers to Lead the Organisation**

- Liaise with the Chief Executive , and other appropriate Officers on a regular basis.
- 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.

#### **1.7 Leading Partnerships and Community Leadership (in conjunction with the Leader of the Council)**

- To actively participate in local strategic partnerships in pursuit of common aims and priorities.
- To act as a leader of the local community by showing vision and foresight.
- To negotiate and broker in cases of differing priorities and disagreement.

## **1.8 Governance, Ethical Standards and Relationships**

- To promote and support effective governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote public involvement in the Council's activities.
- To be the conscience of the Council.
- To protect and promote the Council's reputation.
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

## **2. Values**

**To be committed to the values of the Council and the following values in public office:-**

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for the Deputy Leader of the Council**

**To fulfil his or her role as laid out in the role description, an effective Deputy Leader requires:**

#### **Providing political leadership to the Council**

- Knowledge of community strengths, areas of improvement and key issues
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations

#### **Appointing the Cabinet**

- An understanding of the rules for the appointment of Cabinet Members
- An ability to recognise talent amongst Members
- An ability to negotiate the most advantageous appointments within and across political groups
- To appraise, guide and mentor Senior Members

#### **Representing and acting as ambassador for the Authority**

- High-level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills

#### **Providing leadership within the portfolio**

- The skills necessary for a Cabinet member to fulfil their role

#### **Direct and lead the work of the Cabinet and chairing meetings**

**of the Cabinet (in the absence of the Leader)**

- An understanding of Cabinet procedure rules
- Skills to Chair meetings, including encouraging participation from all Members.
- A knowledge and understanding of national policy objectives
- 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**

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

**Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of a Cabinet Member**

Designation:	<b>Cabinet Member</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Leader of the Council The Cabinet (through collective responsibility) The Full Council To the people of Blaenau Gwent County Borough and his or her Ward constituents</b>
Purpose:	<b>To provide political leadership in the portfolio and give political direction to policy development within the portfolio.</b>

### **1. Role Purpose and Activity**

#### **1.1 Providing portfolio leadership**

- To gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes.
- To liaise with the appropriate scrutiny chair and receive scrutiny reports as required.
- To be accountable for choices and performance in the portfolio.
- To have an overview of the performance management, efficiency and effectiveness of the portfolio.
- To provide strong and fair leadership.

#### **1.2 Contributing to the setting of the strategic agenda and work programme for the portfolio**

- 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.
- 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.

- Working closely with Corporate Directors and other Members of the Cabinet, in relation to the portfolio issues assigned to the Cabinet post which relate to giving direction to policy development and strategic thinking.
- The requirement to have regard to the wider corporate picture in terms of the Well-being Plan, the Authority's aims and values, the Policy and Budgetary Framework and cross cutting issues such as sustainability, equalities, social inclusion and environmental stewardship.

### **1.3 Providing representation for the portfolio**

- To provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.
- To have a clear understanding of the portfolio, the scope and range of the services relevant to the portfolio.
- To ensure the delivery of best value and continuous improvement in services and implementation of best practice in the areas relevant to the portfolio.

### **1.4 Reporting and accounting**

- To report as appropriate to the Leader, Full Council, Cabinet, appropriate chair of scrutiny, regulatory bodies and the media.
- To be the principal political spokesperson for the portfolio.
- To appear before scrutiny committees in respect of matters within the portfolio.
- The making of position statements or responding to questions on the relevant Cabinet portfolio issues, on behalf of the Cabinet, at Council meetings (it is ultimately the elected Cabinet Member who will be required to answer questions about its policies and decisions. Officers' contributions should as far as possible be confined to questions of fact and explanations relating to policies and decisions, though they can be asked to explain and give reasons for decisions they themselves have taken under delegated authority).
- Meet with Chairs of the relevant Scrutiny and Overview Committee(s) on a regular basis to discuss progress in their area of responsibility, responses to concerns raised by the Scrutiny and Overview Committee(s) and future programmes of work.
- Ensure that the Cabinet and Scrutiny Chairs are briefed at the

appropriate time on significant issues i.e. those that may result in a change to established policy; have major resource implications; or be contentious.

- Consultation and dialogue with the chairs and members of the Overview and Scrutiny and other Committees of the Council.
- Respond within an agreed timescale to the recommendations of relevant Overview and Scrutiny Committees, setting out what action is proposed, if any, and giving full reasons for decisions taken.
- The promotion of the Economic, Social and Environment and Well Being of the Authority's area.
- The further development of partnerships with other public bodies, the voluntary sector and the business community.
- To be readily available to all Members.
- To ensure an appropriate consultation programme is developed for their area of responsibility, to involve local people and communities in the decisions of the Council as fully as possible.

### **1.5 Taking an active part in Cabinet meetings and decision making**

- To show an interest in and support for the portfolios of others.
- To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility.
- The taking of Cabinet decisions within formal meetings of Cabinet and the Cabinet Sub Committee.

### **1.6 Actively participate partnerships and community leadership**

To actively participate in local strategic partnerships.

- To negotiate and broker in cases of differing priorities and disagreement.
- To act as a leader of the local community by showing vision and foresight.

### **1.7 Governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate and effective

relationships with employees of the Council.

- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.
- Representing the Authority in the community and elsewhere in relation to the pursuit of matters of interest to the Authority and its area.

## **2. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency

Honesty

Propriety and integrity

Duty to uphold the law

Stewardship

Objectivity in decision making

Accountability

Leadership

Tolerance and respect

Inclusive leadership

Equality and fairness

Appreciation of cultural difference

Sustainability

Selflessness

Personal judgement

Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Cabinet Member**

**To fulfil his or her role as laid out in the role description, an effective Cabinet Member requires:**

#### **Portfolio leadership**

- An understanding of the Council's strategy, policies and operations
- Leadership skills

#### **Contributing to the setting of the strategic agenda and work programme for the portfolio**

- The ability to present to others
- The ability to exercise strategic awareness and judgement
- Knowledge of relevant issues and who to involve in decision making
- The ability to persuade others
- Knowledge of Council and national objectives

#### **Providing representation for the Portfolio**

- Public speaking skills
- Good presentation skills

#### **Reporting as appropriate**

- High level communication skills

#### **Taking an active part in Cabinet meetings and decisions**

- The ability to constructively challenge decisions and suggest alternatives
- The knowledge, confidence and ability to contribute to discussion and resolution of cross cutting and collective issues

### **Leading partnerships and community leadership**

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

### **Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of a Scrutiny Chair**

Designation:	<b>Scrutiny Chair</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the people of Blaenau Gwent County Borough and his or her Ward constituents External Regulatory Bodies</b>
Purpose:	<b>To promote the role of Scrutiny within and outside the council, liaising effectively both internally within the council and externally with the Council's partners.</b>

### **1. Role Purpose and Activity**

#### **1.1 Providing leadership and direction**

- To provide confident and effective direction at meetings to facilitate inclusivity, participation and identify and support clear proposals for improvement.
- To develop a balanced work programme of the committee which, includes pre decision scrutiny, policy development and review, investigative scrutiny, and performance monitoring.
- To ensure the programme takes account of relevant factors such as: the work programmes of the Cabinet and other committees, strategic priorities and risks, and relevant community issues.
- To demonstrate an objective and evidence based approach to scrutiny.
- To evaluate the impact and added value of scrutiny activity and identify areas for improvement.
- To ensure the work of their Committee contributes to policy and improvement in service delivery.
- To provide strong fair leadership and to Members and officers.
- To review, challenge and question the implementation of agreed policy and service delivery, and make recommendations to the Cabinet and Council to improve policy, performance and service delivery.

- To develop a clear understanding of the terms of reference of their Committee, the scope and range of the services for which it is responsible, and Council policies in respect of those services.
- To ensure the work of their Committee contributes to the delivery of best value and continuous improvement in services and implementation of best practice.
- To agree all agendas for Overview and Scrutiny Committees and take a lead in developing a forward agenda and ensuring it is adhered to.
- To meet on a regular basis and consult with relevant Cabinet Member(s) to advise them of progress in work of the Overview and Scrutiny Committee, discuss issues arising from the scrutiny review, and note action being taken by the relevant Cabinet Member(s) to address the concerns of the Committee.
- To ensure the Council and Cabinet Members are briefed at the appropriate time on significant issues i.e. those that may:-
  - result in a change to established policy;
  - have major resource implications;
  - be contentious;
  - have implication for other overview and scrutiny committees or areas of Council responsibility.
- To report as appropriate to the Cabinet where scrutiny is recommending an amendment or additions to the report recommendations for Cabinet to consider
- To seek to involve all Overview and Scrutiny Committee Members in the work of the Committee.
- To have responsibility for liaison with Chief Officers responsible for services that fall under the Committees terms of reference.
- To ensure that Committee Members benefit from appropriate training and development to deal effectively with the Committees business.

## **1.2 Direct the work programme**

- To ensure that the work programme is delivered.
- To report on progress against the work programme to Council, and others as appropriate.
- To liaise with officers, other members and community representatives to resource and deliver the work programme.

## **1.3 Holding the Cabinet to account**

- To evaluate the validity of Cabinet decisions and challenge inappropriate decisions through call in.

#### **1.4 Effective meeting supervision**

- To set agendas containing clear objectives and outcomes for the meeting.
- To direct 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.
- To ensure that the necessary preparation is done beforehand.
- To ensure that all participants have an opportunity to make an appropriate contribution.

#### **1.5 Community leadership**

- To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function.
- To build understanding and ownership of the scrutiny function within the community.
- To identify relevant community based issues for scrutiny.
- To involve fully external stakeholders for example, service users' expert witnesses and partners in scrutiny activity.

#### **1.6 Involvement and development of committee members**

- To encourage high performance from all Committee Members in both committee and task and finish groups.
- To assess individual and collective performance within the Committee and facilitate appropriate development.

### **2. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership



Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Scrutiny Chair**

**To fulfil his or her role as laid out in the role description, an effective Scrutiny Chair requires:**

#### **Providing leadership and direction**

- Understanding of council role and functions
- Understanding of role of scrutiny, terms of reference for the committee, role of Chair, and other aspects of the democratic arrangements
- Understanding of Member support functions
- Understanding of council priorities and risks
- Ability to progress work programmes
- Understanding of community issues
- Objectivity
- Negotiation and consensus building
- Ability to build constructive and 'critical friend' relationships with the Cabinet

#### **Direct and lead the work programme**

- Ability to direct and lead the work programme
- Ability to work with members and officers in order to progress work programme items
- Ability to prioritise
- Ability to report progress to different groups in different styles
- Ability to manage projects and resources
- Ability to manage people

#### **Holding the Cabinet to account**

- Understanding of arrangements for call in

#### **Effective meeting management**

- Understanding and application of meeting protocols, code of

conduct, standing orders and other constitutional requirements

- Ability to chair meetings effectively, managing the agenda and progressing business
- Ability to facilitate effective discussions
- Ability to listen and question effectively

### **Community leadership**

- An understanding of the community leadership role
- Knowledge of local and national issues and expectations
- Ability to work effectively with all members of the community and build understanding and ownership of scrutiny
- Promote the provision of equality and diversity across the County Borough.

### **Involving and developing of committee members**

- Understanding of role and skills of the Scrutiny Committee and its individuals
- Ability to support members and the committee in assessing their performance
- Ability to identify any training and development needs and champion and participate in appropriate learning and development

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of a Scrutiny Member**

Designation:	<b>Scrutiny Member</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>Chair of the appropriate Scrutiny Committee The Full Council To the people of Blaenau Gwent County Borough and his or her Ward constituents External Regulatory Bodies</b>
Purpose:	<b>To participate fully in the activities of the Scrutiny Committee, delivery of its work programme and any associated task and finish groups</b>
<b>1. Role Purpose and Activity</b>	
<ul style="list-style-type: none"><li>• Scrutinise Council policy and service delivery and monitor and review performance.</li><li>• To make constructive recommendations to the Cabinet and Council to improve Council policy and service delivery.</li><li>• To contribute to the delivery of best value as required as part of the Wales Programme for Improvement.</li><li>• To give the Council an opportunity to review Cabinet decisions on a 'call in' basis, and to determine whether such decision should be implemented as agreed by the Cabinet or whether they need amendment.</li></ul>	
<b>1.1 Reviewing and developing policy</b>	
<ul style="list-style-type: none"><li>• To assist in the creation, development, improvement and refinement of council policy.</li><li>• To challenge policies on a sound basis of evidence</li><li>• To assess impact of existing policy.</li></ul>	

## **1.2 Monitoring performance and service delivery**

- To monitor the performance of internal and external providers against standards and targets.
- To contribute to the identification and mitigation of risk.
- To investigate and address the causes of poor performance.

## **1.3 Promoting the work of scrutiny**

- To promote the role of scrutiny within and outside the council, developing effective internal and external relationships.
- To demonstrate an objective and evidence based approach to scrutiny.
- To add value to the decision-making and service provision of the authority through effective scrutiny.

## **1.4 Community leadership**

- To use scrutiny as a means to address community issues and engage the public.
- To encourage stakeholders to participate in the work of the authority.
- To develop locally viable and acceptable policy solutions.
- To build a dialogue around priorities, objectives and performance, among communities and stakeholders.

## **1.5 Meeting participation**

- To make adequate and appropriate preparation for meetings through research and briefings.
- To participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements.

## **1.6 Hold the Cabinet to account**

- To evaluate the validity of Cabinet decisions and challenge inappropriate decisions through call in.

## **2.Values**

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty
- Propriety and integrity
- Duty to uphold the law
- Stewardship
- Objectivity in decision making
- Accountability
- Leadership
- Tolerance and respect
- Inclusive leadership
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Selflessness
- Personal judgement
- Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Scrutiny Member**

**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**

- Full understanding of the scrutiny remit and role, and terms of reference for their own committee and others
- Understanding of member support functions
- To work within the guidance of the chair
- Willingness to undertake training as necessary

#### **Reviewing and developing policy**

- Knowledge of and ability to evaluate existing policy
- Understanding of best practice
- Understanding of national and local legislative and policy context

#### **Monitoring performance and service delivery**

- Understanding of the Wales Programme for Improvement (WPI) and associated risk assessment arrangements
- Understanding of the principles and practice of performance management
- Understanding of council's performance management arrangements
- Ability to analyse data and challenge performance

#### **Promoting the work of scrutiny**

- Ability to negotiate and build consensus
- Ability to act objectively and on the basis of evidence

## **Community leadership**

- An understanding of the community leadership role
- Knowledge of local and national issues and expectations
- Ability to work effectively with all members of the community and build understanding and ownership of scrutiny
- Knowledge of the individuals and organisations in the community especially those traditionally excluded
- Promote the provision of equality and diversity across the County Borough

## **Meeting participation**

- Ability to interpret information and data from a range of sources
- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements
- Ability to participate in meetings including effective listening, questioning and speaking

## **Holding the Cabinet to account**

- Understanding of arrangements for call in



# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of the Regulatory Committee Chair**

Designation:	<b>Chair of Regulatory Committee</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the Members of the Regulatory Committee To the people of Blaenau Gwent County Borough and his or her Ward constituents</b>
Purpose:	<b>As a Chair with responsibility to act as the Council's lead Member in this area to ensure that the views and needs of the service are built into the Council's policy framework and the decision-making process</b>
<b>1. Role Purpose and Activity</b>	
<b>1.1 Providing leadership and direction</b>	
<ul style="list-style-type: none"><li>• To provide confident and effective direction at meetings to facilitate inclusivity, participation and clear decision-making.</li><li>• To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process.</li><li>• To demonstrate integrity and impartiality in decision-making which accord with legal, constitutional and policy requirements.</li><li>• To delegate actions to sub committees as appropriate.</li></ul>	
<b>1.2 Promoting the role of the regulatory committee and quasi-judicial decision making</b>	
<ul style="list-style-type: none"><li>• To act as an ambassador for the regulatory committee, facilitating understanding of the role.</li><li>• To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.</li><li>• 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.</li></ul>	

### **1.3 Governance, ethical standards and relationships**

- To develop the standing and integrity of the committee and its decision making.
- To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility.
- To promote and support effective governance by the Council.

### **2.Values**

- To be committed to the values of the council and the following values in public office:

Openness and transparency

Honesty

Propriety and integrity

Duty to uphold the law

Stewardship

Objectivity in decision making

Accountability

Leadership

Tolerance and respect

Inclusive leadership

Equality and fairness

Appreciation of cultural difference

Sustainability

Selflessness

Personal judgement

Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Regulatory Committee Chair**

**To fulfil his or her role as laid out in the role description, an effective Regulatory Committee Chair requires:**

#### **Providing leadership and direction**

- Ability to conduct meetings to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused
- Understanding of the Council's role and ability to ensuring that stake holders are aware of that role
- Communication skills
- Knowledge of local issues
- Ability to direct the work of the committee
- 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**

- Understanding and appreciation of the regulatory framework
- Ability to inspire and enthuse committee members for the work of the committee
- Integrity and the ability to set aside own views and act impartially
- Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

#### **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and commitment to the values of the Council

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of a Regulatory Committee Member**

Designation:	<b>Member of a Regulatory Committee</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the Chair of the Regulatory Committee To the people of Blaenau Gwent County Borough and his or her Ward constituents</b>
Purpose:	<b>To participate fully in the activities of the Regulatory Committee and the delivery of its work programme</b>
<b>1. Role Purpose and Activity</b>	
<b>1.1 Understanding the nature of the regulatory committee and quasi-judicial decision making</b>	
<ul style="list-style-type: none"><li>• To be aware of the quasi-judicial nature of regulatory committee decision-making.</li><li>• To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.</li><li>• To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee.</li></ul>	
<b>1.2 Participating in meetings and making decisions</b>	
<ul style="list-style-type: none"><li>• 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.</li><li>• To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.</li></ul>	

### **1.3 Governance, ethical standards and relationships**

- To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct and other constitutional and legal requirements.
- To promote and support effective governance by the Council.
- To understand the respective roles of Members, officers and external parties operating within the regulatory Committee's area of responsibility.

### **2. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Regulatory Committee Member**

**To fulfil his or her role as laid out in the role description, an effective Regulatory Committee Member requires:**

#### **Understanding the nature of the regulatory committee and quasi-judicial decision making**

- Integrity and the ability to set aside own views and act impartially
- Knowledge of law, policy and procedures for that regulatory/quasi-judicial area
- Maintenance of knowledge
- Objectivity and judgement

#### **Participating in meetings and making decisions**

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

#### **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and a commitment to the values of the Council

## **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

### **The Role of the Governance and Audit Committee Chair**

Designation:	<b>Chair of Governance and Audit Committee</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Full Council To Committee Members To the people of Blaenau Gwent County Borough</b>
Purpose:	<b>To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment and to oversee the financial reporting process</b>

#### **1. Role Purpose and Activity**

##### **1.1 Providing leadership and direction**

- To provide confident and effective direction at meetings to facilitate inclusivity, participation and identify and support clear proposals for improvements.
- To demonstrate integrity and impartiality in decision-making which accord with legal, constitutional and policy requirements.
- To agree the agendas for the Governance and Audit Committee meetings.
- To ensure the work of the Committee contributes to improvement in service delivery.
- To provide strong, fair leadership and to Members and officers.
- To lead the Committee within its terms of reference to lead and encourage debate in Committee meetings and develop a work programme.
- To approach matters before the Committee with an open mind avoiding any predetermination or bias.
- To consult on relevant matters and take into account any views

before reaching decisions, including managing and resolving differences.

- To operate within the Council's Constitution and Codes of Conduct.
- To act as the key spokesperson and public face of the Committee.
- To promote the views of the Committee, its services and their effects on the community and outside bodies.
- To develop an understanding of the Council's and Committee's policies, service delivery and government legislation.
- To promote the Council's policies on equality and diversity in the workplace and in service provision.

To lead the Committee in its role in:

- reviewing and scrutinising the authority's financial affairs.
- Making reports and recommendations in relation to the Authority's financial affairs.
- reviewing and assessing the risk management, internal control and corporate governance arrangements of the Authority.
- making reports and recommendations to the Authority on the adequacy and effectiveness of those arrangements.
- overseeing the Authority's internal and external audit arrangements.
- reviewing the financial statements prepared by the Authority and approving them when powers are delegated.
- developing relationships with internal and external auditors and the Authority's Monitoring Officer.
- developing a forward work programme designed to deliver the Governance and Audit Committee's functions.
- reviewing and self-assessing the performance of the Committee and its Members.



## **1.2 Promoting the role of the committee**

- To act as an ambassador for the Committee, facilitating understanding of the role.
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
- To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings.
- 

## **1.2 Internal governance, ethical standards and relationships**

- To develop the standing and integrity of the committee and its decision making.
- To understand the respective roles of members, officers and external parties operating within the Committee's area of responsibility.
- To promote and support effective governance by the Council.

## **2. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for the Governance and Audit Committee Chair**

**To fulfil his or her role as laid out in the role description, an effective Governance and Audit Committee Chair requires:**

#### **Providing leadership and direction**

- Ability to conduct meetings
- Ability to guide discussion and ensure that all attendees have the opportunity to make a contribution and that they are heard and given due consideration
- Ability to ensure that Members of the Committee treat individuals with courtesy regardless of political persuasion
- Ability to undertake a dual role both as a chair and member of the committee
- Possessing ability to review and interpret data and reach conclusions
- Understanding of the Council's role and ability to ensuring that stake holders are aware of that role
- Communication skills
- Knowledge of local issues
- Ability to direct the work of the committee
- Ability to support and develop necessary skills in fellow Members of the Committee

#### **Promoting the role of the committee**

- Understanding and appreciation of the regulatory framework
- Ability to inspire and enthuse committee members for the work of the Committee
- Integrity and the ability to set aside own views and act impartially
- Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

## **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and commitment to the values of the Council
- An understanding of the roles of Officers, Members and different agencies.
- Respect for and desire to work with, different groups and individuals.

## COUNTY BOROUGH OF BLAENAU GWENT

### Member of Governance and Audit Committee Role Description

Designation:	<b>Member of the Governance and Audit Committee</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b>  <b>To the Chair of the Governance and Audit Committee</b>
Purpose:	<b>To participate fully in the activities of the Governance and Audit Committee and the delivery of its work programme</b>

#### **1. Role purpose and activity**

Understanding the nature of the Governance and Audit Committee and effectively fulfilling its functions by:

- Reviewing and scrutinising the Authority's financial affairs.
- Making reports and recommendations in relation to the Authority's financial affairs.
- Reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority.
- Making reports and recommendations to the Authority on the adequacy and effectiveness of those arrangements.
- Overseeing the Authority's internal and external audit arrangements.
- Reviewing the financial statements prepared by the Authority.

#### **Participating in meetings and making decisions**

- To participate effectively in meetings of the Governance and Audit Committee; questioning and seeing clarification on matters falling with the Committee's remit.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

### **Internal governance, ethical standards and relationships**

- Understanding the financial risks associated with corporate governance; being satisfied that the Authority's assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it.
- To ensure the integrity of the Committee's decision making and of his/her own role by adhering to the Code of Conduct and other constitutional and legal requirements.
- To promote and support good governance by the Council.
- To understand the respective roles of Members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

### **2. Values**

- To be committed to and demonstrate the following values in public office:

Openness and transparency  
 Honesty  
 Propriety and integrity  
 Duty to uphold the law  
 Stewardship  
 Objectivity in decision making  
 Accountability  
 Leadership  
 Tolerance and respect  
 Inclusive leadership  
 Equality and fairness  
 Appreciation of cultural difference  
 Sustainability  
 Selflessness  
 Personal judgement  
 Respect for others

## **Member of Governance and Audit Committee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Governance and Audit Committee Member requires:**

### **Understanding the nature of the Governance and Audit Committee and decision making**

- Integrity and the ability to set aside own views and act impartially
- Knowledge of law, policy & procedures for that area
- Maintenance of knowledge
- Objectivity and judgement

### **Participating in meetings and making decisions**

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

### **Internal governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### The Role of a Member Champion

Designation:	<b>Member Champion</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>The Full Council/Underrepresented Groups</b>
Purpose:	<b>To provide a voice for traditionally under-represented 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>
<b>1. Accountabilities</b>	
To Full Council	
<b>2. Role Purpose and Activities</b>	
<b>Within the Council</b>	
<ul style="list-style-type: none"><li>▪ To promote the interest being championed within the Council's corporate and service priorities.</li><li>▪ To promote the needs of the client group represented in the interest to the decision makers within the Council.</li><li>▪ To work with the decision makers in the Council to establish strategies/ policies/work plans connected with the interest.</li><li>▪ To maintain an awareness of all matters connected with the interest.</li><li>▪ To contribute to good practice and the continuous improvement of services and functions related to the interest.</li><li>▪ To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet /Full Council meetings etc.</li><li>▪ Raising awareness of and taking a lead role in the development of all Members and officers in relation to the interest.</li></ul>	

## **In the Community**

- To raise the profile of the interest in the community.
- To engage with citizens and community groups in matters related to the interest.
- To lead and support local initiatives related to the interest.

## **3. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others



## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Member Champion**

**To fulfil his or her role as laid out in the role description, an effective Member Champion requires:**

#### **Within the Council**

- 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
- Ability to engage with a range of members and officers around the area of interest and listening to requirements
- Ability to advocate on behalf of the area of interest within the Council

#### **In the Community**

- Understanding of the needs of the community in relation to the interest
- Ability to engage with citizens and community groups in matters related to the interest
- Ability to lead and support local initiatives related to the interest
- Ability to represent the position of the council to the community in relation to the interest

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Leader of the Opposition Role Description**

Designation:	<b>Leader of the Opposition Group</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>To the Nominating Group</b> <b>To the people of Blaenau Gwent County Borough and their ward constituents</b>
Purpose:	<b>To be a political figurehead for the opposition group; to be the principal political spokesperson for the Councils opposition</b>
<b>1. Role Purpose and Activity</b>	
<b>Providing political leadership for an opposition group</b>	
<ul style="list-style-type: none"><li>• To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery.</li><li>• To provide leadership in the constructive challenge of the Council's policies.</li><li>• To constructively challenge the vision for the Council and community where appropriate.</li><li>• To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery.</li></ul>	
<b>Representing the Authority's opposition</b>	
<ul style="list-style-type: none"><li>• To represent the Opposition Group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority.</li><li>• To represent the Council on external bodies.</li></ul>	

## **Internal governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To promote, support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

## **2. Values**

- To be committed to and demonstrate the following values in public office:

Openness and transparency

Honesty

Propriety and integrity

Duty to uphold the law

Stewardship

Objectivity in decision making

Accountability

Leadership

Tolerance and respect

Inclusive leadership

Equality and fairness

Appreciation of cultural difference

Sustainability

Selflessness

Personal judgement

Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **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**

- Knowledge of community strengths, areas of improvement and key issues
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations
- An ability to challenge different strategies, policies and operations

#### **In representing the Authority's opposition**

- High level communication skills to communicate to the media, local community and wider audience
- Good public speaking skills
- Creative and lateral thinking skills; the ability to see ahead and be foresighted
- Leadership skills

#### **Internal governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### Deputy Leader of the Opposition Role Description

Designation:	<b>Deputy Leader of the Opposition Group</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>To Nominating Group</b> <b>To the people of Blaenau Gwent County Borough and their ward constituents</b>
Purpose:	<b>To be a political figurehead for the opposition group; to be the principal political spokesperson for the Councils opposition in the absence of the Leader of the Opposition Group</b>
<b>Role Purpose and Activity</b>	
<ul style="list-style-type: none"><li>• To fulfil the duties of the Leader in his or her absence.</li><li>• To assist the Leader in specific duties as required.</li></ul>	

## **Deputy Leader of the Opposition Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Deputy Leader of the Opposition requires:**

### **In providing political leadership for the opposition group**

- Knowledge of community strengths, areas of improvement and key issues
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations
- An ability to challenge different strategies, policies and operations

### **In representing the Authority's opposition**

- High level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills
- Creative and lateral thinking skills; the ability to see ahead and be foresighted
- Leadership skills

### **Internal governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### Chair of the Democratic Services Committee Role Description

Designation:	<b>Chair of the Democratic Services Committee</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b>
Purpose:	<b>To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making</b>

#### **1. Role Purpose and Activity**

To lead the Committee in its role in:

- Designating the Head of Democratic Services.
- Keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate.
- Providing annual reports to the Full Council in relation to the above.
- Appointing sub committees/working groups to undertake functions delegated by the committee.
- Considering reports prepared by the Head of Democratic Services.
- Developing the Authority's Member Support and Development Strategy.
- Ensuring that the Members have access to a reasonable level of training and development as described in the Authority's Member Development Strategy, the Wales Charter for Member Support and Development and the Local Government (Wales) Measure 2011.
- Ensuring that the budget for Member Development is sufficient.
- Ensure that Members have access to personal development planning and annual personal development reviews.
- To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.
- Work with the Member Development Champion where relevant to promote the role of Members and necessary support and

development.

### **Promoting the role of the Democratic Services Committee**

- To act as an ambassador for the Democratic Services Committee, facilitating understanding of the role.
- To act with technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.

### **Internal governance, ethical standards and relationships**

- To develop the standing and integrity of the Committee and its decision making.
- To understand the respective roles of Members, officers and external parties operating with the Democratic Services Committee's area of responsibility.
- To promote and support good governance by the Council.

## **2. Values**

- To be committed to and demonstrate the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others



## Chair of Democratic Services Committee Person Specification

**To fulfil his or her role as laid out in the role description, an effective Democratic Services Chair requires:**

### **Providing leadership and direction**

- Understanding of council role and functions
- Understanding of role of Democratic Services Committee, terms of reference for the committee, role of Chair and other aspects of the democratic arrangements
- Understanding of the roles of officers and different agencies
- Understanding of member support functions
- Understanding of council priorities and risks
- Ability to progress work programmes
- Objectivity
- Ability to conduct meetings
- Ability to guide discussion and ensure that all attendees have the opportunity to make a contribution and that they are heard and given due consideration
- Ability to undertake a dual role both as a Chair and Member of the committee.
- Possessing ability to review and interpret data and reach conclusions
- Communication skills

### **Direct and lead the work programme**

- Ability to direct and lead the work programme
- Ability to work with Members and officers in order to programme work programme items
- Ability to prioritise

### **Promoting the role of the committee**

- Understanding and appreciation of the regulatory framework
- Ability to inspire and enthuse Committee Members for the work of the Committee
- Integrity and the ability to set aside own views and act impartially
- Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

## **Effective meeting management**

- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements
- Ability to chair meetings effectively, managing the agenda and progressing business

## COUNTY BOROUGH OF BLAENAU GWENT

### Member of the Democratic Services Committee Role Description

Designation:	<b>Member of the Democratic Services Committee</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b> <b>To the Chair of the Democratic Services Committee</b>
Purpose:	<b>To participate fully in the activities of the Democratic Services Committee, delivery of its work programme and any associated task and finish/working groups</b>

#### **1. Role Purpose and Activity**

Understanding the nature of the Democratic Services Committee in:

- Designating the Head of Democratic Services.
- Keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate.
- Providing annual reports to the Full Council in relation to the above.
- Appointing sub committees/working groups to undertake functions delegated by the committee.
- Considering reports prepared by the Head of Democratic Services.
- Develop the Authority's Member Support and Development Strategy.
- Ensuring that the Members have access to a reasonable level of training and development as described in the Authority's Member Development Strategy, the Wales Charter for Member Support and Development and the Local Government (Wales) Measure 2011.
- Ensuring that the budget for Member Development is sufficient.
- Ensuring that Members have access to personal development

planning and annual personal development reviews.

- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

### **Participating in meetings and making decisions**

- To participate effectively in meetings of the Democratic Services Committee.
- To make informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements.

### **Internal governance, ethical standards and relationships**

- To ensure the integrity of the Committee's decision making and of his/her own role by adhering to the Code of Conduct and other constitutional and legal requirements.
- To promote and support good governance by the Council.
- To understand the respective roles of Members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

## **2. Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty
  - Propriety and integrity
  - Duty to uphold the law
  - Stewardship
  - Objectivity in decision making
  - Accountability
  - Leadership
  - Tolerance and respect
  - Inclusive leadership
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability
  - Selflessness
  - Personal judgement
  - Respect for others

## **Member of the Democratic Services Committee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Democratic Services Member requires:**

### **Participating fully in the activities of the Democratic Services Committee**

- Full understanding of the Democratic Services remit and role including terms of reference of the Committee
- Understanding of the Member support functions
- To work within the guidance of the Chair

### **Participating in meetings and making decision**

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

### **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and a commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### Chair of Ethics and Standards Committee Role Description

Designation:	<b>Chair of the Ethics and Standards Committee</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b>
Purpose:	<b>As a Chair with responsibility to act as the Council's lead Member in this area to demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements</b>

#### **1. Role Purpose and Activity**

##### **Providing leadership and direction**

- To act within technical, legal and procedural requirements to oversee the functions of the Committee fairly and correctly.
- To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice on the Code of Conduct.
- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.
- To lead the Committee in its role in:
  - promoting and maintaining high standards of conduct by Councillors and co-opted Members.
  - assisting the Councillors and co-opted Members to observe the Members' Code of Conduct.
  - advising the Council on the adoption or revision of the Members' Code of Conduct.
  - advising and arranging to train Councillors, co-opted

Member's on matters relating to the Members' Code of Conduct.

- granting dispensations to Councillors and co-opted Members.
- 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.
- the exercise of these functions in relation to town/community councils and the members of these councils.

## **2. Values**

- To be committed to and demonstrate the following values in public office:

Openness and transparency

Honesty

Propriety and integrity

Duty to uphold the law

Stewardship

Objectivity in decision making

Accountability

Leadership

Tolerance and respect

Inclusive leadership

Equality and fairness

Appreciation of cultural difference

Sustainability

Selflessness

Personal judgement

Respect for others

## **Chair of Ethics and Standards Committee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Ethics and Standards Committee Chair requires:**

### **Providing leadership and direction**

- Ability to conduct meetings
- Ability to guide discussion and ensure that all attendees have the opportunity to make a contribution and that they are heard and given due consideration
- Ability to ensure that Members of the Committee treat individuals with courtesy regardless of political persuasion
- Ability to undertake a dual role as a Chair and Member of the Committee
- Communication skills

### **Promoting the role of the committee**

- Understanding and appreciation of the regulatory framework
- Ability to inspire and enthuse committee members for the work of the committee
- Integrity and the ability to set aside own views and act impartially
- Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

### **Internal governance, ethical standards and relationships**

- An understanding of the roles of officers, Members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council



## COUNTY BOROUGH OF BLAENAU GWENT

### Member of Ethics and Standards Committee Role Description

Designation:	<b>Member of the Ethics and Standards Committee</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b>  <b>To the Chair of the Ethics and Standards Committee</b>
Purpose:	<b>To participate fully in the activities of the Ethics and Standards Committee by making informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements</b>

#### **1. Role purpose and activity**

Understanding the nature of the Ethics and Standards Committee and effectively fulfilling its functions by:

- Promoting and maintaining high standards of conduct by Councillors and co-opted Members.
- Assisting the Councillors and Co-opted Members to observe the Members' Code of Conduct.
- Advising the Council on the adoption or revision of the Members' Code of Conduct.
- Monitoring the operation of the Members' Code of Conduct.
- Advising and arranging to train Councillors, Co-opted Members on matters relating to the Members' Code of Conduct.
- 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.

## **Participating in meetings and making decisions**

- To participate effectively in meetings of the Democratic Services Committee.
- To make informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

## **Internal governance, ethical standards and relationships**

- To ensure the integrity of the Committee's decision making and of his/her own role by adhering to the Code of Conduct and other constitutional and legal requirements.
- To promote and support good governance by the Council.
- To understand the respective roles of Members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

## **2. Values**

- To be committed to and demonstrate the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **Member of Ethics and Standards Committee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Ethics and Standards Committee Member requires:**

### **Understanding the nature of the Ethics and Standards Committee**

- Integrity and the ability to set aside own views and act impartially
- Knowledge of law, policy and procedures for that area
- Maintenance of knowledge
- Objectivity and judgement

### **Participating in meetings and making decisions**

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

### **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct and protocols
- Knowledge of and a commitment to the values of the Council

**COUNTY BOROUGH OF BLAENAU GWENT**

**Scrutiny Committee Co-optee Role Description**

Designation:	<b>Scrutiny Co-optee</b>
Location:	<b>General Offices, Ebbw Vale</b>
Responsible to:	<b>To the Chair of the Scrutiny Committee</b>
Purpose:	
<b>1. Role purpose and activity</b>	
Understanding the nature of Scrutiny Committees and effectively fulfilling its functions by:	
<b>Participating in meetings and making decisions</b>	
<b>Internal governance, ethical standards and relationships</b>	
<b>2. Values</b>	
<ul style="list-style-type: none"><li>• To be committed to and demonstrate the following values in public office:<ul style="list-style-type: none"><li>Openness and transparency</li><li>Honesty</li><li>Propriety and integrity</li><li>Duty to uphold the law</li><li>Stewardship</li><li>Objectivity in decision making</li><li>Accountability</li><li>Leadership</li><li>Tolerance and respect</li><li>Inclusive leadership</li><li>Equality and fairness</li></ul></li></ul>	

Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

### **Scrutiny Committee Co-optee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Scrutiny Committee requires:**

- Understanding the nature of the Scrutiny Committee and decision making
- Participating in meetings and making decisions
- Internal governance, ethical standards and relationships

## COUNTY BOROUGH OF BLAENAU GWENT

### Scrutiny Committee Co-optee Role Description

<b>Designation:</b>	<b>Scrutiny Co-optee and Expert Witnesses</b>
<b>Location:</b>	<b>General Offices, Ebbw Vale</b>
<b>Responsible to:</b>	<b>To the Chair of the Scrutiny Committee</b>
<b>Purpose:</b>	<p><b>For a time bound period, to assist with specific areas of work within the Scrutiny Work Programme, for which those persons have experience and knowledge in the subject matter to be investigated.</b></p> <p><b>To provide a diversity of views which will assist the Authority in fulfilling its duties to engage with the wider community.</b></p> <p><b>To ensure the needs, views and experiences of external organisations, service users and the community are represented in overview and scrutiny work</b></p>
<b>1. General</b>	
<ul style="list-style-type: none"><li>• Co-opted Members and Expert witnesses will be identified on an ad hoc basis during the planning stages of the work programme and will not be allocated voting rights.</li><li>• The Exception being, that the Education Committee will seek co-opted representation from the Roman Catholic Church, the Church in Wales and Parent Governors. These co-optees will be appointed on an annual basis and will have voting rights.</li><li>• Co-optees will have access to the same information as all other members of the Committee and can fully contribute to discussions, questioning and making recommendations.</li><li>• Co-optees will need to understand the nature of Scrutiny Committees and the Council's decision-making process.</li></ul>	

## **2. Requirements**

- To have relevant specialist skills, experience and/or knowledge in the subject matter intended to be investigated.
- To sign a statement of appointment that will include terms governing appropriate conduct, i.e. treating others with respect, not disclosing confidential information and when appropriate to disclose relevant personal interests.
- To Participate in Scrutiny activity, this can include, formal and informal meetings, Seminars, site visits, task and finish groups.

## Scrutiny Committee Co-optee Person Specification

To fulfil his or her role as laid out in the role description, an effective Co-optee/Expert witness need to:

- To offer relevant specialist skills, experience and/or knowledge in relation to the organisation or community to be represented.
- Provide a diversity of views which will assist the authority in fulfilling its duties to engage with the wider community.
- Introduce new ideas to generate debate and to put forward evidence-based views, comments and suggestions on a given topic.
- Have a good understanding of the nature of the Scrutiny Committee and the Council's decision-making process.
- To be committed and demonstrate as set out below the following values in public office:

Openness and transparency

Honesty

Propriety and integrity

Duty to uphold the law

Objectivity in decision making

Accountability

Tolerance and respect

Inclusive leadership

Equality and fairness

Appreciation of cultural difference

Sustainability

Selflessness

Personal judgement

Respect for Others



