

Article 1 – The Constitution

References:

Section 37, Local Government Act 2000

Chapter 8, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001

The Local Government Act 2000 (Local Authority Constitutions) (Wales) Direction 2001

1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Caerphilly County Borough Council.

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community through the most effective and co-ordinated use of the Council's services and the Council's decision-making processes.

1.03 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 – Members of The Council

References:

Part I, Part VA and Section 79, Local Government Act 1972
Chapter 2, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001
Section 18, Local Government and Housing Act 1989 and regulations made under this Act
Section 7, Superannuation Act 1972 and regulations made under the Act.

2.01 Composition and eligibility

- (a) **Composition.** The Council will comprise 73 members, otherwise called councillors. These councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Boundary Commission in Wales and approved by the National Assembly.
- (b) **Eligibility.** Only registered voters of the county borough council or those living or working in the area will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2004. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. ~~The term of office of councillors elected in 1999 has been extended by law by one year, to May 2004.~~

2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions including representing the Council on other bodies;
 - (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making by the council and its partnerships;
 - (iii) effectively represent the interests of their electoral division and of individual constituents;
 - (iv) respond to constituents' enquiries and representations, fairly and impartially;
 - (v) participate in the governance and management of the Council;
 - ~~(vi) contribute to the continual improvement of council services through the Best Value process; and~~

- (vii) maintain the highest standards of conduct and ethics.
- (vii) where appropriate refer a local Crime & Disorder matter (as defined by S.19 of the Police & Justice Act 2006) to the Policy & Resources Scrutiny Committee as an Agenda item for discussion at a meeting of the Committee;

(b) **Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution. as determined by the Independent Remuneration Panel (Part 8 Section 141-160 and Schedules 2 and 3 of the Local Government (Wales) Measure 2011.

Article 3 – Citizens and The Council

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

(a) Voting and petitions.

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.

(b) Information.

Citizens have the right to:

- (i) attend meetings of the Council, ~~and their~~ *the Executive and its* committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) find out from the forward work programme what decisions will be taken by the executive or Council and which issues the overview and scrutiny committees will be considering, and when these matters will be discussed;
- (iii) see reports and background papers, and any records of decisions made by the Council and the executive; and
- (iv) inspect the Council's accounts in accordance with provisions made in Acts of Parliament and make their views known to the external auditor.

(c) Complaints.

Citizens have the right to complain :

- (i) to the Council itself under its Corporate Complaints Procedure (leaflets are available describing this);
- (ii) to the Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own complaints scheme first;
- (iii) to the Ombudsman where they believe a member or co-opted member of the council has breached the Member's Code of Conduct.

(d) Welsh Language

Under the Council's Welsh Language Scheme, citizens have the right to:-

- (i) receive council services through the Welsh language;

- (ii) receive the same standard of service in Welsh as they would expect to receive in English;
- (iii) have their language preference respected, whether that preference is English or Welsh.

3.02 Citizens' responsibilities

Citizens must not be violent, ~~abusing~~ *abusive* or threatening to councillors or officers and must not wilfully harm things owned by the council, councillors or officers.

Article 4 - The Full Council

References:

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001
Chapters 2,3 and 4, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001

4.01 Meanings

(a) Policy Framework.

The policy framework means the following plans and strategies ~~all of which relate to the community strategy~~ for the county borough together with decisions taken from time to time by the Council on matters affecting policy.

~~Community Strategy~~ The Caerphilly Delivers Single Integrated Plan 2013-2017
Improvement Plan
Policy Agreement~~s~~
Regeneration ~~Strategy~~ Framework Policy
~~Education for Life Strategy~~
~~Health Social Care and Well Being Strategy~~
Living Environment Strategy
Local Development Plan
~~Children and Young People's Framework~~
Older Persons Strategy
~~Community Safety Strategy~~
Sustainable Development Strategy
~~Integrated Equality Strategy~~
Corporate Plan

The Council on the 9 January 2007 approved new arrangements for approval of plans in three categories. The first category (listed above) forms the Council's Policy Framework.

(b) 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.

(c) 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 sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the full Council

Only the Council may exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the leader and the Cabinet portfolios (not the Cabinet members);
- (e) agreeing and/or amending the terms of reference for committees, sub-committees, panels and boards, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting or amending an allowances scheme;
- (h) changing the name of the area, conferring the title of honorary alderman or freedom of the county borough ;
- (i) making or confirming the appointment of the head of paid service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive; and
- (l) all other matters which, by law, must be reserved to Council.

4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the executive.

Article 5 - Chairing The Council

References:

*Sections 22, 23; Schedule 12; Local Government Act 1972
Schedule 3, Local Government Act 2000*

5.01 Role and function of the chair of the council

The Mayor of council and in their absence, the Deputy Mayor will have the following roles and functions:

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. 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;
3. 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 executive and committee chairs can be held to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate

Article 6 - Overview and Scrutiny Committees

The overview and scrutiny function is central to new constitutions. The Assembly Guidance makes clear that overview and scrutiny committees should be powerful committees which meet in public to discuss and make recommendations on the improvement and development of policies and hold the executive and officers exercising delegated powers to account for their actions. They will also have a key role in considering other matters of local concern.

6.01 Terms of reference

The Council will appoint the overview and scrutiny committees set out in the left hand column of the table below to oversee and scrutinise the discharge of the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table, whether these cover one or more service area responsibilities and will include certain delegated power decisions, as listed in Article 13.

References:

*Section 21 and Schedule 1 (Paragraphs 7,8,10 and 11), Local Government Act 2000
Chapter 4 and 6, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

The Police & Justice Act 2006 required Local Authorities to establish a Crime & Disorder Committee which was brought into effect in Wales on 1st October 2009. The Council's Policy & Resources Scrutiny Committee has the additional function conferred by the Police & Justice Act 2006.

In considering membership of such committees, due regard will be paid to the potential contribution of community stakeholders outside the council. Overview and scrutiny committees for education functions will comply with the provisions of paragraphs 8, 9, 10 and 11 of schedule 1 to the Local Government act 2000 (i.e. include church and governor and parent governor representatives as voting appointed members of committees with education as all or part of their remit).

<u>Terms of Reference: Policy and Resources Scrutiny Committee (also the Council's Crime & Disorder Scrutiny Committee)</u>	
<u>Community Strategy Responsibilities The Caerphilly Delivers Single Integrated Plan 2013-2017 Responsibilities</u>	<i>The community strategy is the shared 15 year strategic vision for the county borough developed by the Council and its partners. Policy and Resources Scrutiny Committee is responsible for:</i> <ul style="list-style-type: none"> <i>—Monitoring the action taken to implement the following overarching principles and objectives of the Community Strategy; namely,</i> <i>—Equalities</i> <i>—Sustainability</i>

	<p>—Raise awareness and use of the Welsh language.</p> <p>—The overall progress made by the Council in implementing the Community Strategy.</p> <p>“Caerphilly Delivers” is the Local Service Board (LSB) Single Integrated Plan for 2013-17, which replaces the following strategic plans:-</p> <ul style="list-style-type: none"> • <u>Community Strategy</u> • <u>Health, Social Care and Wellbeing Strategy</u> • <u>Children and Young People’s Plan</u> • <u>Community Safety Strategy</u> <p>The Single Integrated Plan is the shared strategic vision for the county borough developed by the LSB and its partners, including CCBC.</p> <p>It identifies that this vision will be achieved by the delivery of 5 inter-dependent and inter-related Outcomes, namely:</p> <ul style="list-style-type: none"> • <u>Prosperous Caerphilly</u> • <u>Safer Caerphilly</u> • <u>Learning Caerphilly</u> • <u>Healthier Caerphilly</u> • <u>Greener Caerphilly</u> <p>Under each of these Outcomes a range of Priorities have been identified for action.</p> <p>Details the Council’s specific strategic contributions towards delivery of the Single Integrated Plan</p> <p>Details in accordance with the Local Government (Wales) Measure 2009 the specific areas for improvement identified by the Council</p>
<p><u>Corporate Plan</u></p> <p><u>Improvement Objectives</u></p>	<p><u>Chief Executive’s Directorate</u></p> <p>To act as general overview and scrutiny committee for the Council</p>

<u>Directorate Corporate Services Directorate Responsibilities</u>	The proper financial planning budgeting and control of the Authority's resources
	Council's Policies
	The development and implementation of the Council's corporate policies and themes and the development and co-ordination of <u>community planning the Single Integrated Plan</u>
	The delivery of service to achieve the Council's strategic objectives
	The implementation of Wales Programme for Improvement across the Authority in accordance with the provisions of the Local Government <u>Act 1999 (Wales) Measure 2009</u>
	<u>Information Technology Services Communication, Technology & Customer Services</u>
	<u>Personnel Services Human Resources</u>
	<u>Financial Services Corporate Finance</u>
	Electoral <u>Registration Services</u>
	Legal Services
	<u>Audit Services Internal Audit Services</u>
	Procurement Services
	Democratic Services
	<u>Equalities and Welsh Language</u>
	<u>Corporate Health and Safety including liaison with the Health and Safety Executive</u>
	<u>Emergency Planning</u>
	<u>Registrars of Births, Deaths & Marriages</u>
	<u>Catering and Cleaning Services</u>
	Property Services
	Corporate Asset Management
	<u>Performance Management</u>
	<u>Housing Strategy</u>
	<u>Private Sector Housing</u>
<u>Public Sector Housing</u>	
<u>Delivery of Welsh Housing Quality Standards</u>	
<u>Housing Repair Operations</u>	
Overview of all policy and finance issues considered by the Executive	
Any other matter or topic which properly falls to an Overview & Scrutiny Committee function but not allocated specifically to any other of the Council's named Scrutiny Committees	
Directorate of the Environment Responsibilities	<u>Corporate Health and Safety including liaison with the Health and Safety Executive</u> <u>Emergency Planning</u>

The Policy & Resources Scrutiny Committee has the following specific terms of reference when acting as the Crime and Disorder Committee under S19 of the Police & Justice Act 2006

The Priorities for the Safer Caerphilly Outcome which have particular reference to the Crime & Disorder Scrutiny Committee are:

S1: Reduce incidents of anti-social behaviour and reduce fear of becoming a victim of anti-social behaviour for residents

S2: Reduce crime and the fear of crime for the residents of the county borough

S3: Reduce the harm caused to communities through substance misuse

1) **Roles and Responsibilities**

To scrutinise the work of the Safer Caerphilly Community Safety Partnership (SCCSP). The SCCSP comprises representatives from the Council, Gwent Police, south Wales Fire and Rescue, Aneurin Bevan Health Board and Wales Probation Trust, to include:-

(i) the consideration of actions taken by the SCCSP partners, including requesting information from any of the SCCSP partners. The Chair of the Committee will determine if the requests for information are proportionate and reasonable.

(ii) to consider Crime and Disorder Councillor Calls for Action

(iii) to make reports or recommendations to the Council or others and to monitor these recommendations. When drafting Reports the procedure set out below should be followed:-

- The Community Safety Partnership Team will ensure that copies of the report or recommendations will be sent to all SCCSP partners.
- The Community Safety Partnership Team will liaise with the relevant partner(s) to ensure the response is received within 28 days, or obtain reasons why the information cannot be provided within the recommended timescale.

	<ul style="list-style-type: none"> • <u>The Community Safety Partnership Team will send the response to Services for inclusion on the next available agenda of the Committee.</u> • <u>The Committee will decide how to monitor progress on the implementation of recommendations.</u> • <u>The Community Safety Partnership Team will monitor any recommendations to ensure that feedback is given to the Committee when requested.</u> • <u>SCCSP partners will be consulted on reports produced by Crime and Disorder Scrutiny Reviews.</u> <p><u>2) Attendance at Meetings</u></p> <p><u>There will be no co-opted members of the SCCSP partners on the Committee. External witnesses will be linked to attend as and when required. A Gwent Police Officer and the Chief Executive of the Office of the Police and Crime Commissioner will be invited to meetings as an 'expert' witness. Standing invitations will be made to CMT.</u></p> <p><u>3) Notice Periods</u></p> <p><u>The SCCSP partners will be given a minimum of 28 days notice to attend a meeting of the Committee.</u></p> <p><u>(Further information is set out in the Protocol Caerphilly County Borough Council Crime and Disorder Scrutiny Committee and Safer Caerphilly Community Safety Partnership)</u></p>
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Cabinet Members Reporting to Policy and Resources Scrutiny Committee:

- Leader of Council.
- Deputy Leader of Council and Cabinet Member for ~~Policy and Resources.~~ Housing.
- ~~Cabinet Member for Performance Management.~~
- Cabinet Member for Human Resources and Constitutional Affairs.
- Deputy Leader of Council & Cabinet Member for Corporate Services.
- Cabinet Member for Human Resources & Governance/Business Manager.

- *Cabinet Member for Performance & Asset Management.*
- *Cabinet Member for Community & Leisure Services*

Terms of Reference: Education for Life Scrutiny Committee Education For Life Scrutiny Committee

**Community Strategy Responsibilities
The Caerphilly Delivers Single Integrated Plan 2013-2017
Responsibilities**

~~The community strategy is the shared 15-year strategic vision for the county borough developed by the Council and its partners. The scrutiny committee is responsible for monitoring the action taken by the Council to implement the following beacon projects and other objectives contained within the 'Education for Life' theme:~~

~~Beacon Projects~~

- ~~—Education for sustainable development.~~
- ~~—Learning Network.~~
- ~~—Summer scheme for young people.~~
- ~~—Address pollution and encourage waste minimization, reuse and recycling of resources.~~

~~Objectives~~

- ~~—Develop learning opportunities for all ages and abilities with an emphasis on community-based opportunities.~~
- ~~—Ensure children and young people have a foundation that enables them to take advantage of all life opportunities.~~
- ~~—Enhance education and training opportunities for 14-19 year olds and improve standards.~~
- ~~—Provide advice and information on all public and voluntary sector services.~~
- ~~—Increase appreciation of environmental assets and utilise their potential for enhanced quality of life and sustainable tourism.~~
- ~~—Increase opportunities for and participation in leisure, sport, cultural and arts activities.~~
- ~~—"Caerphilly Delivers" is the LSB Single Integrated Plan for 2013-17, which replaces the following strategic plans:~~

- ~~• Community Strategy~~
- ~~• Health, Social Care and Wellbeing Strategy~~
- ~~• Children and Young People's Plan~~
- ~~• Community Safety Strategy~~

	<p><u>The Single Integrated Plan is the shared strategic vision for the county borough developed by the LSB and its partners, including CCBC.</u></p> <p><u>It identifies that this vision will be achieved by the delivery of 5 inter-dependent and inter-related Outcomes, namely:</u></p> <ul style="list-style-type: none"> • <u>Prosperous Caerphilly</u> • <u>Safer Caerphilly</u> • <u>Learning Caerphilly</u> • <u>Healthier Caerphilly</u> • <u>Greener Caerphilly</u> <p><u>Under each of these Outcomes a range of Priorities have been identified for action.</u></p> <p><u>The Priorities for the Learning Caerphilly Outcome are:</u></p> <p><u>L1: Improve the level of basic skills and the number of achieved qualifications (formal and non-formal) to improve the life opportunities for families</u></p> <p><u>L2: Develop a multi-agency approach to address the impact of poverty on pupil attainment</u></p> <p><u>L3: Children, young people and families have the skills and resources to access job opportunities</u></p>
<p>Directorate of Education and <u>Leisure</u> <u>Responsibilities</u> <u>Lifelong</u> <u>Learning</u> <u>Responsibilities</u></p>	<p>The discharge of the Council's obligations as Local Education Authority under statute and regulation.</p> <p>The preparation and scrutiny of statutory education <u>and</u>, lifelong learning <u>and leisure</u> strategic plans and Wales Programme for Improvement performance plans.</p> <p>Raising standards in schools, monitoring of schools' performance, curriculum advice and support and other activities set out in the LEA-Schools Code of Conduct including intervention where appropriate.</p> <p><u>To monitor the performance of the Education Achievement Service in relation to the delivery of the Raising Standards Agenda including monitoring, support and challenge in inverse proportion to success, delivered by the EAS on behalf of the Authority *.</u></p> <p>*Local Management of Schools and Fair Funding.</p> <p>Forward planning re. school places, home-school transport, school admissions and student awards.</p> <p>Inclusion Services which involve Learning Support Services, educational psychology, education welfare, behavioural support and managing pupil exclusions.</p> <p>*Governor support and training.</p> <p>*Welsh Language Education.</p>

	<p>*Agreed RE Syllabus. <u>SACRE</u> * <u>means delivered by the EAS with statutory duty retained by the Council</u></p>
	<p>Joint Services including ESIS, the Learning Network (RISE) and the <u>via</u> Gwent VI Service.</p>
	<p>Partnership working through the Education for Life Strategic Partnership and the Children & Young Person's Framework Partnership, incorporating Early Years & Childcare, Young Persons Partnership, Caerphilly CGET and Caerphilly Learning Area Network. <u>Single Integrated Plan Learning Area Network.</u></p>
	<p>National Grid for Learning <u>Cymru.</u></p>
	<p><u>Adult Community Learning Partnership</u></p>
	<p>Lifelong learning, leisure and community education.</p>
	<p>Public libraries and Schools Library Service.</p>
	<p>Music and Arts development and support <u>Service.</u></p>
	<p>Sports Development. <u>Community Centres</u></p>
	<p>Securing grants, including New Opportunities Fund, Better Schools Fund, Big Lottery, Class Size and others as appropriate.</p>
	<p>School Meals (Client role). <u>Youth Service</u></p>
	<p>Parks and ground maintenance services</p>

Cabinet Members Reporting to Education and Leisure For Life Scrutiny Committee:

- ~~Deputy Leader of Council and~~ Cabinet Member for Education and Leisure Lifelong Learning
— Cabinet Member for Social Services

<p>Terms of Reference: Health, Social Care and Well-Being <u>Scrutiny Committee</u></p>	
<p>Community Strategy Responsibilities <u>The Caerphilly Delivers Single Integrated Plan 2013-2017</u> <u>Responsibilities</u></p>	<p>The community strategy is the shared 15-year strategic vision for the county borough developed by the Council and its partners. The scrutiny committee is responsible for monitoring the action taken by the Council to implement the following beacon projects and other objectives contained within the 'Health, Social Care and Wellbeing' theme:</p> <p><u>Beacon Projects</u></p> <p>—Healthy Living/Hospital and Community Services Project.</p> <p>—Centre of Excellence/Empowerment (Based on 'Social Model').</p>

Objectives

~~—Reduce health inequalities by tackling deprivation and the wider determinates of health.~~

~~—Improve public health by promoting factors that contribute to healthy lifestyle and well-being.~~

~~—Expand and develop community based health and social care services.~~

~~—Enable independent living in local communities, through appropriate support mechanisms for individuals, families and carers.~~

- ~~• Develop and strengthen preventative work and service provision for vulnerable children and adults.~~

“Caerphilly Delivers” is the LSB Single Integrated Plan for 2013-17, which replaces the following strategic plans:

- Community Strategy
- Health, Social Care and Wellbeing Strategy
- Children and Young People’s Plan
- Community Safety Strategy

The Single Integrated Plan is the shared strategic vision for the county borough developed by the LSB and its partners, including CCBC.

It identifies that this vision will be achieved by the delivery of 5 inter-dependent and inter-related Outcomes, namely:

- Prosperous Caerphilly
- Safer Caerphilly
- Learning Caerphilly
- Healthier Caerphilly
- Greener Caerphilly

Under each of these Outcomes a range of Priorities have been identified for action.

The Priorities for the Healthier Outcome are:-

H1: Address the inequities in the rate of low birth weight babies across the county borough.

H2: Improve lifestyles of the population in the county borough so that people recognise and take

	<p><u>responsibility for their own health and well-being, and make use of the opportunities and support available to them.</u></p> <p><u>H3: Reduce the variation in healthy life expectancy in the county borough so that the health and well-being of individuals experiencing disadvantage improves to the levels found among the advantaged</u></p> <p><u>H4: Improve the education, information, early intervention, prevention and harm reduction in relation to substance misuse in the county borough</u></p> <p><u>H5: Ensure people are supported to live in their own communities to lead safe, fulfilled and independent lives</u></p> <p><u>The priority for the Safer Caerphilly Outcome is S4: Ensure people are supported to live in their own homes and communities in safety</u></p>
Directorate of Social Services Responsibilities	The provision of children's and adult social services and mental health issues under statute
	Commissioning for Social Services
	All client care services in residential settings (including accommodation services)
	Meals on wheels
	All client care services in home settings
	All client care services under Boarding Out Schemes
	All client care providing in day care settings
	Hospital resettlement programme
	Promotion of the joint objectives shared with the Local Health Board
	<u>Provision of Children's & Adults Social Care under statute</u>
	<u>Provision of advice, guidance and support.</u>
	<u>The assessment, care planning and reviewing of all support packages for service users meeting the defined eligibility thresholds in line with current legislation regulation and statutory guidance</u>
	<u>Commissioning and contracting for Social Services</u>
Directorate of the Environment Responsibilities	Public Health (including infectious diseases and health promotion/education)
	Food Safety Enforcement

Cabinet Members Reporting to Health, Social Care and Well-Being Scrutiny Committee:

- Cabinet Member for Social Services
- Cabinet Member for Community & Leisure Services
- ~~Cabinet Member for the Environment and Housing Services~~

Terms of Reference: ~~The Living Environment Scrutiny Committee~~ The Regeneration & Environment Scrutiny Committee

**~~Community Strategy Responsibilities~~
~~The Caerphilly Delivers Single Integrated Plan 2013-2017 Responsibilities~~**

~~The community strategy is the shared 15-year strategic vision for the county borough developed by the Council and its partners. The scrutiny committee is responsible for monitoring the action taken by the Council to implement the following beacon projects and other objectives contained within the 'Living Environment' theme:~~

~~Beacon Projects~~

~~—Town and village centre improvements.~~

- ~~• Neighbourhood Wardens and Rangers~~

~~—Substance misuse abuse amongst young people~~

~~Objectives~~

~~—Increase awareness of opportunities for safe access to the countryside and open spaces.~~

~~—Encourage the development and maintenance of high quality, well designed and efficient, sustainable homes and environments which can meet all needs.~~

~~—Promote a culture of community self-help, cohesion and citizenship and involvement in decision making.~~

~~—Encourage the improvement of town and village centres as a focus for community pride, accessible facilities and activities.~~

~~—Improve community safety and quality of life by reducing crime, nuisance behaviour and the fear of crime.~~

~~—Ensure the protection and enhancement of the natural environment, including the quality of air and river/watercourses, flood protection, landscape and biodiversity, and our built heritage.~~

~~—Develop and promote local and accessible community based services and activities for all.~~

- ~~• Improve energy, waste and water efficiency and promote environmentally acceptable renewable energy to reduce fuel poverty, maintain a cleaner environment and help reduce global warming.~~

“Caerphilly Delivers” is the LSB Single Integrated Plan for 2013-17, which replaces the following strategic plans:-

- Community Strategy
- Health, Social Care and Wellbeing Strategy
- Children and Young People’s Plan
- Community Safety Strategy

The Single Integrated Plan is the shared strategic vision for the county borough developed by the LSB and its partners, including CCBC.

It identifies that this vision will be achieved by the delivery of 5 inter-dependent and inter-related Outcomes, namely:

- Prosperous Caerphilly
- Safer Caerphilly
- Learning Caerphilly
- Healthier Caerphilly
- Greener Caerphilly

Under each of these Outcomes a range of Priorities have been identified for action.

The Priorities for the Prosperous Caerphilly Outcome are:-

P1: Improve local employment opportunities including access to opportunities across a wider geographical area

P2: Improve standards of housing and communities, giving appropriate access to services across the county borough

P3: Provide support to enable local people to compete for all employment opportunities

The Priorities for the Greener Caerphilly Outcome are:-

G1: Improve local environmental quality

G2: Reduce the causes of and adapt to the effects of climate change

G3: Maximise the use of the environment for health benefits

Directorate of the Environment Responsibilities	<i>Housing Strategy</i>
	<i>Private Sector Housing matters</i>
	<i>Public Sector Housing matters</i>
	<i>Housing Technical services</i>

<i><u>Building Maintenance DLO</u></i>
<i><u>Public Services including refuse collection, disposal, street cleaning and public conveniences</u></i>
<i><u>Waste Collection, Waste Treatment & Disposal and Street Cleansing</u></i>
Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land)
Public Health (statutory nuisance and sewer/drains)
Trading Standards <i><u>Enforcement</u></i>
Health and Safety <i><u>Enforcement</u></i> of commercial premises
Community Safety, <i><u>CCTV & Community Safety Wardens</u></i>
Pest Control, Dog Warden, Animal Trespassing Services
Animal Health and Welfare Enforcement
Licensing
<i><u>Registrar of Births, Deaths, Marriages/Civil Partnerships</u></i>
Burials, Cemeteries and Bereavement Services
<i><u>Planning – Countryside and Landscape Services</u></i>
Highways Maintenance
Street Lighting
Engineering Services
Land Drainage
<i><u>Building Cleaning</u></i>
<i><u>Fleet Management & Maintenance</u></i>
<i><u>Parks & Outdoor Spaces Facilities</u></i>
<i><u>Leisure & Sports Development</u></i>
<i><u>Public Conveniences</u></i>
<i><u>Planning – Strategic & Development Plan Policy</u></i>
<i><u>Planning – Urban Renewal & Town Centre Management</u></i>
<i><u>Planning – Development & Building Control (excluding those matters set out in the Terms of Reference of the Planning Committee)</u></i>
<i><u>Planning – Countryside & Landscape Services</u></i>
<i><u>Economic Development & European Programme Funding</u></i>
<i><u>Arts Development</u></i>
<i><u>Public Transport</u></i>
<i><u>Land Reclamation & Tips</u></i>
<i><u>Road Safety</u></i>
<i><u>Traffic Management (including Traffic Regulation Orders & Notices)</u></i>
<i><u>Education & Social Services Transport Operations</u></i>
<i><u>Highway Development Control</u></i>
<i><u>Car Parking</u></i>
<i><u>Civil Engineering Design & Procurement Structures</u></i>
<i><u>Transportation & Planning Improvements</u></i>

	<u>Tourism</u>
	<u>Catering</u>

**Cabinet Member Reporting to The ~~Living Environment Scrutiny Committee~~
Regeneration & Environment Scrutiny Committee:**

- Cabinet Member for ~~the Environment and Housing Services- Highways, Transportation & Engineering~~
- ~~Cabinet Member for Community & Leisure Services~~
- ~~Cabinet Member for Planning, Regeneration & Sustainable Development~~

Terms of Reference: Regeneration Scrutiny Committee	
Community Strategy	<p>The community strategy is the shared 15 year strategic vision for the county borough developed by the Council and its partners. The scrutiny committee is responsible for monitoring the action taken by the Council to implement the following beacon projects and other objectives contained within the 'Regeneration' theme:</p> <p>Beacon Projects</p> <ul style="list-style-type: none"> —Public and Community Transport. —Physical Transport Infrastructure. —Local Tourism. —Local Procurement —Tackling Economic Inactivity. <p>Objectives</p> <ul style="list-style-type: none"> —Support town and village centre and other area based regeneration and develop sustainable tourism opportunities. —Generate sustainable, accessible and varied, well paid employment opportunities locally, to encourage economic prosperity whilst reducing the need to travel. —Encourage, promote and develop opportunities for volunteering. —Ensure mechanisms that enable equal access to training and employment.

	<p>—Develop and promote business advice and support systems to encourage innovative, sustainable and legitimate business practice including local purchasing initiatives.</p> <p>—Expand and develop the use of ICT across all sectors.</p> <p>—Develop integrated, efficient local and regional transport systems, including public transport, cycling and walking.</p>
Chief Executive's Directorate Responsibilities	Economic Development & Objective One
Directorate of the Environment Responsibilities	Planning – Strategic Planning and Urban Renewal
	Planning – the proper operation of Development Services and Building Control (excluding scrutiny of individual applications to the Authority)
	Transportation Planning and Improvements
	Public Transport
	Land Reclamation

~~Cabinet Members Reporting to the Regeneration Scrutiny Committee:~~

- ~~—Cabinet Member for Regeneration~~
- ~~—Cabinet member for Transportation and Planning~~

6.02 General role (which may be discharged by the Committee itself or by appointing task and finish groups to examine an issue and report to the Committee for decision).

- (a) Within their terms of reference, overview and scrutiny committees will:
- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - ii) make reports and/or recommendations to the full Council and/or the executive and/or any joint committee in connection with the discharge of any functions;
 - iii) consider any matter affecting the area or its inhabitants; and
 - iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive.
 - v) monitor the operation and performance of individual services, the Council's services and appropriate external bodies, including joint committees.
 - vi) comment on draft budgets
 - vii) examine performance monitoring information.
 - viii) consider relevant Councillor Calls for Action
- (b) With their terms of reference, overview and scrutiny committees may:

- i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - iv) question members of the executive and/or officers about their views on issues and proposals affecting the area;
 - 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.
 - vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and scrutiny committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and report future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work.

6.03 Proceedings of overview and scrutiny committees

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

6.04 Delegated powers

- a) Each Overview and Scrutiny Committee has delegated to it all those matters falling within that Committee's terms of reference;
- b) Those powers delegated to an Overview and Scrutiny Committee may also be exercised by the Chief Executive or a Director or a Head of Service after consultation with the Chair or Vice-Chair of the appropriate Committee.

Article 7 – The Executive

THE ROLE OF THE EXECUTIVE

The Rules of Procedure in Part 4 of this constitution set out how the executive will operate. These include arrangements for meetings, scheme of delegation and sub-delegation of functions.

References:

*Section 11 and Schedule 1, paragraphs 1,2,3, Local Government Act 2000
Chapter 4 and 6, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

7.01 Role

The executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, and will have a collective responsibility for Sustainable Development in the Council and in the wider community.

7.02 Form and composition

The executive will consist of the executive leader appointed by the Council together with ~~eight~~ nine councillors appointed to the executive by the executive leader and holding the following portfolios:

1. ~~Deputy Leader & Cabinet member for Finance and Resources and Deputy Leader Corporate Services~~
2. ~~Cabinet member for Personnel, Policy and Modernisation and Deputy Leader & Cabinet Member for Housing~~
3. Cabinet member for Social Services
4. Cabinet member for Education and Leisure Lifelong Learning
5. Cabinet member for ~~Environment and Housing Highways, Transportation & Engineering~~
6. Cabinet member for ~~Transportation and Planning Regeneration Planning & Sustainable Development~~
7. Cabinet member for ~~Best Value, and Cabinet's Business Manager Community & Leisure Services~~
8. Cabinet member for ~~Economic Development and Regeneration Human Resources Governance & Business Manager~~
9. Cabinet member for Performance & Asset Management.

The Corporate Services Finance and Resources function includes (this list is not ~~exclusive~~exhaustive) the following:-

- The proper financial planning budgeting and control of the Authority's resources
~~Land and Property management~~
- Information ~~Technology Services~~ Communication, Technology & Customer Services

- ~~Financial Services Corporate Services~~
- Electoral ~~Registration Services~~
- Legal Services
- ~~Audit Services Internal Audit Services~~
- Procurement Services
- Democratic Services
- ~~Equalities and Welsh Language~~
- ~~Corporate Health & Safety (including liaison with Health & Safety Executive)~~
- ~~Emergency Planning~~
- ~~Registrars of Births, Deaths & Marriages~~
- ~~Property Services~~

The Personnel, Policy and Modernisation function ~~The Human Resources Governance & Business Manager~~ includes (this list is not ~~exclusive~~ exhaustive) the following:-

- All aspects of the Council's functions as an employer (other than appointment of staff) including the oversight of recruitment, terms and conditions of employment, conduct and discipline, structural review and the consequences thereof.
- Oversight of ~~Personnel Services HR~~
~~Strategic Policy Unit liaison~~
~~Modernisation of local government~~
~~Overview of Members' allowances scheme~~
- Executive link to ~~Members' Services Democratic Services including Members training~~
- Corporate Governance

The Social Services function includes (this list is not ~~exclusive~~ exhaustive) the following:-

- ~~The provision of children's and adult social services and mental health issues under statute~~
- ~~Commissioning for Social Services~~
- ~~All client care services in residential settings (including accommodation services)~~
- ~~Meals on wheels~~
- ~~All client care services in home settings~~
- ~~All client care services under Boarding Out Schemes~~
- ~~All client care providing in day care settings~~
- ~~Hospital resettlement programme~~
- Provision of Children's and Adults social care under statute
- Provision of advice, guidance and support
- The assessment, care planning and reviewing of all support packages for service users meeting the defined eligibility thresholds in line with current legislation, regulation and statutory guidance
- Commissioning and contracting for Social Services

The Education and Leisure- Lifelong Learning function includes (this list is not ~~exclusive~~ exhaustive) the following:-

- The discharge of the Council's obligations as Local Education Authority under statute
- The implementation of the School Standards and Framework Act 1998

- The preparation and scrutiny of education *and leisure* strategic plans and *best value Wales Programme for Improvement* performance plans
- ~~Raising standards in schools, monitoring of schools' performance, curriculum advice and support and other activities set out in the LEA-Schools Code of Conduct~~ Executive link to EAS
- Local Management of Schools and Fair Funding
- Forward planning re. school places, ~~home-school transport~~, school admissions, student awards
- Learning Support Services including educational psychology, education welfare, behavioural support and managing pupil exclusions
- Governor support and training via EAS
- Welsh Language Education
- Agreed RE Syllabus
- ~~Partnerships including Education and Business, Early Years and Childcare, Children and Youth, and Community Consortium for Education and Training (CGET) Joint Services via Gwent VI Service~~
- National Grid for Learning Cymru
- Lifelong learning, *leisure* and community education
- Public libraries ~~and Schools Library~~ Service
- Partnership working through the Single Integrated Plan Learning Area Network
- Music ~~and Arts development and support~~ Service
- Securing grants, ~~including New Opportunities Fund, Grants for Education Support and Training, Sportlot, Class Size and others as appropriate~~
- Community Centres
- Youth Service

The Environment and Housing function includes (this list is not exclusive) the following:-

- ~~Private Housing Enforcement (including the HMO's, clearance, compulsory purchase orders, renewal areas and all types of renovation grants)~~
- ~~Housing Agency Service~~
- ~~Landlord Services, Housing Technical Services and Strategy and Resources~~
- ~~Public Services including refuse collection, disposal, street cleaning, community skips, public conveniences, cemeteries~~
- ~~Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land)~~
- ~~Public Health (including infectious diseases, statutory nuisance, sewer/drains, health promotion/education)~~
- ~~Trading Standards Enforcement~~
- ~~Food Safety Enforcement~~
- ~~Health and Safety Enforcement of commercial premises~~
- ~~Corporate Health and Safety including liaison with the Health and Safety Executive~~
- ~~Community Safety~~
- ~~Pest Control, Dog Warden, Animal Trespassing Services~~
- ~~Animal Health and Welfare Enforcement~~
- ~~Licensing~~

The Transportation and Planning Regeneration Planning & Sustainable Development function includes (this list is not ~~exclusive~~exhaustive) the following:-

- Planning - the proper operation of Development Services and Building Control (excluding applications to the Authority)
- Planning - Strategic Planning and Urban Renewal
- Planning - Countryside and Landscape Services
- ~~– Highways Maintenance~~
- ~~– Transportation Planning and Improvements~~
- ~~– Engineering Services~~
- ~~Public Transport~~
- ~~– Land Reclamation~~
- ~~Land Drainage~~
- ~~– Road Safety Education and Training (including Gwent Consultancy)~~
- ~~Tourism~~
- ~~Economic Development & European Programme Funding~~
- ~~Arts Development~~

The Best Value and Business function includes (this list is not exclusive) the following:-

- ~~– The development of a Best Value programme across the Authority in accordance with the provisions of the Local Government Act 1999~~
- ~~– The administration of the Cabinet's business programme in consultation with the Cabinet Secretary~~

The Economic Development and Regeneration function includes (this list is not exclusive) the following:-

- ~~– Economic Development~~
- ~~– The development and implementation of the Council's Corporate Plan and corporate themes and the development and co-ordination through a multi-agency approach of community planning of the delivery of services to achieve the Council's strategic objectives~~
- ~~– Tourism (including inward investment)~~
- ~~– Business development~~
- ~~– The maximisation of funding opportunities from external funding sources including funding from Objective One sources~~

The Housing function includes (this list is not exhaustive) the following:

- Private Housing Enforcement (including the HMO's, clearance, compulsory purchase orders, renewal area and all types of renovation grants)
- Public Sector Housing
- Housing Agency Service
- Landlord Services
- Housing Strategy
- Delivery of Welsh Housing Quality Standards
- Housing Repair Operations
- Executive Link with Housing Quality Task Group issues

The Community & Leisure Services function (for the avoidance of doubt this includes Public Protection) includes (this list is not exhaustive) the following:

- Waste Collection, Waste Treatment & Disposal & Street Cleansing
- Trading Standards
- Public Conveniences
- Sports & Leisure Services
- Parks & Outdoor Sports Facilities
- Fleet Management & Maintenance
- Building Cleaning
- Food Safety Enforcement
- Health & Safety of Commercial Premises
- Community Safety
- Pest Control, Dog Warden, Animal Trespassing Services
- Animal Health & Welfare Enforcement
- Licensing
- Burial, Cemeteries & Bereavement Services
- Pollution Control
- Public Health (including infectious diseases)
- Registrars of Births, Deaths, Marriages & Civil Partnerships
- Emergency Planning
- Catering

The Highways Transportation & Engineering function includes (this list is not exhaustive) the following:-

- Highways Maintenance
- Street Lighting
- Engineering Services
- Transportation & Planning Improvements
- Transport
- Education & Social Services Transport Operations
- Fleet Management & Maintenance
- Road Safety Education & Training
- Land Reclamation & Tips
- Land Drainage
- Traffic Management (including Traffic Regulation Orders & Notices)
- Car Parking

The Performance & Asset Management function includes (this list is not exhaustive) the following:-

- Property Services
- Corporate Asset Management
- Implementation of Wales Programme for Improvement across the Authority in accordance with provisions of Local Government Wales Measure 2009
- Corporate Plan – The development and implementation of the Council's Corporate Plan and corporate themes and the development and co-ordination through a multi-agency

approach of community planning of the delivery of services to achieve the Council's strategic objectives

7.03 Leader

The leader will be a councillor elected to the position of leader by the Council. The leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by resolution of the Council

7.04 Other executive members

Only councillors may be appointed to the executive. Neither co-optees nor substitutes for executive members is permitted. Although the Assembly Guidance notes that local authorities are free to have deputy cabinet members, it also points out that they are unable to substitute for a member of the executive at a cabinet meeting nor vote on behalf of the cabinet member for whom they deputise. Neither the chair nor vice chair of the Council may be appointed to the executive and members of the executive (including the leader) may not be members of an overview and scrutiny committee.

Other executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office by the leader who must give written notice of any removal to the Council's Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

7.05 Deputy cabinet members

The Council has decided that there will be no post of deputy cabinet members other than two deputy leaders.

7.06 Proceedings of the executive

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.07 Responsibility for functions

The leader will maintain a list setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions as set out in Part 3 of this Constitution.

(Note: the Council has decided that there will not be a delegation of powers to individual Cabinet members).

Article 8 – Regulatory & Other Committees

Planning and licensing are not executive or board functions. Councils will therefore need to create committees to undertake these functions under powers delegated from full Council. These are called "regulatory committees". The Council has also established

(1) an Audit Committee

(2) a Democratic Services Committee

8.01 Regulatory and other committees

The Council appoints the following committees with the Terms of Reference and delegated powers to the Committees and to officers, as set out on the following pages:-

a) PLANNING COMMITTEE

Terms of Reference

To discharge the functions of the Caerphilly County Borough Council in relation to all aspects of the following:

1. To exercise the functions of the Council as local planning authority
2. Without prejudice to the generality of the foregoing to discharge the following :
 - a) Development ~~Control~~ management and all aspects of planning enforcement
 - b) Advertisement Control
 - c) Building Preservation Notices
 - d) Tree Preservation, Felling Licences
 - e) Building Regulations
 - f) Dangerous structures and derelict sites.
 - g) Listed Building Control.
 - h) Access for disabled people
 - i) Street naming and numbering.
 - j) Minerals Planning - Policy control and enforcement
3. The institution of legal proceedings or the defence of legal proceedings in respect of infringements of legislation common law or procedures falling within the Terms of Reference of this Committee.
4. Power to take any action on behalf of the Council in relation to any matter within this Committee's Terms of Reference, where such action is necessary to protect the Council's interests and delay would significantly prejudice the attainment of the object in view.
5. Contracts and other expenditure within the Committee's Terms of Reference, where there is an existing relevant expenditure approved by the Council and subject to the Council's Standing Orders and Financial Regulations.
6. Power to authorise appropriate officers, in consultation with the Chairman and Vice Chairman, and if deemed necessary after seeking the views of appropriate members, to discharge any of this Committee's functions on behalf of the Committee.

PROVIDED THAT:

- (a) All matters relating to policy where there is no existing relevant policy decision of the Council shall be referred to the Cabinet for recommendation to the Council;
- (b) All matters relating to financial expenditure where there is no existing relevant expenditure approved by the Council shall be referred to the Cabinet for recommendation to the Council.
- (c) In the event that it appears to the Committee that a matter under consideration is also within the jurisdiction of another committee of this Council then the matter shall be referred to the Cabinet for a determination as to which committee shall determine the matter.
- (d) Proposed variations within the revenue budgets agreed by the Council in excess of the sum fixed from time to time by the Council must be referred to the Cabinet for recommendation to the Council.
- (e) Where the Chief Planning Officer, Head of Regeneration & Planning or the Development Control Manager is prevented from supporting at a Public Inquiry the Committee's reasons for refusal then the member or members who promoted the decision will, if called upon to do so by the Head of Legal Services, appear as one of the Council's witnesses.

POWERS DELEGATED TO THE COMMITTEE

All those matters listed above within the Committee's Terms of Reference subject to the Challenge Procedure.

POWERS DELEGATED TO THE COUNCIL'S OFFICERS

<p>1. <u>Enforcement action for breaches of planning control. The determination by the Head of Regeneration & Planning or the Development Control Manager of all enforcement matters under the Town and Country Planning Act 1990 and associated legislation, other than</u> <u>(a) any case that any Member requests in writing to the Head of Regeneration & Planning within 21 days of the publication of the weekly list containing the latest cases shall be determined only after consultation with the Chair and Vice-chair of the Planning Committee and local Member(s)</u> <u>(b) any case where it is recommended that it is not expedient to take enforcement action but the resulting development would be contrary to the</u></p>	<p><u>Chief Planning Officer or the Development Control Manager in consultation with the Chairman and Vice-Chairman of the Committee and local member(s) Head of Regeneration & Planning or Development Control Manager</u></p>
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<p><u>Council's planning policies shall be determined only after consultation with the Chair and Vice-chair of the Planning Committee and local Member(s)</u> <u>(c) cases which in the opinion of the officers are likely to be controversial or of significant public interest or should in any event be determined only after consultation with the Chair and Vice-chair of the Planning Committee and local Member(s)</u> (d) <u>cases where the decision would conflict with an objection received from a statutory consultee shall be determined only after consultation with the Chair and Vice-chair of the Planning Committee and local Member(s)</u></p>	
<p>2. Emergency action on behalf of the Council in relation to any matter within the Committee's Terms of Reference where such action is necessary to protect the Council's interests and delay in bringing the matter before the Committee would significantly prejudice the attainment of the object in view</p>	<p>The Director or the Chief Planning Officer <u>Head of Regeneration & Planning</u> or the Development Control Manager in consultation with the Chairman and the Vice Chairman of the Committee</p>
<p>3. The institution of legal proceedings in respect of any matter within the Committee's Terms of Reference and the defence of legal proceedings instituted against the Council</p>	<p>Head of Legal Services or any Principal Solicitor or the Chief Planning Officer <u>Head of Regeneration & Planning</u> or the Development Control Manager in consultation with the Head of Legal Services or any Senior Solicitor.</p>
<p>4. Service of Building Preservation Notices</p>	<p>Chief Planning Officer <u>Head of Regeneration & Planning</u> or the Development Control Manager</p>
<p>5. Approval or refusal of plans under Building Regulations</p>	<p>Chief Planning Officer <u>Head of Regeneration & Planning</u> or the Development Control Manager</p>
<p>6. Completion certificates for guarantee purposes</p>	<p>Chief Planning Officer <u>Head of Regeneration & Planning</u> or the Development Control Manager</p>
<p>7. Enforcement action under Building Regulations, dangerous structures and ruinous and dilapidated property</p>	<p>Chief Planning Officer <u>Head of Regeneration & Planning</u> or the Development Control Manager</p>

<p>8. Determination of dates upon which duly authorised enforcement notices take effect</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Control Manager</p>
<p>9. Approval of minor amendments to approved plans or relaxation of Building Regulations</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Services Manager</p>
<p>10. Receipt of planning applications, determination of fees, extension of time for determination of planning applications</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Control Manager</p>
<p>11. Any action under the terms of a confirmed Tree Preservation Order, or any issue relating to Tree Felling Licences below 10 hectares.</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Control Manager</p>
<p>12. Signing on behalf of the Council all notices required in accordance with decisions, determinations and enforcements within the Terms of Reference of this Committee</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Control Manager</p>
<p>13. Any steps required in connection with the progressing of appeals to the Secretary of State against the decision of the local planning authority.</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Control Manager</p>
<p>14. Serving of notices for the proper maintenance of waste land.</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Control Manager</p>
<p>15. Making any necessary determinations under Regulations 5,6,7,10 and 25 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 or any amendment thereto.</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Control Manager</p>
<p>16. Conservation Area consent including demolition of buildings or extension thereto.</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Control Manager</p>
<p>17. In consultation with the Chairman and Vice-Chairman of the committee to correct or amend consents to take account of errors or omissions or minor</p>	<p>Chief Planning Officer Head of Regeneration & Planning or the Development Control Manager</p>

Vice Chairman of the Committee	
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CHALLENGE PROCEDURE

1. This Procedure is only available in respect of development control and associated matters where this Committee has delegated powers.
2. This Procedure is only available to any member not a member of the Planning Committee who is unable to attend the meeting of the Planning Committee at which the particular matter the subject of the challenge is to be considered for the first time.
3. Any Challenge should wherever possible be submitted within 21 days of the appearance of the matter in the Council's weekly list of applications but in any event no later than 48 hours before the time appointed for the meeting at which the matter is to be considered.
4. The Challenge shall:
 - (a) be in writing and
 - (b) be sent to the Chief Executive to be received by him no later than 48 hours before the date fixed for the meeting and
 - (c) shall be in the following form:

"I am of the opinion that permission should be granted/refused/granted subject to the following conditions:for the following reason(s): If the Planning Committee does not resolve accordingly, I require its decision to be deferred to the next meeting of the Planning Committee"

GUIDELINES FOR SITE VISITS

1. Site visits should only be allowed on the basis of a request from either the chairman or vice-chairman, or from any local member or any member of an adjoining ward, whether or not a member of this committee if that member presents reasons based on the criteria set out in these guidelines to justify the need for a site visit. It is to be expected that local members will already be familiar with the site.
2. Site visits can be justified in the following circumstances:-
 - (i) Where there are policy issues to be addressed and the site visit will assist in gaining a better understanding of the policy issues;
 - (ii) Where the proposed development will have a major impact over a wide area;
 - (iii) Where the visual impact of a proposed development is likely to be significant and which can only be fully appreciated on site;
 - (iv) Where the effect on adjoining development requires careful consideration;
3. A significant number of objections to a planning application may indicate a need to consider a site visit, but are not in themselves sufficient justification.
4. Any Member making a request to the Committee for a site visit should state the reasons.
5. Where a request for a site visit is made 48 hours prior to the Planning Committee at which the application is due to be considered the ~~Chief Planning Officer-Head of Regeneration & Planning~~ in consultation with the chairman and vice-chairman, may formally agree to the request and the local members, applicant and objectors will be advised accordingly.
6. When the ~~Chief Planning Officer-Head of Regeneration & Planning~~ in consultation with the chairman and vice-chairman is not minded to agree to a request for a site meeting then the matter will be put to the Planning Committee to determine.
7. Nothing in any of the above will preclude any request for a site meeting being made at Planning Committee.
8. Before any vote is taken, the chairman will take advice from officers and then indicate to the Committee whether he considers that a site visit is justified, having regard to these guidelines.
9. If there is a majority in favour of a site visit, the planning application will stand deferred and no further debate will take place until the report of the site visit is submitted to the Committee.
10. The reason for the site must be recorded in the minutes.

11. The purpose of the site visit will be to enable members to view the site of the proposed development, examine the relationship with adjacent property and assess the impact of the proposal on the locality. Questions and discussions on site will be limited to establish facts only. The site visit will be private and no lobbying will be allowed on site.
12. A report on the facts established at the site visit will be reported back to the Committee, when the planning application will be debated, and a decision made.
13. Attendance at the site visit will normally consist of Local Ward Members or appropriate substitutes if any ward member has declared an interest in the application together with the chairman and vice-chairman of Planning Committee and appropriate Officers although the chairman may use his discretion to widen this attendance.
14. The frequency and reason for site visits will be monitored and reports will be submitted periodically to Committee, in order that these guidelines can be kept under review.

b) LICENSING ~~AND APPEALS~~ COMMITTEE

Terms of Reference

1. To discharge the functions of a licensing committee as required by the Licensing Act 2003 and the Gambling Act 2005 and to authorise, approve or determine any enforcement matters under the Acts;
2. To discharge on behalf of the Council all matters relating to the grant, refusal, issue, revocation, cancellation and suspension of licences or permits and without prejudice to the generality of the foregoing to discharge these functions in respect of:
 - a) Private Hire Operators.
 - b) Private Hire and Hackney Carriage Drivers.
 - c) Private Hire Vehicles.
 - d) Hackney Carriage Vehicles including setting tariffs.
 - ~~e) Public Entertainment.~~
 - ~~e) Hypnotism~~
 - f) Lottery Registrations
 - ~~g) Amusements with Prizes.~~
 - h) Street Collections.
 - i) House-to-House Collections.
 - ~~j) Late Night Refreshment Houses.~~
 - k) Street Trading.
 - ~~l) Cinemas.~~
 - ~~m) Theatres.~~
 - n) Sex Shops & Sexual Entertainment Venues.
 - ~~o) Betting Tracks.~~
 - ~~p) Pool Promoters.~~
 - q) Burials in Public Cemeteries.
 - r) Reservoirs.
 - s) Dangerous Wild Animals.
 - t) Animal Boarding Establishments.
 - u) Dog Breeding.
 - v) Guard Dogs.
 - w) Acupuncture ~~\~~ Hairdressers\Ear Cosmetic\Piercing\ Electrolysis\
Tattooing Semi Permanent Skin Colouring.
 - ~~x) Game and Game Dealers.~~
 - y) Performing Animals.
 - z) Pet Shops.
 - aa) Zoos.
 - bb) Camping Sites.
 - cc) Caravan Sites.
 - dd) Pleasure Boats.
 - ~~ee) Canal Boats.~~
 - ff) Filling Materials.
 - ~~gg) Food Premises and Vehicles.~~
 - ~~hh) Milk and Dairies.~~
 - ii) Riding Establishments.

- jj) Scrap Metal Dealers.
- kk) Slaughter of Poultry.
- ll) Charities for Disabled Persons and War Charities.
- mm) Explosives.
- nn) Fireworks.
- oo) Petroleum.
- pp) Poisons.
- qq) Sports Grounds.
- rr) Marriage *Act & Civil Partnerships*.
- ~~ss) *Skip Permits*~~
- tt) Those matters set out in Part B of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001.
- uu) Such other matters as may from time to time under statute or practice fall to be considered by the Council in a quasi-judicial manner, other than employment appeals or grievances.

POWERS DELEGATED TO THE COMMITTEE

All those matters listed above, including a power to delegate to a sub-committee the power to determine matters within the Committee's Terms of Reference.

POWERS DELEGATED TO OFFICERS

POWER	DELEGATED TO
<p>All matters arising from the exercise of the Committee's terms of reference (to include the power to issue licences and permits), with the power to establish one or more sub-committees in accordance with Section 9 of the Licensing Act 2003, and powers under the Gambling Act 2005 and power to delegate its functions under the Licensing Act 2003, and under the Gambling Act 2005 to a sub-committee or to an officer of the authority.</p>	<p>The Chief Executive or a Director or a Head of Service or any of the following officers:- Licensing Officer <i>& Assistant Licensing Officer, Senior Licensing Administrator, Licensing Administrator</i> <i>Trading Standards, Licensing & Registrars Manager</i> <i>Environmental Health Manager</i> <i>[*Commercial Services Manager</i> <i>*Environmental Health Manager</i> *Senior Trading Standards Officer *Senior Environmental Health Officer *Trading Standards Officer *Senior Fair Trading Officer *<i>District</i> Environmental Health Officer *Senior Commercial Safety Officer *Commercial Safety Officer *Fair Trading Officer *Enforcement Officer (Directorate of the Environment) *<i>Team Leader Health Improvement</i> *<i>Health Alliance Co-ordinator</i> (Officers marked * are appointed under Section 19(1) of the Health and Safety at Work Act 1974 or any statutory amendment thereto)]</p>

<p>The following officers are designated as authorised for the purposes of the Licensing Act 2003, and of the Gambling Act 2005 and are given delegated powers to act in that capacity.</p>	<p>Head of Public Protection Environmental Health Manager <u>Registration Trading Standards Licensing & Registrars Manager</u> /Licensing Officer Assistant <u>Licensing Officer Registration/ Licensing Officer</u> Senior Environmental Health Officer Environmental Health Officer Senior Trading Standards Officer Trading Standards Officer Senior Fair Trading Officer Fair Trading Officer Scientific Officer Senior Commercial Safety Officer Community Safety Manager Commercial Safety Officer Community Safety Wardens <u>Enforcement Officer</u></p>
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(The Council on the 11 January 2005 approved the following procedural matters in relation to the Licensing Committee and any sub-committee, including a procedural change to the Council's Standing Orders, as follows:-

- (a) the quorum for a sub-committee is two. Every effort will be made to maintain the sub-committee at three members present and dealing with an application but there will inevitably be some circumstances where a member is unable to attend at the last minute and a substitute cannot be found or a member part way through needs to declare an interest and withdraw from the hearing. In accordance with our Standing Orders, the chairman will have a casting vote.
- (b) that members serving on the sub-committee will be drawn in rotation from the whole of the Licensing Committee. This will allow each member an equal opportunity to contribute to the Licensing Act work and will hopefully ensure a fairness to members in the demands being made on them to sit;
- (c) that ward members will be omitted from the sub-committee if the agenda for that day's meetings includes a matter within a member's ward. This ensures that any possible conflict of interest or perception of bias is removed from the hearing and in the event of a challenge the authority can show that a matter is being dealt with wholly in a quasi-judicial manner;
- (d) that the chair and vice-chair of the Licensing Committee are not automatically on the sub-committee but will be part of the normal rotation;
- (e) that the current restriction within Standing Orders which prohibits a meeting sitting for longer than four hours be removed from applying to the Licensing Committee or any sub-committee, subject to a requirement on the committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting. There have been difficulties in the past on major applications

where this rule has potentially caused problems in relation to what might be an all-day hearing. It is important that the Licensing Committee and its sub-committees be able to finish a major matter without this restriction.

c) RIGHTS OF WAY COMMITTEE

The functions of the (Council) Rights of Way Committee ceased to exist on the 16 February 2007 by virtue of changes in legislation. The function is now carried out by a committee of the Cabinet - see the entry in Part 4 of this Constitution.

d) AUDIT COMMITTEE

Terms of Reference

~~To discharge on behalf of the Council financial audit functions and without prejudice to the generality of the foregoing:-~~

- ~~(a) — To receive the reports of the Chief Internal Auditor on payments made by the Council in accordance with the policy for selected accounts~~
- ~~(b) — To receive and approve the annual audit plan for the work proposed to be carried out by Internal Audit for each financial year~~
- ~~(c) — To receive an annual report detailing the work carried out by Internal Audit Services~~
- ~~(d) — To receive ad hoc reports on any significant matters involving fraud, theft or other appropriate matters in compliance with the requirements of the Council's Financial Regulations~~
- ~~(e) — To promote and review any measures designed to raise the profile of probity within the Council~~
- ~~(f) — To consider value for money issues referred to the Committee from whatever source.~~
- ~~(g) — To consider full final reports issued by the Audit Commission and other outside auditors in the context of Caerphilly County Borough Council~~
- ~~(h) — To consider reports of the Head of Corporate Finance in relation to Housing and Council Tax Benefit fraud matters~~
- ~~(i) — To consider any other significant audit matters as appropriate.~~

~~—— Note:~~

- ~~(i) — The committee will be composed of members of the council, none of whom may be members of the executive, and such co-opted non-councillors as the committee may consider appropriate from time to time.~~
- ~~(ii) — Only councillor members of the audit committee may vote on any matter before the committee.~~
- ~~(iii) — Any member of the Authority may be invited to select accounts for examination.~~

1. MEMBERSHIP

1.1. The Audit Committee will have a membership of thirteen individuals, twelve shall be elected members being representative of all parties and independents and one lay co-opted member to be appointed by the Committee. Members of the executive will not be eligible to be members of this Committee.

- 1.2. The co-opted member, not being a member of the Council, to be recruited for skills appropriate to the Audit Committee's work, and shall be appointed by the Councillor members of the Audit Committee for a fixed term to be determined by them when the appointment is made.
- 1.3. As and when necessary the appointment of a lay member to the Committee shall be undertaken by an appointment panel consisting of three Audit Committee members, to include the Chairperson. The panel will be responsible for considering all applications for the vacancy, short listing and interviewing prospective candidates. The panel will report their recommendations to the Audit Committee for confirmation/ agreement prior to approval by Council.
- 1.4. The Audit Committee will appoint its chairperson who will not be a member of any of the groups represented on the Executive except when all groups are represented on the Executive (and could be a co-opted member).
- 1.5. All members of the Audit Committee shall have a vote.

2. MEETINGS

- 2.1. The Committee will meet at least 4 times a year. Additional meetings may be convened as the chair deems necessary or when the Authority as a whole resolves that it should.
- 2.2. A quorum for the meeting will be one quarter of the whole membership.
- 2.3. The Committee shall be advised by the Director of Corporate Services, the Section 151 Officer, the Head of Corporate Finance, the Head of Performance and Property and both the external and internal auditors. They may additionally, within an approved budget, seek independent advice from outside the authority
- 2.4. The Committee shall meet with the Council's external auditor on an informal basis as deemed necessary by the Committee to discuss and exchange information.
- 2.5. The Section 151 Officer, the Manager of Internal Audit and the representative of the External Auditor will have free and confidential access to the Chair of the Committee.
- 2.6. The external and internal auditors of the council shall have the right to request the chair of the audit committee to consider any matter which the auditors believe should be brought to the attention of the council
- 2.7. The Committee may ask any other officers to attend to assist it with its discussions on any particular matter.

3. TERMS OF REFERENCE

3.1. To review and scrutinise the Authority's financial affairs, to make reports and recommendations in relation to the Authority's financial affairs and to review and consider the financial statements prepared by the Authority or its external auditors.

3.1.1. to review the authority's accounting policies and procedures with a view to appropriateness and compliance.

3.1.2. to provide direction concerning accounting records and control systems as may be required by the Accounts and Audit Regulations (Wales) 2005.

3.1.3. to consider the external auditors report to those charged with governance on issues arising from the audit of the financial statements.

3.1.4. to review and consider the effectiveness on the Council's policy for the prevention of fraud and corruption.

3.2. Review and assess the risk management, internal control and corporate governance arrangements and to report and make recommendations on the adequacy and effectiveness of those arrangements:

3.2.1. To ensure that the authority has a sound system of internal control which facilitates the effective exercise of functions and which includes arrangements for the management of risk and adequate and effective financial management. To review the effectiveness of internal control at least once a year and approve an annual governance statement for inclusion with the authority's statement of accounts.

3.2.2. In reviewing corporate governance, risk management or internal control issues any member or officer of the authority may be required to attend before the committee to explain in relation to matters within their remit e.g. compliance or otherwise with council procedures, compliance or otherwise with established corporate governance standards and the degree to which risk has been considered and addressed.

3.2.3. to oversee and monitor the compliance and assurance requirements and to satisfy itself as to the adequacy of the structures, processes and responsibilities for identifying and managing key risks facing the organisation.

3.2.4. to review the councils corporate governance framework.

3.2.5. to receive, review and approve the annual governance statement and the resultant action plans.

3.2.6. to develop and keep under review a risk management strategy for the council including methodology for assessing risks in all functions of the council.

3.2.7. to oversee and monitor Council activities that are subject to the RIPA regulations.

3.2.8. to oversee and monitor the outcomes of complaints received by the Authority under the Council's Corporate Complaints Policy and to review the policy on an annual basis and to make comments on the adequacy and effectiveness of the policy.

3.3. Oversee the internal and external audit arrangements of the Council

3.3.1. to liaise with the Wales Audit Office over the appointment of external auditors

3.3.2. to consider the external auditors proposed audit plan

3.3.3. to consider the external auditors Annual letter

3.3.4. to approve, on behalf of the Council, a statement of aims and objectives of the internal audit function

3.3.5. to consider the annual audit plan as to the allocation of internal audit resources against different categories of work

3.3.6. to ensure that the internal audit function is adequately resourced and has appropriate standing within the organisation

3.3.7. to consider the Head of Internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the council's internal control environment

POWERS DELEGATED TO THE COMMITTEE

All those matters listed above within the Committee's terms of reference.

POWERS DELEGATED TO OFFICERS

POWER	DELEGATED TO
All matters arising from the exercise of the Committee's terms of reference.	The Chief Executive or a Director or <i>thea</i> Head of <u>Corporate Finance Service</u> after consultation with the Chair or Vice Chair of the Committee. Any officer mentioned above may authorise in writing that any delegated function given to him/her may be exercised by any officer named in that authorisation.

(e) Democratic Services Committee

Terms of Reference

9.1 The Democratic Services Committee shall have the following requirements and functions:

(a) Each Member of the Democratic Services Committee be a Member of the Council; and

No more than one Member of the committee be a Member of the executive which executive member must not be the Leader.

(b) The Democratic Services Committee is a body to which Section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

(c) The Chair of the Democratic Services Committee must not be a member of the 'Executive group'.

(d) The Democratic Services Committee may appoint one or more sub-committees, and may arrange for the discharge of any of its functions by such a sub-committee.

(e) Any sub-committee of the Democratic Services Committee may not discharge functions other than those conferred on it.

(f) The Democratic Services Committee is to appoint the person who is to chair any sub-committee of such a Committee.

(g) All Members of the Democratic Services Committee, or of a sub-committee of the committee, may vote on any question that falls to be decided by the Committee.

(h) The Democratic Services Committee may require members and officers of the Council to attend before it to answer questions such members and officers having a duty to comply with but are not obliged to answer any questions which they would be entitled to refuse to answer in court proceedings in England and Wales. The Democratic Services Committee may invite other persons to attend meetings of the committee.

(i) The Democratic Services Committee must meet at least once in every calendar year.

(j) The Democratic Services Committee must meet if the Council resolves it should meet.

(k) At least one third of the members of the Democratic Services Committee may requisition a meeting by giving notice in writing to the chair of the committee.

(l) The Chair of the Democratic Services Committee must secure that meetings are held in accordance with the requirements stated in paragraph (i) - (k) above.

(m)

- (i) Designating one of the Council's Officers to be the Head of Democratic Services (who may not be the Head of Paid Service, Monitoring Officer or Chief Finance Officer (as defined in the Local Government and Housing Act 1989). The Head of Democratic Services shall exercise the functions as set out in Section 9(1) of the Measure;
- (ii) review the adequacy of provision by the Council of staff, accommodation and other resources to discharge Democratic Services functions; and
- (iii) make reports and recommendations to the Council in relation to such provision.
- (n) To determine how it exercises its functions listed under paragraphs (m)(i)(ii)(iii) above and not exercise any functions other than those set out in these Terms of Reference.
- (o) To consider any report or recommendation sent to its members prepared by the Head of Democratic Services under Section 9(1)(h) of the Measure at a meeting held not more than three months after copies of the report are first sent to members of the committee.
- (p) As soon as practicable after it has prepared a report or made a recommendation under paragraph (o) above arrange for a copy of it to be sent to each Member of the Council who is not a Member of the Committee.
- (q) The Council must consider any report or recommendation at a meeting held not more than three months after copies of the report or recommendation are first sent to the Members of the Council.
- (r) To have regard to formal guidance issued by The Welsh Ministers.
- (s) An Executive Member sitting on the Democratic Services Committee should have within his/her portfolio Member Development and Training

POWERS DELEGATED TO THE COMMITTEE

All those matters listed above within the Committee's terms of reference.

POWERS DELEGATED TO OFFICERS

<u>POWER</u>	<u>DELEGATED TO</u>
<u>All matters arising from the exercise of the Committee's terms of reference.</u>	<u>The Head of Democratic Services in consultation with the Chair or Vice Chair of the Committee</u>

Article 9 – The Standards Committee

References:

Sections 53-55 and Sections 81(5), Local Government Act 2000
The Standards Committees (Wales) Regulations 2001

9.01 Standards Committee

The Council will establish a Standards Committee with the Terms of Reference and delegated powers to the Committee, and officers, as set out below:

9.02 Composition

(a) Membership. The Standards Committee will be composed of eight members. Its membership will include:

- i. 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 Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (the Council's appointment criteria exclude someone who is an active member of a political party);
- ii. two councillors excluding any member of the Executive;
- iii. one member of a community council wholly or mainly in the Council's area (a 'community council member').

(b) Term of office.

- i. Independent members are appointed for a period ~~not less than~~ of not less four years and may be re-appointed for one further consecutive term of up to four years only. ~~They may be re-appointed for one further consecutive term.~~
- ii. Members of the local authority who are members of the standards committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for one further consecutive term.

(c) Quorum. A meeting of the standards committee shall only be quorate when:

- i. at least three members, including the chair, are present, and
- ii. at least half the members present (including the chair) are independent members

(Note: See (f) below as to who can act as chair of the meeting)

(d) Voting Independent members and community council members will be entitled to vote at meetings;

- (e) **Community council members.** A community council member shall not take part in the proceedings of the standards committee when any matter relating to their community council is being considered;
- (f) **Chairing the Committee.**
- i. The Chair and Vice-Chair of the Standards Committee must be independent members
 - ii. The Chair and Vice-Chair will be elected by the members of the Standards Committee for the duration of the period of that person's appointment as an independent member by the Council
 - iii. For the purpose of deciding whether the committee is quorate, "the Chair" means the Chair of the Standards Committee or in the absence of that person the Vice-Chair and in the absence of both of those persons an independent member present at the meeting chosen by members of the committee present at the meeting to preside for that meeting.

9.03 Terms of Reference

1. To promote and maintain high standards of conduct by the members and co-opted members of the authority.
2. To assist members and co-opted members of the authority to observe the authority's code of conduct.
3. To advise the Council on the adoption or revision of a code of conduct.
4. To monitor the operation of the Council's adopted Code of Conduct throughout the Authority.
5. To train councillors and advise on conduct matters generally.
6. Where statutes so permit, to arrange dispensation to speak and/or vote where a councillor has an interest.
7. To receive and implement advice from the ~~Local Commissioner- Public Services Ombudsman For Wales~~ or Standards Board or recommendation from the Adjudication Panel or case tribunals.
8. Where statute permits to receive reports and complaints in relation to councillors, to conduct or oversee appropriate investigations and to make appropriate recommendations to the Council.
9. To receive reports on the outcome of disciplinary matters.
10. To oversee the whistleblowing régime.
11. To receive ~~Local Commissioner- Public Services Ombudsman For Wales~~ reports in relation to allegations of maladministration or allegations of breach of a code of conduct and make appropriate recommendations.

12. To exercise such powers or duties as may be given to or imposed on Standards Committees from time to time by legislation.
13. To exercise in relation to community councils and their members within the County Borough area such of the foregoing matters as are covered by Section 56 of the Local Government Act 2000.

POWERS DELEGATED TO THE COMMITTEE

Delegated powers in relation to any matter within the terms of reference of the committee except where this involves expenditure where there is no approved budget.

POWERS DELEGATED TO OFFICERS

POWER	DELEGATED TO
All matters arising from the exercise of any of the Committee's terms of reference.	The Monitoring Officer, Head of Legal Services, Chief Executive, or any Director or Head of Service after consultation with the Chair or Vice-Chair of the Committee

The following procedure ~~shall apply applies for applications for dispensation until clear guidance has been issued from the National Assembly.~~

- (a) that applications for dispensation from county borough or community or town council members must be unless this is impracticable be made in writing and must state:-
 - (i) the name of the member;
 - (ii) the nature of the interest;
 - (iii) the grounds for application.
- (b) the Monitoring Officer will report the application to the Standards Committee or where this is not possible with the Chair or the Vice-Chair of the committee and with one other independent member and will determine the application under delegated powers taking account of comments made in that consultation and the result notified in writing to the councillor involved;
- (c) that all applications and their results determined under delegated powers be reported to the Standards Committee for information.

The statutory grounds on which a Standards Committee can grant dispensation are as follows:-

- (i) No fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

- (ii) No fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (iv) or (v) also applies;
- (iii) In the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- (iv) The nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- (v) The interest is common to the member and a significant proportion of the general public;
- (vi) The participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- (vii) The business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;
- (viii) The business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- (ix) It appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

Article 10 - Area Forums & Community Partnerships

Reference:

Local Government Act Part I

10.01 Community strategy and community planning

The Council is under a legal duty to co-ordinate the production of a community strategy to improve social, economic and environmental well-being in the county borough, via a community planning process. As well as involving all parts of the local authority the process must also engage partner agencies in the public, private and voluntary sectors and local communities. Agencies are being drawn together in a bi-annual meeting of the Caerphilly Standing Conference and a variety of partnership working groups. Communities are being engaged through area forums and local community partnerships.

10.02 Area forums

As well as making the process community planning process more meaningful to local communities, area forums have been established to introduce a semi-strategic level between the Standing Conference and the local community partnerships. The area forums can therefore (i) set a framework within which local developments can be fostered in ways consistent with county borough-wide objectives whilst also (ii) providing a local 'sounding board' for the development of those county borough wide strategies.

The county borough has been divided into geographical areas, with an area forum for each as follows, meeting twice a year (or more frequently if required):

- Upper Rhymney Valley
- Mid Valleys West
- Mid Valleys East
- Caerphilly Basin
- Lower Islwyn

10.03 Membership of area forums

In the initial period of the area forums, membership was restricted largely to agency representatives (police, health, council) and key individuals who can represent wider interests, including elected members (in their 'community leadership role') from the county borough and community councils and nominated individuals from within the voluntary sector and via the Caerphilly Business Forum and Trades Council. One Cabinet Member and one member of the Corporate Management Team have been assigned to each area. Now that community partnerships have become established, representatives from those partnerships are also attending.

10.04 Terms of reference of area forums

Council has agreed the following terms of reference for the area forums:

- To meet at least two to three times a year to provide a 'sounding board' and source of feedback for Standing Conference partners on issues affecting the area
- To receive and consider the local implications of draft plans in preparation by the partners. These plans will include individual and multi-agency plans, brought together into under a single Community Strategy over time. This will embrace strategic plans with local implications, associated extracts of capital expenditure plans and monitoring of implementation
- To put forward ideas and issues for consideration by the partners in relation to their plans
- To receive and consider reports on major development proposals for their area and on their progress
- To offer advice on community consultation arrangements and consider/comment on feedback from local consultation exercises
- To comment on and provide input into successive drafts of the Community Strategy
- To represent, by mutual agreement, the interests of other groups not on the forum but active in the area.

Now that more localised community partnerships have become established, an additional role is to provide a forum where their work can be assimilated and where good practice and other information can be exchanged.

10.05 Community partnerships

Beneath the area forums, local community partnerships have been established, again with representatives drawn from the public, private and voluntary and community sectors. These partnerships are encouraged to nominate representatives to attend the relevant area forum. Their purpose is to develop a local action plan for their area, consult with the wider public on its content, seek agency support and other external funding for implementation and monitor progress over time.

10.06 Powers and budget

Neither the area forums nor the community partnerships have decision-making powers in relation to the Council or any other partner agency. However, they can exert a powerful influence as a source of ideas, advice and feedback. The forums can take decisions about their own style of operation. Initially, to provide accountability, forum meetings have been chaired by Council Members. However, the forums and partnerships can influence not only on the chairing of meetings, but also matters such as the content, the venues, frequency and format of meetings.

The Council has allocated a small budget to the area forums/community partnerships and this is an option available to other partner agencies. The Council reserves the right to set the

framework within which this money is spent by the forums/community partnerships. Over time, other partner agencies may choose to allocate funds to the area forums and the pooling of budgets will be encouraged.

10.07 Review

The community planning process is an evolving one and all of the above details (including the numbers of area forums and community partnerships, their membership, frequency of meetings etc) will be reviewed periodically to ensure that they deliver required outcomes. The success of the forums in terms of outcomes will also be reviewed.

Article 11 - Joint Arrangements

References:

Sections 2, 19, 20 Local Government Act 2000

The Local Authorities (Executive Arrangements) (Discharge of Functions) (Wales) Regulations 2001 (No. 2287)

The Local Authorities (Executive Arrangements) (Discharge of Functions) (Amendment) (Wales) Regulations 2002 (No. 2941)

The Local Authorities (Alternative Arrangements) (Wales) Regulations 2001

Chapter 4, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001

11.01 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions – in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) The executive may appoint executive or non-executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The executive may appoint members to a joint committee from outside the executive where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.02 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

(c) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.03 Delegation to and from other local authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept a delegation from another local authority shall be reserved to the Council meeting.

11.04 Contracting out

The Council may contract out to another body or organisation functions 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 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.

Article 12 - Officers

Contracts for all officers will be with the authority rather than, in executive constitutions, the executive. All officers will be subject to the same code of conduct as part of their conditions of service.

The use of the word "officers" means all employees and staff engaged by the council to carry out its functions. This word has also been used instead of "employees" to cover those engaged under short term, agency or other non employed situations.

References:

Chapter 2 and 4, *The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001*

12.01

- (a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. There are statutory obligations (e.g. Health & Safety) which apply to all of the Authority's officers.

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service) <i>Including Director of Environment responsibilities included below</i>	<ul style="list-style-type: none"> • Overall corporate management and operational responsibility (including overall management responsibility for all officers); • The provision of professional and impartial advice to all parties in the decision making process the executive, overview and scrutiny committees, the full council and other committees; • Together with the monitoring officer, responsibility for a system of record keeping for all the authority's decisions (executive or otherwise); • Representing the authority on partnership and external bodies (as required by statute or the council); and • Service to the whole council, on a politically neutral basis. • Oversight of economic development and policy and central services functions
<i>Deputy Chief Executive & Director of Corporate Services</i>	To support the Chief Executive and manage agreed directorate services including Audit, Catering , Corporate Finance, I.T., Legal, Personnel, Property Services, Corporate Asset Management, Performance, oversight of Policy & Central Services function. -Monitoring Officer and Procurement functions, Public and Private Housing . To deputise for

Post	Functions and areas of responsibility
	the Chief Executive in his absence in respect of all directorate services/activities.
Director of the Environment	<ul style="list-style-type: none"> Highways, Transportation and Engineering, Planning (development management control and strategic) and property matters <u>Catering & Cleaning</u> <u>Registrars Births Deaths & Marriages & Civil Partnerships</u> <u>Emergency Planning</u> <u>Burials Cemeteries & Bereavement Services</u> Public and private housing, environmental and community health and trading standards <u>Environmental & Community Health & Trading Standards</u> <u>Licensing</u> <u>Community Safety</u> <u>Oversight of Economic Development</u> <u>Leisure & Community Facilities</u>
<u>Corporate</u> Director of Education- <u>& Lifelong Learning & Leisure</u>	<ul style="list-style-type: none"> Education, community education, <u>and</u> libraries, leisure and community facilities <u>Youth Service & Community Centres</u>
<u>Corporate</u> Director of Social Services	<ul style="list-style-type: none"> Social and welfare services for children and adults.

- (b) **Head of paid service, monitoring officer and chief financial officer** (S151 Officer). The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Monitoring Officer & Corporate Solicitor	Monitoring Officer
Chief Executive <u>Head of Corporate Finance</u>	Chief Finance Officer <u>S151 Officer</u>

Such posts will have the functions described in Article 12.02–12.04 below.

- (c) **Structure.** The head of paid service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 Functions of the head of paid service

References:

Sections 4 and 5, Local Government and Housing Act 1989

- (a) **Discharge of functions by the Council.** The head of paid service 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 officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The head of paid service may not be the monitoring officer but may hold the post of chief finance officer if a qualified accountant.

12.03 Functions of the monitoring officer

References:

Section 5, Local Government and Housing Act 1989
Sections 68 – 73; 78 - 80, Local Government Act 2000
Chapter 2, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001

- (a) **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.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council [or to the executive in relation to an executive 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.
- (c) **Supporting the Standards Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The monitoring officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.
- (e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The monitoring officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether decisions of the executive are within the budget and policy framework.** The monitoring officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

- (h) **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 all councillors.
- (i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

12.04 Functions of the chief finance officer (S151 Officer)

Reference:

S.151 Local Government Act 1972.

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full Council or to the executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and officers in their respective roles.
- (e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the monitoring officer and chief finance officer

The Council will provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Conduct

All Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 13 - Decision Making

New constitutions established under the Local Government Act 2000 change the basis of decision making in local authorities fundamentally. They require the Council to record and keep up to date details of who has responsibility for which decisions, and to make this available to the public. They also change the way in which information about forthcoming decisions are publicised and the ways in which decisions of the executive are recorded.

13.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of decision making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes; and
- (f) decisions are made in accordance with the policy framework, particularly with respect to Sustainable Development and Equal Opportunities.

13.03 Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

13.04 Decision making by the full Council

Subject to Article 13.07, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by the executive

Subject to Article 13.07, the executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by overview and scrutiny committees

Overview and scrutiny committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making by Council bodies acting as tribunals

Many of the licensing and enforcement functions of ordinary committees will entail them acting in a "quasi judicial" capacity.

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Note: The principles set out above also apply where the powers are exercised by officers under their delegated powers.

13.08 Scrutiny of officer delegated power decisions

Decisions taken under an officer's delegated powers in the following categories will be recorded in writing and notified to members by way of an Information Bulletin. These may be subject to scrutiny in accordance with Article 6.

- (a) Matters which are not within approved budgets or within the Council's approved policies;
- (b) Matters relating to the development of policy or budgets for the Authority;
- (c) Something which materially impacts upon the delivery of a service in respect of which a decision has been taken.
- (d) Matters which on consultation have produced responses which are contrary to the decision taken by the officer;
- (e) The sale, purchase or lease or other disposal of land or property which the Protocol for Disposal of Property requires a report.

Matters falling within categories (a) (b) and (c) will be referred automatically to the appropriate Scrutiny Committee.

Matters falling within categories (d) and (e) will be reported on the Information Bulletin and may be brought before a Scrutiny Committee in accordance with Article 6.

Article 14 - Finance, Contracts And Legal Matters

References:

*Sections 135, 151, 223 & 234, Local Government Act 1972
Part VIII, Local Government Finance Act 1988*

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Head of Legal Services is authorised to institute, defend or participate in any legal proceedings 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 Services considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

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

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal Services or the Chief Executive or some other person authorised by the Council.

Article 15 - Review And Revision Of The Constitution

References:

Sections 30 and 37, Local Government Act 2000

Chapter 7 and 8, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001

15.01 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.

15.02 Protocol for monitoring and review of constitution by monitoring officer

A key role for the monitoring officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the monitoring officer may:

- (a) observe meetings of different parts of the member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in this authority with those in other comparable authorities, or national examples of good practice.

15.03 Change where there is a Cabinet form of Executive.

Changes to the constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer.

15.04 Change within a mayoral form of executive.

Unless the change relates only to the operation of overview and scrutiny committees, any resolution of the full Council to approve a change will have no effect without the written consent of the mayor.

15.05 Change from a mayoral form of executive to another form of executive or to alternative arrangements, or from alternative arrangements to a mayoral form of executive.

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. The change will not take effect until the end of the mayor's term of office.

15.06 Change from a leader and cabinet form of executive to alternative arrangements, or vice versa.

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Note that: Significant changes will require the consent of the National Assembly (in accordance with Regulations and guidance in force from time to time).

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for rules of procedure to be suspended provided this is to achieve an effect consistent with the purposes of the Constitution set out in Article 1. This might apply, for example, to rules of debate in Council where particular circumstances arise.

(a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules of Procedure may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend.** This is set out in the Council's Procedure rules in Part 4.

16.02 Interpretation

The ruling of the Chairman of the council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

(a) The Chief Executive will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

(b) The Chief Executive will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 of Part 2 (Overview and Scrutiny committees) and the Overview and Scrutiny Procedure Rules;
2. Article 7 of Part 2 (The Executive) and the Executive Procedure Rules;
3. Article 13 of Part 2 (Decision making) and the Access to Information Procedure Rules;
4. Part 3 (Responsibility for Functions).