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For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 13th May 2022

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You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided on request.

To Whom It May Concern,

You are invited to attend the multi-locational Annual Meeting of Council which will be held in the Chamber, Penallta House and via Microsoft Teams on **Thursday, 19th May, 2022 at 5.30 pm** to consider the matters contained in the following agenda. Members of the Public or Press may attend in person at Penallta House or may view the meeting live via the following link: <https://civico.net/caerphilly/15440-Council>

Yours faithfully,

Christina Harrhy
CHIEF EXECUTIVE

A G E N D A

Pages

- 1 To receive apologies for absence.
- 2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal

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and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

- 3 Retiring Mayor's Remarks.
- 4 To elect a Mayor of Council until the Annual Meeting in May 2023.
- 5 To elect a Deputy Mayor of Council until the Annual Meeting in May 2023.
- 6 Mayor's Announcements.
- 7 To elect a Leader of Council.
- 8 To note the appointment of a Deputy Leader.
- 9 To note the number of Members to be appointed to the Cabinet and the names the Leader has chosen to become Members of the Cabinet.
- 10 To note the appointment of the Leader of the main opposition group.
- 11 Leader's Statement.

To receive and consider the following reports: -

- 12 Review of the Political Balance.1 - 6
- 13 To appoint the Chair and Vice-Chair of the following Overview and Scrutiny Committees in accordance with the political balance for the ensuing year.

Education Scrutiny Committee
Social Services Scrutiny Committee
Policy and Resources Scrutiny Committee/Partnerships Scrutiny Committee
Environment and Sustainability Scrutiny Committee
Housing and Regeneration Scrutiny Committee
- 14 To appoint Members to serve on the following Overview and Scrutiny Committees for the ensuing year in accordance with the political balance: -7

Education Scrutiny Committee
Social Services Scrutiny Committee
Policy and Resources Scrutiny Committee/Partnerships Scrutiny Committee
Environment and Sustainability Scrutiny Committee
Housing and Regeneration Scrutiny Committee
- 15 To appoint the Chair and/or Vice-Chair (as necessary) to the following Committees for the ensuing year. (in accordance with the political balance).

Appeals Panel
 Appointments Committee
 Governance and Audit Committee
 Democratic Services Committee
 Investigating and Disciplinary Committee
 Licensing and Gambling Committee/Taxi and General Committee
 Planning Committee
 Standards Committee

- | | | |
|----|--|-----------|
| 16 | To note that the Chair of the Governance and Audit Committee will be a Lay Member and will be appointed at the first meeting following the Annual Meeting of Council. | |
| 17 | To appoint Members to serve on the following Committees for the ensuing year in accordance with the political balance: - | 9 - 10 |
| | <p> Appeals Panel
 Appointments Committee
 Governance and Audit Committee
 Democratic Services Committee
 Investigating and Disciplinary Committee
 Licensing and Gambling Committee/Tax and General Committee
 Planning Committee
 Standards Committee </p> | |
| 18 | To constitute Sub-Committees/Working Parties/Panels/Boards and appoint Members to serve thereon for the ensuing year in accordance with the political balance. | 11 - 14 |
| 19 | To appoint/nominate representatives to serve on Outside Bodies where required. | 15 - 20 |
| 20 | Independent Remuneration Panel for Wales Annual Report - 2022-23 - Salaries and Allowances. | 21 - 130 |
| 21 | Changes to the Constitution. | 131 - 562 |

Circulation:

All Members And Appropriate Officers

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Those individuals that attend committee meetings to speak/give evidence will be named in the minutes of that meeting, sometimes this will include their place of employment or business and opinions expressed. Minutes of Meetings including details of speakers will be publicly available to all via the Council website at www.caerphilly.gov.uk. except for discussions involving confidential or exempt items.

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ANNUAL MEETING OF COUNCIL – 19TH MAY 2022

SUBJECT: REVIEW OF POLITICAL BALANCE

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

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1. PURPOSE OF REPORT

- 1.1 To carry out a review of political balance across the authority and the allocation of seats to political groups in accordance with section 15 of the Local Government and Housing Act 1989.

2. SUMMARY

- 2.1 This report outlines the political balance of the authority.

3. RECOMMENDATIONS

- 3.1 That the Council notes the political balance as outlined in Appendix 1 and the general allocation of seats to the Committees in accordance with the political balance.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 In order to comply with statutory requirements to keep the political balance of the authority under review and to allocate seats on committees in accordance with that balance.

5. THE REPORT

- 5.1 Sections 15 to 17 of the Local Government and Housing Act 1989 (the 1989 Act) sets out requirements to ensure there is political balance on the committees set out in this report.
- 5.2 The Council is required to review the political balance of its Committees and determine the allocation in accordance with the principles set out in Section 15 of the

1989 Act namely:-

- (a) Not all the seats on the body are allocated to the same political group.
- (b) That the majority of seats on the body are allocated to a particular political group if the number of people belonging to that group represents a majority of the council's membership.
- (c) Subject to those earlier rules the number of seats on the ordinary committees of the council allocated to each group bear the same proportion to the total of all seats allocated as is borne by the number of members of that group to the membership of the authority.
- (d) Subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

5.3 In applying the political balance rules under Section 15 the Council has so far as is practicable allocated the seats according to the overall percentage that a party has of the total seats of the authority. However, it is impossible to obtain a perfect percentage balance on every committee and there are therefore two principles:-

- (i) The majority group must have the majority on any committee.
- (ii) That the overall allocation of seats is as close as possible to the overall percentage that a party holds on the council.

5.4 The composition of the Council is as follows

Groups	Number of Councillors	Political Balance
Labour	45	65%
Plaid Cymru	18	26%
Independents	6	9%

5.5 Based on the composition of the Council the proportional allocation of seats on politically balanced Committees is outlined below.

	<u>Available Seats</u>	<u>Labour</u>	<u>Plaid Cymru</u>	<u>Independent</u>
<u>Committees</u>				
Appeals*	3	1	1	1*
Appointments	9	6	2	1
Licensing	15	10	4	1
Planning	16	11	4	1
Democratic Services	16	11	4	1
Governance & Audit**	8	6	2	0
** (4 lay members)				
Investigating & Disciplinary	7	5	2	0

*The Appeals Panel has a Committee Membership of 3 which under the current political balance calculation would be an allocation of 2 -1 however the Council previously endorsed equal representation from the 3 main political groups and so membership was 1-1-1. Council may wish to continue with the 1-1-1 allocation.

Scrutiny Committees

Education	16	11	4	1
Social Services	16	11	4	1
Policy & Resources/ Partnerships	16	11	4	1
Environment & Sustainability	16	11	4	1
Housing & Regeneration	16	11	4	1

5.6 Conclusion

Members are asked to consider and note the political balance in accordance with the detail contained in this report.

6. ASSUMPTIONS

- 6.1 There are no assumptions contained in this report as the Council is under a statutory duty to review the political balance of the authority and apply that balance to the allocation of seats on committees.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 The report is based on statutory requirements and is for noting only so there is no requirement to undertake an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from this report.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising from this report

10. CONSULTATIONS

- 10.1 The views of the consultees have been incorporated into this report.

11. STATUTORY POWER

- 11.1 Local Government and Housing Act 1989 and regulations made under the Act and Local Government (Wales) Measure 2011.
Local Government (Committees and Political Groups) Regulations 1990

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer

Consultees: Robert Tranter Head of Legal Services and Monitoring Officer
Christina Harrhy Chief Executive
Richard (Ed) Edmunds Corporate Director Education and Corporate Services

Appendix 1 Political Balance

Caerphilly County Borough Council
Political balance as at May 2022

APPENDIX 1

Seats	No	%
Total	69	100.0
Labour Group	45	65
Plaid Cymru Group	18	26
Independent Group	6	9

Seats allocated to particular committee sizes

Committee Size	Labour			Plaid Cymru			Independent		
	Calculated	Actual	%	Calculated	Actual	%	Calculated	Actual	%
2	1.3	1	50.0	0.5	1	50.0	0.2	0	0.0
3	2.0	2	66.7	0.8	1	33.3	0.3	0	0.0
4	2.6	3	75.0	1.0	1	25.0	0.3	0	0.0
5	3.3	3	60.0	1.3	1	20.0	0.4	0	0.0
6	3.9	4	66.7	1.6	2	33.3	0.5	0	0.0
7	4.6	5	71.4	1.8	2	28.6	0.6	0	0.0
8	5.2	6	75.0	2.1	2	25.0	0.7	0	0.0
9	5.9	6	66.7	2.3	2	22.2	0.8	1	11.1
10	6.5	6	60.0	2.6	3	30.0	0.9	1	10.0
11	7.2	7	63.6	2.9	3	27.3	1.0	1	9.1
12	7.8	8	66.7	3.1	3	25.0	1.0	1	8.3
13	8.5	9	69.2	3.4	3	23.1	1.1	1	7.7
14	9.1	9	64.3	3.7	4	28.6	1.2	1	7.1
15	9.8	10	66.7	3.9	4	26.7	1.3	1	6.7
16	10.4	11	68.8	4.2	4	25.0	1.4	1	6.3
17	11.1	11	64.7	4.4	5	29.4	1.5	1	5.9
18	11.7	12	66.7	4.7	5	27.8	1.6	1	5.6
19	12.4	13	68.4	5.0	5	26.3	1.7	1	5.3
20	13.0	13	65.0	5.2	5	25.0	1.7	2	10.0
21	13.7	14	66.7	5.5	5	23.8	1.8	2	9.5
22	14.3	14	63.6	5.7	6	27.3	1.9	2	9.1
23	15.0	15	65.2	6.0	6	26.1	2.0	2	8.7
24	15.7	16	66.7	6.3	7	29.2	2.1	2	8.3
25	16.3	16	64.0	6.5	7	28.0	2.2	2	8.0
26	17.0	17	65.4	6.8	7	26.9	2.3	2	7.7
27	17.6	18	66.7	7.0	7	25.9	2.3	2	7.4
28	18.3	18	64.3	7.3	8	28.6	2.4	2	7.1
29	18.9	19	65.5	7.6	8	27.6	2.5	2	6.9
30	19.6	20	66.7	7.8	8	26.7	2.6	2	6.7
31	20.2	20	64.5	8.1	8	25.8	2.7	3	9.7
32	20.9	21	65.6	8.3	8	25.0	2.8	3	9.4
33	21.5	21	63.6	8.6	9	27.3	2.9	3	9.1
34	22.2	22	64.7	8.9	9	26.5	3.0	3	8.8
35	22.8	23	65.7	9.1	9	25.7	3.0	3	8.6
36	23.5	24	66.7	9.4	9	25.0	3.1	3	8.3
37	24.1	24	64.9	9.7	10	27.0	3.2	3	8.1
38	24.8	25	65.8	9.9	10	26.3	3.3	3	7.9
39	25.4	26	66.7	10.2	10	25.6	3.4	3	7.7
40	26.1	26	65.0	10.4	10	25.0	3.5	3	7.5
41	26.7	27	65.9	10.7	11	26.8	3.6	3	7.3
42	27.4	27	64.3	11.0	11	26.2	3.7	4	9.5
43	28.0	28	65.1	11.2	11	25.6	3.7	4	9.3

44	28.7	29	65.9	11.5	12	27.3	3.8	4	9.1
45	29.3	29	64.4	11.7	12	26.7	3.9	4	8.9
46	30.0	30	65.2	12.0	12	26.1	4.0	4	8.7
47	30.7	31	66.0	12.3	12	25.5	4.1	4	8.5
48	31.3	31	64.6	12.5	13	27.1	4.2	4	8.3
49	32.0	32	65.3	12.8	13	26.5	4.3	4	8.2
50	32.6	33	66.0	13.0	13	26.0	4.3	4	8.0
51	33.3	34	66.7	13.3	13	25.5	4.4	4	7.8
52	33.9	34	65.4	13.6	14	26.9	4.5	4	7.7
53	34.6	35	66.0	13.8	14	26.4	4.6	5	9.4
54	35.2	36	66.7	14.1	14	25.9	4.7	5	9.3
55	35.9	36	65.5	14.3	15	27.3	4.8	4	7.3
56	36.5	37	66.1	14.6	15	26.8	4.9	4	7.1
57	37.2	37	64.9	14.9	15	26.3	5.0	5	8.8
58	37.8	38	65.5	15.1	15	25.9	5.0	5	8.6
59	38.5	39	66.1	15.4	15	25.4	5.1	5	8.5
60	39.1	39	65.0	15.7	16	26.7	5.2	5	8.3
61	39.8	40	65.6	15.9	16	26.2	5.3	5	8.2
62	40.4	41	66.1	16.2	16	25.8	5.4	5	8.1
63	41.1	41	65.1	16.4	16	25.4	5.5	5	7.9
64	41.7	41	64.1	16.7	17	26.6	5.6	6	9.4
65	42.4	42	64.6	17.0	17	26.2	5.7	6	9.2
66	43.0	43	65.2	17.2	17	25.8	5.7	6	9.1
67	43.7	44	65.7	17.5	17	25.4	5.8	6	9.0
68	44.3	44	64.7	17.7	18	26.5	5.9	6	8.8
69	45.0	45	65.2	18.0	18	26.1	6.0	6	8.7

AVERAGE %:

66

26

8

Main committee sizes highlighted:

MEMBERSHIP OF OVERVIEW AND SCRUTINY COMMITTEES

Education Scrutiny Committee - 16 members (11 – 4 – 1)

Councillors

Chair:

Vice-Chair:

Social Services Scrutiny Committee - 16 members (11 – 4 – 1)

Councillors

Chair:

Vice-Chair:

Policy and Resources Scrutiny Committee - 16 members (11 – 4 – 1) **Partnerships Scrutiny Committee**

Councillors

Chair:

Vice-Chair:

Environment and Sustainability Scrutiny Committee - 16 members (11 – 4 – 1)

Councillors

Chair:

Vice-Chair:

Housing and Regeneration Scrutiny Committee - 16 members (11 – 4 – 1)

Councillors

Chair:

Vice-Chair:

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Agenda Item 17

MEMBERSHIP OF COMMITTEES

Appeals Panel (Disciplinary/Grievance) (3 members) 1 - 1 - 1

Councillors

Nominated substitutes

Chair:

Appointments Committee (Chief Officer Related Posts/Heads of Service) - 9 Members (6 - 2 – 1) - including Cabinet Member)

Councillors ***** and relevant Cabinet Member

Chair: Vice-Chair:

Substitute Councillors

Democratic Services Committee - 16 members (11- 4- 1)

Councillors

Chair: Vice-Chair:

Governance and Audit Committee (12 members) 4 Lay Members/8 Councillors (6-2)

Councillors

Lay Members

Chair: Vice-Chair:

Investigating and Disciplinary Committee - 7 members (5 – 2)

Councillors

Substitutes Councillors

Licensing and Gambling Committee/Taxi and General Committee - 15 members (10 - 4 - 1)

Councillors

Chair: Vice-Chair:

Planning Committee - 16 members (11 - 4 – 1)

Councillors

Chair: Vice-Chair:

Standards Committee (2 members/5 lay members/1 community councillor)

Councillor

Rights of Way Cabinet Committee

Councillors

Agenda Item 18

CURRENT REPRESENTATIVES

SUB-COMMITTEES/WORKING PARTIES/PANELS/BOARDS

1. **Advisory Panel for the Appointment and Removal of Local Authority Governors – 7 Members (5 - 2)**

Councillors

Nominated Substitutes:

2. **Bargoed Town Centre Management Group (6 members - Aberbargoed/Bargoed/Gilfach Wards plus Cabinet Member)**

3. **Blackwood Town Centre Management Group (5 members - Blackwood/Cefn Forest Wards plus Cabinet Member)**

4. **Caerphilly Community Safety Delivery Group (1 member)**

Councillor

5. **Caerphilly Homes Task Group (Welsh Housing Quality Standard) - 7 members/7 tenant representatives – (5-2)**

Councillors

6. **Caerphilly Local Access Forum**

Councillor

7. **Caerphilly Town Centre Management Group - 9 members - Morgan Jones/St. Martins/St. James Wards plus Cabinet Member)**

Councillors

8. **Community Council Liaison Sub-Committee - 16 members (11 - 4 – 1)**

Councillors

9. **Corporate Health and Safety Committee - 7 members (5 – 2)**

Councillors

10. **Corporate Joint Consultative Committee (Cabinet and Leader)**

Councillors

11. **Education Achievement Service Board (EAS)**
Councillor ***** - Substitute Councillor *****
12. **Education Achievement Service Audit and Risk Assurance Committee**
Councillors ***** and *****
13. **Grants to the Voluntary Sector Panel - 15 members (10 - 4 - 1)**
Councillors
14. **Monmouthshire and Brecon Canal - Crumlin Arm Working Group (adjoining ward members (Abercarn/Crosskeys/Crumlin/Newbridge/Risca East/Risca West) and Cabinet Member**
Councillors: ***** (Abercarn), ***** (Crosskeys), ***** (Crumlin), ***** (Risca East), ***** (Risca West) plus Cabinet Member
Nominated Reserve: Councillor ***** (Crumlin)
By Invitation: Councillors ***** (Newbridge Ward Related Matters)
15. **Pensions/Compensation Committee - 8 members (6-2) (plus relevant Cabinet Member)**
Councillors plus appropriate Cabinet Member
Substitutes
16. **Prosiect Gwyrdd Joint Scrutiny Panel - 2 members (1 – 1)**
Councillors
17. **Rights of Way Cabinet Committee (5 Cabinet Members)**
Councillors
18. **Risca Town Centre Management Group (5 members - Risca East/Risca West Wards plus Cabinet Member)**
Councillors plus Cabinet Member for
19. **River Rhymney Task Group - 3 members (2-1)**
Councillors
20. **Scrutiny Leadership Group**
Chairs and Vice Chairs of Scrutiny Committees, Democratic Services Committee and Audit Committee
21. **Standing Advisory Council on Religious Education - 6 members (4-2)**

Councillors

22. **View Point Panel**

Education	}	
Environment and Sustainability	}	
Housing and Regeneration	}	relevant Cabinet Members
Policy and Resources/Partnerships	}	
Social Services	}	

23. **Voluntary Sector Liaison Committee - 15 members (10-4-1)**

Councillors

24. **Ystrad Mynach Town Centre Management Group - 4 Members – (Hengoed/Ystrad Mynach Wards plus Cabinet Member)**

Councillors plus Cabinet Member

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REPRESENTATION ON ASSOCIATIONS/OUTSIDE BODIES
1 YEAR UNLESS OTHERWISE INDICATED

CAERPHILLY COUNTY BOROUGH COUNCIL CHAMPIONS

1. **Anti-Poverty Champion**
2. **Armed Forces Community Covenant Champion**
3. **Child Poverty Champion**
4. **Dementia Friend Champion**
5. **Domestic Abuse Champions (2)**
6. **Equalities/Unit Over Division Champion**
7. **Future Generations Champion**
8. **Homeless Persons Champion**
10. **Inclusion Champion**
11. **LGBTQ Champion**
12. **Mental Health Champion**
13. **Older Persons Champion**
14. **White Ribbon Campaign Champion**
15. **Youth Champion (appointed by Youth Forum)**

OUTSIDE BODIES AND ASSOCIATIONS

1. **Aneurin Bevan Community Health Council (Term of Office 2 years to 2021) – 3 Members (Social Services Chair/Vice Chair + Member)**
Councillors

2. **Army Benevolent Fund - Gwent**
3. **Association of Public Services Excellence (APSE) Welsh Regional Committee**
(3 x Cabinet Members)
Councillors
4. **Caerphilly Foster Panel**
Councillor
5. **Carbon Reduction Group**
Councillor
6. **Cardiff Capital Region Joint Committee (Regional Cabinet)**
Leader of Council and Deputy Leader of Council - Councillor
7. **Cardiff Capital Region Joint Scrutiny Committee**
Councillor (Chair of Housing Regeneration) and Councillor
8. **Care and Repair - Caerphilly**
Councillor (Cabinet Member) and Private Sector Housing Manager
9. **Citizens Advice Bureau Trustee Board**
Councillor
10. **Coleg Gwent Further Education Corporation (Crosskeys Community Partnership)**
Councillor
11. **Coleg Harlech WEA North**
Councillor
12. **Coleg Y Cymoedd Corporation (formerly Ystrad Mynach College Board of Governors)**
Sian Farquharson, Challenge Advisor EAS
13. **Corporate Parenting Group**
Councillors (2 Cabinet Members), Councillors (Chair Social Services Scrutiny Committee) (Plaid Member), (Foster Panel Member)
14. **Corporate Safeguarding Group**
Councillors (2 Cabinet Members) and Councillor Plaid, **Councillor Independent**
15. **Fields in Trust (formerly National Playing Fields Association)**
Councillor
16. **Glamorgan Archives Joint Committee – 2 Members**
Councillor
17. **Greater Gwent Cremation Joint Committee – 2 Members**
Councillors
18. **Groundwork Wales**

19. **Gwent Association of Voluntary Organisations**
Relevant Officer and Councillor
20. **Gwent Regional Partnership Board**
Councillor
21. **Gwent Archives Joint Committee – 2 Members**
Councillors
22. **Gwent Police and Crime Panel - politically balanced across Gwent**
Councillors
23. **Industrial Communities Alliance (formerly Coalfield Communities Campaign)**
Councillor
24. **Islwyn Indoor Bowls Club Management Board – 2 Members**
Councillors
25. **Joint Council for Wales – 2 Members**
Councillors
26. **The Learning Centre (Pupil Referral Unit)**
Councillor
27. **Local Authority Action for Southern Africa (LAACTSA)**
Councillor
28. **Local Government Association**
Leader of the Council - and Councillors (3 x Cabinet Members)
29. **Monmouthshire and Brecon Canal Joint Steering Group** (Formally
Monmouthshire and Brecon Canal Regeneration Partnership)
Councillors (2 Cabinet Members) (substitute Councillor)
30. **Monmouthshire Farm School Endowment Trust**
Councillor
31. **PATROL** (Parking and Traffic Regulations Outside London) Adjudication Joint
Committee – Councillor (Cabinet Member)
32. **Pen Bryn Oer Wind Farm Community Benefit Panel**
Member for Twyn Carno Ward - Councillor C. Cuss
33. **PFI Liaison Committee**
Cabinet Member for Education and Achievement -
34. **Prosiect Gwyrdd Joint Committee**
Councillors (2 Cabinet Members)
35. **Regional Technical Statement (Aggregates)**
Councillor
36. **Regional Transport Authority**

- Councillor
37. **Reserve Forces and Cadets Association for Wales**
Councillor
 38. **Safer Caerphilly Community Safety Partnership**
Councillor
 39. **Schools Admission Forum**
Cabinet Member for Learning and Leisure - Councillor
 40. **Schools Budget Forum**
Cabinet Members for Learning and Leisure and Customer, Performance and Property - Councillors and
 41. **South East Area Environment Group**
Councillor
 42. **South East Wales Strategic Planning Group**
Councillor
 43. **South Wales Fire and Rescue Authority**
Councillors, A. Hussey, C. Elsbury
 44. **South Wales Regional Aggregates Working Party**
Councillor
 45. **Sportlot Community Chest Panel – 3 Members**
Councillors
 46. **St. Johns Cymru Wales**
Councillor
 47. **Strategic Planning Panel**
Councillor
 48. **Urban Commission (Local Government Association)**
Councillor
 49. **Wales and National Nuclear Free Zone Forum**
Councillor
 50. **Wales Council for Deaf People**
Councillor
 51. **Welsh Books Council (3 years) and Wales Book Council Executive Committee (1 year)**
Councillor
 52. **Welsh Centre for International Affairs**
Councillor
 53. **Welsh Church Fund**
Councillor (Cabinet Member) and Substitute Councillor (Cabinet Member)

- 54. **Welsh Local Government Association**
Leader of the Council - Councillor and Councillors (3 Cabinet Members)
- 55. **Welsh Local Government Association - Executive Board**
Leader of the Council -
- 56. **WJEC**
Cabinet Member for Learning and Leisure-
- 57. **Workers Education Association - South Wales District Committee**
Councillor

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ANNUAL MEETING OF COUNCIL – 19TH MAY 2022

**SUBJECT: INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL
REPORT 2022/23 – SALARIES AND ALLOWANCES**

REPORT BY: CORPORATE DIRECTOR OF EDUCATION AND CORPORATE SERVICES

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1. PURPOSE OF REPORT

- 1.1 To inform Council of the publication of the 2022/23 Annual Report from the Independent Remuneration Panel for Wales which is attached at Appendix 1.
- 1.2 To ask Council to determine which roles should receive the senior salary payments, the appointment of civic roles and salaries together with the other ancillary matters the detail of which are set out in the report and recommendations below.

2. SUMMARY

- 2.1 Council is asked to note the report of the Independent Remuneration Panel for Wales Report for 2022/23 and to decide on the allocation of senior and civic salaries together with ancillary matters set out in the report.

3. RECOMMENDATIONS

Council is asked

- 3.1 To note the determinations of the Independent Remuneration Panel for Wales as set out in the Annual Report for 2022/23.
- 3.2 To confirm which roles should attract a senior salary payment subject to a maximum cap of 18 members.
- 3.3 To advise if a Mayor and Deputy Mayor is to be appointed and if so whether the posts are to be remunerated.
- 3.4 To advise if a Presiding Member is to be appointed and if so whether they are to be remunerated. This remuneration will count towards the cap and may be paid a Band 3 salary.
- 3.5 To note the existing proforma Schedule of Remuneration set out at Appendix 2 and

- a) To increase the cap on payments to co-opted members from 10 to 12 full days a year for each committee to which an individual may be co-opted with voting rights and
 - b) Note the continuation of the approved duties set out in Schedule 2.
- 3.6 To note the publicity requirements set out in the IRP report and in paragraph 5.12 of this report.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To comply with the requirements of the Independent Remuneration Panel for Wales Annual Report for 2022/23

5. THE REPORT

- 5.1 The Independent Remuneration Panel for Wales is the body tasked with setting the remuneration levels for members in Wales and each year publishes an Annual Report setting out their determinations for that coming year. The Annual Report for 2022/23 is attached at Appendix 1.
- 5.2 Following the local government elections held on 5th May new municipal arrangements will need to be established for the forthcoming year and as such Council is required to consider the IRP report and make determinations as required.
- 5.3 The decisions made as a result of the recommendations in this report will be populated into the Schedule of Remuneration the outline of which based on the year 2021/22 is attached at Appendix 2 and published in accordance with the requirements of the Panel's report. Co-opted member and community councillor vacancies will be added when the appointments are made.

5.4 Salaries

Basic Salary

The Basic Salary in 2022/23 for members of the Council will be £16,800.

5.5 Senior salaries

Senior salaries are payments to members who are executive, chairs of committees and the leader of the opposition. All senior salaries include the basic salary payment.

The limit on the number of senior salaries for Caerphilly remains at **18** and a decision is required as to which qualifying posts up to a maximum of 18 will be paid a Senior Salary for 2022/23.

- 5.6 In terms of the number of members of a leader and Cabinet executive this may not exceed 10. However, as a result of changes introduced by Section 58 of the Local Government and Elections Wales Act 2021, if two or more councillors are elected to share office as executive leader or are appointed to the executive to share office the number of members of the executive may exceed 10 but not 13. Where the number of members of the executive is 11 or 12 at least two of the members must have been elected or appointed to share office. Where the number is 13 at least three of the members must have been appointed to share office. These numbers are not affected where a member has been appointed to the executive on a temporary basis

to cover the absence of a member exercising a right to a family absence under [Part 2](#) of the [Local Government \(Wales\) Measure 2011](#) . Further information on the remuneration of job sharing arrangements are set out in in paragraph 5.12 below.

The senior salary level for Caerphilly is set out in Group B of the IRP report which is as follows

Band 1 Leader	£56,700
Band 1 Deputy Leader	£39,690
Band 2 Executive Members	£34,020
Band 3 Committee Chairs (if remunerated)	£25,593
Band 4 Leader of the largest opposition group	£25,593
Band 5 Leader of other political groups	£20,540

In 2021/22 Council appointed the following senior salaries based on a Cabinet of 9 members.

Leader
Deputy Leader
Cabinet Members x 7
Chair of Governance and Audit Committee
Chair of Planning Committee
Chair of Licensing Committee
Chair of Policy and Resources Scrutiny Committee
Chair of Education Scrutiny Committee
Chair of Environment and Sustainability Scrutiny Committee
Chair of Housing and Regeneration Scrutiny Committee
Chair of Social Services Scrutiny Committee
*Leader of the largest opposition Group**
**this must be made available*

Listed below are the salaries that could attract a senior salary in addition to the roles identified above but the maximum must remain at 18 senior salaries.

Chair Democratic Services Committee
 Chair Appointments Committee
 Chair Appeals Committee
 Chair Pension Compensation Committee
 Chair Investigating and Disciplinary Committee
 Chair Corporate Health and Safety Committee
 Voluntary Section Liaison Committee
 Joint Consultative Committee
 Leaders of other political groups**
 [*must comprise not less than 10% of the members of council]

Council is asked to note that the Chair of the Governance and Audit Committee must now be a lay member as required by the Local Government and Elections Wales Act 2021, therefore a senior salary is no longer payable for this post.

The Panel recognises that there is a significant variance in the responsibilities and functions of chairing different committees. Councils do not have to pay chairs of committees; each council can decide which if any chairs of committees they pay taking into account the differing levels of responsibility.

5.7 **Civic Heads and Deputies (Mayor and Deputy Mayor)**

It is a matter for the Council to decide whether it pays a Mayor or a deputy but where paid the Mayor must be paid Band 3 £25,593 and deputy mayor at Band 5 £20,540. These posts are not included in the cap of 18 (subject to not exceeding 50% of the Council membership).

5.8 **Presiding members**

The Local Government (Democracy) (Wales) Act 2013 allows councils to appoint a presiding member whose role is to chair meetings of the whole council. Where appointed there would be a consequential reduction in the responsibilities of the respective mayor. If a presiding member is appointed they do not have to be remunerated. **If they are the post will count towards the cap and be paid at a Band 3 salary of £25,593.** The post of deputy Presiding member is not remunerated.

5.9 The Panels' report sets out the key factors underpinning the above determinations which are as follows

The basic salary is based on a full time equivalent of three days a week and is paid to all elected members. It is remuneration for the responsibility of community representation and participation in local governance.

The prescribed salary and expenses **must** be paid in full to each member unless an individual has independently and voluntarily opted in writing to the Council's Chief Executive to decline all or any element of the payment.

5.10 The Panel has stipulated the following

- An elected member must not be remunerated for more than one senior post within their authority.
- An elected member must not be paid a senior salary and a civic salary.
- All senior and civic salaries are paid inclusive of basic salary.
- If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.
- members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA (National Parks Authority) or FRA (Fire and Rescue Authority) to which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the NPA or FRA.
- members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a community or town council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the community or town council. Where this situation applies, it is the responsibility of the individual member to comply.

5.11 An overview of the Panel's Other Determinations

Supporting the work of local authority elected member

The Panel expects support to be provided to elected members taking into account the specific needs of individual members and requires the Democratic Services Committee to periodically review the level of support provided to members. All elected members and co-opted members should be provided with adequate telephone, email and internet facilities and without cost to any member.

Job Share arrangements

As outlined in paragraph 5.6, new statutory arrangements have been introduced for job sharing for the Leaders and Cabinet members.

For members of an executive: Each job sharer will be paid an appropriate proportion of the salary group as set out in Table 3 of the IRP report (which for Caerphilly is set out on page 19 of the Panel's report).

The statutory maximum, as set out in the Act, for cabinets cannot be exceeded so each job sharer will count toward the maximum.

In respect of job-sharing arrangements for other senior salary posts (e.g. Committee Chairs: Opposition Group leaders) the Panel is supportive and will normally be prepared to agree to submissions from councils subject to the limitations set out in the following paragraph.

Under the Measure, it is the number of persons in receipt of a senior salary, not the number of senior salary posts that count towards the cap. Therefore, for all job share arrangements the senior salary cap will be increased subject to the statutory maximum of 50% of the council's membership. Where the arrangements would mean that the statutory maximum would be exceeded the Panel would need to seek the approval of Welsh Ministers.

Assistants to the Executive

The Local Government and Elections Act 2021 gives principal councils the right to appoint elected members to assist the executive in discharging its functions. Such appointments are made by the leader of the council and can include:

- the number of assistants that may be appointed
 - the term of office of the assistants
 - the responsibility of the assistants
- There are exclusions to the appointments as set out in the legislation and assistants are not members of the cabinet. The Panel will consider on a case by case basis the appropriate senior salary if any for assistants to the cabinet.

Joint Overview and Scrutiny Committees

Little use has been made of these arrangements therefore the Panel has decided to delete the payment from the Framework. If in future a JOSOC is formed and the council wishes to remunerate it can apply using the arrangements contained in the IRP report.

Corporate Joint Committees

In terms of the Panel's report, as CJC's are in their infancy, the Panel considered it to be too soon to decide if members of CJC's should be remunerated and will evaluate this over time.

Pension Provision for Elected Members

All eligible elected members are entitled to join the Local Government Pension Scheme.

Entitlement to Family Absence.

An elected member is entitled to retain a basic or senior salary when taking a period of family absence. It is a matter for the council to decide if a substitute appointment should be made and there are provisions set out in the report if such an appointment exceeds the cap on senior salaries.

Payments to Co-opted Members of Principal Councils

The Panel has determined that a daily or half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights. The Council can decide on the maximum number of days in any one year for which co-opted members may be paid. It is proposed that the current maximum of 10 days per year is increased to 12 having regard to the changes to the membership and roles of the lay members of the Governance and Audit Committee. The fees payable for co-opted members have not changed and are set out in the proforma in Appendix 2. Full details are contained in Section 9 of the IRP report,

Contribution towards Costs of Care and Personal Assistance.

The purpose of this section is to enable people who have personal support needs or caring responsibilities to carry out their duties effectively as a member of the authority. The principles underpinning this payment are set out from page 40 of the Panel's report.

The Panel has stipulated the following:

- As payments are taxable under the current HMRC rules, full reimbursement is not possible so for clarity this is retitled to "contribution towards the costs of care and personal assistance". It will still require receipts to accompany claims.
- Claims can be made in respect of a dependant under 16 years of age, or a minor or adult who normally lives with the member as part of their family and who cannot be left unsupervised.
- Reimbursement may be claimed for member's own care or support needs where the support and/or cost of any additional needs are not available or are not met directly by the authority such as Access to Work, Personal Independence Payments, insurance. These could arise when the needs are recent and or temporary.

Members, including co-opted members are entitled to claim towards the costs of care and personal assistance, for activities that the individual council has designated official business or an approved duty which might include appropriate and reasonable preparation and travelling time. It is a matter for individual authorities to determine specific arrangements to implement this.

Each authority must ensure that any payments made are appropriately linked to official business or approved duty.

There is no longer a monthly cap and the following arrangements apply

- Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced.
- Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real Living Wage hourly rates as defined by the Living Wage Foundation at the time the costs are incurred.

For clarification, care costs cannot be paid to someone who is a part of a member's household.

The Panel continues to recognise the issues relating to the publication of this legitimate expense and has retained the requirements for publication set out in Annex 4. **To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the contribution towards costs of care and personal assistance.**

Travelling and Subsistence costs for official business

The full provisions are set out in section 12 of the Panel's report.

The reimbursement of mileage costs are as follows

45p per mile Up to 10,000 miles in a year by car
25p per mile Over 10,000 miles in a year by car
5p per mile Per passenger carried on authority business
24p per mile Motorcycles
20p per mile bicycles.

The reimbursement of subsistence costs are as follows

£28 per day allowance for meals, including breakfast, where not provided in the overnight charge
£200 per night London
£95 per night Elsewhere
£30 per night Staying with friends and or family

5.12 Publicity requirements

The Council must as soon as practicable after determining its Schedule of Remuneration for the year under these Regulations and any Report of the Panel and not later than 31 July of the year to which the Schedule refers, arrange for the Schedule's publication within the authority's area and to notify the Panel.

As soon as practicable and no later than 30 September following the end of the financial year all relevant authorities must publicise within the authority's area and notify the Panel:

- the total sum paid by it to each member or co-opted member in respect of basic salary, senior salary, co-opted member fee, travel and subsistence payments.
- the total expenditure on contribution towards costs of care and personal assistance.

In the same timescale and in the same manner, an authority must publicise any further remuneration received by a member nominated or appointed to another relevant authority.

5.13 Conclusion

Council is asked to consider the detail of the report and make determinations in accordance with the recommendations.

6. ASSUMPTIONS

- 6.1 In relation to the cap on the number of meetings a co-optee may be reimbursed for this is based on the assumption that Council wishes to increase the limit from 10 meetings to 12 meetings per year. The remainder of the report contains information from the IRP report and requires a decision from Council on various salary appointments together with ancilliary matters.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 No Integrated Impact Assessment has been undertaken as the Independent Remuneration Panel for Wales has the power under the Local Government (Wales) Measure 2011 to set Members Allowances.

8. FINANCIAL IMPLICATIONS

- 8.1 The salary costs will be factored into the forthcoming budget for the 2022/23 financial year.

9. PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

- 10.1 The report has been circulated to the consultees below and any responses have been incorporated within the report.

11. STATUTORY POWER

- 11.1 Local Government and Housing Act 1989, the Local Government Act 2000, Local Government Wales Measure 2011, Local Government (Democracy) (Wales) Act 2013 and Family Absence for Members of Local Authorities Wales Regulations 2013 (as amended).

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer

Consultees: Christina Harrhy Chief Executive
Dave Street Corporate Director Social Services and Housing

Richard (Ed) Edmunds Corporate Director Education & Corporate Services

Mark S Williams Corporate Director Economy and Environment

Robert Tranter Head of Legal Services and Monitoring Officer

Stephen Harris Head of Financial Services and S151 Officer

Appendix 1	Independent Remuneration Panel for Wales Annual Report 2022/23
Appendix 2	Schedule of Remuneration Proforma



Independent Remuneration Panel for Wales

Annual Report

February 2022

ANNUAL REPORT

2022/2023

FOREWORD

The COVID-19 pandemic continues to impact on the work of the Panel in that we have been unable to meet with authorities and their representative organisations face to face. However, we have continued to hold meetings regularly and to have meaningful discussions with our stakeholders via Microsoft Teams or Zoom.

The Panel issued the draft Report for consultation at the end of September 2021 and held engagement events to support the consultation process. We received a range of views, many either supporting or making no comment about the proposed increases. Some respondents questioned the timing and the potential financial implications. The Panel examined all of the responses and has decided not to make any significant amendments to the determinations contained in the draft Report. More detail is included in the [Executive Summary](#) and main Report.

We are grateful to those organisations and individuals who took the time to express their views.

We consider that it is important that the payments to elected members of principal councils are fair and at a level that is not a disincentive to potential candidates for election. Therefore, the Panel has decided to reset the basic salaries of elected members to closer align with the average earnings in Wales. This alignment has been eroded in successive years, primarily as a result of austerity measures.

This will be my final Report as a member of the Independent Remuneration Panel as I will be standing down at the end of March. I have had the privilege of being a member of the Panel since it was established in 2008 and the Chair for the past 7 years. I wish to put on record my appreciation and thanks to all of my colleagues, past and present, for the support that I have received during the last 13 years. Also, my grateful thanks to the members of our Secretariat who have supported me and ensured the efficient functioning of the Panel.

I believe that the Panel has made a significant and beneficial influence on the value of elected members of local government in Wales at all levels and in respect of all authorities that are within its remit. It is a sad reflection that much of the public's perceptions and views of politicians is tainted by the actions of a few individuals within representative democracy. I have had an involvement with local government all my working life and during that time have met and known countless members. The vast majority work tirelessly for their communities and do so for little financial reward. I believe that all in society should have the opportunity to stand for election if they wish to and there should be no financial barriers to preclude this.

This Report provides a major step forward towards achieving this objective. The Panel has consistently emphasised the fact that democracy is not cost free. However, we have to balance the fairness to elected members against the cost to the public purse. We are satisfied that this balance is achieved for 2022/2023.

I have no doubt that the Panel has had a beneficial impact on improving the worth of a local councillor and it is vital that this is not undermined by those members who decline increases in the payments for reasons of political gain. Such action undermines the worth and value of all elected members.

Finally, my thanks to all the members and officers of Welsh councils, NPAs and FRAs that I have had the pleasure of meeting and engaging with over the last 13 years.

John Bader
Chair

Panel Membership

John Bader, Chair
Saz Willey, Vice Chair
Joe Stockley
Ruth Glazzard
Helen Wilkinson

Detailed information about the members can be found on the website: [Panel website](#)

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Timescale for Implementation of the Panel's Determinations

The [Local Government \(Wales\) Measure 2011](#) requires the Panel's Annual Report to take effect from 1 April. In most years, this is in line with financial and administrative arrangements of all authorities. However, when new councils are elected some of the Panel's determinations are to be effective for the new municipal term.

On 9 May 2022, new municipal arrangements will come into effect following local government elections. This Annual Report therefore has two different effective dates as set out below:

1. For the period 1 April 2022 to 8 May 2022, all of the Determinations contained in the Independent Remuneration Panel for Wales' [Annual Report 2021/2022](#) will continue to apply in respect of principal councils and community and town councils.
2. For national park authorities and Welsh fire and rescue authorities the determinations in Sections [7](#) and [8](#) of this Report will apply from the new financial year, 1 April 2022.
3. With effect from 9 May 2022, (the new municipal year) the determinations set out in this Report in Sections [3](#) and [13](#) will apply to principal councils and community and town councils.

Executive Summary

This is the fourteenth Annual Report of the Independent Remuneration Panel for Wales (the Panel), published under the requirements of the [Local Government \(Wales\) Measure 2011](#) (as amended).

1. As Wales emerges from the COVID-19 pandemic, elected members of local councils are playing an important role in supporting the resilience of their communities and economies. Local elections in Wales will take place on 5 May 2022. These elections provide an important opportunity to highlight public services and to emphasise the importance of councillors in maintaining Welsh democracy.
2. From inception, the Panel has consistently argued that local democracy and the governance of local public services are not cost free and that financial barriers should not limit anyone's opportunity to participate. Remuneration must be sufficient to encourage and enable a diversity of willing and able people to undertake local governance through elected, appointed or co-opted roles.
3. The Panel shares Welsh Government's commitment to equality, diversity and inclusion, including the socio-economic duty. The current make-up of Welsh councillors does not reflect the diversity of Wales. Public services should be accountable to and delivered by people who reflect the communities they serve, as evidence shows diversity of experience and thought broadens perspectives and improves decision making.
4. The Panel has previously highlighted that since 2009, remuneration of elected members of local government in Wales has not kept pace with measures of inflation or other possible comparators due mainly to austerity and pressure on public finances.¹ The effect is members of principal councils have been significantly undervalued over time.

Yearly percentage increases to basic salary, benchmarks and alternative measures 2013 to 2021

Annual Report Year	2013	2014	2015	2016	2017	2018	2019	2020	2021
IRPW Basic	0.00	0.00	0.95	0.00	0.00	0.75	3.49	2.52	1.06
ASHE*	4.00	0.60	1.00	2.70	1.00	2.10	5.10	1.20	3.90
NLW	1.90	3.00	3.10	7.50	4.20	4.40	4.90	6.20	2.18
LWF	3.47	2.68	2.61	5.10	2.42	3.55	2.86	3.33	2.15

* ASHE for 2020 has been revised and the 2021 figure is provisional.

¹ These include Retail Prices Index, Consumer Prices Index, NJC (public sector employees), National Living Wage (NLW), [the Living Wage Foundation's Living Wage \(LWF\) rates](#), Members of Senedd Cymru, and MPs and also the Annual Survey of Hourly Earnings (ASHE). Section 3 has more detail including actual salary comparators.

5. The Panel believe the May elections are the right time to re-establish the link between principal councillor remuneration and average earnings in Wales. Those elected as members of the 22 principal councils will receive, proportionately, the same overall average pay that a Welsh constituent received in 2020. Further details can be found in [Section 3](#).
6. [The Local Government \(Wales\) Measure 2011](#) requires the Panel to have regard to the financial implication of its decisions. The Panel investigated the cost of the reset and discussed issues of affordability with representatives of the Welsh Local Government Association. Their general consensus was, that in the context of a council's total budget, the Panel's determinations will not have a significant impact. The Panel consider that these proposals meet the legislative requirement and achieve an appropriate balance of fairness to councillors and taxpayers.
7. In preparing this Annual Report, the Panel undertook an extensive consultation on the contents of the Draft Report. The breadth, depth and frankness of the feedback is appreciated and all views have been considered. The Panel hopes that this final report is easier to understand and implement.
8. All responses to the draft consultation supported the Panel's stance on continuing to encourage diversity amongst locally elected representatives. Many comments highlighted that low levels of remuneration had proved a barrier to increasing diversity in local democracy. Some raised concerns. One respondent wrote powerfully about the adverse impact on women, and other protected characteristic groups under-represented in local democracy, and of a culture in which people felt coerced into forfeiting payments they are eligible for. The value of the role of councillors is undermined if individual members forego increases determined by an independent Panel.
9. All respondents agreed that councillors should be properly valued and that remuneration needs to reflect the demands and complexity of the role. Most confirmed that decision-making and local governance continue to become more complex and that pressures on councillors that were already increasing before the pandemic have intensified in the last two years. This includes being available at all times of the day and night as the public (and media) increasingly expect and demand agile, often immediate responses to enquiries and concerns. It is clear from responses that a move to hybrid working enforced by the COVID-19 pandemic requires investment in infrastructure, equipment and training support to enable councillors to fulfil their tasks effectively.
10. The environment in which politicians – local and national – are operating in is challenging. Safety emerged as a key issue in 2021 following the tragic death of Sir David Amess MP and in the consultation feedback received.
11. Many individuals and some principal authorities supported all of the Panel's determinations. There were no objections to the principle of aligning members of principal councils with the average Welsh wage. A few thought the proposed increases should have been larger and or have been made earlier. One respondent thought past increases should have been in line with inflation but did not specify which index measure they preferred. The Panel notes that if this had been done the 2022 payments would have been larger.

12. A few respondents stated that they would prefer the increase to be spread over the next five year term. The Panel does not agree. The Panel believes that it is essential prospective candidates and the electorate know that successful candidates will be fairly remunerated, as this may lead to a greater diversity of individuals applying and putting themselves forward for selection and election.
13. A few respondents expressing concern about the level of the proposed increase stated this was because of potential adverse media reaction and public perception about such a large percentage rise. The Panel notes these concerns but is not convinced that any of the matters raised merit a change in either the proposed amounts or that there is a case for incremental increases. The Panel is clear that the 2022 local elections are the right time to re-establish the link between principal councillor remuneration and average earnings in Wales. This was due mainly to austerity and pressure on public finances.
14. The Panel is concerned that payment information provided by relevant authorities shows that very few members are utilising the provision in the framework for financial support in respect of care. It is vital that Democratic Services Committees continue to encourage and facilitate greater use of this element of the Remuneration Framework so that members with care costs are not financially disadvantaged. Encouraging take up of financial support for members with caring responsibilities sends a positive signal that members with care responsibilities are welcome and valued. People's lifestyles (and expectations) have changed in the last decade with increased requirements and expectations for a flexible approach to support people with family and care pressures to participate and contribute at work and in public life, through job sharing, flexibility and family leave. The care payments reflect this.
15. Payments for members of national park authorities and Welsh fire and rescue authorities will increase as a result of the uplift proposed for elected members of principal councils. As indicated above, these increases will be effective from 1 April 2022, the new financial year. The Panel considered the alternative for implementation following the annual meeting of each authority, but this could mean a significant delay in individuals receiving the new payments.
16. Early in 2021 the Panel commenced a major review of the Remuneration Framework in respect of community and town councils and undertook a comprehensive consultation exercise with the sector. We appreciated the level of engagement from individual councils and their representative organisations. The COVID-19 pandemic limited the Panel's opportunities for face-to-face engagement in 2020/2021. However, the Panel's digital engagement was considerable. The Panel recognises a wide variation in geography, scope and scale across the over 700 community and town councils in Wales, from small community councils with relatively minimal expenditure and few meetings to large town councils with significant assets and responsibilities. Our determinations for the new framework are set out in [Section 13](#).
17. The independence of the Panel from Welsh Government and local government is enshrined in law. The Panel's decisions and determinations are made on its principles, objectives and evidence, free from political influence, voter or media

considerations. In reaching the conclusions within this report, the Panel took account of:

- the overarching framework of the [Wellbeing of Future Generations Act](#);
- the ethos and principle of the [socio-economic duty](#), implemented in Wales in 2020;
- the Welsh Government's ongoing commitment to [equality](#) and [diversity in democracy](#) including the [Access to Elected Office Fund](#) and other stakeholder initiatives such as [Be a Councillor](#) (WLG) and [ElectHer](#);
- Welsh Government's [net zero all-Wales plan](#), [remote working policy](#) and indications that hybrid working will remain a feature of the operating environment for local politicians.

2022-2023 Determinations

18. The table below summarises the new and updated determinations in this year's Annual Report informed by our belief and rationale for investing in local democracy and public services and by the principles outlined above.

[Annex 1](#) outlines all of the Panel's determinations for 2022/23.

Summary of new and updated determinations contained in this report
Principal Councils
<i>Determination 1:</i> The basic salary in 2022/23 for elected members of principal councils shall be £16,800.
<i>Determination 2:</i> Senior salary levels in 2022/23 for members of principal councils shall be as set out in Table 4 .
<i>Determination 3:</i> Where paid, a civic head must be paid a Band 3 salary of £25,593 in accordance with Table 4 .
<i>Determination 4:</i> Where paid, a deputy civic head must be paid a Band 5 salary of £20,540 in accordance with Table 4 .
<i>Determination 5:</i> Where appointed and if remunerated, a presiding member must be paid £25,593 in accordance with Table 4 .
Assistants to the Executive
<i>Determination 13:</i> The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the executive.
National Park Authorities
<i>Determination 23:</i> The basic salary for NPA ordinary members shall be £4,738 with effect from 1 April 2022.
<i>Determination 24:</i> The senior salary of the chair of a NPA shall be £13,531 with effect from 1 April 2022.
<i>Determination 25:</i> A NPA senior salary of £8,478 must be paid to a deputy chair where appointed.

Summary of new and updated determinations contained in this report
Determination 26: Committee chairs or other senior posts can be paid. This shall be paid at £8,478.
Fire and Rescue Authorities
Determination 30: The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.
Determination 31: The senior salary of the chair of a FRA shall be £11,162 with effect from 1 April 2022.
Determination 32: A FRA senior salary of £6,109 must be paid to the deputy chair where appointed.
Determination 33: Chairs of committees or other senior posts can be paid. This shall be paid at £6,109.
Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities
Determination 40: The appropriate officer within the authority must set in advance whether a meeting is programmed for a full or half day. When the meeting is set for a full day the fee will be paid on this basis even if the meeting finishes within four hours.
Contribution towards Costs of Care and Personal Assistance (CPA)
<p>Determination 43: All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <ul style="list-style-type: none"> • Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced. • Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real Living Wage hourly rates as defined by the Living Wage Foundation at the time the costs are incurred. <p>This must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Payment shall only be made on production of receipts from the care provider.</p>
Community and Town Councils
Determination 44: Community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.
Determination 45: The payment for members undertaking a senior role is an annual amount of £500 as set out in Table 11 .
<p>Determination 48: Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> • Up to £57.20 for each period not exceeding 4 hours • Up to £114.40 for each period exceeding 4 hours but not exceeding 24 hours

Summary of new and updated determinations contained in this report
<p>Determination 49: Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30.</p> <p>A member in receipt of financial loss will not be entitled to claim attendance allowance for the same event.</p>
<p>Determination 52: The application of the Remuneration Framework by relevant Group.</p>

1. The Panel's Framework: Principles of Members' Remuneration

Upholding trust and confidence

- 1.1 Citizens rightly expect that all those who choose to serve in local authorities uphold the public trust by embracing the values and ethics implicit in such public service. These principles underpin the contribution that the work of the Panel and its Framework make towards upholding public trust and confidence.

Simplicity

- 1.2 The Framework is clear and understandable. This is essential for the Panel to be able to communicate its Determinations effectively to all those who are affected by, or who have an interest in its work.

Remuneration

- 1.3 The Framework provides for payment to members of authorities who carry a responsibility for serving their communities. The level of payment should not act as a barrier to taking up or continuing in post. There should be no requirement that resources necessary to enable the discharge of duties are funded from the payment. The Framework provides additional payments for those who are given greater levels of responsibility.

Diversity

- 1.4 Democracy is strengthened when the membership of authorities adequately reflects the demographic and cultural make-up of the communities such authorities serve. The Panel will always take in to account the contribution its Framework can make in encouraging the participation of those who are significantly under-represented at local authority level.

Accountability

- 1.5 Taxpayers and citizens have the right to receive value for money from public funds committed to the remuneration of those who are elected, appointed or co-opted to serve in the public interest. The Panel expects all authorities to make information readily and appropriately available about the activities and remuneration of their members.

Fairness

- 1.6 The Framework will be capable of being applied consistently to members of all authorities within the Panel's remit as a means of ensuring that levels of remuneration are fair, affordable and generally acceptable.

Quality

- 1.7 The Panel recognises that the complex mix of governance, scrutiny and regulatory duties incumbent upon members requires them to engage with a process of continuous quality improvement. The Panel expects members to undertake such training and personal development opportunities as required to properly discharge the duties for which they are remunerated.

Transparency

- 1.8 Transparency of members' remuneration is in the public interest. Some members receive additional levels of remuneration by virtue of being elected or appointed to more than one public body. The Framework serves to ensure that knowledge of all members' remuneration is made easily available to the public.

Remuneration of Heads of Paid Service

- 1.9 The Panel applies these principles of fairness, accountability and transparency in all its determinations in relation to remuneration of members of all the authorities that fall within its remit. The same principles also apply when the Panel is required to make recommendations in relation to the remuneration of the heads of paid service of these authorities.

2. Annual Report Summary Page

Type of Payment	Type of Authority			
	Principal Councils	National Park Authorities	Fire and Rescue Authorities	Community and Town Councils
Basic Salary	page 16	page 32	page 35	N/A ²
Senior Roles	page 19	page 32	page 35	page 49
Committee Chairs	page 17	page 32	page 35	N/A
Opposition Groups	page 19	N/A	N/A	N/A
Civic Heads and Deputies	page 20	N/A	N/A	page 52
Presiding Members	page 21	N/A	N/A	N/A
Mileage	page 45	page 45	page 45	page 45
Other Travel Costs	page 45	page 45	page 45	page 50
Subsistence Costs	page 46	page 46	page 46	page 50
Contribution towards Costs of Care and Personal Assistance	page 39	page 39	page 39	page 39
Family Absence	page 30	N/A	N/A	N/A
Sickness Absence	page 43	page 43	page 43	N/A
Joint Overview and Scrutiny Committees	page 27	N/A	N/A	N/A
Corporate Joint Committees	page 28	N/A	N/A	N/A
Pension	page 29	N/A	N/A	N/A
Co-optees	page 37	page 37	page 37	N/A
Specific or Additional Allowances	page 23	N/A	N/A	N/A
Payments to Community and Town Councillors	N/A	N/A	N/A	page 47
Compensation for Financial Loss	N/A	N/A	N/A	page 50
Statement of Payments	page 84	page 84	page 84	page 84
Schedule of Remuneration	Page 82	Page 82	Page 82	N/A
Salaries of Head of Paid Services	Page 59	N/A	Page 59	N/A

² Not Applicable

3. Payments to Elected Members of Principal Councils: Basic, Senior and Civic Salaries

Basic salary for elected members of principal councils

- 3.1 In 2009 the Panel decided the average work commitment of an elected councillor of a principal council was three working days. The maximum basic salary was set at £13,868. This reflected three fifths of the then median gross earnings of full-time male employees resident in Wales as reported in the Annual Survey of Hourly Earnings (ASHE) published by the Office of National Statistics. The Panel considered it was appropriate to use this figure, as it was comparable with constituents' pay, adjusted for the part-time nature of the work of a member with no senior responsibilities. At the introduction of austerity measures, the basic salary was reduced to £13,175 and the link to ASHE was broken. Since then, there has been no connection between councillor and constituent pay. In 2019, the Panel took steps to stop the gap widening and reviewed options to move towards reinstating the link with ASHE or another suitable benchmark. A detailed explanatory paper setting out the historical context and analysis is available on the Panel's [website](#). The key issues are:
- 3.1.1 Since 2009, the Panel has met its duty to take account of affordability and acceptability and set amounts for the basic salary that varied but have not kept pace with measures of inflation or other comparators. [Table 1](#) shows the percentage increases to the basic salary and a selection of alternative benchmarks from 2013 to 2021.
- 3.1.2 From 2013 to 2020 the basic salary of other Welsh elected members increased by 9% (£13,175 to £14,368). A Senedd Cymru member's salary increased by 28.6% (£53,852 to £69,272) and an MP's salary increased by 23.4% (£66,396 to £81,932). MS salaries were realigned in 2017 and MPs in 2015.
- 3.1.3 Examining other parts of the United Kingdom, councillors in Scotland receive £18,604 a year and in 2018 councillors in Northern Ireland received £15,486. Comparison with England is more difficult as the structure of local government is different, although there are examples where members are paid significantly more than their Welsh counterparts.
- 3.1.4 [Table 1](#) shows the basic salary of backbench councillors has fallen significantly behind the Welsh average (median) salary and public sector pay.

Table 1 – Yearly percentage increases to basic salary, benchmarks and alternative measures 2013 to 2021

Annual Report Year	2013	2014	2015	2016	2017	2018	2019	2020	2021
IRPW Basic	0.00	0.00	0.95	0.00	0.00	0.75	3.49	2.52	1.06
ASHE*	4.00	0.60	1.00	2.70	1.00	2.10	5.10	1.20	3.90
NJC **	1.00	0.43	2.05	1.00	1.00	2.00	2.60	2.75	1.75
MS	0.00	0.00	0.00	1.00	17.70	2.10	3.50	0.00	2.40
MP	1.00	1.00	10.30	1.30	1.40	1.80	2.70	3.10	0.00
RPI***	3.00	2.40	1.00	1.80	3.60	3.30	2.60	1.50	3.80
CPI ****	2.60	1.50	0.00	0.70	2.70	2.50	1.80	0.90	2.00
NLW	1.90	3.00	3.10	7.50	4.20	4.40	4.90	6.20	2.18
LWF	3.47	2.68	2.61	5.10	2.42	3.55	2.86	3.33	2.15

*ASHE for 2020 has been revised and the 2021 figure is provisional

** NJC final employers offer July 2021; *** RPI and CPI**** are for July 2021.

Wales Median Average (median) gross weekly earnings by Welsh local areas and year (£) (gov.wales)

MS [Remuneration Board](#)

MP [Independent Parliamentary Standards Authority](#)

RPI all items [Retail Price Index](#)

CPI [Consumer Price Inflation](#)

NLW [National Living Wage](#)

LWF [Living Wage Foundation](#)

Table 2 - Basic yearly salary and actual full time and 3 day (60%) equivalents of Welsh national average pay 2013 to 2021

Year	IRPW basic salary	Wales Median ASHE	
		full time	3 day
2013	13,175	24,499	14,699
2014	13,175	24,655	14,793
2015	13,300	24,915	14,949
2016	13,300	25,643	15,386
2017	13,300	25,904	15,542
2018	13,400	26,476	15,886
2019	13,868	27,828	16,697
2020	14,218	28,166*	16,900*
2021	14,368	29,274*	17,564*

- 3.2 When making determinations for this Annual Report, the Panel considered the progression of the variety of benchmark figures outlined above for the period from 2013 to 2021 and the increases.
- 3.3 As outlined in the [Executive Summary](#), the Panel believes that local elections in May 2022 provide an opportune time to rectify the imbalance between the basic salary of councillors and the average salaries of their constituents. The basic salary of councillors of principal councils elected in the May 2022 local elections will be reset to align with the 2020 ASHE. This will be £16,800.

Determination 1: The Basic Salary in 2022/23 for elected members of principal councils shall be £16,800.

Senior Salaries

Senior salaries are payments to members who are executive, chairs of committees and the leader of the opposition.

Number of Senior Salaries

- 3.4 The limit on the number of senior salaries payable (“the cap”) will remain in place and remains unchanged other than to reflect, where appropriate, the changes in the membership. In 2022-2023 the maximum number of senior salaries payable within each council will be as set out in [Table 3](#).

Senior Salary Payments

- 3.5 All senior salaries include the basic salary payment.
- 3.6 The Panel recognises that years of no or low increases has meant the pay of senior salary holders is significantly and increasingly lower than many relevant comparators.

Leaders

- 3.7 It is widely recognised that the role of leader of a principal council is highly complex and carries a large and increasing level of responsibility. Leaders’ pay is at the lower end of sector market comparators.
- 3.8 The Panel has heard arguments that a leader’s pay should be at or above a backbench MS or a Health Board Chair. The Panel has considered these arguments, but has concluded that although the roles have some similarities, there are significant and crucial differences which are not helpful in making comparisons.

- 3.9 The Panel is very concerned that the current payment levels are often financially unattractive and are seen as a barrier to participation. For many willing and well-qualified people, a senior salary might necessitate a significant reduction in earnings. This is not in the spirit of diversity, inclusion, or democracy, or efficient for the effective running of principal councils. To start to address this, the Panel has re-set all senior salary payments for 2022-2023. The salary of a leader of the largest (Group A) council will be £63,000. All other payments have been decided in reference to this and are set out in [Table 4](#).

Executive

- 3.10 The Panel continues to take the view that executive members should be considered to be working the equivalent of full time (around 40 hours per week) but flexibly, and not necessarily nine to five. Continued discussions with members and officers in recent years have reinforced this conclusion.

Chairs of Committees

- 3.11 The Panel recognises that there is a significant variance in the responsibilities and functions of chairing different committees. Councils do not have to pay chairs of committees. Each council can decide which, if any, chairs of committees they pay. This allows councils to take account of differing levels of responsibility.
- 3.12 The Panel has considered the role element of the chair's salary. The move to a single level of chair payment in 2019 reduced the differentials with other senior payments. To reset this, the Panel has decided not to change the role element at the 2021 figure of £8,793 for 2022-2023. The basic salary increase will apply.

Determination 2: Senior salary levels in 2022/23 for members of principal councils shall be as set out in [Table 4](#).

Table 3: Maximum numbers of council membership eligible for payment of a senior salary

Council	Number of councillors	Number of senior salaries
Group A (populations over 200,000)		
Cardiff	79	19
Rhondda Cynon Taf	75	19
Swansea	75	19
Group B (populations of 100,000 to 200,000)		
Bridgend	51	18
Caerphilly	69	18
Carmarthenshire	75	18
Conwy	55	18
Flintshire	66	18
Gwynedd	69	18
Neath Port Talbot	60	18
Newport	51	18
Pembrokeshire	60	18
Powys	68	18
Vale of Glamorgan	54	18
Wrexham	56	18
Group C (populations of up to 100,000)		
Blaenau Gwent	33	16
Ceredigion	38	17
Denbighshire	48	17
Isle of Anglesey	35	17
Merthyr Tydfil	30	15
Monmouthshire	46	17
Torfaen	40	17

NOTE: The number of councillors set out in [Table 3](#) reflects the changes proposed by the Local Democracy and Boundary Commission for Wales and approved by the Minister for Finance and Local Government. These will be effective from the 9 May 2022. From 1 April 2022 to 8 May 2022 the numbers contained in [Table 3](#) of the Annual Report 2021/2022 will apply.

Table 4: Salaries payable to Basic, Senior, Civic and Presiding Members of Principal Councils:

Basic salary (payable to all elected members) £16,800			
	Group A Cardiff, Rhondda Cynon Taf, Swansea	Group B Bridgend, Caerphilly, Carmarthenshire, Conwy, Flintshire, Gwynedd, Newport, Neath Port Talbot, Pembrokeshire, Powys, Vale of Glamorgan, Wrexham	Group C Blaenau Gwent, Ceredigion, Denbighshire, Merthyr Tydfil, Monmouthshire, Torfaen, Isle of Anglesey
Senior salaries (inclusive of basic salary)			
Band 1 Leader	£63,000	£56,700	£53,550
Deputy Leader	£44,100	£39,690	£37,485
Band 2 Executive Members	£37,800	£34,020	£32,130
Band 3 Committee Chairs (if remunerated):		£25,593	
Band 4 Leader of Largest Opposition Group ³		£25,593	
Band 5 Leader of Other Political Groups		£20,540	

³ Leader of largest opposition group. See IRPW Regulations, Annex 2, Part 1(2) for a definition of “largest opposition group” and “other political group”.

Table 4 notes:

- The Panel considers that leadership and executive roles (Band 1 and 2 salaries respectively) carry the greatest individual accountability. A deputy leader salary is set at 70% of their leader and an executive member at 60% of their leader.
- The Panel considered arguments for and against changing council groupings. Options included removing or increasing the number of groups

and changing the banding levels. The Panel concluded that ‘size of population’ remains a major factor in influencing levels of responsibility and has retained the three population groups (A, B and C). For information: Group A Population 200,000 and above; Group B Population 100,001 to 199,999; Group C Population up to 100,000.

- c. Salaries for B group councils will be at 90% of Group A salaries. Salaries for C group councils have been set at around 80% of Group A. Although Group C councils have significantly smaller populations and budgets they face similar duties and challenges as Group A and B councils and they do so with fewer resources. The Panel has therefore decided to reduce the Group differentials. In 2022/2023 salaries for Group C will be at 85% of Group A salaries. The salaries are set out in [Table 4](#).
- d. Committee chairs will be paid at Band 3. A council can decide which, if any, chairs of committees are remunerated. This allows councils to take account of differing levels of responsibility.
- e. The stipulation that an opposition group leader or any other group leader must represent at least 10% of the council membership before qualifying for a senior salary remains unchanged.
- f. The Panel has determined that a council must make a senior salary available to the leader of the largest opposition group.
- g. The Panel has determined that, if remunerated, a Band 5 senior salary must be paid to leaders of other political groups.

Payments to Civic Heads and Deputies (Civic Salaries)

- 3.13 A council may decide not to pay any civic salary to the posts of civic head and or deputy civic head. If paid, civic heads must be remunerated at Band 3 level and deputy civic heads at Band 5. (Determinations 5, 6, 7 and 8).
- 3.14 The posts of civic head and deputy civic head are not included in the cap (subject to not exceeding 50% of the council membership).
- 3.15 Civic heads are senior posts within councils which are distinct from political or executive leadership. In addition to chairing major meetings the civic head is the authorities’ ‘first citizen’ and ‘ambassador’ representing the council to a wide variety of institutions and organisations. The Panel’s requirement that members should not have to pay for the cost of the support (see **Determination 10**) needed to carry out their duties applies also in respect of deputy civic heads.

Determination 3: Where paid, a Civic Head must be paid a Band 3 salary of £25,593 in accordance with [Table 4](#).

Determination 4: Where paid, a Deputy Civic Head must be paid a Band 5 salary of £20,540 in accordance with [Table 4](#).

- 3.16 In many instances civic heads receive secretarial support and are provided with transport for official duties and can access a separate hospitality budget which is managed and controlled by council officers.
- 3.17 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and official clothing. Funding decisions in relation to levels of such additional support are not matters of personal remuneration, but of the funding required to carry out the tasks and duties. These matters remain entirely a decision for individual councils. Councils remain free to invest in support at whatever levels they deem appropriate for the levels of civic leadership they have in place.
- 3.18 The [Local Government \(Democracy\) \(Wales\) Act 2013](#) allows councils to appoint a presiding member whose role is to chair meetings of the whole council. Where appointed, there would be a consequential reduction in the responsibilities of the respective civic head.

Presiding Members

- 3.19 Councils are reminded that, if a presiding member is appointed, they do not have to be remunerated. If they are remunerated the post will count towards the cap and be paid at a Band 3 senior salary.

Determination 5: Where appointed and if remunerated, a presiding member must be paid £25,593 in accordance with [Table 4](#).

Determination 6: The post of deputy presiding member will not be remunerated.

Key factors underpinning the Panel's determinations:

- 3.20 The basic salary, paid to all elected members, is remuneration for the responsibility of community representation and participation in the scrutiny, regulatory and related functions of local governance. It is based on a full time equivalent of three days a week.
- 3.21 The prescribed salary and expenses must be paid in full to each member unless an individual has independently and voluntarily opted in writing to the authority's proper officer to decline all or any element of the payment. It is fundamental there is transparency in this process so any possible suggestion that members are put under pressure to decline salaries is avoided.

The following must be applied:

Determination 7:

- a) **An elected member must not be remunerated for more than one senior post within their authority.**
- b) **An elected member must not be paid a senior salary and a civic salary.**
- c) **All senior and civic salaries are paid inclusive of basic salary.**
- d) **If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.**

Determination 8: Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the NPA or FRA.

Determination 9: Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a community or town council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the community or town council. Where this situation applies, it is the responsibility of the individual member to comply.

Supporting the work of local authority elected members

- 3.22 The Panel expects support provided should take account of the specific needs of individual members. Democratic Services Committees are required to periodically review the level of support provided to members to carry out their duties. The Panel would expect these committees to carry this out and bring forward proposals to the full council as to what is required. Any proposals should be made with due regard to Determinations 10 and 11 below. For example, the Panel does not consider it appropriate that elected members should be required to pay for any telephone usage to enable them to discharge their council duties.
- 3.23 The Panel considers it is necessary for each elected member to have ready use of email services, and electronic access to appropriate information via an internet connection. The Panel does not consider it appropriate that elected members should be required to pay for internet related services to enable them to discharge their council duties, even more so when a significant proportion of a member's function is undertaken from their home. Access to electronic

communications is essential for a member to be in proper contact with council services and to maintain contact with those they represent. Councils are committed to paperless working and without electronic access members would be significantly limited in their ability to discharge their duties. It is inappropriate for facilities required by members only to be available within council offices within office hours.

- 3.24 The responsibility of each council, through its Democratic Services Committee, to provide support should be based on an assessment of the needs of its members. When members' additional needs or matters of disability apply, or there are specific training requirements indicated, each authority will need to assess any particular requirements of individual members.
- 3.25 As a result of their role as a councillor an elected member's personal security may become adversely affected. It is the duty of Democratic Services Committees to fund or provide support necessary to enable a councillor to discharge their role reasonably and safely. This may require funding appropriate security measures to protect councillors from personal risk or significant threat. Risk assessment and liaison with relevant bodies such as the police and security services would normally inform the selection of required provision.
- 3.26 For co-opted members the support requirements are set out in [Section 9](#) and Determination 42.

Determination 10: Each authority, through its Democratic Services Committee, must ensure that all its elected members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone, email and internet facilities giving electronic access to appropriate information.

Determination 11: Such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and or efficiency of members.

Specific or additional senior salaries

- 3.27 To allow greater flexibility councils have the opportunity to apply for specific or additional senior salaries that are outside the current remuneration framework, or cannot be accommodated within the maximum number of senior salaries relating to the authority. If the proposed addition is approved and results in the council exceeding its cap, this will be included in the approval (subject to not exceeding 50% of the council membership – see footnote 4). Some councils have raised the possibility of operating some senior salary posts on a job share arrangement. The Panel is supportive of this principle, on the basis that it supports diversity and inclusion, and the process is set out in Paragraph 3.29.

Determination 12: Principal councils can apply for specific or additional senior salaries that do not fall within the current Framework.

- 3.28 Guidance to local authorities on the application process was issued in April 2014 and incorporated the following principles:
- a. The total number of senior salaries cannot exceed fifty percent⁴ of the membership.
 - b. Applications will have to be approved by the authority as a whole (unless this has been delegated within Standing Orders) prior to submission to the Panel.
 - c. There must be clear evidence that the post or posts have additional responsibility demonstrated by a description of the role, function and duration.
 - d. Each application will have to indicate the timing for a formal review of the role to be considered by the authority as a whole.

⁴ Local Government (Wales) Measure 2011 Section 142 (5). The proportion fixed by the Panel in accordance with subsection (4) may not exceed fifty percent unless the consent of the Welsh Minister has been obtained.

3.29 Job Sharing Arrangements

[Section 58](#) of the [Local Government and Elections Act \(Wales\) 2021](#) established new arrangements for job sharing for executive leaders and executive members. The Act makes provision:

- a) requiring local authorities to include in their executive arrangements provision for enabling two or more councillors to share an office on an executive, including the office of executive leader
- b) changing the maximum number of members of an executive when members of the executive share an office and
- c) about voting and quorum where members of an executive share office.

For members of an executive: Each job sharer will be paid an appropriate proportion of the salary group as set out in [Table 3](#).

The statutory maximum, as set out in the [Act](#), for cabinets cannot be exceeded so each job sharer will count toward the maximum.

In respect of job-sharing arrangements for other senior salary posts (e.g. Committee Chairs: Opposition group leaders) the Panel is supportive and will normally be prepared to agree to submissions from councils subject to the limitations set out in the following paragraph.

Under the [Measure](#), it is the number of persons in receipt of a senior salary, not the number of senior salary posts that count towards the cap. Therefore, for all job share arrangements the senior salary cap will be increased subject to the statutory maximum of 50% of the council's membership. Where the arrangements would mean that the statutory maximum would be exceeded the Panel would need to seek the approval of Welsh Ministers.

3.30 Assistants to the Executive

The [Local Government and Elections Act](#) also provides for principal councils to be able to appoint elected members to assist the executive in discharging its functions.

Such appointments are made by the leader of the council and can include:

- the number of assistants that may be appointed
- the term of office of the assistants
- the responsibility of the assistants

There are exclusions to the appointments as set out in the legislation and assistants are not members of the cabinet.

The Panel has given initial consideration to matters of remuneration for members appointed as assistants to the executive but has concluded that until there is more information in respect of the responsibilities attached to the posts it is not possible to decide on additional payments, if any. It is therefore proposed that this will be further considered when a council decides to make appointments and details of the specific responsibility is available.

To give effect to this without the requirement for a further formal report the following determination will apply.

Determination 13: The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the executive.

Note: If a senior salary payment is made, each will count towards the cap, however, the cap will be increased by the number of assistants receiving payments subject the statutory maximum of 50 per cent of the council's membership.

4. Joint Overview and Scrutiny Committees

- 4.1 Little use has been made of the arrangements for Joint Overview and Scrutiny Committees (JOSC). Therefore, the Panel has decided to delete the payment from the Framework. If, in future, a JOSC is formed by an individual council and it wishes to remunerate, it can apply using the arrangements contained in paragraphs 3.27 and 3.28. The current JOSCs in operation will continue without need for further confirmation. The applicable salaries are set out in the following determinations.

Determination 14: The salary level for a chair of a Joint Overview and Scrutiny Committee shall be £8,793.

Determination 15: The salary level for a vice chair of a Joint Overview and Scrutiny Committee shall be £4,396.

4A. Corporate Joint Committees

- 1A. [The Local Government and Elections Act 2021](#) established Corporate Joint Committees (CJCs) which comprise groups of principal councils. CJCs have specific functions which are set out in Regulations. [Paragraph 4 of The Corporate Joint Committee \(General\) \(No.2\) \(Wales\)](#) is relevant to the Panel.
- 2A. [The Local Government \(Wales\) Measure 2011](#) is amended to include CJCs as relevant authorities for the functions of the Panel. Therefore, any payments made to members of a CJC have to be determined by the Panel.
- 3A. In respect of this Annual Report, as CJCs are in the early stages of being set up, it is too soon for the Panel to consider whether members of a CJC should be remunerated and over time the role, responsibility will be evaluated including any consequential changes to the function and role of the Executive members of the principal council. However, the payment of contribution to costs of care and personal assistance and travel and subsistence to members of CJCs has been included in [Section 10](#) and [Section 12](#).
- 4A. The function of the Panel relating to the salaries of Chief Executives of principal councils and Chief Fire Officers has been extended to include Chief Executives of CJCs.

5. Pension Provision for Elected Members of Principal Councils

- 5.1 The [Local Government \(Wales\) Measure 2011](#) provides a power to the Panel to make determinations on pension entitlement for elected members of principal councils.

Determination 16: The entitlement to join the Local Government Pension Scheme shall apply to all eligible elected members of principal councils.

6. Entitlement to Family Absence

This section applies to elected members of principal authorities.

- 6.1 The Regulations relating to Family Absence for elected members of principal councils were approved by the National Assembly for Wales in [November 2013](#)⁵ and cover maternity, new-born, adoption and parental absences from official business.
- 6.2 The Panel considered the implications for the remuneration of such members who are given absence under the terms of the Welsh Government Regulations and the Panel's determinations are set out below.

Determination 17: An elected member is entitled to retain a basic salary when taking family absence under the original regulations or any amendment to the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.

Determination 18: When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.

Determination 19: It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.

Determination 20: If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.

Determination 21: When a Council agrees a paid substitution for family absence the Panel must be informed within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.

Determination 22: The Council's schedule of remuneration must be amended to reflect the implication of the family absence.

⁵ [The Family Absence for Members of Local Authorities \(Wales\) Regulations 2013](#)

7. Payments to Members of National Park Authorities

Structure of National Park Authorities

- 7.1 The three national parks in Wales - Brecon Beacons, Pembrokeshire Coast and Snowdonia were formed to protect spectacular landscapes and provide recreation opportunities for the public. [The Environment Act 1995](#) led to the creation of a National Park Authority (NPA) for each park.
- 7.2 National park authorities comprise members who are either elected members nominated by the principal councils within the national park area or are members appointed by the Welsh Government through the Public Appointments process. Welsh Government appointed and council nominated members are treated equally in relation to remuneration.
- 7.3 The structure of the members' committee at each of the three national parks is set out in Table 5.

Table 5: Membership of Welsh National Park Authorities

National Park Authority	Total Membership	Principal Council Members	Welsh Government appointed Members
Brecon Beacons	18	12: Blaenau Gwent County Borough Council – 1 Carmarthenshire County Council – 1 Merthyr Tydfil County Borough Council – 1 Monmouthshire County Council – 1 Powys County Council – 6 Rhondda Cynon Taf County Borough Council - 1 Torfaen County Borough Council – 1	6
Pembrokeshire Coast	18	12: Pembrokeshire County Council – 12	6
Snowdonia	18	12: Conwy County Borough Council – 3 Gwynedd Council – 9	6

- 7.4 Standards Committees of NPAs also have independent co-opted members whose remuneration is included in the Framework as set out in [Section 9](#).
- 7.5 The Panel has based its determinations on the following key points:
- NPAs manage their work via formal authority meetings, committees and task and finish groups. Each has a Development, Management and or Planning Committee, and other committees include Performance and Resources and Audit and Scrutiny. Ordinary NPA members are

members of at least one committee as well as being involved in site visits and inspection panels.

- There is an expectation that members will participate in training and development.
- The chair of an NPA has a leadership and influencing role in the authority, a representational role similar in some respects to that of a civic head and a high level of accountability. The chair is not only the leader of the authority but is also the public face of the particular national park and is the link with the Minister and MS' with whom they have regular meetings. The role requires a high level of commitment and time.

Basic and senior salaries

- 7.6 The time commitment on which the remuneration of members is based is 44 days. The salary for members of NPAs will increase to £4,738.
- 7.7 The Panel has determined that the remuneration of a NPA chair should be aligned to that part of a Band 3 senior salary received by a committee chair of a principal council. This salary will increase to £13,531.
- 7.8 The NPA can determine the number of senior posts it requires as appropriate to its governance arrangements.
- 7.9 The Panel has made the following determinations:

Determination 23: The basic salary for NPA ordinary members shall be £4,738 with effect from 1 April 2022.

Determination 24: The senior salary of the chair of a NPA shall be £13,531 with effect from 1 April 2022.

Determination 25: A NPA senior salary of £8,478 must be paid to a deputy chair where appointed.

Determination 26: Committee chairs or other senior posts can be paid. This shall be paid at £8,478.

Determination 27: Members must not receive more than one NPA senior salary.

Determination 28: A NPA senior salary is paid inclusive of the NPA basic salary.

Determination 29: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed. Where this situation applies, it is the responsibility of the individual member to comply.

Note: Family absence does not apply to Welsh Government appointed members and local authority nominees are covered by their principal council so NPAs are not required to make any arrangements in this respect.

8. Payments to Members of Welsh Fire and Rescue Authorities

Structure of Fire and Rescue Authorities

- 8.1 The three fire and rescue services (FRAs) in Wales: Mid and West Wales, North Wales and South Wales were formed as part of Local Government re-organisation in 1996.
- 8.2 FRAs comprise elected members who are nominated by the Principal Councils within each fire and rescue service area.
- 8.3 The structure of the each of the three FRAs is set out in Table 6.

Table 6: Membership of Fire and Rescue Authorities

Name of Fire and Rescue Authority	Number of Local Authority Members
Mid and West Wales	25: Carmarthenshire County Council – 5 Ceredigion County Council – 2 Neath Port Talbot County Borough Council – 4 Pembrokeshire County Council – 3 Powys County Council – 4 Swansea City and County Council – 7
North Wales	28: Conwy County Borough Council – 5 Denbighshire County Council – 4 Flintshire County Council – 6 Gwynedd Council – 5 Isle of Anglesey County Council – 3 Wrexham County Borough Council – 5
South Wales	24: Bridgend County Borough Council – 2 Blaenau Gwent County Borough Council – 1 Caerphilly County Borough Council – 3 Cardiff City Council – 5 Merthyr Tydfil County Borough Council – 1 Monmouthshire County Council – 2 Newport City Council - 2 Rhondda Cynon Taf County Borough Council - 4 Torfaen County Borough Council – 2 Vale of Glamorgan Council -2

- 8.4 In addition, Standards Committees of FRAs have independent co-opted members whose remuneration is included in the Framework as set out in [Section 9](#).

8.5 In considering remuneration of members of FRAs, the Panel has based its determinations on the following key points:

- The Chair has a leadership and influencing role in the authority, and a high level of accountability especially when controversial issues relating to the emergency service arise. In addition to fire authority meetings, all FRAs have committees that include in different combinations: audit, performance management, scrutiny, human resources, resource management as well as task and finish groups and disciplinary panels. As well as attending formal meetings of the authority and committees, members are encouraged to take on a community engagement role, including visiting fire stations.
- There is a strong training ethos in FRAs. Members are expected to participate in training and development. Induction programmes are available as well as specialist training for appeals and disciplinary hearings.
- Training sessions often follow on from authority meetings to make the training accessible.

Basic and Senior Salaries

- 8.6 The time commitment on which remuneration is based is 22 days. The salary for members of FRAs will increase to £2,369.
- 8.7 The Panel determined that the remuneration of a FRA chair should be aligned to that part of a Band 3 senior salary received by a committee chair of a principal council. This salary will increase to £11,162.
- 8.8 The Panel determined that the remuneration of a FRA deputy chair will be aligned with the Band 5 senior salary for principal councils. This will increase to £6,109 and must be paid if the authority appoints a deputy chair.
- 8.9 The FRA determines the number of senior posts it requires as appropriate to its governance arrangements. Committee chairs and any other senior post if remunerated will be aligned with Band 5. This will increase to £6,109.

Local Pension Boards

- 8.10 The Panel has considered requests from FRAs to allow them to pay salaries to chairs of local pension boards established under the [Firefighters' Pension Scheme \(Wales\) Regulations 2015](#). Those Regulations already give FRAs the power to decide how local pension boards are to work and to pay the chair and members if they wish. Therefore, it is not appropriate for the Panel to make a determination empowering FRAs to pay salaries to local pension board chairs. The senior salaries in Determination 31 or 32 cannot be used exclusively for this role.
- 8.11 The Panel has made the following determinations:

Determination 30: The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.

Determination 31: The senior salary of the chair of an FRA shall be £11,162 with effect from 1 April 2022.

Determination 32: A FRA senior salary of £6,109 must be paid to the deputy chair where appointed.

Determination 33: Chairs of committees or other senior posts can be paid. This shall be paid at £6,109.

Determination 34: Members must not receive more than one FRA senior salary.

Determination 35: A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.

Determination 36: Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated. Where this situation applies, it is the responsibility of the individual member to comply

9. Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities⁶

- 9.1 The Panel has determined that a daily or half daily fee is appropriate remuneration for the important role undertaken by co-opted members of authorities with voting rights. This payment therefore differs from that for elected members of principal councils.
- 9.2 Principal councils, NPAs and FRAs can decide on the maximum number of days in any one year for which co-opted members may be paid. The number of days in any one year may vary to reflect the specific work discharged by each relevant committee.
- 9.3 Recognising the important role that co-opted members discharge, payment must be made for travel and preparation time; committee and other types of meetings as well as other activities, including training, as set out in Determinations 38 to 41.
- 9.4 The determinations are set out below. Principal councils, NPAs and FRAs must tell co-opted members the name of the appropriate officer who will provide them with the information required for their claims; and make the appropriate officer aware of the range of payments that should be made.

Determination 37: Principal Councils, NPAs and FRAs must pay the following fees to co-opted members who have voting rights (Table 7).

Table 7: Fees for co-opted members (with voting rights)

Chairs of standards, and audit committees	£268 (4 hours and over) £134 (up to 4 hours)
Ordinary Members of Standards Committees who also chair Standards Committees for Community and Town Councils	£238 daily fee (4 hours and over) £119 (up to 4 hours)
Ordinary Members of Standards Committees; Education Scrutiny Committee; Crime and Disorder Scrutiny Committee and Audit Committee	£210 (4 hours and over) £105 (up to 4 hours)
Community and Town Councillors sitting on Principal Council Standards Committees	£210 (4 hours and over) £105 (up to 4 hours)

Determination 38: Reasonable time for pre-meeting preparation is to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.

Determination 39: Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).

Determination 40: The appropriate officer within the authority must set in advance whether a meeting is programmed for a full or half day. When the meeting is set for a full day the fee will be paid on this basis even if the meeting finishes within four hours.

Determination 41: Fees must be paid for meetings and other activities including other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.

Support for co-opted members

Determination 42: Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.

⁶ This section does not apply to co-opted members to community and town councils.

10. Contribution towards Costs of Care and Personal Assistance

- 10.1 This section applies to all members of principal councils, NPAs, FRAs and to co-opted members of these authorities. The same provision applies to community and town councils and members of Corporate Joint Committees.
- 10.2 The purpose of this section is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel believes that additional costs of care required to carry out approved duties should not deter any individual from becoming and remaining a member of an authority or limit their ability to carry out the role. The Panel has adopted specific principles related to support for the costs of care which were the subject of a [Supplementary Report](#) published in February 2020. These principles are set out in [Table 8](#).
- 10.3 The Panel reviewed the arrangements for this financial support and has made the following changes:
- a) As payments are taxable under the current HMRC rules, full reimbursement is not possible so for clarity this is retitled to “contribution towards the costs of care and personal assistance”. It will still require receipts to accompany claims.
 - b) Claims can be made in respect of a dependant under 16 years of age, or a minor or adult who normally lives with the member as part of their family and who cannot be left unsupervised.
 - c) Reimbursement may be claimed for member’s own care or support needs where the support and/or cost of any additional needs are not available or are not met directly by the authority such as Access to Work, Personal Independence Payments, insurance. These could arise when the needs are recent and or temporary.
- 10.4 Members, including co-opted members are entitled to claim towards the costs of care and personal assistance, for activities that the individual council has designated official business or an approved duty which might include appropriate and reasonable preparation and travelling time. It is a matter for individual authorities to determine specific arrangements to implement this. Each authority must ensure that any payments made are appropriately linked to official business or approved duty.
- 10.5 The Panel reviewed the maximum monthly payment in recognition that this has not changed for several years. Information indicates that monthly costs and claims vary considerably. These can depend on the number of dependants, their ages and other factors. Therefore the monthly cap will be replaced with the following arrangements:
- Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced.

- Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real Living Wage [hourly rates as defined by the Living Wage Foundation](#) at the time the costs are incurred.

For clarification, care costs cannot be paid to someone who is a part of a member's household.

- 10.6 The Panel continues to recognise the issues relating to the publication of this legitimate expense and has retained the requirements for publication set out in [Annex 4](#). To support current members and to encourage diversity the Panel urges authorities to promote and encourage greater take-up of the contribution towards costs of care and personal assistance.

Table 8

The Panel's principles relating to Care and Personal Assistance (CPA)

The Minimum Authorities should do		How this could be done
Be clear who it is for	<p>Members with primary caring responsibilities for a child or adult and/or personal support needs where these are not covered by statutory or other provision.</p> <p>Claims for personal support might also include a short term or recent condition not covered by the Equality Act 2010, access to work, Personal Payments, insurance or other provision.</p>	A confidential review of the needs of individual members annually and when circumstances change
Raise Awareness	Ensure potential candidates, candidates and current members are aware that financial support is available to them should their current or future circumstances require.	Ensure clear and easily accessible information is available on website and in election and appointment materials, at Shadowing and at induction and in the members' "handbook". Remind serving members via email and or training. Signpost to Panel's Payments to Councillors leaflets.
Promote a Positive Culture	Ensure all members understand the reason for CPA and support and encourage others to claim where needed.	Encouragement within and across all parties of relevant authorities to support members to claim.

The Minimum Authorities should do		How this could be done
		Agree not to advertise or make public individual decisions not to claim.
Set out the approved duties for which CPA can be claimed	<p>Meetings – formal (those called by the authority) and those necessary to members’ work (to deal with constituency but not party issues) and personal development (training, and appraisals.)</p> <p>Travel – in connection with meetings.</p> <p>Preparation – reading and administration are part of a member’s role. Some meetings and committees require large amounts of reading, analysis or drafting before or after a meeting.</p> <p>Senior salary holders with additional duties may have higher costs.</p>	<p>Approved duties are usually a matter of fact. Interpretation of the Panel’s Regulations are set out in the Annual Report.</p> <p>“Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees.”</p>
Be as enabling as possible about the types of care that can be claimed	<p>Members should not be out of pocket subject to the limit set in the Annual Report.</p> <p>Models of care and needs vary. Members may use a combination of several care options.</p> <p>Patterns of care may alter over the civic and academic year.</p> <p>Not all care is based on hourly (or part hourly) rates.</p> <p>Where a whole session must be paid for, this must be reimbursed even where the care need is only for part of a session.</p> <p>Members may need to:</p> <ul style="list-style-type: none"> • book and pay for sessions in advance • commit to a block contract: week, month or term • pay for sessions cancelled at short notice <p>Where care need straddles two sessions both should be reimbursed.</p>	

The Minimum Authorities should do		How this could be done
Have a simple and effective claim process	<p>Members should know how to claim.</p> <p>The claim process should be clear, proportionate and auditable.</p>	<p>Check members understand how to claim and that it is easy to do so.</p> <p>Flexibility to accept paperless invoices</p> <p>Online form</p> <p>Same or similar form to travel costs claim</p>
Comply with Panel's Publication rules	<p>The Panel's Framework states:</p> <p>"In respect of the publication of the reimbursement of the costs of care, the Panel has decided that relevant authorities should only publish the total amount reimbursed during the year. It is a matter for each authority to determine its response to any Freedom of Information requests it receives. However, it is not intended that details of individual claims should be disclosed."</p>	

Determination 43: All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:

- **Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced.**
- **Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real Living Wage [hourly rates as defined by the Living Wage Foundation](#) at the time the costs are incurred.**

This must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Payment shall only be made on production of receipts from the care provider.

11. Sickness Absence for Senior Salary Holders

- 11.1 The [Family Absence Regulations](#) (approved by the National Assembly in 2014) are very specific relating to entitlement and only available for elected members of principal councils. Absence for reasons of ill-health is not included.
- 11.2 Instances have been raised with the Panel of senior salary holders on long term sickness and the perceived unfairness in comparison with the arrangements for family absence. In consequence, councils are faced with the dilemma of:
- operating without the individual member but still paying them the senior salary.
 - replacing the member who therefore loses the senior salary (but retains the basic salary).
- 11.3 The Panel's Framework provides specific arrangements for long term sickness as set out below:
- a) Long term sickness is defined as certified absences in excess of 4 weeks.
 - b) The maximum length of sickness absence within these proposals is 26 weeks or until the individual's term of office ends, whichever is sooner (but if reappointed any remaining balance of the 26 weeks will be included).
 - c) Within these parameters a senior salary holder on long term sickness can, if the authority decides, continue to receive remuneration for the post held.
 - d) It is a decision of the authority whether to make a substitute appointment, but the substitute will be eligible to be paid the senior salary appropriate to the post.
 - e) If the paid substitution results in the authority exceeding the maximum number of senior salaries payable for that authority, as set out in the Annual Report, an addition will be allowed for the duration of the substitution. (However, this would not apply to Merthyr Tydfil or the Isle of Anglesey councils if it would result in more than 50% of the membership receiving a senior salary. It would also not apply in respect of a council executive member if it would result in the cabinet exceeding 10 posts - the statutory maximum).
 - f) When an authority agrees a paid substitution, the Panel must be informed within 14 days of the decision of the details including the specific post and the estimated length of the substitution. The authorities' Schedule of Remuneration must be amended accordingly.
 - g) It does not apply to elected members of principal councils who are not

senior post holders as they continue to receive basic salary for at least six months irrespective of attendance and any extension beyond this timescale is a matter for the authority.

- 11.4 This arrangement applies to members of principal councils, NPAs and FRAs who are senior salary holders, including Welsh Government appointed members, but does not apply to co-opted members.

Note:

The Family Absence Regulations apply to elected members in cases of maternity, new-born, adoption and parental absences from official business. They do not apply to Welsh Government appointed members of NPAs.

12. Reimbursement of Travel and Subsistence Costs when on Official Business

- 12.1 This section applies to members of principal councils, NPAs, FRAs and to co-opted members of these authorities. This section also applies to members of Corporate Joint Committees. (Similar provision for community and town councils is contained in [Section 13](#) as there is a different approach to such members, principally that the provision is permissive.)
- 12.2 Members may claim reimbursement for travel and subsistence (meals and accommodation) costs where these have arisen as a result of undertaking official business or approved duties.
- 12.3 Expenses reimbursed to members of principal councils, by their principal council are exempt from Income Tax and employee NICs. Members of NPAs and FRAs may be subject to other arrangements as determined by HMRC.
- 12.4 The Panel is aware that in some instances members with disabilities have been reluctant to claim legitimate travel expenses because of an adverse response following the publication of their travel costs. As an alternative, travel arrangements could be made directly by the authority in such circumstances.
- 12.5 The Panel has determined there will be no change to mileage rates which members are entitled to claim. All authorities may only reimburse travel costs for their members undertaking official business within and or outside the authority's boundaries at the current HM Revenue and Customs (HMRC) rates which are:

Reimbursement of mileage costs

45p per mile	Up to 10,000 miles in a year by car
25p per mile	Over 10,000 miles in a year by car
5p per mile	Per passenger carried on authority business
24p per mile	Motorcycles
20p per mile	Bicycles

- 12.6 Where a member who is on official business or an approved duty is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

Reimbursement of other travel costs

- 12.7 All other claims for travel, including travel by taxi if this is the only, or most

appropriate, method of transport, must only be reimbursed on production of receipts showing the actual cost and will be subject to any requirement or further limitation that an authority may determine. Members should always be mindful of choosing the most cost-effective method of travel.

Reimbursement of subsistence costs

£28 per day	Day allowance for meals, including breakfast, where not provided in the overnight charge
£200 per night	London
£95 per night	Elsewhere
£30 per night	Staying with friends and or family

- 12.8 These rates are in line with Welsh Government rates. Recommended practice is that overnight accommodation should usually be reserved and paid for on behalf of members by the relevant authority, in which case an authority may set its own reasonable limits and the limits which apply when an individual member claims in arrears for overnight accommodation costs do not then apply.
- 12.9 All authorities must continue to reimburse subsistence expenses for their members up to the maximum rates set out above on the basis of receipted claims except for occasions when members stay with friends and or family.
- 12.10 There may be instances where an authority has determined that travel costs within its boundaries are payable and require a journey to be repeated on consecutive days. Where it is reasonable and cost effective to reimburse overnight accommodation costs, instead of repeated daily mileage costs, then it is permissible to do so.
- 12.11 It is not necessary to allocate the maximum daily rate (£28 per day) between different meals as the maximum daily rate reimbursable covers a 24-hour period and can be claimed for any meal if relevant, provided such a claim is accompanied by receipts.

Car Parking for Members

Several councils have specific arrangements for their members in respect of car parking. The Panel considers that it is a matter for individual councils to determine arrangements including payments to and from members providing that it is a decision made formally by the council.

13. Payments to Members of Community and Town Councils

- 13.1 The Panel recognises that there is a wide variation in geography, scope and scale across the large number of community and town councils in Wales, from small community councils with relatively minimal expenditure and few meetings to large town councils with significant assets and responsibilities. This and the fact that not all electoral areas have councils, has made establishing remuneration arrangements more difficult to achieve than for other relevant authorities. For this reason, the Panel decided to undertake a fundamental review ready for implementation effective from the elections on 5 May 2022.
- 13.2 The Panel decided that in carrying out the review it was vital to engage comprehensively with community and town councils and representative organisations together with a commitment to consult on the proposals emanating from the review. The result of this consultation was a significant degree of support for the new proposals and therefore the Panel has decided to introduce the new Framework as set out in this section. However, this will only take effect from the 9 May 2022 following the municipal elections. For the period from 1 April to 8 May the determinations contained in the [Annual Report 2021/2022](#) will continue to apply.
- 13.3 In order to act and carry out duties as a member of a community or town council all persons are required to make a formal declaration of acceptance of office. Following this declaration, members of community or town councils are then holders of elected office and occupy a role that is part of the Welsh local government structure. It is important to note that a person who follows this path is in a different position to those in other forms of activity, for example such as volunteering or charitable work, typically governed by the Charity Commission for England and Wales.
- 13.4 Under the [Local Government \(Wales\) Measure 2011](#), community and town councils are relevant authorities for the purpose of remuneration.
- 13.5 Consequently, individuals who have accepted office as a member of a community or town council are entitled to receive payments as determined by the Independent Remuneration Panel for Wales. It is the duty of the proper officer of a council (usually the Council Clerk) to arrange for correct payments to be made to all individuals entitled to receive them.
- 13.6 Members should receive monies to which they are properly entitled as a matter of course.
- 13.7 An individual may decline to receive part, or all, of the payments if they so wish. This must be done in writing and is an individual matter. A community or town council member wishing to decline payments must themselves write to their proper officer to do so.

- 13.8 The Panel considers that any member who has personal support needs or caring responsibilities should be enabled to fulfil their role. Therefore, the Panel continues to make the contribution towards costs of care and personal allowance mandatory for all members of community and town councils as set out in Determination 43.
- 13.9 Each community and town council must ensure that it does not create a climate which prevents persons accessing any monies to which they are entitled that may support them to participate in local democracy. Payments should be made efficiently and promptly.
- 13.10 Members in receipt of a Band 1 or Band 2 senior salary from a principal council cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance. However, this does not preclude them from holding a senior role (Leader, Deputy Leader) without payment.
- 13.11 [Table 12](#) sets out the actions that community and town councils must take annually in respect of each determination that follows.

Table 9: Community and Town Council Groupings

The current groups are:

Community and Town Council Group	Income or Expenditure in 2020-2021 of:
A	£200,000 and above
B	£30,000 - £199,999
C	Below £30,000

- 13.12 These are based solely on finance. We acknowledge the view of many respondents that this was restrictive and limiting. Therefore 5 Groups will be established based on the size of the council's electorate.

Table 10

Group number	Size of Electorate
Group 1	Electorate in excess of 14,000
Group 2	10,000 to 13,999
Group 3	5,000 to 9,999
Group 4	1,000 to 4,999
Group 5	Under 1,000

- 13.13 In addition, there will be a second factor for determining which group the council will be placed. Where income or expenditure permanently exceeds £200,000 a year, it will be moved upwards to the next group.

Payments towards costs and expenses

- 13.14 The Panel continues to mandate a payment of £150, for all councils, as a contribution to costs and expenses for members of community and town councils. We have amended the proposal in the draft to take account of responses to the consultation.
- 13.15 Receipts are not required for these payments.

Determination 44: Community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.

Taxation

- 13.16 The issue of the taxation of the £150 payment has been raised on many occasions including in response to the recent consultation. As has been made clear the Panel has no remit in respect of matters of taxation but has been kept informed of the discussions between the Welsh Government and HMRC to establish a possible exemption applying to all community and town councils. Although there has been progress, the Panel has decided that any fundamental change requires formal consultation. This will be progressed in Spring 2022.

Senior roles

- 13.17 The Panel recognises that specific member roles especially within the larger community and town councils, for example a committee chair, will involve greater responsibility. It is also likely that larger councils will have a greater number of committees, reflecting its level of activity. The Panel has therefore set out the determinations for senior roles in [Table 11](#) below.
- 13.18 In all cases, a councillor can only have one payment of £500 regardless of how many senior roles they hold within their Council.

Determination 45: The payment for members undertaking a senior role is an annual amount of £500 as set out in [Table 11](#).

- 13.19 Where a person is a member of more than one community or town council, they are eligible to receive the £150 and, if appropriate, £500 from each council of which they are a member.

Contribution towards costs of Care and Personal Assistance

- 13.20 The purpose of this is to enable people who have personal support needs and or caring responsibilities to carry out their duties effectively as a member of an authority. The Panel's determinations in [Section 10](#) apply to community and town councils.

Reimbursement of travel costs and subsistence costs

- 13.21 The Panel recognises there can be significant travel and subsistence costs associated with the work of community and town council members, especially where the council area is geographically large and/or when engaging in duties outside this area. Each council has an option to pay travel and subsistence costs including travel by taxi if this is the only, or most appropriate, method of transport. Where a council does opt to pay travel and subsistence costs, the following determinations apply.

Determination 46: Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.⁷ Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:

- 45p per mile up to 10,000 miles in the year.
- 25p per mile over 10,000 miles.
- 5p per mile per passenger carried on authority business.
- 24p per mile for private motor cycles.
- 20p per mile for bicycles.

Determination 47: If a community or town Council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:

- £28 per 24-hour period allowance for meals, including breakfast where not provided.
- £200 – London overnight.
- £95 – elsewhere overnight.
- £30 – staying with friends and/or family overnight.

Compensation for financial loss

- 13.22 The Panel has retained the facility which councils may pay as compensation to their members where they incur financial loss when attending approved duties. Members must be able to demonstrate that the financial loss has been incurred. Each council has an option to pay compensation for financial loss and where it does the following determination applies.

Determination 48: Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:

- Up to £57.20 for each period not exceeding 4 hours
- Up to £114.40 for each period exceeding 4 hours but not exceeding 24 hours

⁷ Where a member who is on official business or an approved duty is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

Attendance Allowance

- 13.23 Attendance allowance was raised in the consultation. The Panel acknowledges that in some cases this might be a valuable addition to support the work of a council. It is therefore included as an option for all councils. A number of queries were raised in respect of this proposal in responses to the Draft Report, including some opposition to its introduction. Whilst it is included in the framework, it is optional for councils and therefore those councils that do not consider it appropriate do not have to implement it. Councils can decide and set out the provisions of the scheme, paragraph 13.24 details what should be included.

Determination 49: Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30.

A member in receipt of financial loss compensation will not be entitled to claim attendance allowance for the same event.

- 13.24 (a) As the payment for attendance is optional, the council, at its first Annual Meeting, should formally decide whether or not to make these payments.
- (b) If the council decides in favour of attendance allowances, it must produce a scheme for formal adoption and make provision for it to be publically available.
- (c) The mandatory maximum for each qualifying event is £30. There is no stipulated minimum.
- (d) Payments for attendance must be in respect of official business or approved duty which are identified in the council's Standing Orders or alternatively by specific resolution. The scheme should specify for which events payments will be made.
- (e) All members of the council will be entitled to the payment for attendance at the events specified in the scheme, but an individual member may decline

to receive payment by informing (in writing) the proper officer.

Civic Head and Deputy Civic Head

- 13.25 Civic heads are senior posts within community and town councils. In addition to chairing major meetings the civic head is the ambassador representing the council to a variety of institutions and organisations. The Panel requires that members should not have to pay themselves for any cost associated with carrying out these duties. This requirement also applies in respect of deputy civic heads.
- 13.26 The Panel recognises the wide range of provision made for civic heads in respect of transport, secretarial support, charitable giving and official clothing – we consider these to be the council's civic budgets.
- 13.27 Funding decisions in relation to these civic budgets are not matters of personal remuneration for the post holder but relate to the funding required for the tasks and duties to be carried out. Councils remain free to set civic budgets at whatever levels they deem appropriate for the levels of civic leadership they have in place.
- 13.28 For the avoidance of doubt, costs in respect of, for example, transport (physical transport or mileage costs), secretarial support, charitable giving (purchasing tickets, making donations or buying raffle tickets) and official clothing are not matters of personal remuneration for the individual holding the senior post. These should be covered by the civic budget.
- 13.29 Recognising that some mayors and chairs of community and town councils and their deputies are very active during their year of office, the Panel has determined that community and town councils can make a payment to the individuals holding these roles.
- 13.30 This is a personal payment to the individual and is entirely separate from covering the costs set out above.
- 13.31 The Panel has determined that the maximum payment to a chair or mayor of a community or town council is £1,500. The maximum payment to a deputy mayor or chair is £500.

Determination 50: Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

Determination 51: Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.

Determination 52: The application of the Remuneration Framework by relevant Group is contained in [Table 11](#).

Table 11

Type of payment	Requirement
Group 1	(Electorate over 14,000)
Basic Payment	Mandatory for all Members
Senior Role Payment	Mandatory for 1 member; optional for up to 7
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Costs of Care	Mandatory
Group 2	(Electorate 10,000 to 13,999)
Basic Payment	Mandatory for all members
Senior Role Payment	Mandatory for 1 member; optional up to 5
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Cost of Care	Mandatory
Group 3	(Electorate 5,000 to 9,999)
Basic Payment	Mandatory for all members
Senior Role Payment	Optional up to 3 members
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Cost of Care	Mandatory
Group 4	(Electorate 1,000 to 4,999)
Basic Payment	Mandatory for all members
Senior Role Payment	Optional up to 3 members
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subsistence	Optional
Cost of Care	Mandatory
Group 5	(Electorate less than 1,000)
Basic Payment	Mandatory for all members
Senior Role Payment	Optional
Attendance Allowance	Optional
Financial Loss	Optional
Travel and Subs	Optional
Cost of Care	Mandatory

Making Payments to Members

13.32 [Table 12](#) sets out each of the above determinations and if a decision is required by the council in respect of each one.

- 13.33 In respect of the mandated payments, no decision is required and members should receive monies to which they are properly entitled as a matter of course.
- 13.34 Where a decision is required by the council, this should be done at the first meeting following receipt of the Annual Report.
- 13.35 A council can adopt any, or all, of the non-mandated determinations but if it does make such a decision, it must apply to all its members.
- 13.36 When payments take effect from is set out in paragraphs 13.38 to 13.40 below.
- 13.37 On receipt of the draft Annual Report the previous autumn, councils should consider the determinations for the next financial year and use this to inform budget plans.

Table 12

Determination Number	Is a decision required by council?
44 Community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses, with the exception of those councils in Group 5 where the payment is optional.	No - the payment of £150 is mandated for every member unless they advise the appropriate officer that they do not want to take it in writing. This does not apply to councils in Group 5. The council must decide whether to adopt the payment and if so, it must be available for all members.
45 The payment for members undertaking a senior role is an annual amount of £500 as set out in Table 11 .	As set out in Table 11 .
46 Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.	Yes – the payment of travel costs is optional.
47 If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members.	Yes – the payment of overnight subsistence expenses is optional.
48 Community and town councils can pay financial loss compensation to each of their members, where such loss has actually occurred, for attending approved duties.	Yes – the payment of financial loss compensation is optional if claimed
49 Each council can decide to introduce an attendance	Yes – the payment of attendance allowance is optional.

Determination Number	Is a decision required by council?
allowance for members. The amount of each payment must not exceed £30. A member in receipt of financial loss will not be entitled to claim attendance allowance for the same event.	
50 Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500.	Yes – the payment to a civic head is optional.
51 Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum amount of £500.	Yes – the payment to a deputy civic head is optional.
52 The application of the Remuneration Framework by relevant Group.	As set out in Table 11 .
53 Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is leader, deputy leader or executive member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.	No - Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is leader, deputy leader or executive member) can only receive travel and subsistence expenses and contribution towards costs of care and personal assistance; if they are eligible to claim, and wish to do so.

13.38 All members are eligible to be paid the £150 as set out in Determination 44 and [Table 11](#), normally from the start of the financial year; unless they are elected later in the financial year, in which case they are eligible for a proportionate payment from that date. However, as 2022 is an election year different arrangements will be required.

- Members who are not standing for re-election or fail to be re-elected are entitled to part payment for the period 1 April to 8 May.
- Current members who are re-elected are entitled to the full payment, but it would be administratively reasonable for the payment to be deferred until the outcome of the election.
- New members are entitled to a proportionate payment

13.39 Other amounts payable to members in recognition of specific responsibilities or

as a civic head or deputy civic head as set out in Determinations 50 and 51 are payable from the date when the member takes up the role during the financial year. For the election year the same arrangements as set out in 13.38 will apply.

13.40 It is a matter for each council to make, and record, a policy decision in respect of:

- when the payment is actually made to the member;
- how many payments the total amount payable is broken down into;
- and whether and how to recover any payments made to a member who leaves or changes their role during the financial year.

13.41 Payments in respect of Determinations 45, 46, 47 and 48 are payable when the activity they relate to has taken place.

13.42 As stated in paragraph 13.7 any individual member may make a personal decision to elect to forgo part or all of the entitlement to any of these payments by giving notice in writing to the proper officer of the council.

Determination 53: Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is Leader, Deputy Leader or Executive Member) cannot receive any payment from any community or town Council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.

Publicity requirements

13.43 There is a requirement on community and town councils to publish details of all payments made to individual members in an annual Statement of Payments for each financial year. This information must be published on council noticeboards and or websites (with easy access) and provided to the Panel by email or by post no later than 30 September following the end of the previous financial year. The Panel draws attention to the requirements stipulated at [Annex 4](#). The Panel is concerned that a significant number of councils are still in breach of this requirement.

14. Compliance with Panel Requirements

The Panel's remit under the Measure

- 14.1 [Section 153](#) of the [Measure](#) empowers the Panel to require all relevant authorities⁸ to comply with the requirements imposed by an Annual Report of the Panel and further enables the Panel to monitor the compliance of relevant authorities with the Panel's determinations.
- 14.2 A relevant authority must implement the Panel's determinations in this report from the date of its annual meeting or a date specified within the Annual Report.

Monitoring compliance

- 14.3 The Panel will monitor compliance with the determinations in this Annual Report. Whilst the Panel has no formal enforcement powers it may share information with organisations such as Audit Wales as part of the overall review of a relevant authority's governance and financial arrangements. If the Panel is not satisfied a relevant authority has complied with the Panel's determinations the Panel will inform Welsh Government ministers and may publish details of non-compliance.

The following applies to all authorities including community and town councils

- 14.4 A relevant authority must make arrangements for publication within the authority area of the total sum paid by it in the previous financial year to each member and co-opted member in respect of salary (basic, senior and civic), allowances, fees and reimbursements in a Statement of Payments (in accordance with Annex 4 that sets out the content that must be included in the Publicity Requirements). This must be published as soon as practicable and no later than 30 September following the end of the previous financial year- and must also be submitted to the Panel no later than that date.

The following requirements do not apply to community and town councils

- 14.5
- (i) A relevant authority must maintain an annual **Schedule of Member Remuneration** (IRPW Regulations 4 and 5). Guidance at Annex 3 sets out the content which must be included in the Schedule.
 - (ii) A relevant authority must make arrangements for the Schedule's publication within the authority area (IRPW Regulation 46) and send the Schedule to the Panel as soon as practicable and not later than 31 July in the year to which it applies. Annex 4 provides further details of the publicity requirements.

- (iii) Any amendments to the Schedule made during the year must be notified to the Panel as soon as possible after the amendment is made.

⁸ Interpretation of “Relevant Authority” provided in the Independent Remuneration Panel for Wales (IRPW) Regulations, Part 1, ‘Interpretation’.

15. Salaries of Heads of Paid Service of Principal Councils and Fire and Rescue Authorities and Chief Officers of Principal Councils

- 15.1 [Section 63](#) of the [Local Government \(Democracy\) \(Wales\) Act 2013](#) amended the [Local Government \(Wales\) Measure 2011](#) by inserting section [143A](#). This enables the Panel to take a view on anything in the Pay Policy Statements of these authorities that relates to the salary of the head of paid service (normally the Head of Paid Service or chief fire officer). Section 39 of the [Local Government \(Wales\) Act 2015](#) further amended the Measure extending this function to include Chief Officers of Principal Councils. However, this function ceased on 31 March 2020.
- 15.2 The Welsh Government issued amended guidance to the Panel which can be found at [Amended Guidance to the Independent Remuneration Panel for Wales under Section 143A of the Local Government \(Wales\) Measure 2011 and Section 39 of the Local Government \(Wales\) Act 2015](#). This sets the basis on which the Panel will carry out the function contained in the legislation.
- 15.3 The functions of the Panel and the requirements on authorities established by the legislation and the subsequent guidance are:
- a) If a principal council intends to change the salary of the head of paid service, or if a fire and rescue authority intends to change the salary of its head of paid service it must consult the Panel unless the change is in keeping with changes applied to other officers of that authority (whether the change is an increase or decrease). 'Salary' includes payments under a contract for services as well as payments of salary under an employment contract.
 - b) The authority must have regard to the recommendation(s) of the Panel when reaching its decision.
 - c) The Panel may seek any information that it considers necessary to reach a conclusion and produce a recommendation. The authority is obliged to provide the information sought by the Panel.
 - d) The Panel may publish any recommendation that it makes as long as these comply with any guidance issued by the Welsh Government. It is the intention that, in the interests of transparency, it will normally do so.
 - e) The Panel's recommendation(s) could indicate:
 - approval of the authority's proposal
 - express concerns about the proposal
 - recommend variations to the proposal
- 15.4 The Panel also has a general power to review the Pay Policy Statements of

authorities so far as they relate to the heads of paid service.

15.5 It is important to note the Panel will not decide the amount an individual head of paid service will receive.

15.6 The Panel is very aware that this function is significantly different from its statutory responsibilities in relation to members' remuneration. However, it undertakes this role with clarity and openness, taking into account all the relevant factors in respect of specific individual cases. Authorities are encouraged to consult the Panel at an early stage in their decision-making on such matters. This will enable the Panel to respond in a timely manner.

Pay Policy Statements

Paragraph 3.7 of the guidance to the Panel from the Welsh Government states that "The legislation does not restrict the Panel to a reactive role". It allows the Panel to use its power to make recommendations relating to provisions within local authorities' Pay Policy Statements.

Changes to the salaries of chief executives of principal councils – Panel decisions 2021

Letters issued to the Local Authorities notifying them of the Panel decision can be found on the [Panel website](#).

Name of Local Authority	Proposal	Panel decision
Wrexham County Borough Council	Chief Executive pay proposal	Approved
Ceredigion County Council	Review of Chief Executive salary	Approved
North Wales Fire and Rescue Authority	Review of Chief Executive salary	Approved
Conwy County Borough Council	Review of Chief Executive salary	Approved

Annex 1: The Panel's Determinations for 2022/23

Principal Councils	
1.	The Basic Salary in 2022/23 for elected members of principal councils shall be £16,800.
2.	Senior salary levels in 2022/23 for members of principal councils shall be as set out in Table 4 .
3.	Where paid, a civic head must be paid a Band 3 salary of £25,593 in accordance with Table 4 .
4.	Where paid, a deputy civic head must be paid a Band 5 salary of £20,540 in accordance with Table 4 .
5.	Where appointed and if remunerated, a presiding member must be paid £25,593 in accordance with Table 4 .
6.	The post of deputy presiding member will not be remunerated.
7.	<ul style="list-style-type: none"> a) An elected member must not be remunerated for more than one senior post within their authority. b) An elected member must not be paid a senior salary and a civic salary. c) All senior and civic salaries are paid inclusive of basic salary. d) If a council chooses to have more than one remunerated deputy leader, the difference between the senior salary for the deputy leader and other executive members should be divided by the number of deputy leaders and added to the senior salary for other executive members in order to calculate the senior salary payable to each deputy leader.
8.	Members in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA or FRA to which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the NPA or FRA.
9.	Members in receipt of a Band 1 or Band 2 salary cannot receive any payment from a community or town council of which they are a member. They remain eligible to claim travel and subsistence expenses and contribution towards costs of care and personal assistance from the community or town council. Where this situation applies, it is the responsibility of the individual member to comply.
10.	Each authority, through its Democratic Services Committee, must ensure that all its elected members are given as much support as is necessary to enable them to fulfil their duties effectively. All elected members should be provided with adequate telephone, email and internet facilities giving electronic access to appropriate information.

11.	Such support should be without cost to the individual member. Deductions must not be made from members' salaries by the respective authority as a contribution towards the cost of support which the authority has decided necessary for the effectiveness and or efficiency of members.
Specific or Additional Senior Salaries	
12.	Principal councils can apply for specific or additional senior salaries that do not fall within the current Remuneration Framework.
Assistants to the Executive	
13.	The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for assistants to the executive.
Joint Overview and Scrutiny Committees	
14.	The salary level for a chair of a JO SC shall be £8,793.
15.	The salary level for a vice chair of a JO SC shall be £4,396.
Local Government Pension Scheme	
16.	The entitlement to join the Local Government Pension Scheme shall apply to all eligible elected members of principal councils.
Family Absence	
17.	An elected member is entitled to retain a basic salary when taking family absence under the original regulations or any amendment to the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.
18.	When a senior salary holder is eligible for family absence, they will continue to receive the salary for the duration of the absence.
19.	It is a matter for the authority to decide whether or not to make a substitute appointment. The elected member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.
20.	If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution. However, this will not apply to the Isle of Anglesey or Merthyr Tydfil Councils if it would result in the number of senior salaries exceeding fifty percent of the Council membership. Specific approval of Welsh Ministers is required in such circumstances.
21.	When a Council agrees a paid substitution for family absence the Panel must be informed within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.

22.	The Council's schedule of remuneration must be amended to reflect the implication of the family absence.
National Park Authorities	
23.	The basic salary for NPA ordinary members shall be £4,738 with effect from 1 April 2022.
24.	The senior salary of the chair of a NPA shall be £13,531 with effect from 1 April 2022.
25.	A NPA senior salary of £8,478 must be paid to a deputy chair where appointed.
26.	Committee chairs or other senior posts can be paid. This shall be paid at £8,478.
27.	Members must not receive more than one NPA senior salary.
28.	A NPA senior salary is paid inclusive of the NPA basic salary.
29.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any NPA to which they have been appointed. Where this situation applies, it is the responsibility of the individual member to comply.
Fire and Rescue Authorities	
30.	The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.
31.	The senior salary of the chair of a FRA shall be £11,162 with effect from 1 April 2022.
32.	A FRA senior salary of £6,109 must be paid to the deputy chair where appointed.
33.	Chairs of committees or other senior posts can be paid. This shall be paid at £6,109.
34.	Members must not receive more than one FRA senior salary.
35.	A FRA senior salary is paid inclusive of the FRA basic salary and must reflect significant and sustained responsibility.
36.	Members of a principal council in receipt of a Band 1 or Band 2 senior salary cannot receive a salary from any FRA to which they have been nominated. Where this situation applies, it is the responsibility of the individual member to comply.
Co-opted Members	
37.	Principal councils, NPAs and FRAs must pay the fees to co-opted members (who have voting rights) as set out in Table 7 .

38.	Reasonable time for pre meeting preparation is to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.
39.	Travelling time to and from the place of the meeting is to be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).
40.	The appropriate officer within the authority must set in advance whether a meeting is programmed for a full or half day. When the meeting is set for a full day the fee will be paid on this basis even if the meeting finishes within four hours.
41.	Fees must be paid for meetings and other activities including other committees and working groups (including task and finish groups), pre-meetings with officers, training and attendance at conferences or any other formal meeting to which co-opted members are requested to attend.
42.	Each authority, through its Democratic Services Committee or other appropriate committee, must ensure that all voting co-opted members are given as much support as is necessary to enable them to fulfil their duties effectively. Such support should be without cost to the individual member.
Contribution towards costs of Care and Personal Assistance	
43.	<p>All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <ul style="list-style-type: none"> • Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced. • Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real Living Wage hourly rates as defined by the Living Wage Foundation at the time the costs are incurred. <p>This must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Payment shall only be made on production of receipts from the care provider.</p>
Community and Town Councils	
44.	Community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses.
45.	The payment for members undertaking a senior role is an annual amount of £500 as set out in Table 11 .

46.	<p>Community and town councils can make payments to each of their members in respect of travel costs for attending approved duties.⁹ Such payments must be the actual costs of travel by public transport or the HMRC mileage allowances as below:</p> <ul style="list-style-type: none"> • 45p per mile up to 10,000 miles in the year. • 25p per mile over 10,000 miles. • 5p per mile per passenger carried on authority business. • 24p per mile for private motor cycles. • 20p per mile for bicycles.
47.	<p>If a community or town council resolves that a particular duty requires an overnight stay, it can authorise reimbursement of subsistence expenses to its members at the maximum rates set out below on the basis of receipted claims:</p> <ul style="list-style-type: none"> • £28 per 24-hour period allowance for meals, including breakfast where not provided. • £200 – London overnight. • £95 – elsewhere overnight. • £30 – staying with friends and or family overnight.
48.	<p>Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> • Up to £57.20 for each period not exceeding 4 hours. • Up to £114.40 for each period exceeding 4 hours but not exceeding 24 hours.
49.	<p>Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30. A member in receipt of financial loss will not be entitled to claim attendance allowance for the same event.</p>
50.	<p>Community and town councils can provide a payment to the mayor or chair of the council up to a maximum of £1,500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
51.	<p>Community and town councils can provide a payment to the deputy mayor or deputy chair of the council up to a maximum of £500. This is in addition to the £150 payment for costs and expenses and the £500 senior salary if these are claimed.</p>
52.	<p>The application of the Remuneration Framework by relevant Group is contained in Table 11.</p>

53.	Members in receipt of a Band 1 or Band 2 senior salary from a principal council (that is leader, deputy leader or executive member) cannot receive any payment from any community or town council, other than travel and subsistence expenses and contribution towards costs of care and personal assistance.
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⁹ Where a member who is on official business or an approved duty is driven by a third party (not a member or officer of that authority), the member can claim mileage at the prescribed rates plus any parking or toll fees provided the authority is satisfied that the member has incurred these costs.

Annex 2: Independent Remuneration Panel for Wales (IRPW) Regulations:

- a) For the remuneration of members and co-opted members of relevant authorities**
- b) For functions relating to the salaries of Heads of Paid Service of Principal Councils and Fire and Rescue Authorities**

Introduction

Part 8 (sections 141 to 160) and schedules 2 and 3 of the [Local Government \(Wales\) Measure 2011](#) (*the Measure*) set out the arrangements for the payments and pensions for members of relevant authorities and the functions and responsibilities of the Independent Remuneration Panel for Wales (the Panel).

Sections 62 to 67 of the [Local Government \(Democracy\) \(Wales\) Act 2013](#) amends sections 142, 143, 144, 147, 148 and 151 of the Measure and confers additional powers on the Panel.

The powers contained in part 8 and schedules 2 and 3 of the [Measure](#) (as amended) have replaced the following Statutory Instruments:

- The Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 (No. 1895 (W.196)).
- The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004 (No. 2555 (W.227)).
- The Local Authorities (Allowances for Members) (Wales) Regulations 2007 (No.1086 (W.115)).

The Measure also has replaced the sections of the Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000 relating to payments to councillors in Wales.

Payments for members of community and town councils are set out in Part 5 of these Regulations. The Local Authorities (Allowances for Members of Community Councils) (Wales) Regulations 2003 (No. 895(W.115)) were revoked from 1 April 2013.

Part 1

General

1.
 - a. The short title of these Regulations is: “IRPW Regulations”.
 - b. These IRPW Regulations came into force on 1 April 2021 and replace

those in force from 1 April 2012. The implementation date for each of the relevant authorities is set out in the Annual Report or Supplementary Report of the Panel.

- c. Authorities are required to produce a schedule of payments to members and co-opted members no later than the 31 July each year, for submission to the Panel and publication (see paragraph 46).

Interpretation

2. In the IRPW Regulations:

- “The 1972 Act” means the Local Government Act 1972.
- “The 2000 Act” means the Local Government Act 2000.
- “The 2013 Act” means the Local Government (Democracy) (Wales) Act 2013.
- “Payment” means the actual or maximum amount which may be paid to members and co-opted members of a relevant authority for expenses necessarily incurred when carrying out the official business of the relevant authority.
- “Annual Report” means a report produced by the Panel in accordance with section 145 of the Measure.
- “Approved duty” in relation to community and town councils has the meaning as set out in Part 5 of these Regulations.
- “Authority” means a relevant authority in Wales as defined in Section 144(2) of the Measure and includes a principal council (county or county borough council), a national park authority and a Welsh fire and rescue authority, a community or town council.
- “Basic Salary” has the same meaning as set out in paragraph 6 of these Regulations, and may be qualified as “LA Basic Salary” to refer to the basic salary of a member of a principal council; “NPA Basic Salary” to refer to the basic salary of a member of a national park authority; and “FRA Basic Salary” to refer to the basic salary of a member of a Welsh fire and rescue authority.
- “Chief Officer” of a principal council has the meaning as defined in the Localism Act 2011.
- “Civic Head” is the person elected by the council to carry out the functions of the chair of that council and is designated as mayor or chair.
- “Committee” includes a sub-committee.
- “Community or town council” means in relation to Part 8 of the Measure, a community council as defined in section 33 of the Local Government Act 1972 or a town council in accord with section 245B of the same Act.

- “Consultation draft” means the draft of an Annual or Supplementary report under Section 146 (7) or 147(8) of the Measure. The Panel must take account of these representations.
- “Constituent authority” – for national park authorities this is a principal council falling within the area of a national park authority; for Welsh fire and rescue authorities it is a principal council falling within the area of a fire and rescue authority.
- “Contribution to Costs of Care and Personal Assistance” has the same meaning as set out in paragraph 21 of these Regulations.
- “Controlling group” means a political group in a principal council where any of its members form part of the executive.
- “Co-opted Member” has the meaning contained in section 144 (5) of the Measure, that is those with the right to vote on matters within the remit of the committee on which they serve.
- “Co-opted Member payment” has the same meaning as set out in paragraph 19 of these Regulations.
- “Democratic Services Committee” means the principal council committee established under section 11 of the Measure.
- “Deputy Civic Head” is a person elected by the council to deputise for the mayor or chair of that council.
- “Executive” means the executive of an authority in a form as specified in sections 11(2) to (5) of the 2000 Act, as amended by section 34 of the Measure.
- “Executive arrangements” has the meaning given by section 10(1) of the 2000 Act.
- “Family absence” as defined in Section 142 (2) (b) of the Measure has the meaning given to it by Part 2 of the Measure, and the related Regulations
- “Financial Loss Allowance in relation to community or town councils has the meaning as set out in Part 5 of the Regulations.
- “Fire and rescue authority” means an authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.
- “Head of paid service” means as designated under section 4(1) of the Local Government and Housing Act 1989.
- Joint Overview and Scrutiny Committee means a committee or subcommittee set up by two or more principal councils under the Local Authority (Joint Overview and Scrutiny Committees) (Wales) Regulations 2013.
- “Largest opposition group” means a political group other than a controlling group which has a greater number of members than any other political group in the authority.

- “Member” means a person who serves on an authority.
 - For a principal council or a community or town council a “Member” may be:
 - An “Elected Member” which means a person who has been elected to serve as a councillor for that authority. It is possible for a person to hold an elected office if, further to the completion of an election, no candidate has presented and a person holds that office subject to proper process.
 - A “Co-opted Member” which means a person who has been placed into membership of a council committee or to discharge a function subject to proper process.
 - For a national park authority, a “Member” means a person appointed by a constituent authority and a person appointed by Welsh Ministers.
 - For Welsh fire and rescue authorities a “Member” means a person appointed by a constituent authority.
- “National Park Authority” means a national park authority established under section 63 of the Environment Act 1995.
- “Official business” has the meaning contained in Section 142 (10) of the Measure in relation to the reimbursement of care, travel and subsistence costs necessarily incurred by members and co-opted members of a relevant authority (excluding community and town councils) when:
 - a. Attending a meeting of the authority or any committee of the authority or any other body to which the authority makes appointments or nominations or of any committee of such a body.
 - b. Attending a meeting of any association of authorities of which the authority is a member.
 - c. Attending a meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities.
 - d. Attending any training or development event approved by the authority or its executive.
 - e. A duty undertaken for the purpose of or in connection with the discharge of the functions of an executive within the meaning of Part 2 of the 2000 Act, as amended.
 - f. A duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened.
 - g. A duty undertaken in connection with the discharge of any function of the authority to inspect or authorise the inspection of premises.
 - h. A duty undertaken by members of principal councils in connection with constituency or ward responsibilities which arise from the discharge of principal council functions.

- i. Any other duty approved by the authority, or any duty of class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees.
- “Other political group” means a political group other than a controlling group or the largest opposition group (if any) which comprises not less than ten per cent of the members of that authority.
- “Overview and Scrutiny Committee” means a committee of the authority which has the powers set out in sections 21(2) and (3) of the 2000 Act, as amended by Part 6 of the Measure.
- “Panel” means the Independent Remuneration Panel for Wales as set out in section 141(1) and schedule 2 of the Measure.
- “Pay policy statement” means a statement produced by a relevant authority under section 38 of the Localism Act 2011.
- ‘Political group’ may be formed from members of a recognised political party or be a group of independent members unaffiliated to any recognised political party. “Presiding Member” means a member of a principal council who has been designated by that council to carry out functions in relation to the chairing of its meetings and proceedings.
- “Principal Council” is as defined by the 1972 Act and means a county or county borough council.
- “Proper officer” has the same meaning as in section 270(3) of the 1972 Act. In community and town councils, the ‘Proper Officer’ may be the clerk or other official appointed for that purpose. “Public body” means a body as defined in section 67(b) of the 2013 Act.
- “Qualifying provision” means a provision that makes a variation to a previous decision of the Panel. (Section 65 (c) of the 2013 Act).
- “Qualifying relevant authority” is an authority within the meaning of section 63 of the 2013 Act, required to produce a pay policy statement.
- “Relevant authority” is set out in Section 144(2) of the Measure (as amended) and in section 64 of the 2013 Act and, for the purposes of these Regulations, includes a principal council, a community or town council, a national park authority and a Welsh fire and rescue authority.
- “Relevant matters” are as defined in Section 142(2) of the Measure.
- “Schedule” means a list setting out the authority’s decisions in respect of payments to be made during the year (as relating to that authority) to all members and co-opted members of that authority.
- “Senior Salary” has the same meaning as set out in paragraph 11 of these Regulations and may be qualified as “Principal council Senior Salary” to refer to the senior salary of a member of a principal council; “National Park Senior Salary” to refer to the senior salary of a member of a national park authority; or “Fire and Rescue authority Senior Salary” to refer to the senior salary of a member of a Fire and Rescue authority.
- “Sickness absence” means the arrangements as set out in the Annual Report.

- “Supplementary report” has the meaning contained in section 146(4 to 8) of the Measure.
- “Travelling and subsistence payment” has the same meaning as set out in paragraph 25 of these Regulations.
- “Year” has the following meanings:
 - “financial year” – the period of twelve months ending 31 March;
 - “calendar year” – the period of twelve months ending 31 December;
 - “municipal year” – the year commencing on the date of the annual meeting of the authority and ending the day before the annual meeting of the following year; for national park authorities and Welsh fire and rescue authorities it is the period of up to twelve months following the annual meeting of the authority.

Part 2: Schedule of member or co-opted member payments

Commencement of term of office

3. The term of office of:
 - An elected member of a principal council or community or town council begins 4 days following the election subject to making the declaration of acceptance of that office under section 83(1) of the 1972 Act.
 - A councillor member of a national park authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of a Welsh Government appointed member begins on the date of that appointment. The term of office of the chair and deputy chair of the national park authority begins on their acceptance of that office further to being either elected or appointed as a chair or deputy chair of a national park authority.
 - A councillor member of a Welsh fire and rescue authority begins on the date on which that member is appointed as such by a constituent authority and the term of office of the chair and deputy chair of the fire and rescue authority begins on the date of election by that authority to that office.
 - A co-opted member of a relevant authority begins on the date of appointment by the relevant authority.

Schedule of payments to members (the Schedule) (does not apply to community or town councils – see Part 5)

4. An authority must produce annually, a schedule of payments it intends to make to its members and co-opted members. The amount of those payments must accord with the Panel’s determinations made for that year in its Annual or Supplementary Reports. The Schedule must be produced no later than four weeks following the annual meeting of the authority.

Amendment to the Schedule

5. An authority may amend the Schedule at any time during the year (as relating to the authority) provided that such amendments accord with the Panel's determinations for that year.

Basic salary

6. An authority must provide for the payment of a basic salary, as determined by the Panel in its Annual or Supplementary Reports, to each of its members. The amount of the salary must be the same for each member. For principal councils only, this salary remains payable during a period of family absence.
7. A member may not receive more than one basic salary from a relevant authority, but a member of one relevant authority may receive a further basic salary by being appointed as a member of another relevant authority (except in the case as indicated in paragraph 16).
8. The amount of the basic salary will be set in accordance with Section 142(3) of the Measure and will be one of the following:
 - The amount the authority must pay to a member of the authority.
 - The maximum amount that the authority may pay to a member of the authority.
9. Where the term of office of a member begins or ends other than at the beginning or end of the year (as relating to the authority), the entitlement of that member is to such proportion of the basic salary as the number of days during which the member's term of office subsists during that year bears to the number of days in that year.
10. Where a member is suspended or partially suspended from being a member of an authority (Part 3 of the 2000 Act refers) the part of the basic salary payable to that member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority. Payment must also be withheld if directed by the Welsh Ministers (Section 155(1) of the Measure).

Senior salary

11. Subject to paragraphs 12 to 18 an authority can make payments of a senior salary to members that it has given specific responsibilities. Such payments must accord with the Panel's determination for the year (as relating to the authority) that the payments are made and must be set out in the Schedule of that authority. For principal councils only, a senior salary will remain payable during the family absence of the office holder.
12. The Panel will prescribe in its Annual or Supplementary Reports the following:
 - The categories of members eligible for the payment of a senior salary

which may not be the same for all authorities or categories of authorities.

- The discretion available to authorities in relation to the payment of senior salaries which may not be the same for all authorities or categories of authorities.
13. The amount of the senior salaries payable will be in accordance with section 142(3) of the Measure and specify:
- The amount that a relevant authority must pay to a member of the authority.
 - The maximum amount that a relevant authority may pay to a member of the authority.
14. The Senior Salary will comprise an amalgam of the basic salary and an additional amount for the relevant specific responsibility determined by the Panel in its Annual or Supplementary Reports. This may not be the same for all authorities or categories of authorities.
15. The Panel in its Annual or Supplementary Reports will determine either the maximum proportion of its membership or the total number of members that an authority can pay as senior salaries. The percentage may not exceed fifty percent without the express approval of Welsh Ministers (Section 142(5) of the Measure). For principal councils only, the maximum proportion or number may be exceeded to include payment of a senior salary to an additional member who is appointed to provide temporary cover for the family absence of a senior salary office holder (subject to the 50% limit).
- 15(a). For, Fire and Rescue Authorities and National Park Authorities the maximum proportion or number may be exceeded to include the payment of a senior salary to an additional member who is appointed to provide temporary cover for the sickness absence of a senior salary holder as determined in the Annual Report or a Supplementary Report.
- 15(b). Payments to chairs of Joint Overview and Scrutiny Committees or Sub Committees are additional to the maximum proportion of its membership that an authority can pay as senior salaries subject to the overall maximum of fifty percent as contained in Section 142(5) of the Measure. The Panel will determine the amounts of such payments in an Annual or Supplementary Report.
16. An authority must not pay more than one senior salary to any member. A principal council member in receipt of a senior salary as leader or executive member of an authority (determined as full-time by the Panel) may not receive a second salary as a member appointed to serve on a national park authority or a Welsh fire and rescue authority.
- 16(a). Paragraph 16 does not apply to payments made to a chair of a Joint Overview and Scrutiny Committee or Sub Committee who is in receipt of a senior salary for a role that is not classified as full time equivalent. It continues to apply to leaders or members of the executive.

17. Where a member does not have, throughout the year specific responsibilities that allow entitlement to a senior salary, that member's payment is to be such proportion of the salary as the number of days during which that member has such special responsibility bears to the number of days in that year.
18. Where a member is suspended or partially suspended from being a member of the authority (Part 3 of the 2000 Act refers) the authority must not make payments of the member's senior salary for the duration of the suspension (Section 155(1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the basic salary. Payment must also be withheld if directed by the Welsh Ministers.

Co-opted member payment

19. A relevant authority must provide for payments to a co-opted member as determined by the Panel in its Annual or Supplementary Reports. In relation to this regulation 'co-opted member' means a member as determined in Section 144(5) of the Measure and set out in paragraph 2 of these Regulations.
20. Where a co-opted member is suspended or partially suspended from an authority (Part 3 of the 2000 Act refers) the authority must not make payment of a co-opted member fee for the duration of the suspension (Section 155(1) of the Measure).

Payments Contribution to Costs of Care and Personal Assistance

21. Authorities must provide for the payment to members and co-opted members of an authority the reimbursement in respect of such expenses of arranging the care of children or dependants or for the individual member as are necessarily incurred in carrying out official business as a member or co-opted member of that authority. Payments under this paragraph must not be made:
 - In respect of any child over the age of fifteen years or dependant unless the member or co-opted member satisfies the authority that the child or dependant required supervision which has caused the member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of the duties of a member or co-opted member.
 - To more than one member or co-opted member of the authority in relation to the care of the same child or dependant for the same episode of care.
 - Of more than one reimbursement for care to a member or co-opted member of the authority who is unable to demonstrate to the satisfaction of the authority that the member or co-opted member has to make separate arrangements for the care of different children or dependants.

22. The arrangements in respect of the contribution to cost of care and personal assistance payable by an authority is to be determined by the Panel in its Annual or Supplementary Reports.
23. Where a member or co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers) the part of the contribution to the cost of care and personal assistance payable to that member or co-opted member in receipt of the responsibilities or duties from which that member or co-opted member is suspended or partially suspended must be withheld by the authority. Payment must also be withheld if directed by the Welsh Ministers for reasons other than suspension (Section 155(1) of the Measure).
24. An authority's Schedule must stipulate the arrangements regarding the contribution towards costs of care and personal assistance payable and its arrangements for making claims, taking full account of the Panel's determinations in this respect.

Travel and subsistence payments

25. Subject to paragraphs 26 and 27 below a member or co-opted member is entitled to receive payments from the authority by way of travelling and subsistence payments at rates determined by the Panel in its Annual or Supplementary Reports. Such payments are in respect of expenditure incurred by a member or co-opted member in the performance of the official business within or outside the boundary of the authority.

(Paragraphs 26 & 27 apply only to principal councils)

26. Payment of a subsistence payment to a principal council member for the performance of official business within the boundaries of a county or county borough where they are a member should only be made when the authority is satisfied that it can be justified on economic grounds. This does not apply in respect of co-opted members of a council who live outside that authority.
27. A principal council may make provision, subject to any limitations it thinks fit, for members to claim mileage expenses for official business in connection with constituency or ward responsibilities where they arise out of the discharge of the functions of the county or county borough.
28. Where a member or co-opted member is suspended or partially suspended from being a member or co-opted member of the authority (Part 3 of the 2000 Act refers), travelling and subsistence payments payable to that member or co-opted member in respect of the responsibilities or duties from which that member is suspended or partially suspended must be withheld by the authority. Payment must also be withheld if directed by the Welsh Ministers for reasons other than suspension (Section 155(1) of the Measure).

Part 3: Further provisions

Pensions

29. Under Section 143 of the Measure, the Panel may make determinations in respect of pension arrangements for principal council members in its Annual or Supplementary Reports. Such determinations may:
- Define which members for whom the principal council will be required to pay a pension.
 - Describe the relevant matters in respect of which a local authority will be required to pay a pension.
 - Make different decisions for different principal councils.

Payments to support the function of an authority member

30. An authority must provide for the requirements of a member to undertake their role and responsibilities more effectively. The way in which this support should be provided is determined by the Panel in its Annual or Supplementary Reports.

Arrangements in relation to family absence

31. Part 2 of the Measure sets out the rights of principal council members in relation to family absence. The Panel will set out its determinations and the administrative arrangements in relation to these payments in its Annual or Supplementary Reports.

Sickness Absence

32. Arrangements for long-term sickness absence of senior salary holders of principal councils, Fire and Rescue Authorities and National Park Authorities will be as set out in the Panel's Annual Report or Supplementary Report.

Part 4: Payments

Repayment of payments

33. An authority can require that such part of a payment be repaid where payment has already been made in respect of any period during which the member or co-opted member concerned:
- a. is suspended or partially suspended from that member's or co-opted member's duties or responsibilities in accordance with Part 3 of the 2000 Act or Regulations made under that Act.
 - b. ceases to be a member or co-opted member of the authority.

- c. or in any way is not entitled to receive a salary, allowance or fee in respect of that period.

Forgoing payments

- 34. Under Section 154 of the Measure, any member or co-opted member may by notice in writing to the proper officer of the authority elect to forgo any part of their entitlement to a payment under the determination of the Panel for that particular year (as relating to the authority).

Part 5: Specific provisions relating to community and town councils (“the council”)

Interpretation

- 35. For the purposes of this Part the term member means both an elected member and a co-opted member.

Payments

- 36. Payments
 - a) The Annual Report or a Supplementary Report determines the arrangements and amount of an annual payment to members in respect of costs incurred in carrying out the role of a member and if appropriate take account of the variation in size or financial circumstances of different councils.
 - b) The council may make payments to members in respect of costs of travel for attending approved duties within or outside the area of the council. The amounts claimable will be set out in the Annual or Supplementary Report of the Panel.
 - c) The council may reimburse subsistence costs to its members when attending approved duties within or outside the area of the council. The arrangements for reimbursement will be set out in the Annual or Supplementary Report of the Panel.
 - d) The council may pay compensation for Financial Loss to its members where such loss has occurred for attending approved duties within or outside the area of the council. The payments will be set out in the Annual or Supplementary Report of the Panel.
 - e) The council may make a payment to the chair or mayor and deputy chair or mayor of the council for the purposes of undertaking the role of that office. The payment will be set out in the Annual or Supplementary Report of the Panel.
 - f) The Annual Report or a Supplementary Report determines the arrangements for payments to members of a council who undertake senior roles and if appropriate take account of the variation in size or financial circumstances of different councils.

- g) The council must reimburse the contribution to costs of care and personal assistance to a member if claimed, as determined in the Annual Report of the Panel.
37. A member may elect to forgo any part of an entitlement to payment under these Regulations by giving notice in writing to the proper officer of the council.
38. A member making a claim for compensation for Financial Loss must sign a statement that the member has not made and will not make any other claim in respect of the matter to which the claim relates.
39. “Approved Duty” under this Part means
- i. Attendance at a meeting of the council or of any committee or sub-committee of the council or of any other body to which the council makes appointments or nominations or of any committee or sub-committee of such a body.
 - ii. Attendance at any other meeting the holding of which is authorised by the council or a committee or sub-committee of the council, or a joint committee of the council and one or more councils, or a sub-committee of such a joint committee provided that at least two members of the council have been invited and where the council is divided into political groupings at least two such groups have been invited.
 - iii. Attendance at a meeting of any association of councils of which the council is a member.
 - iv. Attendance at any training or development event approved by the council.
 - v. Any other duty approved by the council or duty of a class approved by the council for the discharge of its functions or any of its committees or sub-committees.

Part 6: Miscellaneous

Arrangements for payments

40. The Schedule of an authority must set out the arrangements for payment to all members and co-opted members of that authority. Such payments may be made at such times and at such intervals as determined by the authority.

Claims

41. An authority must specify a time limit from the date on which an entitlement to travelling or subsistence payments arise during which a claim for must be made by the person to whom they are payable. However, this does not prevent an authority from making a payment where the allowance is not claimed within the period specified.

42. Any claim for payment of travelling, subsistence or care costs in accordance with these Regulations (excluding claims for travel by private vehicle or bicycle) shall be accompanied by appropriate receipts proving actual cost.

Avoidance of duplication

43. A claim for a payment of travelling, subsistence or care costs must include, or be accompanied by, a statement signed by the member or co-opted member that the member or co-opted member has not made and will not make any other claim in respect of the matter to which the claim relates.

Records of payments

44. An authority must keep a record of the payments made in accordance with these Regulations as set out in an Annual or Supplementary Report.

Publicity requirements

(The required content of publicity requirements is contained in an annex to the Annual Report)

45. An authority must, as soon as practicable after determining its Schedule of Remuneration for the year under these Regulations and any Report of the Panel and not later than 31 July of the year to which the Schedule refers, arrange for the Schedule's publication within the authority's area and to notify the Panel. **(This section does not apply to community and town councils).**
46. As soon as practicable and no later than 30 September following the end of the financial year **all relevant authorities** must publicise within the authority's area and notify the Panel:
- the total sum paid by it to each member or co-opted member in respect of basic salary, senior salary, co-opted member fee, travel and subsistence payments.
 - the total expenditure on contribution towards costs of care and personal assistance.
47. In the same timescale and in the same manner, an authority must publicise any further remuneration received by a member nominated or appointed to another relevant authority. **(This section applies only to principal councils).**

Publicising the reports of the Panel

48. Under Section 146(7) (a) and (b) of the Measure, the Panel will send a consultation draft of its Annual Report or Supplementary Report to all relevant authorities for circulation to authority members and co-opted members, so that representations can be made by members and co-opted members to the Panel, normally in a period of eight weeks.
49. The Panel will determine in its Annual or Supplementary Reports the arrangements publicising its Reports in accordance with Section 151 and 152 of the Measure.

Monitoring compliance with the Panel's determinations

50. Section 153 of the Measure determines that relevant authorities must comply with the requirements imposed by the Panel in its Annual Reports. It also empowers the Panel to monitor the payments made by relevant authorities and for it to require the provision of information that it specifies. The requirements under this section will be set out in the Annual Report of the Panel.

Annex 3: Schedule of Member Remuneration

1. Principal councils, national park authorities (NPAs) and Welsh fire and rescue authorities (FRAs) (but not community and town councils) must maintain an annual Schedule of Member Remuneration (the 'Schedule') which is in accord with the Panel's determinations on member salary and co-opted member payments and which must contain the following information:

In respect of a principal council:

- a. Named members who are to receive only the basic salary and the amount to be paid.
- b. Named members who are to receive a Band 1 and Band 2 senior salary, the office and portfolio held and the amount to be paid.
- c. Named members who are to receive a Band 3, Band 4 and Band 5 senior salary, the office and portfolio held and the amount to be paid.
- d. Named members who are to receive a civic salary and the amount to be paid.
- e. Named members who are to receive the co-opted member fee and whether chair or ordinary member and the amount to be paid.
- f. Named members who are to receive a senior salary as a chair of a Joint Overview and Scrutiny Committee or Sub Committee and the amount to be paid.
- g. Named members in receipt of a specific or additional senior salary approved by the Panel and the amount to be paid.

In respect of National Park and Fire and Rescue Authorities:

- a. Named members who are to receive a basic salary and the amount to be paid.
 - b. Named member who is to receive a senior salary as a chair of the authority and the amount to be paid.
 - c. Named members who are to receive a senior salary as deputy chair of the authority or a committee chair and the amount to be paid.
 - d. Named members who are to receive the co-opted member fee and whether a chair or ordinary member and the amounts to be paid.
2. Amendments made to the Schedule during the municipal year must be communicated to the Panel as soon as it is practicable.
 3. Principal councils must confirm in their annual Schedule that the maximum limit of senior salaries set for the council has not been exceeded.

4. Principal councils, NPAs and FRAs must include a statement of allowable expenses and the duties for which they may be claimed for care, travel and subsistence in their annual Schedule which is in accord with the Panel's determinations.
5. The Schedule must set out the arrangements for the payment of salaries, allowances and fees to all members and co-opted members of the relevant authority (IRPW Regulation 35); arrangements for making claims for care and personal assistance, travel and subsistence expenses (IRPW Regulations 24 and 36-37); arrangements for the avoidance of duplication (IRPW Regulation 38) and arrangements for re-payment of salaries, allowances and fees (IRPW Regulation 33). This schedule must also include the duties for which members and co-opted members are able to claim reimbursement towards travel, subsistence and care and personal assistance costs.
6. Principal councils must declare in the Schedule whether:
 - A statement of the basic responsibility of a councillor is in place.
 - Role descriptors of senior salary office holders are in place.
 - Records are kept of councillor attendance.
7. Principal councils, NPAs and FRAs must make arrangements for the publication of the Schedule of Member Remuneration as soon as practicable after its determination and no later than 31 July of the year to which it applies. The Schedule should be published in a manner that provides ready access for members of the public.
8. The **Schedule** must also be sent to the Panel Secretariat to be received by 31 July.
9. Any changes to the schedule during the year must be promptly publicised in the above manner and all changes notified to Panel Secretariat promptly.
10. Retention. The time limit for the schedule to be retained should be consistent with the council's policy on document retention.

Annex 4: Publication of Remuneration – the Panel’s Requirements

In accordance with Section 151 of the Wales [\(Local Government\) Measure 2011](#) the Panel requires that:

1. Relevant authorities must publish a Statement of Payments made to its members for each financial year. This information must be published in a form and location that is easily accessible to members of the public no later than 30 September following the end of the previous financial year and in the same timescale also provided to the Panel. The following information must be provided:
 - a. The amount of basic salary, senior salary, civic salary and co-opted member fee paid to each named member or co-opted member of the relevant authority, including where the member had chosen to forego all or part of the salary, or fee for the municipal year in question. Where a senior salary has been paid, the title of the senior office held is to be provided.
 - b. The payments made by community and town councils to named members as:
 - Payments in respect of telephone usage, information technology, consumables etc.
 - Responsibility payments
 - Allowances made to a mayor or chair and deputy mayor or deputy chair
 - Compensation for Financial Loss
 - Costs incurred in respect of travel and subsistence
 - Any payments made for attendance on official business or approved duty
 - c. All travel and subsistence expenses and other payments received by each named member and co-opted member of the relevant authority, with each category identified separately.
 - d. The amount of any further payments received by any named member nominated to, or appointed by, another relevant authority or other public body as defined by [Section 67](#) of the [Local Government \(Democracy\) \(Wales\) Act 2013](#), namely:
 - a local health board
 - a police and crime panel
 - a relevant authority
 - a body designated as a public body in an order made by the Welsh Ministers.
 - e. Names of members who did not receive basic or senior salary because they were suspended for all or part of the annual period to which the Schedule applies.

- f. In respect of the publication of the contribution towards costs of care and personal assistance, relevant authorities are only required to publish the total amount reimbursed during the year. It is a matter for each authority to determine its response to any Freedom of Information requests it receives. However, it is not intended that details of individual claims should be disclosed.
2. **Nil returns** are required to be published and provided to the Panel by 30 September.
3. Retention. The time limit for the publications to be retained should be consistent with the council's policy on document retention.

Annex 5: Summary of new and updated determinations contained in this report

The numbers of most of the determinations contained within this report have changed from previous reports.

To assist authorities, this table sets out the determinations in this report which are entirely new or have been updated.

Summary of new and updated determinations contained in this report
Principal Councils
Determination 1: The basic salary in 2022/23 for elected members of principal councils shall be £16,800.
Determination 2: Senior salary levels in 2022/23 for members of principal councils shall be as set out in Table 4 .
Determination 3: Where paid, a civic head must be paid a Band 3 salary of £25,593 in accordance with Table 4 .
Determination 4: Where paid, a Deputy Civic Head must be paid a Band 5 salary of £20,540 in accordance with Table 4 .
Determination 5: Where appointed and if remunerated, a presiding member must be paid £25,593 in accordance with Table 4 .
Assistants to the Executive
Determination 13: The Panel will decide on a case-by-case basis the appropriate senior salary, if any, for Assistants to the Executive.
National Park Authorities
Determination 22: The basic salary for NPA ordinary members shall be £4,738 with effect from 1 April 2022.
Determination 23: The senior salary of the Chair of a NPA shall be £13,531 with effect from 1 April 2022.
Determination 24: A NPA senior salary of £8,478 must be paid to a Deputy Chair where appointed.
Determination 25: Committee Chairs or other senior posts can be paid. This shall be paid at £8,478.
Fire and Rescue Authorities
Determination 29: The basic salary for FRA ordinary members shall be £2,369 with effect from 1 April 2022.
Determination 30: The senior salary of the Chair of a FRA shall be £11,162 with effect from 1 April 2022.
Determination 31: A FRA senior salary of £6,109 must be paid to the Deputy Chair where appointed.
Determination 32: Chairs of Committees or other senior posts can be paid. This shall be paid at £6,109.
Payments to Co-opted Members of Principal Councils, National Park Authorities and Fire & Rescue Authorities

Summary of new and updated determinations contained in this report
<p>Determination 40: The appropriate officer within the authority must set in advance whether a meeting is programmed for a full or half day. When a meeting is set for a full day the fee will be paid on this basis even if the meeting finishes within four hours.</p>
Contribution towards Costs of Care and Personal Assistance (CPA)
<p>Determination 43: All relevant authorities must provide a payment towards necessary costs for the care of dependent children and adults (provided by informal or formal carers) and for personal assistance needs as follows:</p> <ul style="list-style-type: none"> • Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced. • Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real Living Wage hourly rates as defined by the Living Wage Foundation at the time the costs are incurred. <p>This must be for the additional costs incurred by members to enable them to carry out official business or approved duties. Each authority must ensure that any payments made are appropriately linked to official business or approved duty. Payment shall only be made on production of receipts from the care provider.</p>
Community and Town Councils
<p>Determination 44: Community and town councils must make available a payment to each of their members of £150 per year as a contribution to costs and expenses</p>
<p>Determination 45: The payment for members undertaking a senior role is an annual amount of £500 as set out in Table 11.</p>
<p>Determination 48: Community and town councils can pay financial loss compensation to each of their members, where such loss has occurred, for attending approved duties as follows:</p> <ul style="list-style-type: none"> • Up to £57.20 for each period not exceeding 4 hours • Up to £114.40 for each period exceeding 4 hours but not exceeding 24 hours
<p>Determination 49: Each council can decide to introduce an attendance allowance for members. The amount of each payment must not exceed £30.</p> <p>A member in receipt of financial loss will not be entitled to claim attendance allowance for the same event.</p>
<p>Determination 52: The application of the Remuneration Framework by relevant Group.</p>

**Independent Remuneration Panel for Wales
Room N.03
First Floor
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ**

Telephone: 0300 0253038

E-mail irpmailbox@gov.wales

The Report and other information about the Panel and its work are available on our website at:

Independent Remuneration Panel for Wales

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CAERPHILLY COUNTY BOROUGH COUNCIL MEMBERS' SCHEDULE OF REMUNERATION

This Scheme is made under the Local Government (Wales) Measure 2011 with regard to Independent Remuneration Panel for Wales (IRPW) Regulations which apply to payments made to members and co-opted members of local authorities.

1. Basic Salary

- 1.1 A Basic Salary shall be paid to each elected Member of the Authority.
- 1.2 In accordance with the Regulations, the rate of the Basic Salary shall be reviewed annually as determined by the Independent Remuneration Panel for Wales.
- 1.3 Where the term of office of a Member begins or ends other than at the beginning or end of a year, their entitlement to the Basic Salary will be pro-rata.
- 1.4 No more than one Basic Salary is payable to a Member of the Authority.

2. Senior Salaries & Civic Salaries

- 2.1 Members occupying specific posts shall be paid a Senior Salary as set out in **Schedule 1**.
- 2.2 In accordance with the Regulations, the rates of Senior Salaries and Civic Salaries shall be reviewed annually as determined by the Annual or Supplementary Report of the Independent Remuneration Panel for Wales.
- 2.3 Only one Senior Salary or Civic Salary is payable to a Member of the Authority.
- 2.4 A Member of the Authority cannot be paid a Senior Salary and a Civic Salary.
- 2.5 All Senior and Civic Salaries are paid inclusive of Basic Salary.
- 2.6 A Senior Salary may not be paid to more than the number of members specified by the Independent Remuneration Panel for Wales in its Annual Report and cannot exceed fifty percent of the total membership of the authority, except to include a temporary Senior Salary office holder providing temporary cover for the family absence of the appointed office holder.
- 2.7 A Member of the Authority in receipt of a Band 1 (Leader/Deputy Leader) or Band 2 (Cabinet Member) Senior Salary cannot receive a salary from any National Park Authority (NPA) or Fire and Rescue Authority (FRA) for which they have been appointed. They remain eligible to claim travel and subsistence expenses and contribution towards the costs of care and personal assistance from the NPA or FRA.
- 2.8 Where the term of Senior Salary or Civic Salary of a Member begins or ends other than at the beginning or end of a year, their entitlement to the Salary will be pro-rata.

3. Election to Forgo Entitlement to Allowance

- 3.1 A Member may, by notice in writing delivered to the Proper Officer of the authority, personally elect to forgo any part of their entitlement to any salary, allowance or fee payable under this Scheme from the date set out in the notice.

4. Suspension of a Member

- 4.1 Where a Member of the Authority is suspended or partially suspended from their responsibilities or duties as a Member of the Authority in accordance with Part III of the Local

Government Act 2000 (Conduct of Members), or regulations made under the Act, the part of the Basic Salary payable to them in respect of that period for which they are suspended will be withheld by the Authority (Section 155 (1) of the Measure).

- 4.2 Where a Member in receipt of a Senior Salary is suspended or partially suspended from being a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the Authority must not make payments of the Member's Senior Salary for the duration of the suspension (Section 155 (1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the Member may retain the Basic Salary.

5. Repayment of salaries, allowances or fees

- 5.1 Where payment of any salary, allowance or fee has been made to a Member of the Authority or Co-opted Member in respect of any period during which the Member concerned:
- (a) is suspended or partially suspended from that Member's/Co-opted Member's duties or responsibilities in accordance with Part 3 of the 2000 Act or regulations made under that Act;
 - (b) ceases to be a Member of the Authority or Co-opted Member; or
 - (c) is in any other way not entitled to receive a salary, allowance or fee in respect of that period,

the Authority will require that such part of the allowance as relates to any such period be repaid.

6. Payments

- 6.1 Payments of all allowances will be made by the Payroll Manager by instalments of one-twelfth of the Member's annual entitlement on 15th of each month.
- 6.2 Where payment has resulted in a Member receiving more than their entitlement to salaries, allowances or fees the Authority will require that such part that is overpayment be repaid.
- 6.3 All payments are subject to the appropriate tax and National Insurance deductions.

7. Contribution towards Costs of Care and Personal Assistance

- 7.1 Contribution towards Costs of Care and Personal Assistance shall be paid to a Member or Co-opted Member, who has caring responsibility for dependent children or adults, or a personal care requirement, provided the Member incurs expenses in the provision of such care whilst undertaking 'approved' council duties.
- 7.2 The "approved" council duties in respect of payments made under this paragraph include those set out in Schedule 2 and may also include
- (a) A meeting necessary to member's work in connection with constituency or ward responsibilities which arise from the discharge of Council functions and
 - (b) travelling and preparation time arising from meetings undertaken in respect of (a) above and/or outlined in Schedule 2.
- 7.3 Contribution towards Costs of Care and Personal Assistance applies in respect of a dependant under 16 years of age, or a minor or adult who normally lives with the member as part of their family and who cannot be left unsupervised for whom the Member or Co-opted Member can show that care is required. If a Member or Co-opted Member has more

than one dependant the Member may claim more than one allowance, provided the Member can demonstrate a need to make separate arrangements for care.

- 7.4 Eligible Members may claim contribution towards costs of care and personal assistance for actual and receipted costs as set out in Schedule 1. All claims for the contribution towards costs of care and personal assistance should be made in writing to the Head of Democratic Services detailing times, dates and reasons for claim. Receipts are required for both informal and formal care arrangements.

8. Family Absence

- 8.1 Members are entitled under the provisions of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to a period of family absence, during which if they satisfy the prescribed conditions they are entitled to be absent from authority meetings.
- 8.2 When taking family absence Members are entitled to retain a basic salary irrespective of their attendance record immediately preceding the commencement of the family absence.
- 8.3 Should a senior salary holder be eligible for family absence they will be able to continue to receive their senior salary for the duration of the absence.
- 8.4 If the authority agrees that it is necessary to make a substitute appointment to cover the family absence of a senior salary holder the Member substituting will be eligible if the authority so decides to be paid a senior salary.
- 8.5 If the paid substitution results in the authority exceeding its maximum number of senior salaries, an addition to the maximum will be allowed for the duration of the substitution.

9. Co-optees' payments

- 9.1 A Co-optees' daily fee (with a provision for half day payments) shall be paid to Co-optees, provided they are statutory Co-optees with voting rights.
- 9.2 Co-optees' payments will be capped at a maximum of the equivalent of **10** full days a year for each committee to which an individual may be co-opted.
- 9.3 Payments will take into consideration travelling time to and from the place of the meeting, reasonable time for pre meeting preparation and length of meeting (up to the maximum of the daily rate).
- 9.4 The following are designated as the "appropriate officer" and will determine preparation time, travelling time and length of meeting, the fee will be paid on the basis of this determination.
- The Monitoring Officer in respect of Co-opted members serving on Standards Committee.
 - The Internal Audit Manager in respect of Co-opted members serving on Audit Committee.
 - The Head of Democratic Services in respect of Co-opted members serving on Education Scrutiny Committee
- 9.5 The appropriate officers can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
- 9.6 A half day meeting is defined as up to 4 hours.
- 9.7 A full day meeting is defined as over 4 hours.

9.8 The daily and half day fee for the Chairpersons of the Standards Committee and Audit Committee, as determined by the Independent Remuneration Panel for Wales, is set out in **Schedule 1**.

9.9 The daily and half day fee for other statutory Co-optees with voting rights, as determined by the Independent Remuneration Panel for Wales, is set out in **Schedule 1**.

10. Travel and Subsistence Allowances

10.1 General Principles

10.2 Members and Co-opted Members are entitled to claim travelling expenses when travelling on the Authority's business for 'approved duties' as set out in **Schedule 2**. Where Members travel on the Authority's business they are expected to travel by the most cost-effective means. In assessing cost effectiveness regard will be given to journey time. A Member who does not travel by the most cost-effective means may have their claim abated by an appropriate amount.

10.3 Where possible Members should share transport.

10.4 The distance claimed for mileage should be the shortest reasonable journey by road from the point of departure to the point at which the duty is performed, and similarly from the duty point to the place of return.

10.5 The rates of Members' Travel and Subsistence Allowances are set out in **Schedule 3** and are subject to annual review by the Independent Remuneration Panel for Wales.

10.6 Where a Member is suspended or partially suspended from their responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, any travel and subsistence allowances payable to them in respect of that period for which they are suspended or partially suspended must be withheld by the Authority.

11. Travel by Private Vehicle

11.1 The Independent Remuneration Panel for Wales has determined that the maximum travel rates payable should be the rates set out by Her Majesty's Revenue & Customs for the use of private cars, motor cycles and pedal cycles plus any passenger supplement.

11.2 The mileage rates for private vehicles as determined by the Independent Remuneration Panel for Wales are set out in **Schedule 3**.

11.3 Where a Member makes use of their private vehicle for approved duty purposes, the vehicle must be insured for business use. Proof of appropriate insurance must be provided to the Authority on request.

12. Travel by Public Transport

12.1 Rail/Coach Travel

Unless otherwise authorised rail tickets will be second-class.

Democratic Services will purchase requisite rail and coach tickets for Members in advance of journeys. In the unlikely event that a Member needs to purchase a ticket directly, payment will be reimbursed upon production of the used ticket and/or a receipt.

12.2 Taxi Fares

Taxi fares will only be reimbursed where their use has been authorised for cases of urgency, where no public transport is reasonably available, or a Member has a particular personal need. Re-imbursement will be upon receipt only.

12.3 Air Fare (optional)

Travel by air is permissible if it is the most cost-effective means of transport. Authorisation of the Chief Executive is required and tickets will be purchased by Democratic Services.

12.4 Travel Abroad

Travel abroad on the Authority's business will only be permitted where authorised by Chief Executive. Democratic Services will arrange travel and accommodation.

12.5 Other Travel Expenses

Members are entitled to reimbursement of toll fees, parking fees, overnight garaging and other necessary travel associated expenses. Re-imbursement will be upon receipt only.

13. Overnight Accommodation

13.1 Overnight stays will only be permitted where the Authority's business extends to two days or more, or the venue is at such a distance that early morning or late night travel would be unreasonable. All overnight stays must receive prior authorisation from the Head of Democratic Services.

13.2 Overnight accommodation will be booked by Democratic Services. Wherever possible the overnight accommodation will be pre-paid or invoiced.

13.3 Direct booking of overnight accommodation by a Member will only be permitted in the event of an emergency. Reimbursement will only be made upon the production of a receipt and will be at a level deemed reasonable and not in excess of the rates set out in **Schedule 3**.

14 Subsistence Allowance

14.1 The day subsistence rate to meet the costs of meals and refreshments in connection with approved duties (including breakfast when not provided as part of overnight accommodation) is set out in **Schedule 3**. The maximum daily rate covers a 24 hour period and can be claimed for any meal that is relevant, providing such a claim is supported by receipt(s)

14.2 No provision is made for subsistence claims within the County Borough.

15. Claims and Payments

15.1 A claim for travel and subsistence allowances must be made in writing within two months of the end of the calendar month in which entitlement to allowances arises and must be accompanied by the relevant receipts.

15.2 Allowances will be paid by the Payroll Manager by direct bank credit.

16. Pensions

16.1 The Authority shall enable its Members who are eligible to join the Local Government Pension Scheme.

17 Supporting the work of Authority Members

- 17.1 The Independent Remuneration Panel for Wales expects Members to be provided with adequate support to carry out their duties and that the support provided should take account of the specific needs of individual Members. The Authority's Democratic Services Committee is required to review the level of support provided to Members and should take proposals for reasonable support to the full council.
- 17.2 All elected Members & Co-opted Members should be provided with adequate telephone, email and internet facilities to give electronic access to appropriate information.
- 17.3 Such support should be without cost to any Member. Deductions must not be made from Members' salaries as a contribution towards the cost of support which the Authority has decided is necessary for the effectiveness and or efficiency of Members.

18 Compliance

- 18.1 In accordance with the Regulations, the Authority must comply with the requirements of Independent Remuneration Panel for Wales in respect of the monitoring and publication of payments made to Members and Co-opted Members as set out in **Schedule 4**.

Members & Co-opted Members are reminded that expense claims are subject to both internal and external audit.

SCHEDULE 1

SCHEDULE OF REMUNERATION

MEMBERS ENTITLED TO BASIC SALARY

ANNUAL AMOUNT OF BASIC SALARY

The following named elected members of the authority

SENIOR SALARIES ENTITLEMENTS
(includes basic salary)

**AMOUNT
OF SENIOR
SALARY**

ROLE

MEMBER

A maximum of (18) senior salary for Caerphilly County Borough Council may be paid and this has not been exceeded.

ENTITLEMENT TO CIVIC SALARIES

**ANNUAL
AMOUNT OF
CIVIC
SALARY**

ROLE

MEMBER

Civic Head (Mayor / Chair)
Mayor / Chair

Deputy Civic Head (Deputy

ENTITLEMENT AS STATUTORY CO-OPTES

**AMOUNT OF
CO-OPTES
ALLOWANCES**

ROLE

MEMBER

Chairperson Of Standards Committee

Mr P Brunt

£268 Daily Fee
£134½ Day Fee

Chair of Governance & Audit Committee

£268 Daily Fee
£134½ Day Fee

Parent Governor representative, Education
Scrutiny Committee

Mrs T Millington

£210 Daily Fee
£105 ½ Day Fee

Parent Governor representative, Education
Scrutiny Committee

Mr G James

£210 Daily Fee
£105 ½ Day Fee

Church Representative, Education
Scrutiny Committee

Mr. M. Western

£210 Daily Fee
£105 ½ Day Fee

Co-Opted Member, Standards Committee

vacant

£210 Full Day
£105 ½ day (up
to 4 hours)

Co-opted Member, Standards Committee	vacant	£210 Full Day £105 ½ Day (up to 4 hours)
Co-opted Member, Standards Committee	Mr. J. Card	£210 Full Day Or £105 ½ day (up to 4 hours)
Co-opted Member, Standards Committee	Mrs. L. Davies	£210 Full Day Or £105 ½ day (up to 4 hours)
Co-opted Member, Standards Committee	Mr. C. Finn	£210 Full Day Or £105 ½ day (up to 4 hours)
-Co-opted Member Governance and Audit Committee <u>(x 3)</u>		£210 Full Day Or £105 ½ day (up to 4 hours)

Contribution towards costs of care and personal assistance

All Members

- Formal (registered with Care Inspectorate Wales) care costs to be paid as evidenced.
- Informal (unregistered) care costs to be paid up to a maximum rate equivalent to the Real UK Living Wage at the time the costs are incurred.

NOTE: Home broadband lines are offered to all Councillors or they will be provided with a secure key to enable them to access their Email via WiFi if they so wish.

SCHEDULE 2

Approved duties: -

- attendance at a meeting of the Authority or of any committee of the Authority or of any body to which the Authority makes appointments or nominations or of any committee of such a body;
- attendance at a meeting of any association of authorities of which the Authority is a member;
- attendance at any other meeting the holding of which is authorised by the Authority or by a committee of the Authority or by a joint committee of the Authority and one or more other Authorities;
- a duty undertaken for the purpose of or in connection with the discharge of the functions of Cabinet;
- a duty undertaken in pursuance of a standing order which requires a Member or Members to be present when tender documents are opened;

- a duty undertaken in connection with the discharge of any function of the Authority which empowers or requires the Authority to inspect or authorise the inspection of premises;
- attendance at any training or developmental event approved by the Authority or its Cabinet;
- the following duties which have been approved by Council:

NOTE: The Council has decided not to allow for claims for travel within Members' Wards [except as set out in paragraph 7].

SCHEDULE 3

Mileage Rates

All sizes of private motor vehicle	
Up to 10,000 miles	45 pence per mile
Over 10,000 miles	25 pence per mile
Private Motor Cycles	24 pence per mile
Pedal Cycles	20 pence per mile
Passenger supplement	05 pence per mile

Subsistence Allowance

The day subsistence rate is up to a maximum of £28 and covers a 24 hour period and can be claimed for any meal if relevant provided such a claim is supported by receipts.

Re-imbursment of alcoholic drinks is not permitted.

Overnight Stay

The maximum allowances for an overnight stay are £200 for London and £95 for elsewhere. A maximum of £30 is available for an overnight stay with friends or relatives whilst on approved duty.

SCHEDULE 4

Compliance

- The Authority will arrange for the publication on the council's website the total sum paid by it to each Member and C-opted Member in respect of salary, allowances, fees and reimbursements not later than 30 September following the close of the year to which it relates. In the interests of transparency this will include remuneration from all public service appointments held by elected Members.
- The Authority will publish on the council's website a statement of the basic responsibility of a councillor and role descriptors for senior salary office holders, which clearly identify the duties expected.
- The Authority will publish on the council's website the annual schedule of Member Remuneration not later than 31 July of the year to which the schedule refers.
- The authority will send a copy of the schedule to the Independent Remuneration Panel for Wales not later than 31 July of the year to which the schedule refers.

- The Authority will maintain records of Member/Co-opted Members attendance at meetings of council, cabinet and committees and other approved duties for which a Member/Co-opted Member submits a claim for reimbursement.
- The Authority will arrange for the publication on the council's website of annual reports prepared by Members.
- When the Authority agrees a paid substitution for family absence it will notify the Independent Remuneration Panel for Wales within 14 days of the date of the decision of the details including the particular post and the duration of the substitution.



ANNUAL MEETING OF COUNCIL – 19TH MAY 2022

SUBJECT: CHANGES TO THE CONSTITUTION

REPORT BY: MONITORING OFFICER AND HEAD OF LEGAL SERVICES

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1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend to Council to approve changes to the Constitution in light of the Local Government and Elections Act 2021 ('the Act').
- 1.2 The changes to the Constitution include a new Multi Location Meetings Policy. The aim of the policy is to outline the arrangements in place which will ensure that council meetings can be held regardless of where the participants are situated. This will enable persons who are not in the same location to attend meetings. These meetings are referred to as multi location meetings and often termed hybrid meetings.

2. SUMMARY

- 2.1 The Act has brought about a number of changes to the Constitution. Some of these are minor, such as referring to the Chief Executive as 'Chief Executive' rather than the Head of Paid Service. Other changes are more substantial such as the introduction of Corporate Joint Committees which will become important bodies during the life of the council.
- 2.2 The constitution also includes at Part 5 a Multi Locational Meetings Policy to give the Council the ability to convene meetings in a way to achieve greater accessibility and improved public participation in local government.
- 2.3 The powers to introduce multi location meetings are closely connected with the new requirement for relevant authorities to broadcast (by audio and/or video) certain meetings, the provisions of which are set out in section 46 of the 2021 Act.

3. RECOMMENDATIONS

- 3.1 Council is asked to approve the changes to the Constitution attached at appendix 1.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To comply with the requirements of the Local Government and Elections Wales Act 2021 and associated statutory guidance.

5. THE REPORT

- 5.1 Changes have been made to the Constitution that are required by the passing of the Act. Helpfully the Monitoring Officers of Wales worked together to agree a set of necessary changes and these have been incorporated in the Constitution at appendix 1. Members will note that changes have been made to parts 1, 2, 3 and 5.
- 5.2 In part 2, changes include in article 2, the new council comprises of 69 members rather than 73, through the decision of the Local Democracy and Boundary Commission for Wales. Reference has been made to Corporate Joint Committees at Articles 4 and 11. Article 8 has been amended to reflect the Act's changes to rename the Audit Committee to the Governance and Audit Committee, and the membership must include a third being lay members, with the Chair being a lay member. In Article 9, the Standards Committee must prepare an annual report to Council on it's work over the previous year.
- 5.3 In part 3 of the Constitution, the functions have been amended to take account of the Council's responsibilities under the Counter Terrorism and Security Act 2015. These changes are independent of the Act and have been requested by the Head of Public Protection, Community and Leisure Services.
- 5.4 The Council Procedure Rules have been amended in Part 4 mainly to reflect the changes brought about by multi locational.
- 5.5 Part 5 has been amended to include the Multi Location Meetings Policy and the e-Petition Scheme, both requirements of the Act. The e-Petition Scheme will allow members of the public to petition the Council electronically, via their local member, in addition to the normal methods of petitioning the Council under rule 28 of the Council Procedure Rules. Democratic services are currently working to develop the e-petition facility details of which will be added to this document.
- 5.6 The Multi Location Meetings Policy will allow members to take part in meetings from a number of locations. Members have become familiar with joining meetings via 'Teams' from their homes through the pandemic, and the policy is the next phase as the world returns to normal post pandemic. A "multi-location meeting" is a meeting whose participants are not all in the same physical location. It is envisaged that some members will be in the chamber whilst others will be joining the same meeting from their homes. Members of the public will be able to view the meeting from the gallery in the chamber and from their homes via a live-stream.

6. ASSUMPTIONS

- 6.1 The changes to the Constitution are necessary due to the implementation of the Act.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 Due to the nature of this report, there is no requirement for an IIA to be undertaken.

8. FINANCIAL IMPLICATIONS

- 8.1 The purchase of the new software and hardware to allow the chamber, Sirhowy and Ebbw rooms to be suitable for multi locational meetings has already been approved by the Cabinet. The purchase of new IT equipment required by members after the election has been sourced and will be met out of the members reserve budget.

9. PERSONNEL IMPLICATIONS

- 9.1 The staffing requirements for multi-location meetings will be resource intensive, with support being provided via the Democratic Services team. The use of the equipment, training and ongoing technical support will also be provided within IT services.

10. CONSULTATIONS

- 10.1 Due to the election, the ability to consult has been limited but as the changes are required by legislation, the council has to adopt the suggested changes.

11. STATUTORY POWER

- 11.1 Local Government and Elections Wales Act 2021

Author: Robert Tranter, Head of Legal Services & Monitoring Officer
Consultees: Christina Harrhy Chief Executive
Richard (Ed) Edmunds Corporate Director Education and Corporate Services
Lisa Lane, Deputy Monitoring Officer & Head of Democratic Services

Appendices:
Appendix 1 Amended constitution

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Summary and Explanation

THE COUNCIL'S CONSTITUTION

The Caerphilly County Borough Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution was **first** adopted in May 2002,–and **has been revised regularly since**. ~~revised in May 2003~~ .

The Constitution is divided into a number of **Articles** which set out the basic rules governing the Council's business (Part 1). **More detailed procedures and codes of practice** are provided in separate rules and protocols (Parts 2 - 7).

WHAT'S IN THE ARTICLES?

Article 1 of the Constitution commits the Council 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.

Articles 2 –16 explain the rights of citizens and how the key parts of the Council operate.

These are:

- [The Constitution \(Article 1\).](#)
- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The full Council (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Executive (Article 7).
- Regulatory committees (Article 8).
- The Standards Committee (Article 9).
- [Joint Arrangement Area Committees and Forums](#) (Article 10)
- [Corporate](#) Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

HOW THE COUNCIL OPERATES

The Council is composed of ~~73~~ [69](#) councillors elected every ~~four~~ [five](#) years. ~~The National Assembly has extended the first period of office by one year (to May 2004), but after that it will revert to every four years.~~ Councillors are democratically accountable to residents of their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors and co-opted members who have voting rights have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints a Leader who in turn appoints Cabinet members, each in the specific area of responsibility. The Leader and Cabinet members who are known as "the Executive" take most of the major decisions. The Executive is overseen by a number of scrutiny committees whose main role is the holding to account of the Executive. The scrutiny committees also have other roles, which are described in more detail in Article 6 of this Constitution.

HOW DECISIONS ARE MADE

The executive is the part of the Council which is responsible for taking most of the major decisions. The executive is made up of the Leader (appointed by the Council) and nine Cabinet members (appointed by the Leader). The business to be considered by the executive, overview and scrutiny committees and the council as a whole is published in the forward work programme. Meetings of the executive, overview and scrutiny committees, the council and other committees are open for the public to attend except where personal or confidential matters are being discussed, as defined by the law. The executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole.

OVERVIEW AND SCRUTINY

There are four overview and scrutiny committees who support the work of the executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor the decisions of the executive. They can 'call-in' a decision which has been made by the executive but not yet implemented. Unless the matter is marked as "urgent", the decision is not implemented until it has been reviewed by the Scrutiny Committee. This enables them to consider whether the decision is appropriate. They may recommend that the executive reconsider the decision. They may also be consulted by the executive or the Council on forthcoming decisions and the development of policy.

THE COUNCIL'S STAFF

The Council has people working for it (called 'officers') to give advice, take and implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and members of the council.

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services, for example as a parent of a school pupil or as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain or inspect a copy of the Constitution on payment of reasonable photocopying fees;
- attend meetings of the executive, the Council and its committees except where personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- find out, from the forward work programme, what business is to be considered by the executive, overview and scrutiny committees or the council as a whole;
- see reports and background papers considered by the executive, the Council and any of its committees and the record of any decisions made by the Council, its committees and the executive except where they contain personal or confidential information;
- complain to the Council about the quality of any of its services using the Corporate Complaints procedure (leaflets are available describing this);
- complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged only to do this after using the Council's own complaints process;
- complain to the Ombudsman if they have evidence which they think shows that a councillor or co-opted member of the council has not followed the Members' Code of Conduct;
- inspect the Council's accounts in accordance with provisions made in Acts of Parliament and make their views known to the external auditor; and
- deal with the Council in either English or Welsh

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Communications Manager.

The Council publishes details of meetings each week. You can see the agenda papers and reports (except for confidential items) and minutes of meetings at the Council's offices at Penallta House, Tredomen Park, Ystrad Mynach and on the Council's website www.caerphilly.gov.uk or make arrangements to have copies by contacting the Democratic Services Manager.

All the officers mentioned above can be contacted by telephone:

(01443) 815588

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~~ 69 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 five years. 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.

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) 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 Partnerships Scrutiny Committee as an Agenda item for discussion at a meeting of the Committee;
- (viii) lead on proposals relating to best interests and the wellbeing of the local community and future generations in accordance with the principles of the Well-being of Future Generations Act 2015.

(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 salaries, expenses and allowances as set out in the Councillors' Salaries, Expenses and Allowances Payments document 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).

2.06 Family Absence for Members of Local Authorities

Members will observe the Family Absence for Members of Local Authorities Protocol set out in Part 5 of this Constitution.

2.07 Member Training and Development

Members will observe the Members Training and Development Protocol set out in Part 5 of this Constitution.

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.

Citizens can seek to raise a matter with the council by submitting a petition in accordance with the Council's Petition Scheme that can be found in part 5 of the Constitution.

(b) Information.

Citizens have the right to:

- (i) attend meetings of the Council, 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 Welsh Language Standards, 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, abusive or threatening to councillors or officers and must not willfully 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 for the county borough together with decisions taken from time to time by the Council on matters affecting policy.

The Public Services Board's Well-being Plan
Council's Corporate Plan and Well-being Objectives
Regeneration Strategy
Local Development Plan
Corporate Plan

(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~~ [Welsh Ministers](#) 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~~ [Senedd Cymru](#) 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~~; [Chief Executive](#)
- (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) [performing the corporate joint committee functions set out in Article 11 section 2 of this Constitution including the making of a corporate joint committee and application and the gaining of consent to corporate joint committee regulation being made.](#)
- ~~(l) all other matters which, by law, must be reserved to Council.~~
- (m) [consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements;](#)
- (n) [preparing an annual report on the extent to which the Council has met its performance requirements;](#)
- (o) [reviewing, approving and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations \(Wales\) Act 2005 and the accompanying statutory guidance issued by the Welsh Ministers.](#)
- (p) [keeping under review the extent to which:](#)

- (i) it is exercising its functions effectively;
- (ii) using its resources economically, efficiently and effectively; and
- (iii) its governance arrangements are affecting for securing the matters set out in (i) and (ii) above.

(qf) 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
7. to carry out duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013 in accordance with the Family Absence for Members Protocol set out in Part 5 of this Constitution

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 Partnerships Scrutiny Committee has the additional function conferred by the Police & Justice Act 2006.

The Well-being of Future Generations (Wales) Act 2015 requires the Council to formally collaborate with the Local Health Board, South Wales Fire & Rescue Authority and Natural Resources Wales as a Public Services Board for the geographical area of the Council and to use the sustainable development principle to meet the wellbeing duty/goals under the Act. The Act requires the Council to designate a Scrutiny Committee to scrutinize the work of the Public Services Board. The Council agreed on 12th May 2016 to re-designate the Council's Policy & Resources Committee (sitting as the Crime & Disorder Committee) as the Partnerships Scrutiny Committee to take on the additional responsibilities to scrutinize the Public Services Board. The Partnerships Scrutiny Committee will continue to scrutinize the work of the Safer Caerphilly Community Safety Partnership as required under 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).

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

Terms of Reference: Policy and Resources Scrutiny Committee (also the Council's Partnerships Scrutiny Committee)	
Public Services Board (PSB) Well-being Plan	<p>The Well-being Plan is the shared strategic vision for the county borough developed by the PSB through its partners; Caerphilly County Borough Council, South Wales Fire and Rescue Service, Natural Resources Wales, Aneurin Bevan University Health Board, Gwent Police, the Gwent Police and Crime Commissioner, Welsh Probation bodies, Public Health Wales, Gwent Association of Voluntary Organisations and Welsh Ministers.</p> <p>It identifies that this vision will be achieved by the delivery of the PSB's Well-being Objectives for the county borough.</p> <p>Greener Caerphilly</p> <p>Under each of these Objectives a range of Priorities have been identified for action.</p>
Corporate Plan and well-being objectives	<p>The Council's own well-being objectives contribute to the overall vision of the PSB.</p>
Education and Corporate Services Directorate Responsibilities	To act as general overview and scrutiny committee for the Council
	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.
	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 (Wales) Measure 2009
	Information Communication, Technology & Customer Services
	Human Resources
	Corporate Finance
	Electoral Services

	Legal Services
	Internal Audit Services
	Procurement Services
	Democratic Services
	Corporate Health and Safety including liaison with the Health and Safety Executive
	Performance Management
	Overview of all policy and finance issues considered by the Executive
	Equalities and Welsh Language
	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 Communities Responsibilities	Emergency Planning
<u>The Policy & Resources Scrutiny Committee has the following specific terms of reference when acting as the Partnerships Scrutiny Committee</u>	<p>Partnerships Scrutiny Committee</p> <p>The Committee is responsible for the scrutiny of the Public Services Board (PSB) as set out in the Well-being of Future Generations (Wales) Act 2015. The Committee is also responsible for the scrutiny of the Safer Caerphilly Community Safety Partnership (SCCSP) as required under the Police and Justice Act 2006.</p> <p>Membership of Committee</p> <p>The Committee will be comprised of the following Members:</p> <ul style="list-style-type: none"> • Policy & Resources Scrutiny Committee Members • Co-Opted Members
	<p>The Committee will invite co-opted representatives from each of the PSB statutory partner agencies:</p> <p>1 non-executive, non-Councillor representative of Aneurin Bevan University Health Board</p> <p>1 non-executive representative from the Natural Resources Wales Board</p> <p>1 non-executive representative from the South Wales</p>

	<p>Fire & Rescue Authority</p> <p>1 additional co-opted member from each of the following:-</p> <p style="padding-left: 40px;">An equalities/Welsh language organisation</p> <p style="padding-left: 40px;">A disability organisation</p> <p style="padding-left: 40px;">The Youth Council</p> <p>Giving a Committee membership of 16 Councillors, 6 co-opted members (3 statutory partner agencies and 3 others as listed above). In addition up to 6 Invited Representatives as outlined below.</p> <p>Invited Representatives</p> <p>In order to ensure that the Scrutiny Committee has the benefit of additional expert knowledge and expertise from the wider partnership arena, a standing invitation will be extended to the following organisations, seeking a representative who is not a Public Services Board member.</p> <p>Gwent Association Voluntary Organisation</p> <p>Office of the Police and Crime Commissioner</p> <p>Aneurin Bevan Community Health Council</p> <p>Wales Community Rehabilitation Company</p> <p>Wales National Probation Service</p> <p>Welsh Government.</p> <p>Witnesses</p> <p>In order to carry out its role the committee will need to consider evidence to fulfil its statutory scrutiny function. The committee can seek additional information and invite expert witnesses. The following organisations will be invited to give evidence, alongside other witnesses identified by the committee.</p> <p>Chair and Members of Public Services Board</p> <p>PSB Partner Organisations Lead Officers</p> <p>Chair of the Safer Caerphilly Community Safety Partnership</p>
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	<p>SCCSP Partnership Organisations Lead Officers</p> <p>Terms of Reference</p> <p>The Terms of Reference for the Partnership Scrutiny Committee are as follows:</p> <p>Public Services Board</p> <ul style="list-style-type: none"> • To provide a 'critical friend' challenge to the Public Services Board. • To scrutinise and evaluate the decisions and actions of the Public Services Board acting in partnership. • To review the governance arrangements of the Public Services Board. • To submit reports to the Public Services Board (as appropriate) in respect of its functions or governance arrangements and make recommendations for consideration and adoption. • To consider matters relating to the Board as the Welsh Ministers may refer to it and report to Welsh Ministers accordingly. • Carry out other functions in relation to the Board that are imposed on it by the Act. <p>Crime & Disorder</p> <p>To scrutinise the work of the SCCSP and the partners ("responsible authorities") who comprise it 'insofar as their activities relate to the partnership itself'. In other words, Members' scrutiny role relates only to the work done by the SCCSP.</p> <p>The role includes:</p> <ul style="list-style-type: none"> • To consider actions taken by the responsible authorities on the SCCSP. • To consider Councillor Calls for Action. • To make reports or recommendations to the Council and or others and monitor those recommendations. <p>Scrutinizing Partnership Activity</p> <p>The Committee does not have statutory powers to scrutinize partners individually. It can only scrutinize activity taken in partnership when working collaboratively.</p>
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Cabinet Members Reporting to Policy and Resources Scrutiny Committee:

Relevant Cabinet Member(s). For more information in relation to the portfolios of Cabinet posts please see Article 7.

Terms of Reference: Education Scrutiny Committee	
Directorate of Education and Corporate Services	The discharge of the Council's obligations as Local Education Authority under statute and regulation.
	The preparation and scrutiny of statutory education and lifelong learning strategic plans, relevant Council Well-being Objectives and Directorate Performance
	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 *.
	*Local Management of Schools and Fair Funding.
	Forward planning re. school places, , school admissions and student awards.
	Inclusion Services which involve Learning Support Services, educational psychology, education welfare, behavioural support and managing pupil exclusions.
	*Governor support and training.
	*Welsh Language Education.
	*Agreed RE Syllabus. SACRE * means delivered by the EAS with statutory duty retained by the Council
	Joint Services via Gwent VI Service.
	National Grid for Learning Cymru.
	Adult Community Learning Partnership
	Lifelong learning, and community education.
	Public Library Service.
	Music Service.
	Securing grants.
	Youth Service

Cabinet Members Reporting to Education Scrutiny Committee:

Relevant Cabinet Member(s). For more information in relation to the portfolios of Cabinet posts please see Article 7.

Terms of Reference: Social Services Scrutiny Committee

Directorate of Social Services Responsibilities	Provision of Children's & 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 preparation and scrutiny of statutory social services plans, relevant Council Well-being Objectives and Directorate Performance
Directorate of Communities Responsibilities	Social Services Transport Operations

Cabinet Members Reporting to Social Services Scrutiny Committee:

Relevant Cabinet Member(s). For more information in relation to the portfolios of Cabinet posts please see Article 7.

Terms of Reference: Environment and Sustainability Scrutiny Committee
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Directorate of Communities Responsibilities	The preparation and scrutiny of statutory plans, relevant Council Well-being Objectives and Directorate Performance
	Waste Collection, Waste Treatment & Disposal and Street Cleansing
	Burials, Cemeteries and Bereavement Services
	Highways Maintenance
	Street Lighting
	Engineering Services
	Land Drainage
	Fleet Management & Maintenance
	Parks & Outdoor Spaces Facilities
	Leisure & Sports Development
	Public Conveniences
	Public Transport
	Land Reclamation & Tips
	Road Safety
	Traffic Management (including Traffic Regulation Orders & Notices)
	Highway Development Control
	Car Parking
	Civil Engineering Design & Procurement
	Structures
	Transportation & Planning Improvements
	Public Health (including infectious diseases and health promotion/education)

	Food Safety Enforcement
	Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land)
	Public Health (statutory nuisance and sewer/drains)
	Trading Standards
	Health and Safety of commercial premises
	CCTV & Community Safety Wardens
	Pest Control, Dog Warden, Animal Trespassing Services
	Animal Health and Welfare Enforcement
	Licensing
	Registrar of Births, Deaths, Marriages/Civil Partnerships
	Building Cleaning
	Catering
	Community Centres
	Property Services
	Corporate Asset Management

Cabinet Member Reporting to The Environment and Sustainability Scrutiny Committee:

Relevant Cabinet Member(s). For more information in relation to the portfolios of Cabinet posts please see Article 7.

Terms of Reference: Regeneration and Housing Scrutiny Committee	
Directorate of the Social Services Responsibilities	Housing Strategy
	Private Sector Housing
	Public Sector Housing
	Public Sector Housing
	Delivery of Welsh Housing Quality Standards
	Housing Repair Operations
Directorate of Communities	Planning – Strategic & Development Plan Policy
	Planning – Urban Renewal & Town Centre Management
	Planning – Development & Building Control (excluding those matters set out in the Terms of Reference of the Planning Committee)
	Planning – Countryside & Landscape Services
	Economic Development & European Programme Funding
	Arts Development
	Tourism and Heritage

Cabinet Member Reporting to the Regeneration & Housing Scrutiny Committee:

Relevant Cabinet Member(s). For more information in relation to the portfolios of Cabinet posts please see Article 7

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
Wellbeing of Future Generations Act 2015

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 the well-being of the local community and future generations.

7.02 Form and composition

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

1. Deputy Leader Finance Performance & Governance (to include the role of Older Persons Champion)
2. Deputy Leader Economy, Infrastructure and Sustainability (to include the role of Future Generations Champion)
3. Cabinet Member Social Care and Wellbeing
4. Cabinet Member Education and Achievement
5. Cabinet Member Environment and Public Protection
6. Cabinet Member Neighbourhood Services
7. Cabinet Member Homes and Places
8. Cabinet Member Corporate Services

Finance Performance & Governance Portfolio includes (this list is not exhaustive), the following:-

- The proper financial budgeting and control of the Authority
- Legal Services
- Electoral Services
- Internal Audit Services
- Policy & Performance including equalities and Welsh language Executive link to Democratic Services including Member training
- Corporate Governance

Economy Infrastructure & Sustainability Portfolio includes (this list is not exhaustive), the following:-

- Deputy representative on City Deal Joint Cabinet
- Economic Development and Regeneration
- Sustainability/Well-being of Future Generations
- Tourism & Cultural Facilities
- Strategic Highways and Maintenance
- Integrated Transport Plan – Highways, Rail, Metro and other forms of transport
- Member of regional transport authority
- Flood and water management including land drainage
- Street lighting
- Transport including Education and Social Services transport operations
- Land reclamation and tips
- Traffic management including car parking, traffic regulation orders and notices
- Digital infrastructure

Social Care & Well-being Portfolio includes (this list is not exhaustive) the following:-

- All aspects of the provision of adult social care and services
- All aspects of the provision of children's social care and services
- Integration with health services

Education & Achievement Portfolio includes (this list is not exhaustive), the following:-

- The discharge of the Council's statutory obligations as Local Education including (but not limited to) preparation and scrutiny of strategic education plans, forward planning, re: school places and admission, local management of schools and fair funding and learning support services
- Executive link to EAS
- Public library service
- Youth service
- Adult learning (including community education)
- Youth engagement/liaison with youth forum

Environment & Public Protection Portfolio includes (this list is not exhaustive), the following:-

- Planning – the proper operation of development services and building control (excluding applications to the authority)
- Public protection
- Environmental health
- Licensing
- Community safety
- Emergency planning
- Registration services
- Catering services

Neighbourhood Services Portfolio includes (this list is not exhaustive), the following:-

- Waste & recycling
- Cleansing
- Sport & leisure services
- Parks, recreation and outdoor sports facilities
- Country parks and countryside services
- Community centres
- Building cleansing
- Fleet management and vehicle maintenance
- Burial, cemeteries and bereavement services

Homes & Places Portfolio includes (this list is not exhaustive), the following:-

- Public sector housing
- Delivery of Welsh housing quality standards
- Private housing including enforcement issues
- Homelessness
- Executive link with Housing Quality Task group issues
- Corporate assessment management
- Property services

Corporate Services Portfolio includes (this list is not exhaustive), the following:-

- All aspects of the Council's functions as an employer (other than the appointment of staff) including the oversight of recruitment, terms and condition of employment, conduct and disciplines, structural review and consequences thereof
- Oversight of HR
- Council business management
- Information and Technology services
- Customer services
- Procurement services
- Corporate health and safety
- Communications

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.

7.055 Deputy cabinet members

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

7.066 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).

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

- (a) The Leader shall be one of the Council's two representatives at meetings of the Public Services Board.

- (b) The Leader shall designate the Deputy Leader to attend in their absence unless the Deputy Leader is also not available in which case the Leader shall designate another Member of the Cabinet

7.09 Acting as the Council member of the Cabinet Corporate Joint Committee

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

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) a [Governance](#) and 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 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 virements 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 Head of Regeneration & Planning or the Planning Services 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.
7. The Council at its meeting held on 8th May, 2014 agreed that the current restrictions within Standing Orders, which prohibits a meeting for sitting longer than four hours be removed from the Planning Committee, subject to a requirement on the Committee to take appropriate breaks, so as to ensure the comfort of those participating in the meeting.

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

1. The determination by the Head of Regeneration & Planning or the Planning Services Manager of all enforcement matters under the Town and Country Planning Act 1990 and associated legislation, other than (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) (b) any case where it is recommended	Head of Regeneration & Planning or Planning Services Manager
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<p>that it is not expedient to take enforcement action but the resulting development would be contrary to the Council's planning policies shall be determined only after consultation with the Chair and Vice-chair of the Planning Committee and local Member(s)</p> <p>(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) ————— (d) 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)</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 Head of Regeneration & Planning or the Planning Services 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 Head of Regeneration & Planning or the Planning Services Manager in consultation with the Head of Legal Services or any Senior Solicitor.</p>
<p>4. Service of Building Preservation Notices</p>	<p>Head of Regeneration & Planning or the Planning Services Manager</p>
<p>5. Approval or refusal of plans under Building Regulations</p>	<p>Head of Regeneration & Planning or the Planning Services Manager</p>
<p>6. Completion certificates for guarantee purposes</p>	<p>Head of Regeneration & Planning or the Planning Services Manager</p>
<p>7. Enforcement action under Building Regulations, dangerous structures and ruinous and dilapidated property</p>	<p>Head of Regeneration & Planning or the Planning Services Manager</p>
<p>8. Determination of dates upon which duly authorised enforcement notices take</p>	<p>Head of Regeneration & Planning or the Planning Services Manager</p>

	effect	
9.	Approval of minor amendments to approved plans or relaxation of Building Regulations	Head of Regeneration & Planning or the Planning Services Manager
10.	Receipt of planning applications, determination of fees, extension of time for determination of planning applications	Head of Regeneration & Planning or the Planning Services Manager
11	Any action under the terms of a confirmed Tree Preservation Order, or any issue relating to Tree Felling Licences below 10 hectares.	Head of Regeneration & Planning or the Planning Services Manager.
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	Head of Regeneration & Planning or the Planning Services Manager
13.	Any steps required in connection with the progressing of appeals to the Welsh Ministers Secretary of State against the decision of the local planning authority.	Head of Regeneration & Planning or the Planning Services Manager
14.	Serving of notices for the proper maintenance of waste land.	Head of Regeneration & Planning or the Planning Services Manager
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.	Head of Regeneration & Planning or the Planning Services Manager
16.	Conservation Area consent including demolition of buildings or extension thereto.	Head of Regeneration & Planning or the Planning Services Manager
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 amendments not considered at the committee which do not significantly	Head of Regeneration & Planning or the Planning Services Manager
	— affect the nature of the decision taken for the consent granted.	
18.	The determination of all applications for	

<p>planning permission, reserved matters, listed building consent, conservation area consent, tree preservation order consent, advertisement consent and all other matters submitted for the determination formal application or comment of the local planning authority under the relevant Town and Country Planning Act and associated legislation, OTHER THAN:-</p>	<p>Head of Regeneration & Planning or the Planning Services Manager</p>
<p>(a) any application which any member requests in writing to the Head of Regeneration & Planning within 21 days of the publication of the weekly list containing the application, should be considered by the Planning Committee.</p> <p>(b) any application where it is recommended that permission be granted contrary to the Council's planning policies.</p> <p>(c) any application which in the opinion of the C Head of Regeneration & Planning or the <i>Planning Services</i> Manager are likely to be controversial or of significant public interest or should in any event be determined by the Planning Committee.</p> <p>(d) applications where the decision would conflict with an objection received from a statutory consultee.</p>	<p>The Head of Regeneration and Planning, or the Planning Services Manager</p>
<p>19 The consideration of details and schemes submitted pursuant to a condition applied to a planning permission in accordance with Section 72 of the Town and Country Planning Act 1990, apart from details and schemes submitted as 'reserved matters' as defined by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012</p>	<p>Head of Regeneration & Planning or the Planning Services Manager</p>
<p>20. Discharging all other day to day aspects of the functions listed within the Committee's Terms of Reference which power shall be exercised by the appropriate Director or</p>	<p>Head of Regeneration & Planning or the Planning Services Manager</p>

<p>Head of Regeneration & Planning or the Planning Services Manager after consultation with the Chairman and Vice Chairman of the Committee</p>	
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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

Purpose of site inspections

- 1 Site inspections are fact-finding exercises to allow members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting.
- 2 The sole purpose of site inspections is to allow the chairperson and vice-chairperson and other members to look at the site and its surroundings. In conducting the site visit, the members will not formally debate the application, express a prior opinion, lobby for any particular decision or come to any decision.

Requests for Committee site inspections

- 3 If Members wish an application to be reported to Planning Committee and be the subject of a site visit, they should advise the case officer or in his/her absence any other officer of the Development Management Team in writing (including email) within 21 days of receiving the weekly list of planning applications.
- 4 Site visits should be allowed on the basis of a request from either the chairperson or vice-chairperson, or from any local member including an adjoining ward Councillor whether or not a member of the committee. It is expected that local members will already be familiar with the site. Members are encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentation that officers now email to Planning Committee Members before Committee.
- 5 Site visits may also be arranged, at the behest of the Head of Planning and Regeneration or Development Control Manager when they consider that there are particular site issues that members should be aware of prior to the determination of the application.

Criteria for agreeing to hold site inspections

- 6 Any request for a formal site visit will have to comply with the following criteria:-
 - Illustrative material is insufficient to convey the issues;
 - A judgement is required on visual impact;
 - The setting and surroundings are relevant to the determination of the application;
 - The site has not been visited recently by the Planning Committee in relation to another planning application.
- 7 Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a Councillor is incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised.

Examples where a site visit would not normally be appropriate include where:

- The member simply disagrees with the conclusion reached in the report.

- The member wishes to consider boundary or neighbour disputes.
- Loss of property values
- Any issues that are not material planning considerations.
- Where councillors have already visited the site within the last 12 months, except in exceptional circumstances.

Where there is any dispute about the need for a site visit, the final decision will be taken by the Chair and/or Vice-Chair of the Planning Committee in consultation with the Head of Planning and Regeneration and/or the Development Control Manager.

Notification of site visits

- 8 All site visits will take place on the Monday before Planning Committee for applications being reported to that Committee. Where it is impractical to undertake all approved site visits on the Monday before the Planning Committee, the visit/s may take place on any day subject to the visit/s taking place before the Planning Committee to which the application/s is/are being reported. All Members (subject to declarations of interests) will be entitled to attend the site visits, and all Planning Committee Members will be encouraged to attend.

Committee Services will arrange the site visits, but will not attend to take minutes. A brief note will be prepared by Planning Officers and will be presented to the Planning Committee, confirming that a site visit has taken place and providing a summary of any additional information received or matters arising from the site visit.

Attendance At Site Inspections

- 9 Site visits will normally be attended by the chairperson and vice-chairperson of Planning Committee, ward members and appropriate officers. All Members (subject to declarations of interest) will be encouraged to attend the site visits and all Planning Committee Members will be encouraged to attend.
- 10 Members may through the chairperson ask questions of officers to clarify factual matters relevant to the site inspection.
- 11 If a request is received from a third party to inspect the site from a different location, the members, as a group, should take the view whether to do so. Unless there are good reasons not to do so, such a request should normally be acceded to but only if all participants at the site inspection are extended the same invitation.
- 12 Members may only enter onto the site with the permission of the site owner who has the right of attendance at the site inspection.
- 13 The public does not have a right of access to a site but may attend and view the site by way of public vantage points or on site with the consent of the owner.
- 14 Applicants, their agents and members of the public, will not be allowed to speak at the site visits apart from providing matters of information or clarification; the informal meeting with the public that has become the part of the customer practice of the Council will end so that the site visits are undertaken in a more formal manner.

- 15 If a member finds it necessary to visit a site alone, he or she shall view it from public vantage points only, seek to avoid discussion with interested parties and, if dialogue occurs, make it clear that a decision will be taken when the Planning Committee has discussed it after the site inspection.
- 16 **Members are reminded that the rules of declarations of interest apply to site visits, and that if a member has an interest that would require the member to withdraw from a Planning Committee, the member is not entitled to attend the site meeting.**

Conduct at site inspections

- 17 The inspection will be chaired by the chairperson or vice chair of the Planning Committee who will ensure that it is conducted as a single meeting and in an orderly fashion.
- 18 The planning officer will give a brief summary of the application and the site inspection issues at the beginning of each site visit.
- 19 Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.
- 20 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.
- 21 Non-Committee members may address their colleagues on issues of fact pertaining to the site context.

LICENSING AND GAMBLING 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;

POWERS DELEGATED TO THE COMMITTEE

All those matters referred to in paragraph 1 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
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.	The Chief Executive or a Director or a relevant Head of Service or any of the following officers:- Licensing Manager & Assistant Licensing Manager, Senior Licensing Administrator, Licensing Administrator Trading Standards, Licensing & Registrars Manager Environmental Health Manager *Senior Trading Standards Officer *Senior Environmental Health Officer *Trading Standards Officer *Senior Fair Trading Officer * Environmental Health Officer *Senior Commercial Safety Officer *Commercial Safety Officer *Fair Trading Officer *Enforcement Officer (Officers marked * where appropriate are appointed under Section 19(1) of the Health and Safety at Work Act 1974 or any statutory amendment thereto)]
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.	Head of Public Protection Environmental Health Manager Trading Standards Licensing & Registrars Manager Licensing Manager Assistant Licensing Manager 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 Commercial Safety Officer Community Safety Wardens Enforcement Officer
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The Council on the 24th January 2017 approved the following procedural matters in relation to the Licensing and Gambling Committee and the Licensing and Gambling sub-committee, including a procedural change to the Council's Standing Orders, as follows: -

- (a) the quorum for the Licensing and Gambling sub-committee is two. Every effort will be made to maintain the sub-committee at three members present when 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 Licensing and Gambling sub-committee will be drawn in rotation from the whole of the Licensing and Gambling Committee. This will allow each member an equal opportunity to contribute to the work of the Committee and will hopefully ensure a fairness to members in the demands being made on them to sit;
- (c) that the chair and vice-chair of the Licensing and Gambling Committee are not automatically on the Licensing and Gambling sub-committee but will be part of the normal rotation;
- (d) that the current restriction within Standing Orders which prohibits a meeting sitting for longer than four hours be removed from applying to the Licensing and Gambling Committees or its 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.

TAXI AND GENERAL COMMITTEE

Terms of Reference

1. 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
 - e) Hypnotism
 - f) Lottery Registrations
 - g) Street Collections.
 - h) House-to-House Collections.
 - i) Street Trading.
 - j) Sex Shops & Sexual Entertainment Venues.
 - k) Burials in Public Cemeteries.
 - l) Reservoirs.
 - m) Dangerous Wild Animals.
 - n) Animal Boarding Establishments.
 - o) Guard Dogs.
 - p) Acupuncture\Cosmetic\Piercing\Electrolysis\Tattooing\Semi Permanent Skin Colouring.
 - q) Performing Animals.
 - r) Pet Shops.
 - s) Zoos.
 - t) Camping Sites.
 - u) Caravan Sites.
 - v) Pleasure Boats.
 - w) Filling Materials.
 - x) Riding Establishments.
 - y) Charities for Disabled Persons and War Charities.
 - z) Explosives.
 - aa) Fireworks.
 - bb) Petroleum.
 - cc) Marriage & Civil Partnerships.
 - dd) Those matters set out in Part B of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under Part 3 of the Council's Constitution.
 - ee) 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 in so far as they are not governed by the Licensing Act 2003 and/or the Gambling Act 2005 or delegated separately under Part 3 of the Council's Constitution.

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
All matters arising from the exercise of the Committee's terms of reference (to include the power to issue licences and permits),	The Chief Executive or a Director or a relevant Head of Service or any of the following officers:- Licensing Manager & Assistant Licensing Manager, Senior Licensing Administrator, Licensing Administrator Trading Standards, Licensing & Registrars Manager Environmental Health Manager *Senior Trading Standards Officer *Senior Environmental Health Officer *Trading Standards Officer *Senior Fair Trading Officer * Environmental Health Officer *Senior Commercial Safety Officer *Commercial Safety Officer *Fair Trading Officer *Enforcement Officer Acting Parks Manager (Officers marked * <i>where appropriate</i> are appointed under Section 19(1) of the Health and Safety at Work Act 1974 or any statutory amendment thereto)]

The Council on the 24th January 2017 approved the following procedural matters in relation to the Taxi and General Committee and the Taxi and General sub-committee, including a procedural change to the Council's Standing Orders, as follows: -

- (a) the quorum for the Taxi and General sub-committee is two. Every effort will be made to maintain the sub-committee at three members present when 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 Taxi and General sub-committee will be drawn in rotation from the whole of the Taxi and General Committee. This will allow each member an equal opportunity to contribute to the work of the Committee and will hopefully ensure a fairness to members in the demands being made on them to sit;

- (c) that the chair and vice-chair of the Taxi and General Committee are not automatically on the Taxi and General sub-committee but will be part of the normal rotation;
- (d) that the current restriction within Standing Orders which prohibits a meeting sitting for longer than four hours be removed from applying to the Taxi and General Committee or its 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.

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 3 of this Constitution.

d) GOVERNANCE AND AUDIT COMMITTEE

Terms of Reference

1. MEMBERSHIP

- 1.1 The Governance and Audit Committee will have a membership of ~~twelve~~ ^{thirteen} individuals, ~~twelve~~ ^{eight} shall be elected members being representative of all ~~political groups~~ ^{parties and independents} and ~~four~~ ^{one} lay co-opted members to be appointed by the Committee. ~~No more than one member of the Cabinet executive will not be eligible may be a members of this Committee. The Cabinet member must not be the Leader.~~
- 1.2 The co-opted members, not being a members of the Council, to be recruited for skills appropriate to the Governance and Audit Committee's work, and shall be appointed by the Councillor members of the Governance and 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 members to the Committee shall be undertaken by an appointment panel consisting of three Governance and 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 and appointing. ~~The panel will report their recommendations to the Governance and Audit Committee for confirmation/ agreement prior to approval by Council.~~
- 1.4 The Governance and Audit Committee will appoint its chairperson who ~~must~~ ^{will not} be a lay member. ~~The Deputy Chair cannot be a member of the Cabinet. 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 Governance and 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 Education and Corporate Services, the Section 151 Officer, the Head of Corporate Finance, the Head of Business Improvement 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 the Head of Corporate Finance 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)

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

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

(ii) Each Member of the Democratic Services Committee shall be appointed by full Council.

(iii) The Chair of the Democratic Services Committee shall be appointed by full Council.

(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)~~
(m)
 - (i) Designating one of the Council's Officers to be the Head of Democratic Services (who may not be the ~~Chief Executive~~ ~~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 make reports and recommendations on Member induction activities following local elections.
- (p) To secure a programme of reasonable training and development opportunities for Councillors and co-opted members and make reports and recommendations to full Council as necessary.
- (q) To monitor the quality and value of Members' training and development.
- (r) To monitor the Council's membership of the WLGA Wales Charter for Member Support and Development.
- (s) To nominate a Member Development Champion from the Committee's membership.
- (t) To be consulted on reports published by the Independent Remuneration Panel for Wales (or other bodies) in respect of Member's salaries, expenses and allowances.
- (u) To make reports and recommendations on the support and advice provided for any other Member support service.
- (v) To assist the Council's Monitoring Officer to review and make recommendations about the Council's Constitution.
- (w) To review and make recommendations about Members role descriptions.
- (x) To review and make recommendations about Members Annual Reports.

- (y) To review and make recommendations about Webcasting and Remote Attendance.
- (z) To review and make recommendations about the Council's programme and timing of Council meetings.
- (aa) To review and make recommendations about the Council's Members' ICT Policy and provision.
- (bb) To review and make recommendations about Members Family absence policy.
- (cc) To review and make recommendations about the Youth Champion.
- (dd) To review and make recommendations to promote public engagement in Council business.
- (ee) To be consulted on reports published by the Welsh Government, Local Government Boundary Commission and Electoral Commission (or other bodies) in respect of ward boundaries, local authority boundaries and electoral arrangements.
- (ff) 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.
- (gg) As soon as practicable after it has prepared a report or made a recommendation under paragraph (ff) above arrange for a copy of it to be sent to each Member of the Council who is not a Member of the Committee.
- (hh) 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.
- (ii) To have regard to formal guidance issued by The Welsh Ministers.
- (jj) An Executive Member sitting on the Democratic Services Committee should have within his/her portfolio Member Development and Training
- (kk) To oversee the Council's Constitution.

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 Head of Democratic Services in consultation with the Chair or Vice Chair of the Committee

Article 9 – The Standards Committee

References:

Sections 53-55 and Sections 81(5), Local Government Act 2000

The Standards Committees (Wales) Regulations 2001 as amended (“the Regulations”)

Local Government (Democracy) (Wales) Act 2013

9.01 Standards Committee

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

Note: Two or more Councils may establish a Joint Standards Committee.

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 of not less four years and may be re-appointed for one further consecutive term of up to four years only.
- ii. Members of the local authority who are members of the standards committee will have a term of office of no longer than the period until the next ordinary Local Government Elections following the Members appointment to the Committee. They may be reappointed for one further consecutive term.
- iii. A Member of the Standards Committee who is a Community Council Member will have a term of office of no longer than the period until the next ordinary elections for the Community Council following his or her appointment to the Standards Committee. 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 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 and hear complaints referred to the Committee under the Council's Local Resolution Protocol set out in Part 5 of the Council's Constitution.
10. To receive reports on the outcome of disciplinary matters.
11. To oversee the whistleblowing régime.
- 12.——(a) To receive 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.
- (b) To consider referring a report from the Public Services Ombudsman for Wales to the appropriate Scrutiny Committee, where in the opinion of the Standards Committee there has been a serious failure in service delivery that would benefit from further consideration by the appropriate Scrutiny Committee. A report setting out the reason for referral will be presented to the relevant Scrutiny Committee along with the report from the Ombudsman. The Chair of Standards Committee (or a nominee) will be invited to attend the respective Scrutiny Committee when the report is presented.
13. To exercise such powers or duties as may be given to or imposed on Standards Committees from time to time by legislation.
14. 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.
15. To consider referrals by the Head of Democratic Services of member(s) who refuse to attend the mandatory training or do not have good reason for being unable to attend mandatory training as set out in the Member Training and Development Protocol set out in Part 5 of this Constitution.

Note: Provision is made under the Regulations to enable the Standards Committee or a monitoring officer with the prior written agreement of the Chairperson of the Standards Committee to

- (a) refer a report of a misconduct investigation to another authority's Standards Committee for determination and/or
- (b) To refer a dispensation application to another authority's Standards Committee for determination.

9.05 Annual Report

As soon as possible after the end of each financial year, the Standards Committee must make an annual report to the Council.

The annual report must include: -

- (a) a description of how the Standards Committee has discharged its functions;
- (b) a summary of any reports and recommendations that were referred to the Standards Committee under Chapter 3 of Part 3 of the Local Government Act 2000;
- (c) a summary of the actions that the Standards Committee has taken following consideration of the reports and recommendations referred to in (b) above;
- (d) a summary of any notices that were given to the Standards Committee under Chapter 4 of Part 4 of the Local Government Act 2000; and
- (e) the Standards Committee's assessment of the extent to which leaders of political groups on the Council have complied with their duties to promote and maintain high standards of conduct by members of their group and to cooperate with the Standards Committee in the exercise of the Standards Committee's functions; and
- (f) any recommendations which the Standards Committee considers it appropriate to make to the Council about any matter which falls within the Committee's functions.

9.06~~11.01~~ Joint Standards Committee

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

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

Applications for Dispensation

The following procedure shall apply

- (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; or
- (x) It appears to the Committee to be otherwise appropriate to grant a dispensation.

Note: A dispensation granted by the Standards Committee on the grounds set out in paragraph (x) above and which remains in effect must be reviewed by the Standards Committee once in every 12 month period from the date on which the dispensation is first granted.

When considering a review the Standards Committee must determine whether the dispensation should continue to have effect.

Article 10 - 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

10.01 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.

10.02 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.

10.03 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.

10.04 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 11 – Officers Corporate Joint Committees

SECTION 11

11 CORPORATE JOINT COMMITTEES

11.01 Introduction

Corporate joint committees may be established: -

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

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

11.02 Corporate Joint Committees

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

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

11.02.2.1 local people in the Council's area;

11.02.2.2 community councils in the Council's area;

11.02.2.3 the Public Services Board;

11.03.1 every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and

11.04.1 such other persons as the Council considers appropriate.

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

11.06.1 The Council may not exercise the power in section 11.2.3 to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a

function which relates to the Council's transport, strategic planning, economic development or improving education functions.

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

124.01

- (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) Including Director of Environment responsibilities included below	<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.
Deputy Chief Executive & Director of Education and Corporate Services	To support the Chief Executive and manage agreed directorate services including Audit, Corporate Finance, I.T., Legal, Personnel, Property Services, Corporate Asset Management, Performance, oversight of Policy & Central Services function, Monitoring

Post	Functions and areas of responsibility
	Officer and Procurement functions, Public and Private Housing. To deputise for the Chief Executive in his absence in respect of all directorate services/activities Education, community education, and libraries, Youth Service & Community Centres
Corporate Director of the Economy and Environment	<ul style="list-style-type: none"> * Highways, Transportation Engineering, Planning (management and strategic) Catering & Cleaning * Registrars Births Deaths & Marriages & Civil Partnerships * Emergency Planning * Burials Cemeteries & Bereavement Services * Environmental & Community Health & Trading Standards * Licensing * Community Safety * Oversight of Economic Development * Leisure & Community Facilities
Corporate Director of Education & Lifelong Learning	<ul style="list-style-type: none"> * Education, community education, and libraries, Youth Service & Community Centres
Corporate Director of Social Services and Housing	<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	Monitoring Officer
Head of Corporate Finance	S151 Officer
Head of Democratic Services	Deputy Monitoring Officer

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.

121.02 ——— Functions of the head of paid service Chief Executive

References:

Sections 4 and 5, Local Government and Housing Act 1989

1.1.1 Discharge of Functions by the Council

Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as Head of Paid Service. 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 Staff required for the discharge of functions, the organisation of the authority's staff and the appointment and proper management of the authority's staff.

- (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.

(c) Acting as one of the Council's Representatives on the Public Services Board

The Head of Paid Service shall be one of the Council's two representatives at meetings of the Public Services Board.

124.03 **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. [Chief Executive](#)

124.04 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 Restrictions on Posts

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

124.065 ——— 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.

124.06 Functions of the Head of Democratic Services

- (a) To discharge the responsibilities contained in Section 9 of the Local Government (Wales) Measure 2011.
- (b) To review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge democratic services functions.
- (c) To make reports and recommendations to the Authority in relation to such provision.
- (d) To carry out duties as required under the Family Absence For Members of Local Authorities (Wales) Regulations 2013.

The Head of Democratic Services must not be:

- (a) the Head of the Authority's—~~Chief Executive Paid Service~~, the Monitoring Officer or the Chief Finance Officer.

124.07 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.

124.08 Employment

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

Article 132 - 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.

132.01 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.

132.02 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 *equality*.

132.03 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.

132.04 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.

132.05 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.

132.06 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.

132.07 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) to (e) will be reported on the Information Bulletin and may be brought before a Scrutiny Committee in accordance with Article 6.

Article 143 - Finance, Contracts And Legal Matters

References:

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

143.01 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.

143.02 Contracts

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

143.03 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.

143.04 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.

143.05 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 154 - 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

154.01 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.

154.02 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.

154.03 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.

Article 165 – Suspension, Interpretation and Publication of the Constitution

165.01 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.

165.02 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.

165.03 Publication

- (a) The Chief Executive will provide an electronic version 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).

PART 3

RESPONSIBILITY FOR FUNCTIONS

References:

Chapter 3, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2006

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (SI2007 No. 399) (W.45)

Section 13, Local Government Act 2000

This Part of the Constitution sets out: -

- (1) Those functions which the law says only the Council can exercise ("the Council functions").
- (2) The functions which the law says may be dealt with in a way which is chosen by the Council ("local choice functions").
- (3) Functions not to be the sole responsibility of an Authority's Executive.
- (4) The functions which the law says are functions of the Executive ("Executive functions").
- (5) Other general delegations of functions.
- (6) Joint arrangements.

1. NOT RESPONSIBILITY OF THE EXECUTIVE - COUNCIL FUNCTIONS

Schedule 1 The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 - SI2007 No. 399

Note that for each delegation set out in this part, the delegation includes the power to take any steps in relation to the delegated function, including the authorisation of, or defence of, any proceedings in any court, tribunal, board or panel.

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
Section A paras. 1 to 42 incl.	Planning Committee (as set out in Article 8)	As set out in Article 8.
Section B paras 1 to 5, 12 to 17, 19 to 20, 26 to 30, 32, 35, 35A, 39 to 40	Taxi & General Committee (as set out in Article 8)	As set out in Article 8.
Section B paras 6 to 7	Licensing & Gambling Committee (as set out in Article 8)	As set out in Article 8.
Section B paras 22, 23, 24, 31, 33, 34, 36, 37, 42, 43	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service. In relation to paras. 33 & 34 any Principal Solicitor.
Section C	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service or any of the following: - *Trading Standards, Licensing & Registrars Manager * Licensing Manager * Assistant Licensing Manager * Senior Licensing Officer * Licensing Officer *Environmental Health Manager *Senior Trading Standards Officer *Senior Environmental Health Officer *Trading Standards Officer *Senior Fair Trading Officer * Environmental Health Officer *Senior Commercial Safety Officer *Commercial Safety Officer *Fair Trading Officer Technical Assistant (Officers marked * are appointed under Section 19(1) of the Health and Safety at Work Act 1974 or any statutory amendment thereto)
Sections D, E, F, G and H.	The Council	The Council, or the Chief

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
		Executive or any Director or the relevant Head of Service. In relation to Section D, the Electoral Services Manager.
Section I paras. 1, 2, 5, 7, 9, 11, 12, 13, 14, 15, 16	The Council	The Council, or the Chief Executive or any Director or the relevant Head of Service.
Section I para 17	The Council	The Council
Section I para. 6	<p>(a) In relation to the appointment of Head of Paid Service, the Council <u>but note</u> the provisions in I paras. 11-13 below, which must be exercised by the Council.</p> <p>(b) A Committee of 9 Members (the Appointments Committee) shall discharge on behalf of the Council the appointment of a Chief Officer, deputy Chief Officers and Head of Democratic Services and to determine any details relating to such appointments (except remuneration of Chief Officers which must be determined by Council)</p> <p>(c) In relation to applications for voluntary early retirement/ redundancy, a committee ("the Pensions/ Compensation Committee") of 7 members to determine such applications and to approve the early release of pension benefits exercising the Council's discretionary powers under the Local Government Pensions Scheme Regulations</p>	<p>(b) All those matters within the Committee's Terms of Reference are delegated to that Committee.</p> <p>(c) All those matters within the Committee's Terms of Reference are delegated to that Committee.</p>

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
	(d) In relation to all other staff the Head of Paid Service or his/her nominee.	(d) The Chief Executive and any person nominated by the Chief Executive.
Section I paras, 3 & 4.	The Planning Committee as described in Article 8.	As set out in Article 8.
Section I para. 8	The Standards Committee as described in Article 9.	As set out in Article 9.
Section I para. 10	Licensing Committee (as set out in Article 8)	As set out in Article 8.
Those functions specified by law as being the responsibility of the Council including: (a) the setting of the Budget; (b) the setting of the policy framework; (c) any housing land transfers.	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.
The functions of - (a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted — (i) in the exercise of a function specified in column (1) of Schedule 1; or (ii) otherwise than by an executive of the authority, in the exercise of any function under a local Act; or (b) determining any other terms to which any such approval, consent, licence, permission or registration is subject, are not to be the responsibility of an executive of the authority.	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.
The functions of determining whether, and in what manner, to enforce - (a) any failure to comply with an approval, consent,	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
<p>licence, permission or registration granted in the exercise of a function specified in column (1) of Schedule 1.</p> <p>(b) any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject, or</p> <p>(c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority</p> <p>is not to be the responsibility of the executive of the authority.</p>		
<p>The function of -</p> <p>(a) amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term as mentioned in paragraph (2) to which it is subject; or</p> <p>(b) revoking any such approval, consent, licence, permission or registration,</p> <p>is not to be the responsibility of an executive of the authority.</p>	<p>The Council (receiving recommendations from the Executive)</p>	<p>The Council, or the Chief Executive or any Director or the relevant Head of Service.</p>
<p>The function of making any scheme authorised or required by regulations under section 18 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for local authority members), or</p>	<p>The Council (receiving recommendations from the Executive)</p>	

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
<p>of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of the authority.</p> <ul style="list-style-type: none"> Section 101 of the Local Government Act 1972 (Powers to Delegate Functions) does not apply in relation to this provision. 		
<p>The functions of determining</p> <p>(a) the amount of any allowance payable under —</p> <p>(i) subsection (5) of section 22 of the 1972 Act (chairman's expenses);</p> <p>(ii) subsection (4) of section 24 of that Act (vice-chairman's expenses);</p> <p>(iii) subsection (4) of section 173 (financial loss allowance) of that Act(1);</p> <p>(iv) section 175 of that Act (allowances for attending conferences and meetings);</p> <p>(b) the rates at which payments are to be made under section 174 of that Act (travelling and subsistence allowances);</p> <p>(c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989 or regulations made under section 100 of the 2000 Act, or the rates at which payments by way of any such allowance are to be</p>	<p>The Council (receiving recommendations from the Executive)</p>	

Function* *The detail of each function is set out in the next Table.	Decision making body	Delegation of functions
made; (d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and (e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge; are not to be the responsibility of an executive of the authority. * Section 101 of the Local Government Act 1972 (Powers to Delegate) does not apply in relation to (a) to (c) above.		
Subject to any provision of regulations under section 20 (joint exercise of functions) of the 2000 Act the function of making arrangements for the discharge of functions by a committee or officer under section 101(5) of the 1972 Act is not to be the responsibility of an executive of the authority.	The Council	The Chief Executive or any Director or the relevant Head of Service.
The function of making appointments under section 102 (appointment of committees) of the 1972 Act is not to be the responsibility of an executive of the authority.	The Council	The Chief Executive or any Director or the relevant Head of Service.

The detail of the functions set out above is as follows:-

(1) Function	(2) Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
1. Power to determine applications for	Sections 70(1)(a) and (b) and 72 of the

planning permission.	Town and Country Planning Act 1990 (c.8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission & overlapping applications.	Sections S70A & S70B of the Town and Country Planning Act 1990.
5. Duties relating to the making of determinations of planning applications.	Sections 69, 74, 76, 91 and 92 of the Town and Country Planning Act 1990 and supporting regulations
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (as amended).
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to control the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13. Power to require the discontinuance of a use of land or alteration or renewal of buildings or works.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
15. Power to issue an enforcement notice.	Section 172 of the Town and Country

	Planning Act 1990.
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
20. Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17, 19 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9).
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
22. Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.
23. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.

27. Power to execute urgent works and recovery of expenses.	Section 54 & 55 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. Power related to discontinuance of mineral workings.	Schedule 9 of the Town and Country Planning Act 1990.
29. Power related to footpaths and bridleways.	Section 257 & 258 of the Town and Country Planning Act 1990.
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c.33).
31. Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.
32. Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.
33. Local development orders	Sections 61A to D of the Town and Country Planning Act 1990 as amended
34. Simplified planning zones	Sections 82 to 87 and Schedule 7 of the Town and Country Planning Act 1990 as amended
35. Powers to revoke or modify a planning permission	Sections 97 to 99 of the Town and Country Planning Act 1990 as amended
36. Duty of mineral planning authority to review mineral workings	Section 105 of the Town and Country Planning Act 1990 as amended
37. Screening and scoping of Environmental Impact Assessment applications and other duties in respect of EIAs	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended
38. The determination of applications submitted under the Building Regulations	The Building Act 1984 as amended and associated Building Regulations
39. Duties as specified under the Building Act 1984 including the service of notice on dangerous structures.	The Building Act 1984 as amended and associated Building Regulations
40. Power to deal with non-material amendments	Section 96A of the Town & Country Planning Act 1990
41. Power to declare an application invalid	Section 62 of the Town & Country Planning Act 1990
42. Power to deal with statutory pre-application enquiries	The Town & Country Planning (Pre-Application Services) (Wales) (Regulations) 2016

B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)	
1. Power to issue licences authorising the use of land as a caravan site or mobile home site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62). And Section 7(1) of the Mobile Homes (Wales) Act 2013
2. Power to licence the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).
3. Power to licence hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4. Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to licence operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to issue licences, certificates and permits in accordance with the Licensing Act 2003	Licensing Act 2003
7. Power to issues licences and permits in accordance with the Gambling Act 2005	Gambling Act 2005
There is no paragraph 8 duties are incorporated into the Gambling Act 2005	
There is no paragraph 9 duties are incorporated into the Gambling Act 2005	
There is no paragraph 10 duties are incorporated into the Gambling Act 2005	
There is no paragraph 11 duties are incorporated into the Gambling Act 2005	

12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12)
13. Power to licence sex shops and sex cinemas & Sexual Entertainment Venues.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 and S27 the Policing & Crime Act 2009.
14. Power to licence performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
15. Power to licence premises for acupuncture, tattooing, cosmetic piercing, semi permanent skin colouring, and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003.
16. Power to licence pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).
17. Power to licence market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
18. Blank	
19. Power to issue registrations or licences for the manufacture and storage of explosives	The Explosive Regulations 2014
19A. Power to issues licences for the supply of fireworks	Explosives Act 1875 and the Fireworks Regulations 2004
19B. Power to issues licences for the keeping of petroleum spirit	The Petroleum (Consolidation) Regulations 2014 Health & Safety at Work etc Act 1974
20. Power of register and licence premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
21. BLANK	
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
24. Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004 (c.21)

25. BLANK	
26. Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963 (c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).
28. Power to licence zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37).
29. Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
29A. Power to licence riding establishments	Riding Establishments Act 1964 & 1970
30. Power to enforce regulations in relation to animal by-products.	The Animal By-Products (Enforcement) (Wales) Regulations 2014
31. Power to licence the employment of children.	Part II of the Children and Young Persons Act 1933 (c.12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
32. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Marriages & Civil Partnerships (Approved Premises) Regulations 2005 & 2011
33. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).
34. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).
35. Power to issue a permit to conduct a	Police, Factories etc (Miscellaneous

street collection.	Provisions Act) 1916
35A. Power to issue a licence to conduct a house to house collection.	Section 2 of the House to House Collections Act 1939 as amended by the Local Government Act 1972 and the House to House Collections Regulations 1947
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
38. BLANK	
39. Power to enforce regulations in relation to the movement of pigs.	Section 25 Pigs (Records, Identification and Movement (Wales) Order 2011.
40. Power to issue a licence to move cattle from a market.	Schedule 1 Para 3(3) of the Cattle Identification (Wales) Regulations 2007.
41 BLANK	
42. Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.
43. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c.17).
C. Functions relating to health and safety at work	
Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).
D. Functions relating to elections	
1. Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c. 2).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.

3. Power to dissolve community councils.	Section 28 of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
4. Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972 (amended by Local Government (Wales) Act 1994).
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17. Power to submit proposals to the Welsh Ministers Secretary of State for an order under section 10 (pilot schemes for	Section 10 of the Representation of the People Act 2000 (c. 2).

local elections in England and Wales) of the Representation of the People Act 2000.	
18. Miscellaneous electoral functions under Part II, S.I. 2003/284.	The National Assembly for Wales Senedd Cymru (Representation of the People) Order 2003, S.I. (2003/284).
19. Duty to assign officers to assist at the elections of the Police & Crime Commissioner	Section 54(4) Police Reform & Social Responsibility Act 2011
E. Functions relating to name and status of areas and individuals	
1. Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.
F. Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 300).
G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
H. Functions relating to pensions etc.	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11)
2. Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c.42).
3. Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Sections 34 and 36 of the Fire and Rescue Services Act 2004.
I. Miscellaneous functions	
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and	The Accounts and Audit (Wales) Regulations 2005.

payments (as the case may be).	
2. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).
3. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892).
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
5. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
6. Appointment and dismissal of staff.	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.
7. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
8. Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c.10).
9. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c.16).
10. Powers in respect of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c.3).
11. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c.42).
12. Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c.42).
13(a) Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
13(b) Duty to designate an officer as Head of Democratic Services to provide staff etc	Section 8 of the Local Government Wales Measure 2011
14. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c.22).
15. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.

16. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c.11).
17. Determination of level and any change in the level of remuneration to be paid to a Chief Officer	Regulation 7 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the 2014 amendment regulations.

The Constitution establishes the following Committees to discharge some of the Council's functions. Their Terms of Reference and delegated powers are set out in detail in the parts of this Constitution as follows:

Committee	In this Constitution at:
Audit Committee	Article 8
Planning Committee	Article 8
Rights of Way Cabinet Committee	Part 3 Responsibility for Executive Functions
Licensing & Gambling Committee	Article 8 and Part 3 Table 1
Taxi & General Committee	Article 8 and Part 3 Table 1
Standards Committee	Article 9
Appointments Committee	Part 3 Table 1
Appeals Panel	Part 3 Table 2
Pensions/Compensation Committee	Part 3 Table 1
Democratic Services Committee	Article 8
Investigating and Disciplinary Committee	Officer Employment Procedure Rules Part 4

OTHER DELEGATED POWERS

Power	Delegation
1. The power to fix criteria by which the qualifications for authorisation to allow individual staff are measured and applied, and to issue and certify authorisations of officers.	The Director or any Head of Service in that Directorate in relation to any staff in that Directorate.
2. All other functions including emergency action where this is necessary to protect the Council's interests.	The Council, or the Chief Executive or any Director or the relevant Head of Service.

The statutory functions referred to in the above table are as follows:-

Accommodation Agencies Act 1953
Agricultural Produce (Grading & Marking) Acts 1928, 1931
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Acts 1967 - 1970
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Anti Social Behaviour Crime & Policing Act 2014

Building Act 1984
 Cancer Act 1939
 Caravan Sites Act 1968
 Caravan Sites and Control of Development Act 1960
 Charities Acts 1992 and 2006
 Children and Families Act 2014
 Children and Young Persons (Protection from Tobacco) Act 1991
 Children and Young Persons Acts 1933 - 1963
 Children Act 1989 – 2004
 Children Leaving Care Act 2000
 Clean Air Acts 1956 - 1993
 Clean Neighbourhood and Environment Act 2005
 Climate Change Act 2005
 Commons Registration Act 1965/2006
 Companies Act 1985 and 2006
 Consumer Credit Act 1974 & 2006
 Consumer Protection Act 1987
 Consumer Rights Act 2015
 Control of Horses (Wales) Act 2014
 Control of Pollution Acts 1974 – 1989
 Copyright Designs and Patents Act 1988
 Countryside and Rights of Way Act 2000
 Criminal Justice Act 1982, 1988, 1991
 Criminal Justice and Police Act 2001
 Dangerous Wild Animals Act 1976
~~Data Protection Act 1998~~ [Data Protection Legislation](#)
 Dogs (Fouling of Land) Act 1996
 Education Act 1996
 Education Act 1997
 Education Act 2002 & 2005
 Education (Fees & Awards) Act 1983 (Discretionary Award)
 Education Reform Act 1988
 Education & Inspections Act 2006
 Electricity at Work Act 1989
 Energy Act 1976
 Energy Conservation Act 1981
 Enterprise Act 2002
 Environment Act 1995
 Environmental Protection Act 1990
 Environment (Wales) Act 2016
 Estate Agents Act 1979
 * European Communities Act 1972
 Explosives Act 1875
 Factories Act 1961
 Farm and Garden Chemicals Act 1967
 Fire Precautions Act 1971
 Fire Safety and Safety of Places of Sports Act 1987
 Fireworks Act 2003
 Flood and Water Management Act 2010
 Food and Environment Protection Act 1985
 Food Hygiene Rating Wales Act 2013
 * Food Safety Act 1990
 Forgery and Counterfeiting Act 1981
 Fraud Act 2006

Freedom of Information Act 2000
 Gambling Act 2005
 Hallmarking Act 1973
 Hazardous Substances Act 1990
 Health Act 2006
 Health and Safety at Work etc Act 1974
 Highways Act 1980
 Home Safety Act 1961
 House to House Collections Act 1939
 Housing Act 1985
 Housing Act 1996
 Housing Act 2004
 Housing (Wales) Act 2014
 Housing Grants, Construction and Regeneration Act 1996
 The Hypnotism Act 1952
 Insurance Brokers (Registration) Act 1977
 Insurance Companies Act 1982
 Intoxicating Substances (Supply) Act 1985
 Land Drainage Act 1991
 Law of Property Act 1925
 Learning & Skills Act 2000
 Licensing Act 2003
 Local Government Byelaws (Wales) Act 2012
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Local Government Acts 1972 – 2003
 Local Government and Housing Act 1989
 Malicious Communications Act 1988
 Medicines Act 1968
 Mines & Quarries (Tips) Act 1969
 Mobile Homes (Wales) Act 2013
 Mock Auctions Act 1961
 Motor Cycle Noise Act 1987
 National Lotteries etc. Act 1993
 Natural Environment and Rural
 Communities Act 2006
 New Roads and Street Works Act 1991
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Olympic Symbol etc., (Protection) Act 1995
 Performance of Animals (Regs) Act 1925
 Pet Animals Act 1951
 Planning Act 2008
 Planning & Compensation Act 1991
 Planning and Compulsory Purchase Act 2004
 Planning Listed Buildings and Conservation Areas Act 1990
 Planning (Wales) Act 2015
 Police Reform and Social
 Responsibility Act 2011
 Pollution Prevention and Control Act 1999
 Powers of the Criminal Courts (Sentencing) Act 2000
 Prevention of Damage by Pests Act 1949
 Prices Acts 1974 and 1975
 Psychoactive Substances Act 2016
 Public Health (Control of Disease) Act 1984

Public Health (Recurring Nuisances) Act 1969
 Public Health Acts 1936 to 1961
 Public Health (Wales) Act 2017
 Refuse Disposal (Amenity) Act 1978
 Registration Service Act 1953
 Regulation and Inspection of Social Care (Wales) Act 2016
 Reservoirs Act 1975
 Riding Establishments Acts 1964 to 1970
 Road Traffic (Foreign Vehicles) Act 1972
 Road Traffic Acts 1974 - 1988
 Safety of Sports Grounds Act 1975
 School Standards & Framework Act 1998
 School Standards and Organisation Wales Act 2013
 Scrap Metal Dealers Act 2013
 Scotch Whisky Act 1988
 Slaughter of Poultry Act 1967
 Slaughterhouses Act 1974
 Social Services & Wellbeing (Wales) Act 2014
 Solicitors Act 1974
 Special Educational Needs & Disability Act 2001
 Sunbeds (Regulation) Act 2010
 Sunday Trading Act 1994
 Tattooing of Minors Act 1969
 Teaching & Higher Education Act 1998
 Telecommunications Act 1984
 Theft Acts 1968 and 1978
 Timeshare Act 1992
 Town and Country Planning Act 1990
 Tobacco Advertising & Promotion Act 2002
 Town Police Clauses Act 1847
 Trade Marks Act 1994
 Trading Representations (Disabled Persons) Acts 1958 and 1972
 Trading Stamps Act 1964
 Traffic Management Act 2004
 Transport Act 1985, 2000 & 2006
 Unsolicited Goods and Services Acts 1971 and 1975
 Vehicles (Crime) Act 2001
 Video Recordings Acts – 1984
 Water Industry Act 1991
 Water Act 1989
 Weights and Measures Act 1985
 Wellbeing of Future Generations Act 2015
 Wildlife and Countryside Act 1981

- * The Food Hygiene (Wales) Regulations which enact in regulations the provisions under the Food Safety Act and European Communities Act regulations.

2. FUNCTIONS WHICH MAY BE (BUT NEED NOT BE) THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE - "LOCAL CHOICE FUNCTIONS"

[illegible]

Function	Decision making body	Membership	Delegation of Functions
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
5. The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
6. The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
7. Any function relating to contaminated land.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer) after consultation with the Leader or the appropriate Cabinet member.
8. The discharge of any function relating to the control of pollution or the management of air quality	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager;

Function	Decision making body	Membership	Delegation of Functions
			Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer after consultation with the Leader or the appropriate Cabinet member.
9. The service of an abatement notice in respect of a statutory nuisance	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Housing Services Manager Private Sector Housing Manager: Environmental Health Officer; Enforcement Officer)
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
11. The inspection of the authority's area to detect any statutory nuisance.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer)
12. The investigation of any complaint as to the existence of a statutory	The Executive	The Executive as defined in Article 7 of Part 2 of this	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service

Function	Decision making body	Membership	Delegation of Functions
nuisance.		Constitution.	or any of the following:- Environmental Health Manager; Senior Environmental Health Officer; Housing Services manager; Private Sector Housing Manager Environmental Health Officer; Enforcement Officer
13. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or the Development Control Manager after consultation with the Leader or the appropriate Cabinet member.
14. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service.
15. The making of agreements for the execution of highways works	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service or the Transportation Engineering Group Manager or the Highways Operations Group Manager after consultation with the Leader or the appropriate Cabinet member.
16. The appointment of any individual:- (a) to any office other than an office in which he is employed by the	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet

Function	Decision making body	Membership	Delegation of Functions
authority; (b) to any body other than:- (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.			(b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
17. Power to make payments or provide other benefits in cases of maladministration etc.	The Council acting through the Standards Committee (Standards Committee may approve payments of up to £10,000 total in any one case.	Standards Committee as defined in Article 9 of Part 2 of this Constitution.	As set out in the terms of reference of the Standards Committee.
18. Functions in respect of the calculation of council tax base in accordance with any of the following- (a) the determination of an item for T in section 33(1) and 44(1) of the Local Government Finance Act 1992; (b) the determination of an amount for item TP in sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	(a) The Cabinet (b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
19. Licensing functions in accordance with Part	Council (through the Licensing &	As in Article 8.	Licensing & Gambling Committee. As set out

Function	Decision making body	Membership	Delegation of Functions
2 of the Licensing Act 2003 except section 6.	Gambling Committee)		in Article 8.
<p>20. Functions in respect of gambling in accordance with any of the following-</p> <p>(a) a resolution not to issue casino licenses in accordance with section 166 of the Gambling Act 2005 (c.19);</p> <p>(b) prescribing of fees in accordance with section 212 of the Gambling Act 2005;</p> <p>(c) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005 in accordance with section 284 of the Gambling Act 2005;</p> <p>(d) authorised persons in accordance with section 304 of the Gambling Act 2005;</p> <p>(e) prosecutions by a licensing authority in accordance with section 346 of the Gambling Act 2005;</p> <p>(f) three-year licensing policy in accordance with Gambling Act 2005.</p>	<p>The Council in respect of (a) and (f).</p> <p>The Council through the Licensing & Gambling Committee in respect of (b), (c), (d), (e)</p>	As in Article 8.	<p>None in relation to (a) and (f)</p> <p>The Licensing & Gambling Committee as set out in Article 8 in respect of (b), (c), (d), (e)</p>
21. The approval and/or determination of school organisation proposals (including those which receive objections (except for those that are required to be considered by Welsh Ministers).	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution	The Cabinet

3. **FUNCTIONS NOT TO BE THE SOLE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE**

These relate to the approval of specified plans which the law, or separate decision of the Council, requires that the Executive will consider those plans but pass them by way of a recommendation to the Council to finally determine.

(1)	(2)
Plans, schemes and strategies	Reference
The Caerphilly We Want Well-being Plan 2018 to 2023	Shared Purpose - Shared Future Guidance On planning under the Well-being of Future Generations (Wales) Act 2015
Crime and Disorder Reduction Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998 (c.37).
Local Transport Plan	Section 108 of the Transport Act 2000 (c.38).
Plans and alterations which together comprise the Local Development Plan	Section 10A of the Town and Country Planning Act 1990 (c.8).
Blaenau Gwent & Caerphilly Youth Justice Plan 2018-2021	Section 40 of the Crime and Disorder Act 1998 (c.37).
Local Housing Strategy	Section 87 of the Local Government Act 2003 (c.26).

Note: the provisions of regulation 5 of the 2007 regulations in relation to the above table.

CIRCUMSTANCES IN WHICH THE FUNCTIONS ARE NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

These provisions limit the right of the Executive to take a decision under certain circumstances (e.g. not in accordance with approved budget or policy framework). In these circumstances the Executive will refer the matter by way of a recommendation to the Council, for final determination.

(1)	(2)
Function	Circumstances
1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or capital expenditure or referred to in Article 4.	The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.
2. The determination of any matter in the discharge of a function which — <ul style="list-style-type: none"> (a) is the responsibility of the executive; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure. 	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made — <ul style="list-style-type: none"> (a) is minded to determine the matter contrary to, or not wholly in accordance with — <ul style="list-style-type: none"> (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.

Note: the provisions of regs 6(2) to (5) of the 2007 regulations in relation to the above table.

4. **RESPONSIBILITY FOR EXECUTIVE FUNCTIONS**

“Executive functions” are all the functions of the Council except:-

- (a) those which the law says are functions of the Council alone (Section 1 of this part of the Constitution);
- (b) the “local choice functions” (Section 2 of this part of the Constitution) which have been allocated to the Council rather than to the Executive. Note that Section 2 lists specific functions which have been allocated to the Executive;
- (c) functions which are not to be the sole responsibility of an authority’s Executive. These are set out in the table below;
- (d) Circumstances in which functions are not to be the responsibility of an authority’s Executive. These are set out in a table below and generally relate to circumstances where the decision would conflict with the Council’s budget or its overall strategy policy framework.

EXECUTIVE FUNCTIONS

NOTE THAT the Executive powers delegated to any officer is subject to the right of the appropriate Cabinet member, or the Leader in any matter, to require that the proposed decision be taken by the Cabinet.

NOTE THAT each delegation includes the power to take any steps in relation to the delegated function, including the authorisation of or defence of any proceedings in any court, tribunal, board or panel.

Function	Responsible	Delegation
(a) The Finance and Resources function <ul style="list-style-type: none">• The proper financial planning budgeting and control• Control of the Authority's resources• Information Technology Services• Personnel Services• Financial Services• Electoral Registration• Legal Services• Audit Services• Procurement Services• Democratic Services• Corporate Policy (including Equalities & Welsh Language see paragraph (f))• Property Services• Corporate Asset Management• Corporate Health & Safety including liaison with the Health & Safety Executive• Information Governance including Data Protection/Freedom of Information	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service and in relation to Financial Services any of the following: Finance Managers (Revenues, Corporate Services, Education, Environment & Social Services) Housing Benefits Manager Internal Audit Manager and in relation to Information Governance the Senior Information Risk Owner

Function	Responsible	Delegation
<p>(b) The Personnel function</p> <p>All aspects of the Council's functions as an employer including the oversight of recruitment, terms and conditions of employment, conduct and discipline, structural review and the consequences thereof.</p>	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
<p>(c) The Housing function</p> <ul style="list-style-type: none"> • Private Housing Enforcement (including but not limited to HMO's, clearance, compulsory purchase orders) • Area regeneration • To approve or refuse applications for funding for all types of housing grants and loans) • Housing Agency Service • Homelessness & Housing Advice • Landlord Services • Housing Strategy including but not limited to Local Housing Market Assessments, affordable housing, Gypsy and Traveller Accommodation Assessments and securing grants • Older Persons Accommodation Services • Housing Repair Operations • Delivery of Welsh Housing Quality Standards • Power to deal with all aspects of HMO Licensing • Common Housing Register • Public Health (statutory nuisances, sewers and drains) 	The Cabinet	<p>The Cabinet, or the Chief Executive, or any Director or the relevant Head of Service or any of the following:</p> <p>Housing Repair Operations Manager (in relation to Housing Repair Operations)</p> <p>Chief Housing Officer</p> <p>Housing Services Manager</p> <p>Housing Technical Manager</p> <p>Private Sector Housing Manager</p> <p>Housing Solutions Manager</p> <p>Principal Housing Officer</p> <p>Environmental Health officer</p>
<p>(d) The Social Services function</p> <ul style="list-style-type: none"> • Strategic issues in relation to the provision of Children's & Adult Social Services other than those functions imposed by Section 2 and Schedule 1 of the Local Authority Social Services Act 1970 which fall to be specifically discharged by the Social Services Scrutiny Committee • 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 	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.

Function	Responsible	Delegation
legislation, regulation and statutory guidance • Commissioning and contracting for Social Services		
(e) The Education & Lifelong Learning function • The discharge of the Council's obligations as Local Education Authority under statute • The implementation of the School Standards and Framework Act 1998 and associated legislation • The preparation and scrutiny of education and lifelong learning strategic plans and best value 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 • Local Management of Schools and Fair Funding • Forward planning re. school places, school admissions, student awards • Learning Support Services including educational psychology, education welfare, behavioural support and managing pupil exclusions • Governor support and training • Welsh Language Education • Agreed RE Syllabus • Partnerships • Lifelong learning, and Adult education • Public libraries Library Service • Music Service • Securing grants • Youth Service	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
(f) The Environment function • Emergency Planning • Community & Leisure Services including waste collection, waste disposal, street cleansing, , public conveniences, Cemeteries and Bereavement Services, Parks & Outdoor Sports Facilities, Fleet Management & Maintenance, Sport & Leisure Services, Community	The Cabinet The Cabinet	The Cabinet or the Chief Executive or any Director or relevant Head of Service The Cabinet, or the Chief Executive or any Director or the relevant Head of Service or any of the following: Waste Strategy & Operations Manager Green Spaces and Transport Services Manager,

Function	Responsible	Delegation
<ul style="list-style-type: none"> Centres, Building Cleaning Countryside and Landscape Services Public Rights of Way Rural Development Programme Functions Planning and Biodiversity duties Land Management 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 Community Safety Pest Control, Dog Warden, Animal Trespassing Services Animal Health and Welfare Enforcement Power to issue Scrap Metal Dealers Licences (including enforcement action) Licensing (other than those functions set out in the 'Council functions' and the 'Local Choice functions' sections of this Part of the Constitution, when the functions are Council functions. Catering Channel Responsibilities 		<p>Parks and Countryside Operations Manager, Green Space Strategy and Cemeteries Manager, Fleet Manager Sports and Leisure Facilities Manager, Sports & Leisure Development Manager Trading Standards Licensing & Registrars Manager Civil Enforcement Officer Community Safety Warden Community Safety Officer Environmental Health Manager Senior Trading Standards Officer Senior Environmental Health Officer with delegated powers to the Head of Public Protection Community & Leisure Services and the Head of Regeneration & Planning to any authorised officer to take appropriate steps (including the service of any notices and taking of any proceedings) under the provisions of the Clean Neighbourhood and Environment Act 2005, the Anti-social Behaviour, Crime and Policing Act 2014 and the Anti-Social Behaviour Act 2003. The Head of Public Protection Community & Leisure Services is authorised to fix the level of fine for fixed penalty notices following consultation with relevant officers and Cabinet members. Trading Standards Officer Environmental Health Officer Licensing Manager Assistant Licensing Manager Senior Fair Trading Officer Fair Trading Officer Senior Commercial Safety Officer Commercial Safety Officer Enforcement Officer Technical Assistant Senior Pest Control/Straying</p>

Function	Responsible	Delegation
<p>The power to grant, refuse, renew, vary, impose conditions and/or suspend a licence for dog breeding establishments</p> <p>The power to determine disputed decisions to suspend or vary and to reinstate or revoke a licence for dog breeding establishments</p> <p>Corporate Policy including Equalities and Welsh Language</p> <p>To approve or refuse applications for funding under the Technical Assistance Fund Greener Caerphilly Small Grants Fund</p> <p>Proper Officer for the Administration of Registration of Births, Deaths and Marriages under Section 13 of the Registration Service Act 1953 and Section 270 of the Local Government Act 1972</p> <p>Rights of Way matters including Local Access Forum</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p>Rights of Way Cabinet Committee</p>	<p>Animals Officer Pest Control/Animal Trespass/Dog Warden The above are authorised to take any action in relation to the functions in this section of the table including the authorising or defence of legal proceedings of any nature and in any court, tribunal, board or panel and without prejudice to the generality of this authorisation to exercise functions from the list of statutes appearing at the end of this table, so far as those functions are Executive functions.</p> <p>Licensing Officers</p> <p>Trading Standards, Licensing & Registrar Manager</p> <p>The Cabinet or the Chief Executive or any Director or the relevant Head of Service</p> <p>The Cabinet or the Chief Executive or any Director or the relevant Head of Service</p> <p>Trading Standards, Licensing and Registrars Manager</p> <p>See entry later in this section</p>
<p>(g) The Planning function</p> <ul style="list-style-type: none"> Planning - Development and Building Control Planning - Strategic Planning and Urban Renewal 	<p>The Cabinet</p>	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service or the Planning Services Manager</p>

Function	Responsible	Delegation
<ul style="list-style-type: none"> • Planning Economic Development & Rural functions • Planning Economic Development including European functions • Planning – Tourism including inward investment and Arts Development • Planning Business Development • Planning maximisation of funding opportunities from external funding sources including funding from Europe • Planning Sustainable Development • Planning control of non-native species • Regeneration including Communities First 		
<p>(h) Highways and Transportation Functions</p> <ul style="list-style-type: none"> • Highways Maintenance • Street Lighting • Functions under the highways legislation • Construction • Civil Engineering Design and Procurement • Structures • Transportation Planning and Improvements • Engineering Services • Public Transport • Education and Social Services Transport Operations • Highway Development Control • Land Reclamation and Tips • Land Drainage • Road Safety Education and Training • Traffic Management including Traffic Regulation Orders and Notices • Car Parking/Enforcement 	Cabinet	<p>The Cabinet, or the Chief Executive of any Director or the relevant Head of Service. In relation to approval and signing of emergency road closure orders the Transportation Engineering Group Manager or the Highways Operations Group Manager or the Engineering Projects Group Manager</p> <p>Civil Enforcement Officer</p>
(i) The development and implementation of the Council's Corporate Plan and corporate themes through a multi-agency approach of community planning of the delivery of services to achieve the Council's strategic objectives	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
(j) The power to enter into joint or delegated function arrangements with one or more other authorities or bodies	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.

Function	Responsible	Delegation
as permitted by law from time to time and to delegate executive functions.		
(k) Any executive functions not allocated in accordance with the executive arrangements of the Council. Section 15(4) Local Government Act 2000	The Leader (NOTE: this reflects a delegated power given by S.15(4) Local Government Act 2000)	The Leader
(l) The power to set up committees of the Cabinet for any purpose and to delegate to that committee such power or powers as may be appropriate.	The Cabinet	The Cabinet
(m) Emergency action where this is necessary to protect the Council's interests.	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.

The statutory functions referred to in the above table are as follows:-

Accommodation Agencies Act 1953
 Agricultural Produce (Grading & Marking) Acts 1928, 1931
 Agriculture (Miscellaneous Provisions) Act 1968
 Agriculture Acts 1967 - 1970
 Animal Boarding Establishments Act 1963
 Animal Health Act 1981
 Animal Welfare Act 2006
 Anti-Social Behaviour Act 2003
 Anti Social Behaviour Crime & Policing Act 2014
 Building Act 1984
 Cancer Act 1939
 Caravan Sites Act 1968
 Caravan Sites and Control of Development Act 1960
 Charities Act 1992 and 2006
 Children and Families Act 2014
 Children and Young Persons (Protection from Tobacco) Act 1991
 Children and Young Persons Acts 1933 - 1963
 Children Act 1989 – 2004
 Children Leaving Care Act 2000
 Clean Air Acts 1956 - 1993
 Clean Neighbourhoods and Environment Act 2005
 Climate Change Act 2008
 Commons Registration Act 1965/2006
 Companies Act 1985 and 2006
 Consumer Credit Act 1974 & 2006
 Consumer Protection Act 1987
 Consumer Rights Act 2015
 Control of Horses (Wales) Act 2014

Control of Pollution Acts 1974 - 1989
 Copyright Designs and Patents Act 1988
[Counter Terrorism And Security Act 2015](#)
 Countryside & Rights of Way Act 2008
 Criminal Justice Act 1982, 1988, 1991
 Criminal Justice and Police Act 2001
 Dangerous Wild Animals Act 1976
 Data Protection Act [Data Protection Legislation](#) 1998
 Dogs (Fouling of Land) Act 1996
 Education Act 1996
 Education Act 1997
 Education Act 2002 & 2005
 Education (Fees & Awards) Act 1983 (Discretionary Award)
 Education Reform Act 1988
 Education & Inspections Act 2006
 Electricity at Work Act 1989
 Energy Act 1976
 Energy Conservation Act 1981
 Enterprise Act 2002
 Environment Act 1995
 Environmental Protection Act 1990
 Environment (Wales) Act 2016
 Estate Agents Act 1979
 * European Communities Act 1972
 Explosives Act 1875
 Factories Act 1961
 Farm and Garden Chemicals Act 1967
 Fire Precautions Act 1971
 Fire Safety and Safety of Places of Sports Act 1987
 Fireworks Act 2003
 Flood and Water Management Act 2010
 Food and Environment Protection Act 1985
 Food Hygiene Rating (Wales) Act 2013
 * Food Safety Act 1990
 Forgery and Counterfeiting Act 1981
 Fraud Act 2006
 Freedom of Information Act 2000
 Gambling Act 2005
 Hallmarking Act 1973
 Hazardous Substances Act 1990
 Health Act 2006
 Health and Safety at Work etc Act 1974
 Highways Act 1980
 House to House Collections Act 1939
 Home Safety Act 1961
 Housing Act 1985
 Housing Act 1996
 Housing Act 2004
 Housing (Wales) Act 2014
 Housing Grants, Construction and Regeneration Act 1996
 The Hypnotism Act 1952
 Insurance Brokers (Registration) Act 1977
 Insurance Companies Act 1982
 Intoxicating Substances (Supply) Act 1985
 Land Drainage Act 1991

Law of Property Act 1925
 Learning & Skills Act 2000
 Licensing Act 2003
 Local Government Byelaws (Wales) Act 2012
 Local Government (Miscellaneous Provisions) Acts 1976 and 1982
 Local Government Acts 1972 – 2003
 Local Government and Housing Act 1989
 Malicious Communications Act 1988
 Medicines Act 1968
 Mines and Quarries (Tips) Act 1969
 Mobile Homes (Wales) Act 2013
 Mock Auctions Act 1961
 Motor Cycle Noise Act 1987
 Natural Environment & Rural Communities Act 2006
 New Roads & Street Works Act 1991
 National Lotteries etc. Act 1993
 Noise Act 1996
 Noise and Statutory Nuisance Act 1993
 Offices, Shops and Railway Premises Act 1963
 Olympic Symbol etc., (Protection) Act 1995
 Performance of Animals (Regs) Act 1925
 Pet Animals Act 1951
 Planning Act 2008
 Planning & Compulsory Purchase Act 2004
 Planning, Listed Buildings & Conservation Areas Act 1990
 Planning & Compensation Act 1991
 Planning (Wales) Act 2015
 Police Reform and Social Responsibility Act 2011
 Pollution Prevention and Control Act 1999
 Powers of the Criminal Courts (Sentencing) Act 2000
 Prevention of Damage by Pests Act 1949
 Prices Acts 1974 and 1975
 Psychoactive Substances Act 2016
 Public Health (Control of Disease) Act 1984
 Public Health (Recurring Nuisances) Act 1969
 Public Health Acts 1936 to 1961
 Public Health (Wales) Act 2017
 Refuse Disposal (Amenity) Act 1978
 Registration Service Act 1953
 Regulation & Inspection of Social Care (Wales) Act 2016
 Reservoirs Act 1975
 Riding Establishments Acts 1964 to 1970
 Road Traffic (Foreign Vehicles) Act 1972
 Road Traffic Acts 1974 - 1988
 Safety of Sports Grounds Act 1975
 School Standards & Framework Act 1998
 School Standards and Organisation Wales Act 2013
 Scotch Whisky Act 1988
 Scrap Metal Dealers Act 2013
 Slaughter of Poultry Act 1967
 Slaughterhouses Act 1974
 Social Services & Wellbeing (Wales) Act 2014
 Solicitors Act 1974
 Special Educational Needs & Disability Act 2001
 Sunbeds (Regulation) Act 2010

Sunday Trading Act 1994
 Tattooing of Minors Act 1969
 Teaching & Higher Education Act 1998
 Telecommunications Act 1984
 Theft Acts 1968 and 1978
 Timeshare Act 1992
 Tobacco Advertising & Promotion Act 2002
 Town Police Clauses Act 1847
 Trade Marks Act 1994
 Trading Representations (Disabled Persons) Acts 1958 and 1972
 Trading Stamps Act 1964
 Traffic Management Act 2004
 Transport Act 1985, 2000 and 2006
 Town & Country Planning Act 1990
 Unsolicited Goods and Services Acts 1971 and 1975
 Vehicles (Crime) Act 2001
 Video Recordings Acts – 1984
 Water Industry Act 1991
 Water Act 1989
 Weights and Measures Act 1985
 Wellbeing of Future Generations Act 2015
 Wildlife & Countryside Act 1981

- * The Food Hygiene (Wales) Regulations which enact in regulations the provisions under the Food Safety Act and European Communities Act regulations.

RIGHTS OF WAY

A Rights of Way Cabinet Committee whose terms of reference are to discharge on behalf of the Cabinet the following functions: -

- a) Generally to consider and determine the creation, diversion and extinguishment of public rights of way
- b) To consider evidence and determine matters relating to the reclassification of Roads Used as Public Paths as required by the Wildlife and Countryside Act 1981
- c) To consider errors in the Definitive Map or the Definitive Statement and how they can be corrected.
- d) To make where appropriate Stopping Up Orders on Rights of Way under the Highways Act 1980
- e) To make where appropriate Modification Orders to Rights of Way as permitted by the Wildlife and Countryside Act 1981
- f) To consider evidence on claimed rights of way and to determine those claims
- g) To consider other such matters relating to the management of rights of way as specified on the Definitive Map or Statement as required to discharge the Authority's duties to manage Rights of Way.

POWERS DELEGATED TO THE COMMITTEE

Those matters listed in the terms of reference above.

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 the relevant Head of Service after consultation with the Chair or Vice Chair of the committee.

* Note that the decisions of this committee are excluded from the Executive call-in provisions of the Council's Constitution.

*Note in relation to quorum, Cabinet at its meeting on 8th May, 2007, agreed that the quorum for a Committee would not fall below three in number.

5. **GENERAL DELEGATIONS OF POWERS: COUNCIL & EXECUTIVE POWERS**

NOTE THAT each delegation includes the power to take any steps in relation to the delegated function, including the authorisation of or defence of any proceedings in any court, tribunal, board or panel.	POWER DELEGATED TO
(a) Determination of all matters which are not required to be considered by the Council or Cabinet or which have not been referred to a committee or a sub-committee for determination.	The Chief Executive or any Director or the relevant Head of Service.
(b) Determination of any urgent matter in the purview of the Council, the Cabinet or any committee of these where it is impractical to convene a meeting of that body to consider the matter.	Chief Executive or in his/her absence any Director.
(c) To serve requisitions for information under Local Government (Miscellaneous Provisions) Act 1976 or any other enabling legislation.	Any Director or the relevant Head of Service.
(d) The approval of tenders or award of contracts within the terms of the Council's Financial Standing Orders or Financial Regulations	As set out in the Council's Standing Orders for Contracts or Financial Regulations as set out in Part 4 of the Constitution
(e) In any legal proceedings to have authority to take all action in relation to those proceedings, to prosecute pursue defend appeal abandon or settle those proceedings, and to have the authority to instruct or brief Counsel where considered appropriate	Head of Legal Services or the Monitoring Officer or any Principal Solicitor, or the appropriate Director or the relevant Head of Service in consultation with the Head of Legal Services or any Principal Solicitor
(f) To act as proper officer – (i) for the issue of determinations consents licences or notices within the Terms of Reference of the Planning Committee	The Director of the Environment or the Head of Regeneration & Planning or the Planning Services Manager
(ii) for the issue of determinations consents licences or notices on behalf of the Council	Chief Executive or the appropriate Director or the relevant Head of Service

(iii) for all matters arising out of Part VA of the Local Government Act 1972 (Access to Information) or the Local Government Act 2000	Chief Executive or Director of Corporate Services or Monitoring Officer
(iv) for the signing of any documents on behalf of the Council relating to land	Chief Executive or Head of Legal Services or any Principal Solicitor
(v) for the attestation of the Council's Seal as the officer authorised under the Council's Standing Orders	Chief Executive or Head of Legal Services or any Principal Solicitor
(vi) for the signing of any contractual documents on behalf of the Council relating to any other matter	Chief Executive or Director of Corporate Services or Head of Legal Services or any Principal Solicitor or the appropriate Director or the relevant Head of Service subject to that officer advising and obtaining the approval of the Head of Legal Services of the proposed signing of such document in advance of such signing
(vii) to act as Registrar of Local Land Charges and Commons Registration Officer	Head of Regeneration & Planning or Development Control Manager or relevant Director or Head of Legal Services
(viii) Power to incur expenditure or take any other step in the day to day running in accordance with approved budgets of any Service area	Chief Executive or the appropriate Director or the relevant Head of Service
(ix) Power to set all fees and charges in accordance with the Council's policies	The Chief Executive or any Director or relevant Head of Service in consultation with the Head of Corporate Finance and the appropriate Cabinet Member
(x) To provide a certificate under Local Government (Contracts) Act 1997	S.151 Officer or Head of Corporate Finance
(xi) To act as 'proper officer' in relation to any other function not named above and referred to in any requirement in law in force for the time being	The Chief Executive or Director of Corporate Services or Monitoring Officer
(xii) Functions relating to Cardiff Capital Region City Deal	The Leader or his/her nominated Deputy.

(xiii) To exercise the functions of the Council as a member of the Regional Partnership Board and to consider any specific arrangements which need to be put in place to meet statutory duties at a local and regional level	Cabinet Member for Social Care and Well-being.
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6. The following joint arrangements have been established with other Local Authorities.

Glamorgan Archives Joint Committee.
Greater Gwent Cremation Joint Committee.
Gwent Frailty Joint Committee.
Gwent Archives Joint Committee
Project Gwyrdd Joint Committee
Cardiff Capital Region City Deal

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Council Procedure Rules

INTRODUCTION

These are the rules of debate and procedure for the conduct of meetings of full Council, indicating also where these rules apply to committee and sub-committee meetings.

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NOTE:

- (a) ***All references to the "proper officer" in these Rules are to the Council's Chief Executive;***
- (b) ***References to "in writing" shall include messages sent by e-mail in the name of the member, or by a faxed message signed by that member.***

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place on such day in the month of March, April or May as the Council may fix.

The annual meeting will:

- (i) elect a person to preside if the chairman of Council is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) receive any announcements from the Mayor and/or head of the paid service;
- (v) elect the leader; the leader will hold office for a period of ~~four~~ **five** years ~~(extended for 5 years for the Local Government elections held in May 2017)~~ or until he/she ceases to be a member (whichever is the shorter) or is removed from office by a majority vote of the Council following the inclusion on the Agenda of the Council of an item of business to consider this matter).
- (vi) agree the number of members to be appointed to the executive and to be told by the leader of the names of councillors he/she has chosen to be member of the cabinet.
- (vii) appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- (viii) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the chairman and vice chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chairman or leader or the head of paid service;
- (v) deal with any business from the last Council meeting;
- (vi) receive recommendations from the executive and the Council's committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and
- (ix) consider any other business specified in the summons to the meeting, including consideration of recommendations from the executive in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees for debate.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- i) the Council by resolution;

- ii) the chairman of the Council;
- iii) the monitoring officer; and
- iv) any five members of the Council if they have signed a requisition presented to the chairman of the council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. SUBSTITUTE MEMBERS

4.1 Allocation

A political group may in the case of sickness or unavoidable absence nominate a substitute member for the following committees in place of the member unable to attend.

- (a) Disciplinary/Grievance appeals;
- (b) Appointments (Heads of Service/Chief Officer related posts);
- (c) Pensions/Compensation;
- (d) Regrading review;
- (e) Rights of Way

NOTE THAT for the Disciplinary/Grievance appeals:

- (i) substitutes must be named in advance by political groups;
- (ii) no member may participate in the committee without having first received training in a format approved by the Head of People Management.

Note: The use of substitute Members for the Planning Committee is prohibited.

4.2 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.3 Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notification has been given to the proper officer by the designated Secretary of a political group prior to the meeting of the intended substitution.

5. TIME AND PLACE OF MEETINGS

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

6. NOTICE OF AND SUMMONS TO MEETINGS

6.1 Calling a meeting

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least three clear working days before a meeting unless the meeting is called in accordance with law on shorter notice, the proper officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting [and, where meetings are conducted in accordance with the Council's arrangements for multi-locations meetings, details of how to access the meeting by remote means](#). The summons will also ~~and~~ specify the business to be transacted, and will be accompanied by such reports as are available.

6.2 Cancelling or postponing a meeting

The proper officer may cancel or postpone a meeting, after consultation with the chairman of that meeting, if it appears that in the interests of the proper dispatch of the Council's business the meeting should be cancelled or postponed.

7. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the chairman. Where these rules apply to committee and sub-committee meetings, references to the chairman also include the chairman of committees and sub-committees.

8. QUORUM

- 8.1 Save for meetings of the Planning Committee the quorum of a meeting will be one quarter of the whole number of members. The start of a meeting will be delayed for up to 15 minutes if a quorum is not present at the appointed start time of a meeting. During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 8.2 Where the Council has made provision for remote attendance in accordance with Section 4(4) of the Local Government (Wales) Measure 2011, there shall be no quorum for such a meeting of the Authority at any time when the number of Members in actual attendance constitutes less than 30% of the total number of Members in attendance at the meeting.
- 8.3 No business is to be transacted at the Planning Committee unless at least half of the total number of Members of the Planning Committee rounded to the nearest whole number is present.

8.4 Remote Attendance

- 8.4.1 Members will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings providing that they can speak to, hear and be heard by, other attendees at the meeting.
- 8.4.2 For the purposes of section 8.4.1, attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

9. DURATION OF MEETING

- 9.1 Any meeting of the Council or a committee or sub-committee which has sat for a total period of three hours shall stand adjourned unless the majority of the Members present, by vote without discussion, determine to continue to sit. PROVIDED THAT the meeting may not be extended by longer than one hour and that no meeting in any event continue beyond 9.00 p.m.
- 9.2 This restriction shall not apply in relation to meetings of the Licensing Committee, the Planning Committee, the Investigating & Disciplinary Committee and Appeals Committee.

10. QUESTIONS BY MEMBERS

- (1) A member of the Council may ask the Leader or the appropriate Cabinet member any question upon an item of the report of a committee when that item is under consideration by Council.
- (2) A member of the Council may ask the Leader any question on any matter in relation to which the Council has powers or duties or which affects the area of the council or any part of it or the inhabitants of the area or any part of it if at least five clear working days' notice in writing of the question has been given to the Chief Executive.
- (3) One member of each political group will be entitled to ask the Leader one question at a meeting of Council with those members not part of a political group being deemed part of the Independent Group for the purpose of this rule.
- (4) A member of the Council may ask a Cabinet member any question on any matter within their portfolio if at least five clear working days' notice in writing of the question has been given to the Chief Executive.
- (5) One member of each political group will be entitled to ask a Cabinet member one question at a meeting of Council with those members not part of a political group being deemed part of the Independent Group for the purpose of this rule.
- (6) With the permission of the Mayor, a member of the Council may put to the Leader or a member of the Cabinet any question relating to urgent business of which such notice in writing of the question has been given to the Chief Executive not later than 9.00am on the day of the meeting.

- (7) The Chief Executive in consultation with the Monitoring Officer may reject a question if:-
- (a) it does not meet the criteria set out in 10(2) or 10(4).
 - (b) it is defamatory frivolous or offensive.
 - (c) it repeats a question which has been put at a meeting of the Council in the past six months.
 - (d) it requires the disclosure of confidential or exempt information.
 - (e) it relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the Welsh Assembly or an ongoing investigation by the Public Services Ombudsman for Wales or relates to a decision which has been made by the Council in exercise of its regulatory functions in respect of which there are legal rights of redress.
 - (f) it relates to the personal circumstances or conduct of an officer or Councillor or to the conditions of service of individual employees.
 - (g) it seeks to promote a political party or organisation.
 - (h) it is a statement and not a genuine enquiry.
 - (i) the preparation of the answer would require the expenditure of a disproportionate amount of time, public money or effort.
 - (j) it relates to information that is readily available in a report submitted to Council, Cabinet or Scrutiny Committee previously in which case the Member will be advised of the date of the relevant Report.

The decision of the Chief Executive in the above matter shall be final and the reasons for rejection will be provided to the relevant Member, in writing.

- (8) Questions of which notice has been given under 10(2) and/or 10(4) will be listed on the agenda in the order received by the Chief Executive. A maximum of 3 questions to the Leader will be considered at each meeting of Council. In addition a maximum of 3 questions to members of the Cabinet will be considered at each meeting of Council.
- (9) Every question shall be put and answered without discussion.
- (10) A Member asking a question under 10(2) may ask one supplementary question without notice to the Leader. The supplementary question must arise directly out of the original question or the reply.
- (11) The Leader or Cabinet member in answering each question may speak for no longer than three minutes.
- (12) An answer may take the form of:
- (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally a written answer circulated to members of the Council.
- (13) The questions and answers to questions will be incorporated within the minutes of the meeting.

11. MOTIONS ON NOTICE

- (1) Except for motions which can be moved without notice, notice of every motion shall be in writing, signed by the Member or Members giving the notice at the office of the Chief Executive by whom it shall be dated and numbered in the order in which it is received and entered in a book which shall be open to the inspection of every Member of the Council.

- (2) The Notice of Motion must contain only the wording which those members wish the Council to record as its decision, and must not contain any comment or argument about the merits of the matter. A Notice of Motion may be accompanied by supporting information or photographs which will be included in the Agenda papers setting out the Notice of Motion. The Proper Officer may after consultation with the Chairman reject all or part of a Notice of Motion which contains a personal criticism of a member.
- (3) A Notice of Motion shall, after being presented, be automatically referred to the appropriate overview and scrutiny committee whose recommendation will then be referred to the Council or the Executive dependant on who has responsibility for the decision making function in relation to the subject matter of the Notice of Motion. The signatories to the Notice of Motion may attend the Scrutiny Committee as of right, speak but not vote.
- Provided that** the Chairman of Council may, if he/she considers it convenient and conducive to the dispatch of business, allow the motion to be dealt with at the first available Council, without the motion being first discussed at an overview and scrutiny committee.
- (4) When the Notice of Motion is being considered the signatories to the motion shall be entitled to amend the Motion so long as it is not amended in a significant way. The ruling of the Chairman on whether an amendment is significant shall be final.
- (5) Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the County Borough.

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;

- (m) that the meeting continue beyond three hours in duration;
- (n) to suspend a particular council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under these rules or to exclude them from the meeting under these rules; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 No speeches until motion seconded

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

13.2 Right to require motion in writing

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

13.3 Seconders' speech

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

13.4 Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. With the exception of the Leader of the Council no speech may exceed five minutes without the consent of the chairman.
- (b) The length of speeches at a Scrutiny Committee shall be at the discretion of the Chairman of that meeting.

13.5 When a member may speak again

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

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

- (g) at a Scrutiny Committee, with the leave of the Chairman of that meeting.

13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
- (f) A member may give notice of a further amendment at any time before the amendment under discussion is disposed of and such further amendments will be considered in the order in which notice is given.

13.7 Alteration of motion

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

13.8 Withdrawal of motion

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

13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

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

13.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond three hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

13.11 Closure motions

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

be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

A member may raise a point of order at any time. The chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

13.13 Personal explanation

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

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless:

- (a) by way of notice of motion signed by at least thirty seven members
- (b) significant new information relevant to the matter was not available when the matter was first discussed, which if available would materially have affected the consideration of the issue.

14.2 Motion similar to one previously rejected

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

15. VOTING

15.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put. [Voting will be undertaken via the software used by the council at the time of the vote.](#)

~~15.2 Electronic Voting~~

~~For meetings of Full Council in the Council Chamber, voting will be by electronic voting. Should the electronic voting system be unavailable or breakdown, voting will revert to being undertaken by a show of hands as outlined in paragraph 15.4 below.~~

~~Electronic voting will be undertaken by Members operating the individual control panel on the Members bench which allows Members to vote 'yes', 'no', or 'abstain'.~~

~~The Council has adopted the following procedure for electronic voting:-~~

- ~~a. The Chief Executive or Monitoring Officer will confirm the motion to be voted upon and declare the vote open. Members first press button 1 to confirm their attendance.~~
- ~~b. The vote will be open for 20 seconds and Members must cast their vote in this time. Members can change their vote while the vote is open, however, their vote cannot be altered once the vote has been closed.~~
- ~~c. The Chief Executive or Monitoring Officer will announce that the vote is closing and confirm the vote is closed after 20 seconds have passed.~~
- ~~d. The outcome of the vote will be displayed on television screens in the Chamber. The Chief Executive or Monitoring Officer will check the number of votes cast does not exceed the number of Members in attendance and the Chairman will announce the outcome of the vote. The vote will only take effect once the outcome is confirmed by the Chief Executive or Monitoring Officer and Chairman.~~
- ~~e. The individual voting results will be displayed in the Chamber and a hard copy of the results will be generated. This record will be subsequently published on the Council's website the day after the meeting.~~

15.3 Chairman's casting vote

If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. The casting vote will be given verbally irrespective of whether the vote is being taken electronically or by a show of hands.

15.4 Show of hands

Where electronic voting is not being used or the system has failed, the Chair will take the vote by show of hands and announce the result, or if there is no dissent by the affirmation of the meeting.

Where electronic voting is not being used or the system has failed and a recorded vote is demanded the provisions of Rule 15.5 shall apply.

15.5 Recorded vote (where electronic voting is not used, or the system has failed)

- (1)(a) At any meeting of the whole Council, on the requisition of any ten members, made before the vote is taken, the voting on any motion shall be recorded so as to show how each member present and voting gave his/her vote. The name of any member then present who abstained from voting shall also be recorded.
- (b) At any meeting of a committee or sub-committee of the Council a member may, immediately before a vote is taken, move that there be a recorded vote. If this is seconded it shall be put without discussion and if carried by a majority on a show of hands then the voting on that motion shall be recorded so as to show how each member present and voting gave his/her vote. The name of the member then present who abstained from voting shall also be recorded.

Note: the Council has adopted a procedure for noting and recording of votes, where electronic voting is not being used or where the system has failed, and for ease of reference, that procedure is set out here:

1. The Counting of Votes

~~The vote which forms the decision of the Committee is the original show of hands and not (if this is different) the "noting of votes" which might follow it.~~

~~It follows therefore that the counting of the original votes should be done in a proper manner:-~~

- ~~(i) — The role of the Chairman is to ensure that members continue to hold up their hands until the counting of the vote is complete~~
- ~~(ii) — The counting of the vote should be done only by the Chief Executive or his representative, who shall stand to do the count.~~

~~The figures will be given to the Chairman to announce.~~

2. Recorded Vote

~~The recorded vote is a record made of the voting in the minutes of all members present and voting.~~

~~This applies at all the meetings of the Council, its Committees and Sub-Committees.~~

~~(a) — At Council~~

~~— On the requisition of any 10 members made before the vote is taken a record will be made of the way each member present gave his/her vote, including the noting of abstentions. Once a recorded vote has been authorised then the Chief Executive or his representative will call out each member's name in turn and the member will respond with his/her voting. The Committee Services Officer will note this response.~~

~~(b) — At Committees and Sub-Committees~~

~~— The request for a recorded vote must be moved and seconded and immediately voted on and if carried by a majority then the Chief Executive or his representative will call out each member's name in turn and the member will respond with his/her voting. The Committee Services Officer will note this response.~~

3. Noting of Votes (see 15.6 below)

~~This is a statutory right.~~

~~This is the right of an individual member and only individual members asking immediately after a vote is taken may have their votes noted.~~

~~A Chairman faced with this request must respond only to the individual member(s) seeking a noting of vote and should not extend this facility to all members present in the room.~~

~~If more than one member indicates a wish to have a vote noted then the Chairman asks for all Members who want this done to indicate and hold up their hands until completed.~~

~~The Chief Executive or his representative calls out in turn the name of the Member(s) indicating a wish to note a vote and asks for his/her voting. The response is recorded.~~

~~Only when the Committee Services Officer has called out the name of the Member is the vote recorded – the Member's hand can then go down.~~

15.5 Right to require individual vote to be recorded

~~(This is a mandatory standing order under the Local Authorities (Standing Orders) (Wales) Regulations 2006.)~~

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

15.6 Voting on appointments

Voting on appointments shall reflect the result of scoring of candidates achieved by evaluation sheets used as part of the interview process.

16. MINUTES

16.1 Signing the minutes

The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman of the meeting whose minutes are being considered (if present) will move that the minutes of the previous meeting be signed as a correct record. Any member may second that proposal. The only part of the minutes that can be discussed is their accuracy.

16.2 No requirement to sign minutes of previous meeting at extraordinary meeting

(This is a mandatory standing order under the Local Authorities (Standing Orders) (Wales) Regulations 2006. The wording for this standing order is prescribed in the regulations.)

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

16.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the chairman put them. Only motions or amendments which are passed (other than where there is a recorded vote) will be recorded in the Minutes.

17. RECORD OF ATTENDANCE

(1) All members **physically** present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. **All Members attending a meeting by remote means will have their attendance recorded.**

~~(2) Any member leaving a meeting before its end must if any matter still to be discussed would require a declaration of interest, ask that the fact of the member leaving early should be recorded in the Minutes of that meeting.~~

18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

19. MEMBERS' CONDUCT

19.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the chairman. If more than one member stands, the chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

19.2 Chairman standing

When the chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

19.3 Member not to be heard further

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

19.4 Member to leave the meeting

In the event of behaviour by a member of whatever nature, which the Chairman considers prevents the meeting being properly conducted the Chairman may require that member to leave the meeting.

19.5 General disturbance

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

20. DISTURBANCE BY PUBLIC

20.1 Removal of member of the public

~~If a member of the public interrupts proceedings, the chairman will warn the person concerned. If they continue to interrupt, the chairman will order their removal from the meeting room.~~

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

20.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the chairman may call for that part to be cleared. If there is a general disturbance on the online meeting platform, the Mayor may call for the online meeting platform to be muted, temporarily suspended or closed.

21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 Suspension

All of these Council Rules of Procedure except Rule 15.5 and 16 may be suspended:-

- (a) by motion on notice;
- (b) without notice if at least one half of the whole number of members of the Council are present.

Suspension can only be for the duration of the meeting.

21.2 Amendment

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

22. INSPECTION OF LANDS, PREMISES ETC.

Unless specifically authorised to do so by the Council or a committee, no member of the Council shall issue any order respecting any works which are being carried out by or on behalf of the Council or claim by virtue of his/her membership of the Council any right to inspect or to enter upon any lands or premises which the Council have the power or duty to inspect or enter.

23. MINUTES OF THE POLICE AUTHORITY

The minutes of the Police Authority shall be submitted to the Council for its information. Any questions relating to any matter referred to in the minutes shall be answered by the person nominated by the Council to the Police Authority. The procedures detailed in Rule 10 shall be applied in relation to members' questions concerning the discharge of the functions of the police authority in relation to the area of the authority or its residents.

24. MATTERS REPORTED FOR INFORMATION

Matters reported to any meeting and expressed to be “For Information” shall not be the subject of any decision or debate, except in an emergency and subject to the discretion of the Chairman.

25. ATTENDANCE AT COMMITTEES

- (1) The Leader of Council and the Deputy Leaders of Council where they are not already attending as a member of the Committee, shall be entitled to attend and speak at meetings of the Committees and Sub-Committees of which they are not member(s) but shall not be empowered to vote thereat.
- (2) A member wishing to participate in the proceedings of a standing Committee (other than a Scrutiny Committee) of which he/she is not a member, may participate (but not vote) provided

EITHER -

- (i) That he/she gives notice to the Chairman of the Committee not less than twenty four hours before the meeting takes place;
- (ii) That the matter in question directly relates to an item in respect of the division which he/she represents and is not a matter or question of common interest to all members of the Council as such and is on the Agenda of the meeting in question;
- (iii) That his/her contribution shall be restricted to one address lasting no longer than five minutes;

OR

That a motion moved in consequence of notice duly given which has been referred by the Council to a Committee, was moved by him/her.

- (3) A member wishing to participate in the proceedings of a Scrutiny Committee of which he/she is not a member may participate (but not vote) provided:
 - (i) that the member gives notice to the Chairman of the Committee not less than one clear day before the meeting takes place of the item that he/she wishes to speak upon, and
 - (ii) that the Chairman of the Committee gives permission for that attendance.
- (4) A member attending a meeting in accordance with the provisions of this standing order may remain at the meeting while that item is under discussions (whether or not that item relates to discussion of exempt information) and may speak thereon but shall not be entitled to vote.
- (5) Signatories to a Notice of Motion shall be entitled as of right to attend the meeting at which the Notice is debated and shall be entitled to speak, but not vote, in respect of that item.
- (6) In relation to the Planning Committee a member attending under rule (2) above may only attend on one occasion, and where the applicant or an objector are addressing the committee will be entitled to attend on that occasion only.

26. RECORDING OF MEETINGS

- (14) Anyone entitled to attend a meeting of the Council its Committees or Sub-Committees may take written notes.
- (22) No one must make recordings of any other kind at these meetings unless the Chairman has given written permission.
- (33) If anyone does so, the Chairman can require them to leave at once, and/or adjourn the meeting for as long as he/she thinks fit.
- (4) Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.
- (5) Ordinary meetings of the Council will be broadcast live electrically on the Council's website so that members of the public not in attendance at the meeting can see and hear the proceedings. Copies of the meeting will be available after the meeting.

27. DECLARATION OF INTERESTS BY MEMBERS

If any member of the Council has declared a **personal and prejudicial** ~~any~~ interest, in accordance with the Council's Code of Conduct ~~or as required by law~~ that member shall withdraw from the meeting and the room while the matter is under consideration by the Council or Committee unless:-

- (a) **provisions within** ~~paragraph 16 of the~~ Code of Conduct allows the member to remain, or
- (b) a dispensation has been granted by the Standards Committee.

28. DEPUTATIONS AND PETITIONS

- (1) Deputations wishing to attend before the Council shall be requested in the first instance to submit to the Council a notice in writing, at least ten clear days before the meeting stating the object and the names of the persons who will form the deputation and the Chief Executive shall bring the notice before the Council and/or appropriate Committee of the Council or appropriate scrutiny committee or advisory or working or liaison group. In respect of decisions made within ten days of the meeting, the Chairman shall have the discretion to waive the requirement for 10 days notice.
- (2) On receipt of such notice, the Chief Executive shall communicate with the Chairman of Council or, in his/her absence, the Deputy Chairman of Council or in their absence, the Chairman of the appropriate Committee or in his/her absence, the Vice-Chairman, either of whom shall have power to determine whether such deputations shall attend before the Council or whether they shall attend before the Committee.
- (3) Petitions (which for the purpose of this Rule shall apply to a petition containing greater than ten signatories) to the Council may be:-
 - (a) presented at an ordinary meeting of the Council to the Chairman of Council by the local ward member(s) or by any member authorised by that ward member.

- (b) at the request of the Lead Petitioner be handed directly to the Chief Executive at his office at Penallta House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG.
- (c) posted to the Chief Executive.
- ~~(e)~~ (d) [Via the E-Petition Scheme which can be found in Part 5 of the Constitution.](#)
- (4) Petitions to a Committee shall be presented to the Chairman of the Committee by the local ward member(s) or by any member authorised by that ward member and shall on receipt stand referred without discussion to the appropriate Director for action and report as necessary unless the Chairman in his/her discretion shall decide to have them discussed at the meeting of the Committee to which they are presented.
- (5) In presenting a petition to the Council or Committee a member may only speak to briefly outline the petition request and may not speak on the merits of the issue the subject of the petition.

Procedure for dealing with petitions

Following the presentation of the petition, by any of the means outlined in 28 (3) the Proper Officer will enter it into the register kept for this purpose. Following this the appropriate Director will ensure that :-

- (a) there will be appropriate consultation with the public, ward members and the appropriate Cabinet member about any proposed action;
- (b) *there is appropriate and timely feedback to the lead petitioner and the member who presented the petition about:-*
 - (i) *progress in dealing with the petition, and*
 - (ii) *the decision made by the Council about the petition.*
- (6) Every deputation must be about the provision of services for which the Council is responsible or which affects the area of the authority or any part of it or any or all of its inhabitants and the deputation may only be from members of the public, community or trade organisations.
- (7) Only two members of the deputation may speak and their speeches must not last longer than five minutes each.
- (8) The presiding chairman at any meeting will have sole discretion as to whether any member of the public will be permitted to speak and may stop a speaker if the address contains unruly or abusive or irrelevant content.

29. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

- (1) All of the Council Rules of Procedure apply to meetings of full Council.
- (2) Only Rule 8.2 and Rule 32 apply to meetings of the executive.
- (3) Only Rules 5–9, 12-20, 24-27, 29 and 32 apply to meetings of committees and sub-committees.

30. URGENT MATTERS

- (1) The Chief Executive (or in his absence the appropriate Director) shall be empowered to exercise the powers of the Council in any matter which in the opinion of that officer requires immediate attention or is so urgent that there is insufficient time in which to convene a meeting.
- (2) These powers shall be additional to any specific powers delegated by the Council or a Committee.

31. OFFICER EMPLOYMENT PROCEDURE RULES

- (1) The Officer Employment Procedure Rules set out in this Part of the Constitution are deemed to be incorporated within the Council's procedure rules.

~~32. REMOTE ATTENDANCE~~

- ~~(1) The Council prohibits remote attendance of any meetings of the Authority under Section 4 of the Local Government (Wales) Measure 2011.~~

Access to Information Procedure Rules

References:

Sections 100A – H and schedule 12A Local Government Act 1972

Section 22, Local Government Act 2000

Local Authorities (Executive Arrangements) (Decisions, Documents, Meetings) (Wales) Regulations 2001

Chapter 5, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001

Note: Reference to the proper officer is to the Chief Executive.

1. SCOPE

These rules apply to all meetings of the Council, the executive, overview and scrutiny committees, area committees (if any), the Standards Committee and regulatory committees.

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

~~The council will give at least three clear days notice of any meeting (unless called at shorter notice as permitted by law) by posting details of the meeting at the Council's offices at Penallta House, Ystrad Mynach.~~

4.1.1 Unless a meeting is convened at short notice, the Council will give at least 3 clear days' notice of any meeting by posting details of the meeting at Penallta House, Tredomen Business Park, Ystrad Mynach, CF82 7PG and on its website.

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

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

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

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

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

- (a) the minutes of the meeting or record of decisions taken by the executive, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

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

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents is kept at and available to the public at the Council's offices at Penallta House, Ystrad Mynach [and published on the Council's website](#).

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Public and private meetings of the executive

The executive may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with Article 13 and these procedure rules. This does not prevent the executive from holding informal deliberations in private, with or without officers present, but these meetings shall not take decisions.

10.2 Confidential information – requirement to exclude public

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

10.3 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.4 Meaning of confidential information

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

10.5 Meaning of exempt information

(This information is extracted from the Local Government Act 1972).

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

EXEMPT INFORMATION	QUALIFICATION
12. Information relating to a particular individual.	Public interest test applies (see below)

EXEMPT INFORMATION	QUALIFICATION
13. Information which is likely to reveal the identity of an individual.	Public interest test applies (see below)
14. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under —</p> <p>the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992;</p> <p>the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.</p> <p>-Public interest test applies (see below)</p>
15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Public interest test applies (see below)
16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
17. Information which reveals that the authority proposes : (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Public interest test applies (see below)
18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest test applies (see below)
<p><i>(In relation to a meeting of a standards committee, or a sub-committee of a standards committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):</i></p> <p>18A. Information which is subject to any obligations of confidentiality.</p>	Public interest test applies (see below)

EXEMPT INFORMATION	QUALIFICATION
18B. Information which relates in anyway to matters concerning national security. 18C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.”.	
	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992

Public Interest Test:

Information which —

- (a) falls within any of paragraphs 12 to 15, 17 and 18 above; and
- (b) is not prevented from being exempt by virtue of the ‘qualifications’ above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- (c) The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. THE FORWARD WORK PROGRAMME

~~The Assembly Guidance recommends that authorities with executive constitutions adopt a forward work programme process.~~

12.1 Period of forward work programme

The forward work programme will be prepared by the proper officer to cover a period of four months. It will be updated quarterly.

12.2 Contents of forward work programme

The forward work programme will contain matters which the executive, overview and scrutiny committees and full Council are likely to consider. It will contain information on:

- (a) the timetable for considering the budget and any plans forming part of the policy framework and requiring council approval, and which body is to consider them;
- (b) the timetable for considering any plans which are the responsibility of the executive;
- (c) any individual matters on which the executive intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- (d) the work programme of the overview and scrutiny committees, to the extent that it is known and determined by those committees.

The forward work programme will be published at least 14 days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating that a forward work programme will be published and giving the publication dates for that year.

13. CONSULTATION ON PROPOSALS TO BE CONSIDERED BY THE EXECUTIVE

At least 4 weeks should be permitted in the forward plan timetable for consultation with relevant overview and scrutiny committees and ward members where a matter is to be considered by the executive and is not urgent (as defined below) or confidential or exempt (as defined in para 10).

A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last forward work programme was produced and a decision is required within (the minimum time provided for consultation as specified above).

A decision can only be treated as urgent if the decision taker (if an individual) or the chairman of the body making the decision obtains the agreement of the chairman of a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of a relevant overview and scrutiny committee, or if the chairman of each relevant overview and scrutiny committee is unable to act, then the agreement of the chairman of the Council, or in his/her absence the vice chairman will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

14. RECORD OF DECISIONS OF THE EXECUTIVE

14.1 The decision record

A written record will be made of every executive decision made by the executive and its committees (if any) and to joint committees and joint sub-committees whose members are all members of a local authority executive.

This decision record will include a statement, for each decision, of:

1. the decision made
2. the date the decision was made
3. the reasons for that decision;
4. any personal interest declared;
5. any dispensation to speak granted by the authority's standards committee;
6. the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

14.2 Preparing the decision record

The proper officer or his or her representative shall attend any meeting of the executive, a committee of the executive or a joint committee or joint sub-committee where all its members are members of a local authority executive, and shall as soon as reasonably practicable after the meeting produce a decision record.

15. RIGHTS OF ACCESS FOR MEMBERS OF SCRUTINY COMMITTEES

15.1 Rights of access

All members will be entitled to inspect any document which is in the possession or under the control of the executive or its committees and contains material relating to any business transacted at a meeting of a decision making body of that authority or executive, following the making of a decision by the Executive.

15.2 Limitation on rights

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

- (a) it would disclose exempt information falling within paragraphs 12 to 18, 21, 23, 24 and 26 of Part 4 of Schedule 12A of the Local Government Act 1972, or
- (b) it would disclose advice of a political advisor or assistant.

15.3 Supplying information

Requests for information in accordance with statutory and common law rights will be provided to members in a timely manner

15.4 Nature of rights

These rights of a member are additional to any other right he/she may have in common law or statute.

Budget and Policy Framework Procedure Rules

References:

Chapter 3, 6 and 7, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001
The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001
The Local Authorities (Alternative Arrangements) (Wales) Regulations 2001

The Assembly Guidance points out that the executive will have the responsibility for proposing policies and the budget to the full council, and consequently the constitution provides that the full council will only adopt a policy framework or budget on the basis of proposals from the executive.

1. The framework for executive decisions

The Council will be responsible for the adoption of its policy framework and budget as set out in Article 4 Part 2 of the Constitution. The policy framework and budget adopted by the Council will be based on that proposed by the executive. Once a budget or a policy framework is in place, it will be the responsibility of the executive to implement it.

2. Process for developing the framework

The process by which the policy framework and budget shall be developed is:

- (a) The executive will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The chairs of overview and scrutiny committees will also be notified. There will be an adequate consultation period in each instance.
- (b) At the end of that period, the executive will then draw up firm proposals having regard to the responses to that consultation. If a relevant overview and scrutiny committee wishes to respond to the executive in that consultation process then it may do so. As the overview and scrutiny committees have responsibility for fixing their own work programme, it is open to the overview and scrutiny committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The executive will take any response from an overview and scrutiny committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the executive's response.
- (c) Once the executive has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the executive's proposals, amend them, refer them back to the executive for further consideration, or in principle, substitute its own proposals in their place.
- (e) If it accepts the recommendation of the executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

- (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the leader.
- (g) An in-principle decision will automatically become effective ten working days from the date of the Council's decision, unless the leader informs the proper officer in writing within that period that he/she objects to the decision becoming effective and provides reasons why.
- (h) In that case, the proper officer will call a Council meeting as soon as practicable. The Council will re-consider its decision and the leader's written submission. The Council may:
 - i) approve the executive's recommendation by a simple majority of votes cast at the meeting; or
 - ii) approve a different decision which does not accord with the recommendation of the executive by a simple majority.
- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;
- (j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

- (a) The executive, committee of the executive, an individual member of the executive (if so authorised) and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the executive committee of the executive, an individual member of the executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

This procedure covers decisions contrary to the policy framework and contrary to or not wholly in accordance with the budget.

- (a) The executive committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance

with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- i) if it is not practical to convene a quorate meeting of the full Council; and
- ii) if the chairman of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chairman of the relevant overview and scrutiny committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman of a relevant overview and scrutiny committee the consent of the chairman of the Council, and in the absence of both the vice-chairman will be sufficient.

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

5. In-year changes to policy framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the executive, a committee of the executive, an individual member of the executive (if so authorised) or officers, area committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which makes up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance or to avoid maladministration or injustice;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

6. Call-in of decisions outside the budget or policy framework

- (a) Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the monitoring officer and/or chief financial officer.
- (b) In respect of functions which are the responsibility of the executive, the monitoring officer's report and/or chief financial officer's report shall be to the executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the executive must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to the overview and scrutiny committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.

- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief financial officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet as soon as practicable. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief financial officer. The Council may either:
- i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;
- Or**
- ii) amend the council's budget or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;
- Or**
- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the monitoring officer/chief financial officer.

Executive Procedure Rules

References:

~~Chapters 4 and 6, Chapter 3, 6 and 7, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001~~

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council. If they are not set out there, then the leader may decide how they are to be exercised. In either case, the law provides that the arrangements or the leader may provide for executive functions to be discharged by:

- i) the executive as a whole;
- ii) a committee of the executive;
- iii) an individual member of the executive (if so authorised);
- iv) an officer;
- v) an area committee;
- vi) joint arrangements; or
- vii) another local authority.

(The Council has not included in its arrangements (iii) or (v) above).

1.2 Sub-delegation of executive functions

- (a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 The Council's scheme of delegation and executive functions

The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.4 Conflicts of Interest

- (a) Where the leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5 Executive meetings – when and where?

The executive will meet on a regular basis at times to be agreed by the leader. The executive shall meet at the Council's main offices or another location to be agreed by the leader. The date time and location will be published by list, and will appear on the published Agenda for each meeting. [The Council's arrangements for multi-locational meetings apply to meetings of the Executive.](#)

1.6 Public or private meetings of the executive?

The Access to Information Rules in Part 4 of this Constitution set out the legal requirements covering public and private meetings. There is no specific requirement in relation to frequency or place.

1.7 Quorum

The quorum for a meeting of the executive, or a committee of it, shall be three.

[Remote Attendance](#)

- (a) [Members will be regarded as present at a meeting of the Cabinet \[or a committee of the Cabinet where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings providing that they can speak to, and be heard by, other attendees at the meeting.](#)
- (b) [For the purposes of section 1.7, attendance "by remote means" attendance in a different physical location to that of other participants and participating through an online meeting platform.](#)

1.8 How are decisions to be taken by the executive?

- (a) Executive decisions which have been delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

2. HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who presides?

If the leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

- (a) These details are set out in the Access to Information Rules in Part 4 of this Constitution. For the avoidance of doubt where meetings that are not open to the public, members of the Council who are not Executive members may remain in the meeting;
- (b) The chairman of the meeting may call any councillor of the authority to speak at the meeting where the chairman feels that member's contribution could assist in the decision-making process.

2.3 What business?

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

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) consideration of reports from overview and scrutiny committees; and
- v) reports from officers of the authority.

2.4 Consultation

All reports to the executive from any member of the executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with members, officers, stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

The Council on the 1 August 2006 approved rules relating to the consultation process, which apply in relation to any proposed report to members, or in relation to any proposed decision under delegated powers. The “rules on consultation” appear later in this part of the Constitution.

The Council has approved a format for reports, which for ease of reference is set out here at Appendix A (amended as a result of the implementation of the Socio Economic duty under Section 1 of the Equality Act 2010 and the associated introduction of the Integrated Impact Assessment).



NAME OF COMMITTEE – DATE – ARIAL 15

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH OF PART 4,
SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972**

Above paragraph to be included if report is to be exempt

PAGE SET UP 0.7 TOP, BOTTOM, LEFT AND RIGHT

FONT FOR REPORT - ARIEL 11

SUBJECT: ARIEL 12

REPORT BY: ARIEL 12

1. PURPOSE OF REPORT - HEADINGS ARIEL 11

- 1.1 This section should contain a brief statement as to the purpose of the report (e.g. to recommend to Members that they decide to). If this is a report for a scrutiny committee that is to be referred to Cabinet for decision, there must be included within this section a sentence which explains that the report is seeking the views of Members prior to its presentation to Cabinet.

2. SUMMARY

- 2.1 All reports **must** include a short summary of the report. With the expectation the relevant cabinet member will present the report at cabinet or council, the cabinet member will use this section to explain the report.

3. RECOMMENDATIONS

- 3.1 This section would set out the recommendations of the Director concerned.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 The minutes record the reasons for making any decisions reached. It is therefore essential that reports set out clear "reasons" for making the decision as recommended.

5. THE REPORT

- 5.1 The precise nature of this part of the report will vary from one issue to another and according to the background info which needs to be provided. The section should set out what options are available to the decision maker and why the option recommended for approval has been chosen.

5.2 Conclusion

Pulls together any themes running through the report/rounding up the issues referenced in the main body of the report section and which option is recommended for approval.

6. ASSUMPTIONS

- 6.1 This section should set out what assumptions have been made in proposing the recommendations in the report. The assumptions could include, amongst other things, inflation, costs, expenditure, population, policy, service demand etc. If no assumptions have been made or were thought necessary, then this should be stated.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 In this section please copy the summary you have included in Section 12 of the Integrated Impact Assessment (IIA) 'Reason(s) for Recommendation'. This summary should conclude the key points raised by the IIA, including what it tells you, what data/evidence you used, any significant impacts identified and how any negative impacts (if any) were mitigated.

If your report is an **Information Only** item then a completed IIA is not necessary at this stage, however an IIA must be drafted when the proposal/project reaches the formative stage and then updated as the proposal/project develops. A completed IIA must be included in any final reports going forward for a decision. The IIA should be included as a hyperlink which will require a request to IT Helpdesk for it to be created.

Link to full Integrated Impact Assessment

<http://sc-aptdken1/KENTICO/Departments/Equalities-and-Welsh-Language/Socio-Economic-Duty.aspx>

8. FINANCIAL IMPLICATIONS

- 8.1 There must be a section outlining the financial implications of the report/recommendations and a clear statement as to how these implications (immediate and long term) will be funded – the Head of Corporate Finance/Section 151 Officer must be consulted. Where there are no financial implications the report can simply state that there are none. If there are assumptions being made about funding, then they need to be stated here.

9. PERSONNEL IMPLICATIONS

- 9.1 There must be a section outlining any personnel implications of the report. The Head of People Services must be consulted. If there are no implications the report can state that there are none.
- 9.2 If the subject of the report relates to a restructure of a Service Area, a Welsh Assessment on the vacant posts, after any ring fencing exercise has been undertaken, will be required.

Guidance on undertaking a Welsh Assessment can be found in Guidance On Assessing The Welsh Needs Within Posts. <http://sc-aptdken1/KENTICO/Departments/HR/Policies-Procedures/Recruitment-Guidance-On-Assessing-The-Welsh-Needs.aspx>

10. CONSULTATIONS

- 10.1 If any consultee expresses views which differ from the recommendations, the author must include them in this section and as part of the main body of the report state whether the author is of the view that they have been addressed satisfactorily in the report, whether they can/should be incorporated in the recommendation and if not incorporated into the recommendation then why not.

11. STATUTORY POWER

- 11.1 This is to identify the enabling statutory power(s) for the decision under consideration. It should also state whether the power(s) are the responsibility of full Council or Cabinet and if it has been delegated to officers. If you have any queries on powers, please consult the Monitoring Officer/Head of Legal Services.

12. URGENCY (CABINET ITEMS ONLY)

- 12.1 All Cabinet decisions will be subject to a “call-in” procedure whereby the relevant Scrutiny Committee can ask for the implementation of the decision to be delayed until it has considered the matter and, if the Scrutiny Committee is so inclined, to ask Cabinet to reconsider its decision. The only exceptions will be items where the call-in request is not in accordance with the call-in procedure or the decision needs to be implemented urgently. If this is the case the report should state that this is so, and explain why. The Chairman of the Council must agree both that the decision proposed is reasonable in all circumstances and to it being treated as a matter of urgency.

Author: name, title and email address

Consultees: Insert names and titles and email address, one under the other. Consultees will be the Chief Executive, , relevant Directors, Head of Legal Services and Monitoring Officer, Head of People Services, Head of Corporate Finance/s.151 officer, other relevant Heads of Service, Cabinet Member(s), Chairman and Vice Chairman of the relevant Scrutiny Committee and local ward Members. Any consultee comments should be incorporated in the report with the view of the officer whether the comments are accepted or not.

Caerphilly County Borough Council - Integrated Impact Assessment

This integrated impact assessment (IIA) has been designed to help support the Council in making informed and effective decisions whilst ensuring compliance with a range of relevant legislation, including:

- Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- Welsh Language (Wales) Measure 2011
- Socio-economic Duty – Sections 1 to 3 of the Equality Act 2010
- Well-being of Future Generations (Wales) Act 2015
- Statutory Consultation v Doctrine of Legitimate Expectation and Gunning Principles

PLEASE NOTE: Section 3 *Socio-economic Duty* only needs to be completed if proposals are of a strategic nature or when reviewing previous strategic decisions. See page 6 of the Preparing for the Commencement of the Socio-economic Duty Welsh Government Guidance.

1. Proposal Details			
Lead Officer	Head of Service	Service Area & Department	Date

What is the proposal to be assessed? *Provide brief details of the proposal and provide a link to any relevant report or documents.*

2. Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011

(The Public Sector Equality Duty requires the Council to have “due regard” to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups; and foster good relations between different groups). Please note that an individual may have more than one protected characteristic.

Protected Characteristics	Does the proposal have any positive, negative or neutral impacts on the protected characteristics and how?	If there are negative impacts how will these be mitigated?	What evidence has been used to support this view?
Age <i>(people of all ages)</i>			
Disability <i>(people with disabilities/ long term conditions)</i>			
Gender Reassignment <i>(anybody who's gender identity or gender expression is different to the sex they were assigned at birth)</i>			
Marriage or Civil Partnership <i>(people who are married or in a civil partnership)</i>			
Pregnancy and Maternity <i>(women who are pregnant and/or on maternity leave)</i>			
Race <i>(people from black, Asian and minority ethnic communities and different racial backgrounds)</i>			

Protected Characteristics	Does the proposal have any positive, negative or neutral impacts on the protected characteristics and how?	If there are negative impacts how will these be mitigated?	What evidence has been used to support this view?
Religion or Belief (people with different religions and beliefs including people with no beliefs)			
Sex (women and men, girls and boys and those who self-identify their gender)			
Sexual Orientation (lesbian, gay, bisexual, transgender, heterosexual, other)			

3. Socio-economic Duty (Strategic Decisions Only)

(The Socio-economic Duty gives us an opportunity to do things differently and put tackling inequality genuinely at the heart of key decision making. Socio-economic disadvantage means living on a low income compared to others in Wales, with little or no accumulated wealth, leading to greater material deprivation, restricting the ability to access basic goods and services)

Please consider these additional vulnerable groups and the impact your proposal may or may not have on them:

- Single parents and vulnerable families
- People with low literacy/numeracy
- Pensioners
- Looked after children
- Homeless people
- Carers
- Armed Forces Community
- Students
- Single adult households
- People misusing substances
- People who have experienced the asylum system
- People of all ages leaving a care setting
- People living in the most deprived areas in Wales (WIMD)
- People involved in the criminal justice system

Socio-economic Disadvantage	Does the proposal have any positive, negative or neutral impacts on the following and how?	If there are negative impacts how will these be mitigated?	What evidence has been used to support this view?
Low Income / Income Poverty			

<i>(cannot afford to maintain regular payments such as bills, food, clothing, transport etc.)</i>			
Socio-economic Disadvantage	Does the proposal have any positive, negative or neutral impacts on the following and how?	If there are negative impacts how will these be mitigated?	What evidence has been used to support this view?
Low and/or No Wealth <i>(enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provisions for the future)</i>			
Material Deprivation <i>(unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, hobbies etc.)</i>			
Area Deprivation <i>(where you live (rural areas), where you work (accessibility of public transport) Impact on the environment?</i>			
Socio-economic Background <i>(social class i.e. parents education, employment and income)</i>			
Socio-economic Disadvantage <i>(What cumulative impact will the proposal have on people or groups because of their protected characteristic(s) or vulnerability or because they are already</i>			

disadvantaged)			
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4. Corporate Plan – Council’s Well-being Objectives





(How does your proposal deliver against any/all of the Council’s Well-being Objectives? Which in turn support the national well-being goals for Wales as outlined in the Well-being of Future Generations (Wales) Act 2015. Are there any impacts (positive, negative or neutral? If there are negative impacts how have these been mitigated?) **Well-being Objectives**


Objective 1 - Improve education opportunities for all	
Objective 2 - Enabling employment	
Objective 3 - Address the availability, condition and sustainability of homes throughout the county borough and provide advice, assistance or support to help improve people’s well-being	
Objective 4 - Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impact on the environment	
Objective 5 - Creating a county borough that supports healthy lifestyle in accordance with the Sustainable Development principle with in the Well-being of Future Generations (Wales) Act 2015	
Objective 6 - Support citizens to remain independent and improve their well-being	

4a. Links to any other relevant Council Policy

(How does your proposal deliver against any other relevant Council Policy?)

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5. Well-being of Future Generations (Wales) Act 2015 – The Five Ways of Working (ICLIP) <i>(Also known as the sustainable development principles. The Act requires the Council to consider how any proposal improves the economic, social, environmental and cultural well-being of Wales using the five ways of working as a baseline)</i>	
Ways of Working	How have you used the Sustainable Development Principles in forming the proposal?
Long Term 	Consider the long-term impact of the proposal on the ability of communities to secure their well-being.
Prevention 	Consider how the proposal is preventing problems from occurring or getting worse
Integration 	Consider how your proposal will impact on other services provided in our communities (these might be Council services or services delivered by other organisations or groups)
Collaboration 	Consider how you are working with Council services or services delivered by other organisations or groups in our communities.

<p>Involvement</p> 	<p>Consider how you involve people who have an interest in this proposal and ensure that they represent the diversity of our communities.</p>
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6. Well-being of Future Generations (Wales) Act 2015

Well-being Goals	Does the proposal maximise our contribution to the Well-being Goal and how?
<p>A Prosperous Wales <i>An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to make advantage of the wealth generated through securing decent work</i></p>	<p>Efficient use of resources, skilled, educated people generates wealth and provides jobs</p>
<p>A Resilient Wales <i>A nation which maintains and enhances a biodiverse natural environment healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for climate change)</i></p>	<p>Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change). Have you considered the environmental impact your proposal will have and have you completed an Environmental Impact Assessment or Strategic Environmental Assessment if required?</p>
<p>A Healthier Wales <i>A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood</i></p>	<p>People's physical and mental well-being is maximised and health impacts are understood</p>

A More Equal Wales <i>A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances)</i>	People can fulfil their potential no matter what their background or circumstances. This includes the protected characteristics listed in Q2 above. Also consider the cumulative impacts.
Well-being Goals	Does the proposal maximise our contribution to the Well-being Goal and how?
A Wales of Cohesive Communities <i>Attractive, viable, safe and well-connected communities</i>	Communities are attractive, viable, safe and well connected.
A Wales of Vibrant Culture and Thriving Welsh Language <i>A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation</i>	Culture, heritage and the Welsh language are promoted and protected. People are encouraged to participate in sport, art and recreation.
A Globally Responsible Wales <i>A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being</i>	Taking account of impact on global well-being when considering local social, economic and environmental well-being. Have you considered the environmental impact your proposal will have and have you completed an Environmental Impact Assessment or Strategic Environmental Assessment if required?

7. Welsh Language (Wales) Measure 2011 and Welsh Language Standards

(The Welsh Language Measure 2011 and the Welsh Language Standards require the Council to have 'due regard' for the positive or negative impact a proposal may have on opportunities to use the Welsh language and ensuring the Welsh language is treated no less favourably than the English language)

Policy Making Standards - Good Practice Advice Document



Requirement	Does the proposal have any positive, negative or neutral impacts on the following and how?	If there are negative impacts how will these be mitigated?	What evidence has been used to support this view? <i>e.g the WESP, TAN20, LDP, Pupil Level Annual School Census</i>
Links with Welsh Government's Cymraeg 2050 Strategy and CCBC's Five Year Welsh Language Strategy 2017-2022 and the Language Profile			
Compliance with the Welsh Language Standards. <i>Specifically Standards 88 - 93</i>	Consider the rights of Welsh speakers to use Welsh when dealing with the council and for staff to use Welsh at Work	Ensure correspondence and details on the website is bilingual even if the proposal has no impact on the Welsh language e.g road resurfacing works	
Opportunities to promote the Welsh language <i>e.g. status, use of Welsh language services, use of Welsh in everyday life in work / community</i>	Actively encourage and promote the use of our services in Welsh to see an increase in demand over time		
Opportunities for persons to use the Welsh language <i>e.g. staff, residents and visitors</i>	The rights of Welsh speakers to use Welsh when dealing with the council and for staff to use Welsh at Work		
Treating the Welsh language no less favourably than the English language			

7a. Having considered the impacts above, how has the proposal been developed so that there are positive effects, or increased positive effects on (a) opportunities for persons to use the Welsh language, and b) treating the Welsh language no less favourably than the English language.

Impact on the use of Welsh, sustainability of Welsh speaking communities, numbers and/or percentages of Welsh speakers, fluency and confidence of Welsh speakers and learners to use Welsh, transmission of Welsh at home/from one generation to the next, using Welsh in the workplace, increase Welsh language digital media infrastructure and/or media, promoting Welsh in everyday life and its status

8. Data and Information

(What data or other evidence has been used to inform the development of the proposal? Evidence may include the outcome of previous consultations, existing databases, pilot projects, review of customer complaints and compliments and or other service user feedback, national and regional data, academic publications and consultants' reports etc.)

Data/evidence (Please provide link to report if appropriate)	Key relevant findings	How has the data/evidence informed this proposal?
<p>What data / evidence was used? Provide links to any reports if appropriate e.g. Household Survey 2017</p>	<p>What were the key findings? What did the data / evidence used tell you?</p>	<p>How has the data / evidence available helped inform the proposal? Did it support the proposal and how? If the data / evidence didn't support the proposal why was this?</p>

Were there any gaps identified in the evidence and data used to develop this proposal and how will these gaps be filled?

Details of further consultation can be included in Section 9.

Are there any gaps in the existing data and how will you go about filling these gaps?

9. Consultation

(In some instances, there is a legal requirement to consult. In others, even where there is no legal obligation, there may be a legitimate expectation from people that a consultation will take place. Where it has been determined that consultation is required, The Gunning Principles must be adhered to. Consider the Consultation and Engagement Framework. Please note that this may need to be updated as the proposal develops and to strengthen the assessment.

Briefly describe any recent or planned consultations paying particular attention to evidencing the Gunning Principles.

Who was consulted?

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When they were consulted did the consultation take place at the formative stage and was adequate time given for consultees to consider and respond?

Was sufficient information provided to consultees to allow them to make an informed decision on the proposal?

What were the key findings?

How have the consultation findings been taken into account?

10. Monitoring and Review

How will the implementation and the impact of the proposal be monitored, including implementation of any amendments?

For example, what monitoring will be used? How frequent?

What are the practical arrangements for monitoring?

For example, who will put this in place? When will it start?

How will the results of the monitoring be used to develop future proposals?

When is the proposal due to be reviewed?

Who is responsible for ensuring this happens?

11. Recommendation and Reasoning

☐ Implement proposal with no amendments

☐ Implement proposal taking account of the mitigating actions outlined

☐ Reject the proposal due to disproportionate impact on equality, poverty and socio-economic disadvantage

Have you contacted relevant officers for advice and guidance?

Yes ☐

No ☐

12. Reason(s) for Recommendation

(Provide below a summary of the Integrated Impact Assessment. This summary should be included in the "Summary of Integrated Impact Assessment" section of the Corporate Report Template. The Integrated Impact Assessment should be published alongside the Report proposal).

Include here a conclusion to your IIA. What is it telling you? How has the data / evidence used helped you to make the decision for Section 11 above? Mention any significant impacts (positive, negative or neutral) if any negative ones identified, how have they been mitigated to lessen the impact? Did you identify any cumulative impact your proposal will have? The summary you provide here will be copied into your report going forward for a decision through the committee process, therefore this section must be concise but informative.

13. Version Control

(The IIA should be used in the early stages of the proposal development process. The IIA can be strengthened as time progresses to help shape the proposal. The Version Control section will act as an audit trail to evidence how the IIA has been developed over time)

Version No.	Author	Brief description of the amendments/update	Revision Date

Integrated Impact Assessment Author

Name:	
Job Title:	
Date:	

Head of Service Approval

Name:			
Job Title:			
Signature:		Date:	

2.5 Who can put items on the executive agenda?

- (a) The leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the leader's requests in this respect.
- (b) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the executive where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the executive.
- (c) Any member of the Council may ask the leader to put an item on the agenda of an executive meeting for consideration, and if the leader in his/her absolute discretion agrees the item will be considered at the next available meeting of the executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.
- (d) Officers with the prior approval of the Council's Corporate Management Team.
- (e) The monitoring officer and/or the chief financial officer may include an item for consideration on the agenda of an executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

Overview and Scrutiny Procedure Rules

1. What will be the number and arrangements for overview and scrutiny committees?

The Council will have the overview and scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees. The Terms of Reference and delegated powers of each committee are detailed in Article 6.

Each overview and scrutiny committee comprises ~~19~~ 16 members, and each committee is politically balanced.

2. Who may sit on overview and scrutiny committees?

All councillors except members of the executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved.

3. Co-optees

Each overview and scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. Education representatives

Each relevant overview and scrutiny committee/sub-committee dealing with education matters will include in its membership voting representatives of religious faiths and of parent governors, as required by law and guidance from the National Assembly.

If the overview and scrutiny committee/sub-committee deals with matters other than the education function, these representatives shall not vote on those other matters and may only attend as co-opted non voting members of the committee for discussion of those other matters if invited to do so.

5. Meetings of the overview and scrutiny committees

Overview and scrutiny committees will meet on a regular pre-planned basis. In addition, extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee meeting may be called by the chairman of the relevant overview and scrutiny committee, or by the proper officer if he/she considers it necessary or appropriate.

6. Quorum

The quorum for an overview and scrutiny committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

7. Who chairs overview and scrutiny committee meetings?

- 7.1 The overview and scrutiny committees/sub-committees will be chaired by a councillor.
- 7.2 The arrangements included in section 66 to 75 of the Local Government (Wales) Measure 2011 will be followed for appointing persons to Chair overview and scrutiny Committees.

8. Work programme

The overview and scrutiny committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

9. Agenda items

- (a) Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee (including delegated powers decisions subject to scrutiny) to be included on the agenda for, and be discussed at, a meeting of the committee or sub-committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda. The agenda will include an item "to record any requests from committee members to include an item on the next available agenda".

The above paragraph is a requirement of the Local Government Act 2000

- (b) Any ten members of the Council who are not members of the overview and scrutiny committee may give written notice to the proper officer that they wish an item to be included on the agenda of a named overview and scrutiny committee. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the relevant overview and scrutiny committee for consideration by the committee.
- (c) Any councillor not in any political group may request the chairman to include an item on the agenda of the next meeting.
- (d) The overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committee shall report their findings and any recommendations back to the Council and/or executive.

10. Policy review and development

- (a) The role of the overview and scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny committee or sub-committees may make proposals to the executive for developments in so far as they relate to matters within their terms of reference.

- (c) Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. They may be authorised by the Council to hold a budget to fund these activities.

11. Reports from overview and scrutiny committee

- (a) Once it has formed recommendations on proposals for development, the overview and scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If an overview and scrutiny committee cannot agree on one single final report to the Council or executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or executive with the majority report.

12. Making sure that overview and scrutiny reports are considered by the executive

Once an overview and scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the proper officer refers the matter to Council, he/she will also serve a copy on the leader with notice that the matter is to be referred to Council. The executive will have four weeks in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an overview and scrutiny committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the executive to the overview and scrutiny proposals.

13. Rights of overview and scrutiny committee members to documents

- (a) In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the executive and overview and scrutiny committee as appropriate depending on the particular matter under consideration.

14. Members and officers giving account

- (a) Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may

require the head of paid service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions; and/or
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) their performance.

and it is the duty of those persons to attend if so required. The appropriate Cabinet member(s) will automatically attend meetings of the committee but will do so purely to respond to questions, and not to initiate debate.

- (b) Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chairman of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, or information or documentation cannot reasonably be prepared in time for that date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

15. Attendance by others

An overview and scrutiny committee may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend

16. Call-in

16.1 Rules

(a) General

When a decision is made by the executive, by an individual member of the executive (if so authorised) or a committee of the executive or an officer with delegated powers a decision notice shall be published, including where possible by electronic means, and shall be available at the main offices of the Council the day following on which the decision is made. The person responsible for publishing the decision notice will send chairmen of all overview and scrutiny committees copies of the records of all such decisions within the same timescale.

- (b) That decision notice will bear the date on which it is published. The decision will come into force, and may then be implemented, on the expiry of the Call In period referred to in para 16.1(g), unless there is a request for it to be called-in for review as allowed for by this paragraph.

(c) **Who can call-in a decision**

A decision that has been taken but not implemented may be called in. A call-in can be made by:-

- (i) The chairman of the appropriate scrutiny committee **or**
- (ii) Any four members (from more than one political group) who must be members of the scrutiny committee which will be scrutinising the decision. A leader of any political group other than the leader of the council may be one of those four members (irrespective of whether that person is a member of the scrutiny committee which will be scrutinising the decision) and co-opted members of the scrutiny committee may be regarded as a political group for the purpose of a call-in.

[NOTE: The Policy and Resources Scrutiny Committee (or its chairman) has the power to bring in for consideration by itself a matter which may fall in the terms of reference of another scrutiny committee]

(d) **Grounds of call-in**

The grounds on which a call-in can be made are:-

- (i) that it conflicts with the Council's policy framework; or
- (ii) that it conflicts with the Council's approved budget; or
- (iii) that it has been made without regard to a material fact or information or without proper consultation which in the opinion of the members making the request would lead to a different decision being made by the Executive.

(e) **What can be called in**

- (i) Decisions formally taken in the Cabinet;
- (ii) Officer delegated power decisions appearing on the "decisions" notices on the Intranet which are shown as "subject to call-in". (Broadly, these are Executive power delegated decisions taken by the Chief Executive, a Director or a Head of Service).

(f) **Procedure for call-in**

- (i) In writing. The call-in request must state the details of the decision and the grounds of the call-in and be signed by four appropriate members. The notice must be delivered to the Monitoring Officer before the deadline for call-in expires, or
- (ii) By e-mail. The e-mail requesting the call-in must set out the details of the decision and the grounds of the call-in and the names of the members supporting the call-in. It must be sent to the Monitoring Officer **and** to the officer dealing with the matter, before the deadline for call-in expires.

(g) Limitations on call-in

- (i) **Deadline.**
For Cabinet decisions this is end of the third working day following the day on which a decision is taken in Cabinet.
For officer decisions it is the end of the third working day after the day on which the decision is published on the Intranet.
- (ii) If a decision is urgent - see 16.2 below - it cannot be called in.
- (iii) Council functions cannot be called in.
- (iv) Executive functions in the following categories cannot be called in:-
- prosecutions, cautions, warnings, enforcement and legal proceedings
 - individual debt recovery cases
 - decisions on individual housing and council tax benefit cases
 - decisions on individual compensation claim cases
 - decisions on individual child and vulnerable adult protection cases
 - day to day management matters, employment, staff discipline and regrading matters
 - all contracts below £25,000, contracts between £25,000 and the EU limit where there has been consultation with the Head of Procurement
 - Returning Officer, Electoral Registration Officer or Registrar matters
 - commercial lettings and grants to individual businesses in accordance with the Council's policies
 - sales or lettings of land within standing orders or the approved protocol
 - emergency actions
- (v) Where the officer involved can show by reference to existing paperwork that the decision-making process was properly carried out then call-in is not permitted:-
- Where the call-in says "inadequate consultation", if the officer is able to show consultation with the appropriate Cabinet member, local member(s), appropriate officers or with the scrutiny committee if the matter is covered in the service improvement plans, Cabinet workplan or the WPI annual plan.
 - Where the call-in says "didn't take something into account", if by reference to the paperwork recording the decision the officer can prove that the matter was taken into account, no call-in will be permitted.

(h) Validity of the request

The validity of a request will be determined by the Monitoring Officer in consultation with the chairman of the scrutiny committee (or in the absence or inability to act of the chairman, then with the vice-chairman). This is limited to deciding procedural compliance (including abuse of the process) but is not a decision on the merits of the call-in, as this is a matter for the scrutiny committee

(i) What happens to a valid request

The matter will go to the next meeting of the scrutiny committee unless the chairman (or in his absence or inability to act, the vice-chairman) indicates the matter is urgent, in which case a meeting will be convened within ten working days.

(j) **After a call-in has been considered**

If, having considered the decision, the overview and scrutiny committee is still concerned about it, then it may refer it back to the Cabinet for reconsideration, setting out in writing the nature of its concerns, and/or refer the matter to full Council.

Officer delegated power decisions referred for re-consideration will go to the Cabinet for decision, and not back to the officer.

If following an objection to the decision, the overview and scrutiny committee does not refer the matter back to the decision making person or body or to the Council, the decision shall take effect on the date of the overview and scrutiny meeting.

(k) **After re-consideration**

When a matter has been referred by the Overview and Scrutiny Committee for reconsideration and the points raised by the scrutiny committee have been considered by the Cabinet then no further call-in of that decision is permitted.

16.2 Call-in and urgency

(a) **General**

The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

(b) **Certification of urgency – Cabinet decisions**

The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence or the inability to act of the Mayor, the Deputy Mayor's consent shall be required. In the absence or inability to act of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

(c) **Certification of urgency – officer decisions**

There must be agreement both that the decision proposed is reasonable in all the circumstances and that it should be treated as a matter of urgency and these reasons should be recorded. The certification of urgency will be taken as follows:-

- (i) Head of Service decision - any Director
- (ii) Director decision - Chief Executive
- (iii) Chief Executive decision - Chief Executive

17. The party whip

The Assembly Guidance views whipping as incompatible with overview and scrutiny. The following paragraphs, however, provide a means of safeguard where whipping does occur.

When considering any matter in respect of which a member of an overview and scrutiny committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

"Whip" means any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.

18. Procedure at overview and scrutiny committee meetings

- (a) Overview and scrutiny committees and sub-committees shall consider the following business:
 - i) minutes of the last meeting;
 - ii) declarations of interest (including whipping declarations);
 - iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - iv) responses of the executive to reports of the overview and scrutiny committee; and
 - v) the business otherwise set out on the agenda for the meeting.
- (b) The rules of procedure at an overview and scrutiny committee will be the same as the Council Procedure Rules except that the Chairman of the meeting may allow the rules of debate to be relaxed so as to allow a full contribution by those attending the meeting whether as members of the committee or in any other capacity which allows them to contribute to the work of the meeting.
- (c) Where the overview and scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
 - i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
 - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (d) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

19. Matters within the remit of more than one overview and scrutiny committee

Where a matter for consideration by an overview and scrutiny committee also falls within the remit of one or more other overview and scrutiny committees, the decision as to which overview and scrutiny committee will consider it will be resolved by the Policy and Resources Scrutiny Committee or in its discretion considered by it.

Financial Procedure Rules

Financial Regulations

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NOTE; in any instance where the male gender has been used in these Regulations e.g. “he, his”, the female gender can be substituted with equal weight e.g. “she, her”.

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FINANCIAL REGULATIONS

1. GENERAL RESPONSIBILITIES AND AUTHORISATIONS

1.01 Chief Finance Officer / Head of Corporate Finance

1.01.1 The Head of Corporate Finance is the officer appointed by the Council under Section 151 of the Local Government Act 1972 for the administration of the financial affairs of the Council and in accordance with the Accounts and Audit (Wales) Regulations 2005 and is the officer with overall responsibility, subject to any instructions given by the Council, for determining the system of accounting control and the form of the published accounts. The Officer appointed under Section 151 of the Local Government Act 1972 has overall responsibility for providing financial advice on all budgetary and accounting matters affecting the Council's corporate financial affairs. In the remainder of this document this person will be referred to as the "Head of Corporate Finance".

1.01.2 Under the provisions of Section 114 of the Local Government and Finance Act 1988, the Head of Corporate Finance is the officer personally responsible for reporting to both the External Auditor and each member of the Authority (or Joint Committee on which the Authority is represented) any instance where the Authority,

- (a) has made or is about to make a decision which involves or would involve the authority in incurring expenditure which is unlawful.
- (b) taken or is about to take a course of action, which if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Authority, or
- (c) is about to enter an item of account the entry of which is unlawful.

A report is also required if it appears that the expenditure of the Authority in a financial year is likely to exceed the resources available to meet the expenditure. Any expenditure (or further expenditure) is prohibited until any such report has been considered by the Authority.

1.01.3 The Head of Corporate Finance, being the statutorily appointed officer for the administration of the financial affairs of the Council, shall have the right to attend or be represented at all meetings of the Council and its Committees and Sub-Committees and at such working parties as the Head of Corporate Finance considers necessary.

1.01.4 The Head of Corporate Finance or their authorised representative shall be allowed access to all financial documents or records (or supporting documents and records) maintained by or on behalf of the Council.

1.01.5 The form and method of keeping any records which may effect the corporate financial systems shall be agreed in consultation with the Head of Corporate Finance.

1.01.6 The Head of Corporate Finance shall be responsible for the administration of all matters related to the income and expenditure arrangements for the Council as set out in the currently approved constitution.

1.02 The Chief Executive

1.02.1 The Chief Executive is designated as "Head of Paid Service" under Section 4 of the Local Government and Housing Act 1989 and has the responsibility for reporting, where considered

appropriate, to the Council within the terms of the Act on matters relating to the co-ordination of the discharge by the Authority of its different functions and staffing resources generally.

1.03 The Head of Legal Services & Governance and the Monitoring Officer

1.03.1 The Head of Legal Services & Governance has designated functions under these Regulations as legal adviser to the authority. The Council's designated "Monitoring Officer" acts under Section 5 of the Local Government and Housing Act 1989 which requires any matters involving any contravention of any enactment or rule of law or code of practice or any maladministration or injustice to be reported to the Council.

1.04 Head of Service

- 1.04.1 For the purpose of these Financial Regulations "Head of Service" relates to any officer who has a direct reporting line to the Chief Executive, any Director or to any Headteacher where there is a delegation or budget to that headteacher's school.
- 1.04.2 Each Head of Service shall be responsible to the Head of Corporate Finance for the day to day operation of financial processes and procedures within their service area and the accuracy and timeliness of any information or data affecting that or other service areas which is to be entered into the Council's accounting system from which the corporate budget and the published accounts are ultimately prepared. Where corporate and departmental financial systems are operated in tandem, priority must always be given to the maintenance of the corporate financial systems as these represent the Head of Service's responsibilities in financial terms as approved by the Council.
- 1.04.3 Each Head of Service shall consult with the Head of Corporate Finance with respect to any matter within their purview which is liable to affect the finances of the Council before any provisional or other commitment is incurred or before reporting thereon to the Cabinet.
- 1.04.4 Every Head of Service shall be responsible for ensuring that any commitment to spend money or collect income will result in the Council's objectives being achieved in the most economical efficient and effective way possible in compliance with such constraints as may be imposed by current policies.
- 1.04.5 Every Head of Service shall provide all information necessary to enable the Head of Corporate Finance to carry out their role effectively, particularly with regard to accounting for Council assets and taxation.

1.05 The Cabinet (the Council's 'Executive' under the Local Government Act 2000)

- 1.05.1 The Cabinet is responsible, amongst other matters as set out in the Constitution, for making recommendations upon the finances, the overall plan, priorities, policies, and objectives of the Council and to be responsible for the operation of the Council's budget and financial strategy and decide the allocation of the available finances of the Council. The Head of Corporate Finance, as the Council's financial adviser, shall report to the Cabinet with respect to the level of resources proposed to be utilised in each financial year.
- 1.05.2 The Cabinet shall make recommendations to Council on the preparation of the Council's Capital and Revenue Estimates for the financial year.
- 1.05.3 The Audit Committee shall make recommendations to Council in respect of the External Auditors' report in respect of the auditing of the Council's accounts.

1.05.4 The Cabinet shall also be responsible under delegated powers for those aspects of financial administration, including income and expenditure monitoring, as set out in the current Constitution.

1.06 Other Committees

1.06.1 The Head of Corporate Finance shall ensure that all Council Committees and the Cabinet are kept informed with respect to the financial implications of their activities. Each Service, through its Director or Head of Service, shall be responsible for compliance with the Financial Regulations throughout all areas under its control.

1.07 Level of Responsibility

1.07.1 Throughout these Financial Regulations the designated officers referred to are the minimum level of responsibility required. More senior officers can be substituted in all cases.

2. APPLICATION OF FINANCIAL REGULATIONS

2.01 The Head of Corporate Finance is empowered to supplement these Financial Regulations by specific accounting instructions if necessary to further explain, expand or specify any matters contained within these Regulations. Such supplements shall recognise the need for compliance with current professional standards as set out in professional statements issued by the various accountancy bodies, in particular the Chartered Institute of Public Finance and Accountancy, and which relate directly in the opinion of the Head of Corporate Finance to the sound management of the financial affairs of the Council.

2.02 These Financial Regulations and those issued to schools shall apply to activities under the purview of the DLO/DSO and schools only to the extent that they are consistent with the statutory provisions which shall always take precedence.

2.03 Directors and Heads of Service must ensure that their staff comply with all accounting protocols and instructions issued from time to time by the Head of Corporate Finance.

2.04 Staff who fail to comply with Financial Regulations and accounting protocols and instructions may be subject to disciplinary action.

2.05 Heads of Service shall be responsible for the accountability of staff, and the security, custody and control of all other resources including plant, vehicles, equipment (including computers and other I.T. assets), buildings, materials, cash and stores appertaining to their individual departments in accordance with detailed procedures agreed with the Head of Corporate Finance.

2.06 The Head of Corporate Finance shall be notified of all Government or other circulars, orders, sanctions, regulations, etc. affecting finance.

3. FINANCIAL PLANNING - ANNUAL BUDGET

3.01 Revenue

3.01.1 The Head of Corporate Finance will report to Cabinet on the likely Revenue Support Grant Settlement for the following year. Arising from this a provisional budget strategy will be determined by Cabinet.

3.01.2 The Head of Corporate Finance shall collate the revenue estimates which will then form part of a report to Cabinet with proposals for setting the budget and determining funding. The Cabinet will then endorse these estimates with or without amendments to the Council for approval.

3.01.3 As soon as practicable, the detailed revenue budgets should be reported to the appropriate Scrutiny Committees.

3.02 Capital

3.02.1 "Capital Expenditure" is defined in the Code of Practice on Local Authority Accounting in Great Britain as:

"Expenditure on the acquisition of a tangible asset or expenditure which substantially adds to the value of an existing asset, provided the asset yields benefit to the Authority and the service it provides for a period of more than one year."

3.02.2 The capital programme for the budget year will reflect the first year of the medium term capital programme (refer to paragraph 4). This programme will be reported to Cabinet who will make recommendations to Council. The capital programme will be agreed prior to the start of the financial year.

3.02.3 Each Head of Service will need to ensure that all revenue consequences of the capital programme are identified and included in their revenue budget projections.

3.02.4 Upon approval by the Council of a programme of capital expenditure, the officers concerned shall take the necessary steps to ensure the capital programme is delivered including:

- (a) take steps to enable land required for the purposes of the programme to be acquired in due time, and
- (b) initiate action for detailed design preparation.

3.03 Distribution

3.03.1 Each member of the Council shall be provided with a copy of the proposed capital programme and revenue estimates, together with a statement by the Head of Corporate Finance of their effect on the Council's finances and the precepts to be levied. The estimates and statement shall be provided with the summons to attend the meeting of the Council at which such matters will be considered.

4. FINANCIAL PLANNING - MEDIUM TERM

4.01 In order to facilitate the annual financial planning/budgeting process and provide strategic focus, the Head of Corporate Finance will prepare and maintain a rolling medium term (3-5 years) financial plan. This will be reported to and approved by Council as part of the annual budget setting process.

4.02 The revenue element of the medium term plan will be prepared by the Head of Corporate Finance in consultation with Cabinet Members, Directors and appropriate senior officers. The plan will recognise the objectives and priorities set out in the Corporate Improvement Plan and views expressed during any consultation period.

4.03 The capital element of the medium term plan will be prepared by the Head of Corporate Finance in consultation with the Capital Strategy Group. In order for the Capital Strategy

Group to evaluate competing bids, there will be a need for each Director to submit appropriate information to the Group in accordance with an agreed timescale.

5. POWER TO INCUR CAPITAL AND REVENUE EXPENDITURE

- 5.01 The provision in the estimates is authority to incur expenditure. There are however exceptions i.e. where the type of revenue expenditure is new, or where the acquisition will involve an increased and continuing financial commitment. In these cases Cabinet approval should be obtained where additional resources can be identified.
- 5.02 The inclusion of any item in the approved estimates shall not confer authority to incur any capital expenditure (except on design work and land acquisition) until:-
- (a) All necessary statutory approvals have been obtained
 - (b) Action has been taken to obtain quotations or tenders in accordance with Standing Orders for Contracts.
- 5.03 Where it appears that the amount of any head of estimate of approved expenditure may be exceeded or the amount of any head of income may not be reached, it shall be the duty of the Head of Service concerned in consultation with the Head of Corporate Finance, to inform the Cabinet forthwith, unless the difference can be funded by virement, (refer to paragraph 6.03).

6. BUDGETARY CONTROL

6.01 Revenue

- 6.01.1 The Head of Corporate Finance shall provide all Directorates with statements of revenue expenditure and income in order that they may be compared with the approved budget provisions. These would normally be 3 times per annum as a minimum and include forecast expenditure and income. Any budget variations which in the view of the Head of Corporate Finance are significant shall be reported to Corporate Management Team in the first instance.
- 6.01.2 The Head of Corporate Finance shall ensure that a report to the relevant Scrutiny Committees is prepared three times a year comparing forecast revenue expenditure and income against the approved budget for each service area.
- 6.01.3 In addition to the regular reporting requirements set out in 6.01.2 significant budget variations that cannot be funded from the Directorate's service area and/or service area reserves will be reported as soon as practical by way of exception reports prepared by the appropriate Director. The exception reports will be considered by both the Cabinet and the appropriate Scrutiny Committee with proposals to Council where required.
- 6.01.5 Should there be occasions where inescapable additional expenditure has been identified which cannot be met from revenue budgets (and therefore has to be met from General Balances) then Cabinet must recommend such action to Council for approval.

6.02 Capital

- 6.02.1 The Head of Corporate Finance shall ensure that a report to the relevant Scrutiny Committee is prepared twice a year showing expenditure incurred to date against the approved capital budget and providing appropriate explanations for any major variations in relation to the capital programme.

6.02.2 Should there be occasions where inescapable additional expenditure has been identified which cannot be met from capital budgets (and therefore has to be met from General Balances) then Cabinet must recommend such action to Council for approval.

6.03 Virement

For the purposes of these regulations, a virement is defined as a movement of monies between main activities of the Council. It is not a transfer between different elements of service running costs.

It is recognised that there may need to be clarification of what constitutes a main activity and this will be a matter for the Head of Corporate Finance.

6.03.1 Revenue

6.03.1.1 A Director, may, in consultation with the Head of Corporate Finance utilise underspending under one budget activity head to supplement overspending in another (as detailed in para. 6.03.1.2), during a financial year. This activity would not normally require a virement, but must be reported to the relevant Scrutiny Committee.

6.03.1.2 Where a virement is required it shall be approved in writing according to the following table:-

Amount	Approved by
under £20,000	Head of Service
£20,000 - £50,000	Service Director
£50,000 - £100,000	Head of Corporate Finance and Service Director
over £100,000	Cabinet

All virements must be included in budget monitoring reports for the next available Scrutiny Committee.

Carried forward monies for service areas can be used to offset overspends in the financial year, after agreement with the Head of Corporate Finance. Any use of service reserves for this reason should be reported to Scrutiny Committees as part of the budget monitoring process.

Carried forward reserves can be used for one off expenditure i.e. capital. Approval is required in line with the virements process outlined in 6.03.1.2 above.

6.03.2 Capital

6.03.2.1 Apart from programmes of minor or special works, and vehicles there shall be no virement of capital expenditure without the consent of:

- (a) below £50,000, the Head of Corporate Finance and Service Director;
- (b) above £50,000, the Cabinet.

6.03.2.2 A Director may propose a variation to Year 1 of its programme by the inclusion of a scheme which does not form part of the approved capital programme, or by rolling forward a scheme from a later year of the programme, but only if the costs of the new scheme can be contained within its capital estimates, for example, by re-scheduling expenditure on its existing schemes into later years, or by deleting a project.

6.03.2.3 Except in cases of emergency as in 6.04, no expenditure shall be incurred on any item not included in the annual estimates or in excess of the amount included under any particular head unless virement is available or it becomes the subject of a supplementary estimate duly submitted to and approved by the Cabinet or Council.

6.03.2.4 Every Director shall inform the Head of Corporate Finance as soon as underspendings have been identified which are not being reallocated under the virement approval procedure in paragraph 6.03.2.1. These underspends can then be incorporated into future capital expenditure plans for Member approval.

6.04 Supplementary Estimates And Emergencies

6.04.1 Expenditure plans identified by a Director which cannot be met from the budget or service reserves shall, in consultation with the Head of Corporate Finance be reported to the Cabinet with a request for support for the use of General Fund balances. All supplementary estimates funded in this manner must be approved by full Council.

6.04.2 Nothing in these Financial Regulations shall prevent the incurring of expenditure which is essential to meet any immediate needs created by a sudden emergency within the meaning of Section 138 of the Local Government Act 1972 which may be authorised by the Head of Corporate Finance subject to the spending being reported to the Cabinet as soon as is practicable.

6.04.3 In emergencies where there is no identified budget any Director or Head of Service will report any action taken to incur expenditure and how this is to be funded as soon as possible after the event:-

- (a) below £50,000 to the Head of Corporate Finance;
- (b) above £50,000 to the Cabinet.

6.05 Leasing

6.05.1 The Head of Corporate Finance will ensure that the Council maintains a leasing register relating to expenditure so funded and Directors shall be under an obligation to furnish the information needed to maintain such a register (including the prompt notification of the disposal of assets subject to a lease agreement).

6.05.2 Each Head of Service shall always obtain the approval of the Head of Corporate Finance before the Council commits itself to any leasing arrangements and before any provisions are made within the Council's estimates to cover the annual cost of leasing. The Head of Corporate Finance must be provided with a copy of any proposed terms of any lease and must give prior approval to any leasing agreement being signed.

6.05.3 All leasing agreements shall be submitted to the Head of Legal Services & Governance for examination and approval before any firm commitment is made by the Council.

6.05.4 The Head of Corporate Finance shall be responsible for obtaining quotations or tenders from Finance Houses providing lease arrangements for the acquisition of Buildings, Plant, Vehicles and Equipment. Directors shall be under an obligation to notify their spending plans in relation to leases to the Head of Corporate Finance giving adequate time for tenders to be obtained based on expected volumes of business.

6.05.5 Sale/Lease-back, rental agreements and other deferred purchase arrangements also come within the controls of this section.

7. ACCOUNTANCY

- 7.01 The Council's income and expenditure transactions for both capital and revenue shall take account of current recommended accounting procedures and Directors and Heads of Service must ensure their staff comply with all accounting protocols issued from time to time by the Head of Corporate Finance.
- 7.02 The Head of Corporate Finance, in discharge of the responsibility placed thereon by the Accounts and Audit Regulations relating to the maintenance and closure of the Council's accounts, shall be responsible for the implementation of such procedures. The Head of Corporate Finance shall be provided with such information as required in an accurate and timely manner in order that the preparation of budgets and the closing of accounts is not delayed.
- 7.03 The Head of Corporate Finance shall be responsible for the whole of the accounting records of the Council and Directors or an authorised officer shall confer with the Head of Corporate Finance before introducing any books, forms, computer systems or procedure relating to cash, stores or other accounts of the Council and it shall be the duty of the Head of Corporate Finance to see that uniform systems shall as far as practicable, be adopted throughout the Council.
- 7.04 It shall be the responsibility of the Director who maintains any subsidiary record, account or system which supports or is a constituent of the Council's financial ledger to reconcile such figures to the satisfaction of the Head of Corporate Finance. The Head of Corporate Finance will arrange for the closure of the Council's accounts on the basis of the figures contained in the financial ledger system.
- 7.05 All allocations of expenditure and income shall be in accordance with a scheme approved by the Head of Corporate Finance. In accordance with the statutory requirements and relevant codes of practice for the preparation of the Council's accounts, all financial codes will be issued by the Finance Manager (Corporate Services) and every officer will adhere to the standard definitions of such codes when allocating budgets, expenditure and income. Expenditure will only be incurred (or income received) against financial codes for which there is a properly approved budget.
- 7.06 The Finance Manager (Corporate Services) will be responsible for actioning all journal entries to the Council's accounts. The responsibility for the accuracy of those journals shall remain with the officer who authorises the journal request.
- 7.07 Where the Director has a budgetary responsibility, access will be available to the appropriate area of the Council's financial ledger.
- 7.08 The Head of Corporate Finance shall be responsible for the methods to be employed for the financing of all capital and revenue expenditure and may negotiate appropriate procedures to achieve these aims.
- 7.09 Where any report contains financial implications the Head of Corporate Finance or their representative will always be a consultee on the report. The finance representative should be at group accountant level as a minimum.
- 7.10 Where there is any external/grant funding bid then the Head of Corporate Finance or their representative shall be consulted on all bids prior to their submission.

- 7.11 The Head of Corporate Finance must be informed of any external/grant funding due to the Authority and any other non-recurring income due in excess of £50,000.

8. UNOFFICIAL FUNDS

- 8.01 An “unofficial fund” shall mean any fund in the management of which an employee of the Council is concerned in an official capacity and which may affect any person or property for which the Council has a responsibility, notwithstanding that no contributions towards such funds may have been made by the Council.
- 8.02 The Director concerned shall be responsible for the financial management and audit of unofficial funds with a balance of more than £5,000 or a turnover of more than £10,000 and shall consult the Internal Audit Manager before formulating regulations which will apply to such funds. In this paragraph “unofficial funds” does not include school private funds.
- 8.03 Notwithstanding the duties of any Director in para 8.02 the Internal Audit Manager shall have the right to audit any unofficial fund at any time.
- 8.04 The financial management and responsibility of school private funds is a matter for the Headteacher and governing body of each individual school. Audit requirements in respect of school private funds are referred to in the 'Scheme for Financing schools'.

9. ADVANCE ACCOUNTS/IMPREST ACCOUNTS

- 9.01 Where appropriate, the Head of Corporate Finance on the reasonable request of any Head of Service shall arrange for advance accounts for such employees of the Council as may need them for the purposes of defraying petty cash and other expenses. Such accounts shall be maintained on an imprest basis in accordance with the notes of guidance issued to imprest holders by the Head of Corporate Finance.
- 9.02 Where appropriate the Head of Corporate Finance shall open an account with the Council's bankers for use by the imprest holder who shall not cause the account to be overdrawn. It shall be a standing instruction to the Council's bankers that the amount of any overdrawn balance on an imprest holder's banking account shall forthwith be reported to the Head of Corporate Finance. Where an employee holds a cheque book in respect of any account they must ensure that all cancelled cheques are retained with the counterfoils of the original cheque book.
- 9.03 No income received on behalf of the Council may be paid into an advance account but must be banked or paid to the Council as provided elsewhere in these Financial Regulations. Neither should personal or third party cheques be encashed in advance accounts/imprest accounts.
- 9.04 Except as otherwise agreed between the Head of Corporate Finance and the Head of Service concerned, payments out of the accounts shall be limited to petty disbursements and shall not include sums due to any tradesman with whom the Council has a current account, travelling expenses of more than £5, nor any account for goods exceeding £50.
- 9.05 An officer responsible for an advance account shall, if so requested, give to the Head of Corporate Finance a certificate as to the state of the imprest advance.
- 9.06 Whenever an employee who is an imprest holder leaves the employment of the Council, or ceases to be entitled to hold an imprest advance, that person shall repay to the Council the unexpended balance of the advance and shall submit an account and vouchers in respect of

the amount expended, or shall transfer monies, records and vouchers relating to the account, to the new imprest holder if agreed by the Head of Corporate Finance.

- 9.07 Every transfer of official money from one employee to another will be officially recorded and include the signature of the receiver who will verify the sum concerned.

10. AUDIT

- 10.01 Internal Audit Services has been established by the Council as an independent appraisal function for the review of the internal control system as a service to the Authority. Internal Audit Services is responsible for objectively examining, evaluating and reporting on the adequacy of internal control to inform the annual governance process and the Council's formal Risk Assessment as a contribution to the proper, economic, efficient and effective use of resources e.g. the safeguarding of assets, value for money, and includes an assessment of the suitability and reliability of financial and related management information.
- 10.02 The Accounts and Audit Regulations require that "A relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems..". This responsibility has been delegated by the Council to the Head of Corporate Finance who exercises overall control of Internal Audit Services.
- 10.03 Arising from the above statutory requirement, the Head of Corporate Finance or authorised representative shall have authority to:
- (a) have access to all Council premises and land
 - (b) have access to all records, documents and correspondence relating to any transaction of the Council
 - (c) require and receive such explanations as are necessary concerning any matter under examination
 - (d) require the production of any cash, stores or other Council property under an individuals control
 - (e) advise on controls to be incorporated in new or revised systems prior to implementation (whilst not abrogating the responsibility of the appropriate Director for the development and installation of such changes).
- 10.04 Whenever any matter arises which involves, or is thought to involve, any irregularity with regard either to the assets of the Council or the functions of the Authority whether or not a loss has actually occurred, the Head of Service concerned shall immediately notify the relevant Director and the Head of Corporate Finance.
- 10.05 The Head of Corporate Finance shall ensure that enquiries are conducted into any irregularities and must be satisfied that appropriate steps have been taken within the Authority to investigate and correct any such irregularities. Whilst the initial responsibility for such enquiries rests with the Director concerned, the Head of Corporate Finance may require that the Internal Audit Manager manages and reports on any matter for investigation.
- 10.06 The Internal Audit Manager shall co-operate with the external auditor, who is statutorily appointed, to exchange relevant information in order to maximise audit resources. In addition to any statutory rights, the external auditor shall have the same rights of access as are set out for the Head of Corporate Finance in paragraph 10.03 above.

- 10.07 The arrangements set out in these Financial Regulations shall not relieve any Director of responsibility to safeguard Council assets and to properly manage the functions of their service area.
- 10.08 The Head of Corporate Finance shall report annually to the Audit Committee upon the nature and extent of internal audit work both carried out and proposed.

11. BANKING ARRANGEMENTS AND CHEQUES

- 11.01 All arrangements with the Council's bankers shall be the responsibility of the Head of Corporate Finance, who is empowered to delegate specific functions for the day to day operation of the Council's bank accounts.
- 11.02 The Head of Corporate Finance will be responsible for determining the number of bank accounts and funds necessary for the administration of the system of local taxation in being at any time and the operation of such accounts and funds. The Head of Corporate Finance shall also agree the overdraft limits which shall not be exceeded.
- 11.03 The Head of ICT & Customer Services shall be responsible for the ordering and maintenance of stocks of cheques and shall ensure that proper arrangements are made for their safe custody.
- 11.04 Cheques drawn on any of the Council's banking accounts shall bear the facsimile signature of the Head of Corporate Finance or the signature of such other officer/employee as notified to the Council's bankers as an authorised officer by the Head of Corporate Finance. Cheques of a greater value than £50,000 must be signed by the Head of Corporate Finance or their nominated representative. NOTE the provisions of para. 18.08 relating to proper VAT accounting.
- 11.05 The Head of Corporate Finance will arrange for the carrying out of a bank reconciliation and producing a bank reconciliation statement which should, at intervals to be determined by the Head of Corporate Finance, show the current state of the Council's bank account and the status of individual transactions/cheques within it.
- 11.06 No bank account or banking facility shall be opened in the Council's name unless this has been approved in advance by the Head of Corporate Finance. All bank mandates must be signed by the Head of Corporate Finance or Finance Manager (Corporate Services).

12. PROPERTY/ESTATES

- 12.01 The Deputy Chief Executive shall maintain a terrier of all land and property owned by the Council, recording the purpose for which held, location, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted, with the exception of tenancies of Council Houses, Council built garages and garage plots on Council housing land. A record shall also be kept of all disposals.
- 12.02 The Deputy Chief Executive shall arrange for the maintenance of a terrier of all Council dwellings, Council built garages and garage plots on Council housing land, including details of current tenancies.
- 12.03 A Director proposing to carry out works which will potentially significantly increase or decrease the value of any Council owned or leased asset must consult with and be advised by the Head of Performance & Property Services before any Council expenditure is committed.

- 12.04 Before the Council acquires any property, the appropriate Director shall consult with and be advised by the Head of Performance & Property Services and report to the Cabinet on the cost of acquisition and future maintenance costs.
- 12.05 Whilst each Service Director will be responsible for the day to day running of operational buildings the Head of Performance & Property Services shall have overall responsibility for the strategic management of the Council's estates and specific responsibility for the management of the corporate offices, in accordance with the Protocol for the Management of Property, and the transfer of non operational land and buildings.
- 12.06 The Deputy Chief Executive shall ensure that all property transactions shall be carried out either in accordance with the Protocol for Disposal of Property, or on the open market and at open market value, as appropriate, unless the Cabinet approves otherwise and that, where appropriate, the approval of the Welsh Government is obtained.
- 12.07 The Head of Legal Services & Governance shall have the custody of all title deeds under secure arrangements.

13. INCOME

- 13.01 The arrangements for the collection of all money due to the Council need to be approved by the Head of Corporate Finance.
- 13.02 Directors shall ensure that the Head of Corporate Finance is provided with such particulars in connection with work done, goods supplied, or services rendered and of all amounts due as may be required to record correctly all such sums and Directors shall ensure the prompt rendering of accounts for the recovery of relevant income.
- 13.03 All Council officers collecting income shall be issued with or have access to official receipts in a form prescribed by the Head of Corporate Finance. All income shall be recorded only on such receipts or receipting systems and shall be brought into account on the date received.
- 13.04 The Head of Corporate Finance shall take such steps as considered necessary to recover all arrears of income. Any employee responsible for the billing of credit income will keep the Head of Corporate Finance informed of all matters affecting the accounts raised and will periodically review all unpaid accounts and take all appropriate action prior to any uncollectable amounts being written off and reported to members for information.
- 13.05 The Head of Corporate Finance shall be responsible for the maintenance of a scheme for writing off uncollectable income subject, where appropriate, to the agreement of the Cabinet both as to the scheme in operation at any one time and also to any significant amounts written off.
- 13.06 The Head of Corporate Finance shall be notified forthwith of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council and shall have the right to inspect and copy any documents or other evidence in this connection.
- 13.07 All fees and charges will be reviewed annually by each Director. Inflationary increases will be agreed as part of the budget setting process for Council. Increases above those agreed as part of the budget setting process will require Cabinet approval. Statutory charges will be reported as and when the Council is notified of any increases.

- 13.08 All money received by an employee on behalf of the Council shall without delay be paid to the Council's Bank Account under arrangements approved by the Head of Corporate Finance. No deductions may be made from such money.
- 13.09 All "shorts" or "overs" are the responsibility of each individual collecting officer who will be expected to declare all such instances on a daily basis. Minor "shorts" as determined by the appropriate Head of Service will not be paid in but all "overs" must be paid in daily. Any collecting officer who continually under or over banks may ultimately be disciplined for failing to properly account for collections. Such action may involve recovery of significant shortages.
- 13.10 All floats will be extracted from collections in their full amount prior to the preparation of banking. All employees handling cash must produce any cash float immediately to any authorised Council officer.
- 13.11 Personal cheques shall not be cashed out of the money held on behalf of the Council unless under an arrangement approved by the Head of Corporate Finance.
- 13.12 Every transfer of official money from one employee to another will be evidenced in the records of the Service Area concerned by the signature of the receiving employee.

14. INSURANCES

- 14.01 The Head of Corporate Finance shall effect all insurance cover and negotiate all claims in consultation with other officers where necessary.
- 14.02 Directors shall give prompt notification to the Head of Corporate Finance of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 14.03 Each Director shall forthwith notify the Head of Corporate Finance in writing of any loss, liability or damage arising out of a criminal act or where required by the terms of any Council insurance policy the Police Authority shall be informed following consultation with the appropriate Directors. An estimate of the cost of reinstatement shall be obtained.
- 14.04 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.
- 14.05 The Head of Corporate Finance shall annually, or more frequently as may be considered necessary, review all insurances in consultation as appropriate. The Head of Corporate Finance shall provide advice on risk management to all Heads of Service.
- 14.06 Each Director shall consult the Head of Corporate Finance and the Council's Head of Legal Services & Governance respecting the terms of any indemnity which the Council is requested to give.
- 14.07 No admission of liability should be made under any circumstances whatsoever, except with the express approval of the Council's insurers.

15. INVENTORIES

- 15.01 Inventories of all Council owned equipment shall be maintained by each Directorate which will record an adequate description of furniture, fittings and equipment, all plant and machinery and their respective base locations. The form and extent of any inventory shall be determined by the Director responsible in consultation with the Internal Audit Manager.

- 15.02 Where practicable, all Council equipment will be prominently marked, numbered and labelled and also discreetly marked with the Council's postcode with a prescribed marking system.
- 15.03 Each Director shall be responsible for maintaining an annual check of all items on the inventory, for taking action in relation to surpluses and deficiencies and noting the inventory accordingly.
- 15.04 Every transfer of items contained in the inventory from one establishment to another shall be evidenced in the records of the establishment concerned by the signature of the receiving employee.
- 15.05 The Council's property shall not be removed from the Council's establishments otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific written directions issued by the Director or authorised representative.
- 15.06 The Head of Corporate Finance shall be entitled to receive from any Director such information as required in relation to stores for the accounting, costing and financial records. All surplus materials, stores or equipment shall be disposed of at the best possible price by the Head of Service responsible for the respective Council store who shall consult with and be advised by the Head of Procurement.

16. INVESTMENTS, BORROWING AND TRUST FUNDS

- 16.01 All securities, the property of or in the name of the Authority and the title deeds of all property in its ownership, shall be held in the custody of the Council's Head of Legal Services & Governance.
- 16.02 All borrowings shall be effected in the name of the Council.
- 16.03 The Head of Corporate Finance shall be the Council's registrar of stocks, bonds and mortgages and shall maintain records of all borrowing of money by the Council.
- 16.04 All trust funds shall be in the name of the Council and the trust deeds agreed with the Head of Legal Services & Governance.
- 16.05 All employees acting as trustees by virtue of their official position shall deposit all securities, etc. relating to the Trust with the Council's Head of Legal Services & Governance, unless the deed otherwise provides.
- 16.06 The Head of Corporate Finance shall ensure that the Council complies with appropriate codes of practice.
- 16.07 The Head of Corporate Finance shall invest surplus funds under the control of the Council at minimum risk and do so in the name of the Council.
- 16.08 The annual investment strategy must be prepared by the Head of Corporate Finance and reported to the Council for approval.
- 16.09 Suitable institutions for investments are to be considered in accordance with the Council's annual investment strategy.

- 16.10 Part of risk management will be that investment in any one institution will be limited in value as prescribed in the Council's Treasury Management Policy Statement and associated Treasury Management Practices.
- 16.11 The Head of Corporate Finance shall ensure that records are maintained of all investments of money made in the name of the Council.
- 16.12 The Head of Corporate Finance shall be responsible, on an annual basis, for compiling the indicators required by the Prudential Code on Capital Accounting and reporting thereon to the Council for approval and then to Policy & Resources Scrutiny to monitor during the year.

17. ORDERS FOR WORKS, GOODS AND SERVICES

- 17.01 Orders for the supply of goods or services shall only be issued by the Head of Service or a nominated representative. Goods or services so ordered will only be for approved Council purposes. An order shall be created by the Council's e-procurement system (or in another format prescribed by the Head of Corporate Finance). All official orders will be issued in advance of the provision of the goods or services. Where it is necessary in an emergency to place an order orally it must be confirmed not later than the next working day by an electronic order (which will be marked in such a way to indicate the previous verbal placing of the order).
- 17.02 The Head of Service placing an order for the supply or disposal of goods or services or any order where the future supply of goods or services is committed, should adhere to the Standing Orders for Contracts.
- 17.03 Orders must only be issued for goods or services where provision has been made in the current approved estimates.
- 17.04 The employee who completes an official order shall ensure that sufficient detail is entered to ensure that there is no mistake or misunderstanding as to the descriptions, quantity, quality, timescale, agreed price (quotations or tenders where appropriate) terms and conditions of contract and delivery requirements for the goods or services to be provided. All invoices received will be agreed to the official order and the official order will provide an audit trail to payments made against it.
- 17.05 A copy of each order shall, if requested, be made available to the Head of Corporate Finance and the Internal Audit Manager, such order to show estimated cost of goods, budget heading and expenditure code.
- 17.06 Where circumstances prevent the use of official orders, periodic payment records should be set up to ensure that each payment is recorded in sufficient detail to prevent the possibility of duplicate payments.

18. PAYMENT OF ACCOUNTS

- 18.01 All invoices for goods and services shall be examined in the Department concerned and checks applied prior to the invoice being authorised for payment. Steps will be taken to ensure that:
- (a) the goods have been received or work done in accordance with the terms of the official order;
 - (b) Standing Orders for Contracts and Financial Regulations have been complied with;
 - (c) the prices are in accordance with tenders or quotations or are otherwise reasonable;

- (d) the account is arithmetically correct, trade discounts, other allowances, credits and tax are correct;
- (e) the account has not been paid before by the Council, either in whole or in part;
- (f) appropriate entries have been made in inventories, stores records, or stock books as required;
- (g) the expenditure was incurred under the head of estimates indicated and was necessary for the purpose;
- (h) the expenditure is being charged to the correct year of account;
- (i) the invoice is a genuine invoice made out against the Council in sufficient detail to satisfy all legal requirements, in particular the VAT requirements of H.M. Revenue & Customs and the Construction Industry Tax Deduction Scheme;
- (j) the invoice and the order are not certified by the same officer;
- (k) payment of the account is in all respects proper.

- 18.02 The Head of Service or nominated officer, shall certify each invoice as being correct following its entry into the Council's payments system. The Head of Corporate Finance shall ensure that payments are only made against properly authorised invoices or payment vouchers.
- 18.03 The Head of Corporate Finance shall approve arrangements for the cancellation of paid invoices and their subsequent accessibility and archiving to conform with all current regulations and statutory requirements.
- 18.04 Any amendment to an account shall be made in ink and initialled by the person making it, stating briefly the reasons where they are not self-evident. VAT amounts should not be altered. Any amendment involving VAT should result in a revised invoice/credit note being received.
- 18.05 Each Director shall, in accordance with the final account timetable prepared annually by the Head of Corporate Finance, notify the Head of Corporate Finance of all outstanding revenue and capital expenditure relating to the previous financial year.
- 18.06 It shall be the responsibility of each Director or authorised officer to notify the Head of Corporate Finance of each nominated officer to certify invoices and other official documents at any one time. In making such nominations every Director shall comply with the requirements for division of duties as set out elsewhere in these Financial Regulations.
- 18.07 All payments other than petty cash, shall be made by cheque, bank transfer or other instrument drawn on the Council's bank accounts by the Head of Corporate Finance (or such other nominated officer) under authority granted by the Council in these Financial Regulations.
- 18.08 All cheques over £50,000 shall be countersigned by another officer authorised by the Head of Corporate Finance. For all payments of £100,000 and above invoice documentation must be provided to the Head of Corporate Finance to ensure VAT is properly accounted for.
- 18.09 For all VAT only payments, invoice documentation is to be provided to the Head of Corporate Finance for payment.

19. SEPARATION OF DUTIES

- 19.01 In all financial and related transactions of the Council, there shall be separation of duties to ensure that more than one person is involved in recording and processing each and every transaction.
- 19.02 The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them.
- 19.03 Employees charged with examining and checking the accounts of cash transactions shall not themselves be engaged in any of these functions.
- 19.04 The duty to certify any invoice should be separated from the duty to certify an official order for goods and services.

20. SALARIES WAGES AND PENSIONS

- 20.01 The Deputy Chief Executive through the Head of Human Resources & Organisational Development is responsible for advising the Council upon the efficient utilisation of manpower resources (including training and development) and upon the operation and control of procedures for appointment, discipline, grievance, salaries and wages and general conditions of service as applied nationally, provincially and locally.
- 20.02 Appointments of all employees shall be made in accordance with the policies of the Council and the approved establishments, grades, and rates of pay, as agreed with the Head of Human Resources & Organisational Development.
- 20.03 The payment of all salaries and wages, pensions, compensation, and other emoluments to all employees and former employees of the Council shall be made by the Head of Human Resources & Organisational Development or under approved and controlled arrangements.
- 20.04 In accordance with the Council's declared policy the Head of Human Resources & Organisational Development shall be notified as soon as possible of all matters affecting the payment of such emoluments, and in particular:
- (a) appointments, resignations, dismissals, suspensions, secondments and transfers;
 - (b) absences from duty for sickness or other reason, apart from approved leave;
 - (c) changes in remuneration, other than normal increments and pay awards and agreements of general application;
 - (d) The Head of Human Resources & Organisational Development is responsible for passing that information to the Head of Corporate Finance in order to maintain records for income tax, national insurance and the like.
- 20.05 All time records or other pay documents shall be in a form prescribed by the Head of Human Resources & Organisational Development in consultation with the Head of Corporate Finance. The names of officers authorised to sign such records shall be sent to the Head of Corporate Finance with specimen signatures and the Head of Corporate Finance shall be advised of any changes in names and signatures as the occasion arises.

20.06 The Head of Human Resources & Organisational Development shall be responsible for the overall operation of the Council's agreed system for attendance control and the submission of appropriate attendance reports to each Head of Service. Arrangements shall exist within each Department to ensure that any deviations from the approved system are properly dealt with and that the Council's approved policies for the attendance of staff at their workplace are observed.

21. CONSULTANTS

21.01 Where consultants, including architects, engineers, quantity surveyors, solicitors, barristers (not being officers of the Council) or agency workers are engaged to carry out professional services for the Council, the relevant Director in consultation with the Head of Legal Services & Governance or the Head of Human Resources & Organisational Development shall be responsible for ensuring that a formal agreement or a detailed letter of employment, is sent to the consultants setting out the terms on which they are engaged. The Head of Human Resources & Organisational Development must be informed of any such engagement. Any appointments made must be in accordance with Standing Orders for Contracts.

21.02 The formal agreement or letter of employment shall specify amongst other matters:-

- (i) the precise scope and timetable of the commission (the relevant Director and relevant Cabinet member(s) will also determine and document the employment status of individuals involved, having regard to guidance issued from time to time by the Head of Corporate Finance);
- (ii) the extent of responsibilities;
- (iii) the supervision and liaison required;
- (iv) any cost limits and controls;
- (v) the appointment of and collaboration with any other consultants and officers of the Council;
- (vi) insurance cover;
- (vii) the basis of remuneration/reference to precise scale fees where appropriate;
- (viii) the basis for reimbursing expenses;
- (ix) the method and frequency of payment.

21.03 It shall be a condition of engagement for the professional services of any consultant that :-

- (i) there is compliance with the Council's Constitution, Standing Orders for Contracts and Financial Regulations as apply to an employee of the Council;
- (ii) all records and documents in relation to the services or work carried out for the Council are returned to the Council either during or on completion of the services/work;
- (iii) confidential or sensitive information obtained during the course of employment as a consultant is not divulged for a period to be agreed with the appropriate Head of Service.

21.04 A report will be prepared annually for the Policy and Resources Scrutiny Committee detailing all spend relating to this Section.

22. SERVICE LEVEL AGREEMENTS

- 22.01 Where Service Level Agreements are in operation, it shall be the responsibility of each Head of Service:
- (a) to maintain such detail as necessary to support any recharge made;
 - (b) to operate the Department on the basis of total recovery of costs in each financial year;
 - (c) to agree, in accordance with any system currently in operation, the recharges being received by the Department;
 - (d) to comply with the requirements of the Head of Corporate Finance regarding the programming and other requirements of operating any system for recharge allocations.

23. SECURITY

- 23.01 All buildings, stocks, stores, furniture, equipment and other assets under the control of a Director shall be properly secure at all times. The Chief Property Officer, Insurance & Risk Manager and Internal Audit Manager will be consulted in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 23.02 Maximum limits for cash holdings shall be agreed with the Head of Corporate Finance and shall not be exceeded without express permission. Any changes shall be notified to the Head of Corporate Finance who will arrange for any amendments required to the Council's insurance cover.
- 23.03 Keys to safes and similar receptacles are to be carried on the person of those responsible or kept in a safe and secure location at all times; the loss of any such keys must be reported to the Insurance & Risk Manager forthwith. The relevant Head of Service will maintain a key register to include all spare keys.
- 23.04 Keys to property are to be carried on the person of those responsible or kept in a safe and secure location at all times. Service directorates will be responsible for risk assessment and key holder training and, in liaison with the Chief Property Officer, shall maintain the physical security of the property in the event that such keys are lost. Nominated officers will maintain the corporate database of key holders for which the Chief Property Officer will act as system administrator.
- 23.05 The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Legal Services & Governance.
- 23.06 The Head of ICT & Customer Services shall be the manager responsible in terms of the Data Protection Act for maintaining proper security and privacy as respect information held in the computer installation. The Head of ICT & Customer Services shall be responsible for compliance with any other legal requirements currently in force. Each Director is required to notify the Head of ICT & Customer Services of any changes to procedures, data and purpose which may have an effect on the role and responsibility of the Head of ICT & Customer Services prior to those changes being committed. It is the responsibility of each Director to ensure that only data registered with the Information Commissioner is held.

- 23.07 Directors shall ensure that access to all I.T. systems and the ability to carry out transactions within those systems is granted only to those staff whose work directly involves such systems. The personal written authority of each Head of Service will be required to ensure that the extent of access by any individual to any system is limited to that necessary to effectively discharge the individual's duties and responsibilities. As soon as there is any change in personnel or duties which will require changes either to passwords or to the extent of access by any individual, each Head of Service shall immediately ensure that appropriate action is taken. Heads of Services shall also be responsible for assessing any possible or potential abuse within their service area and the appropriate Director must notify the Head of ICT & Customer Services accordingly.
- 23.08 All Council employees given or knowing security passwords or access codes are individually responsible for ensuring that no other person is able to obtain access to such codes or passwords or is able to make unauthorised use of such information. This regulation shall recognise the unique position of the security officer as nominated by the Head of ICT & Customer Services.
- 23.09 Heads of Service shall be responsible for ensuring that records are kept for an appropriate length of time and in such format and order to enable compliance with any statutory requirements currently in force (taxation, Access to Information, etc.). Retention periods must also be sufficient so as not to prejudice the effective working of the Council or its auditors.
- 23.10 Each Director shall be responsible for ensuring that the requirements of the Local Government (Access to Information) Act 1985 are met with regard to the confidentiality of certain information. Directors must also ensure that all staff are aware of the potential sensitivity of certain categories of financial information both of a personal and contractual nature and that such information is not either deliberately or inadvertently transmitted to any person other than those within the organisation with a need to know.

24. STOCKS AND STORES

- 24.01 Each Director shall ensure that there is clear responsibility for the care and custody of departmental stocks and stores, as well as for reconciling all movements and balances of such stocks and stores with the Council's final accounts.
- 24.02 Stocks shall not be in excess of those required in accordance with sound stores procedures.
- 24.03 Each Director shall arrange for periodical test examinations of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year. Any surpluses or deficiencies revealed by such test examinations shall be reported to the Internal Audit Manager who after consultation with the Head of Corporate Finance will decide what action to take.
- 24.04 The Head of Corporate Finance shall be entitled to receive from any Director such information as required in relation to stores for the accounting, costing and financial records. All surplus materials, stores or equipment shall be disposed of at the best possible price by the Head of Service responsible for the respective Council store who shall consult with and be advised by the Head of Procurement.

25. VEHICLES AND PLANT

25.01 Each Director shall ensure that registers/records are maintained for all vehicles and plant controlled by the Directorate.

25.02 Such registers/records shall include details of:-

- (i) use;
- (ii) mileage;
- (iii) fuel issued;
- (iv) other relevant information necessary to maintain proper control and comply with current legislation.

25.03 No vehicles or plant shall be used other than in accordance with the ordinary course of the Council's business.

26. PROTECTION OF PRIVATE PROPERTY

26.01 Every Director will ensure that appropriate security measures shall be taken where possession is taken of valuables such as jewellery, watches and other small articles of a similar nature and documents of title belonging to a third party and will ensure that an itemised inventory will be maintained and kept in a safe place.

27. TRAVELLING, SUBSISTENCE AND FINANCIAL LOSS ALLOWANCE

27.01 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted to the Head of Human Resources & Organisational Development in a form or via a system approved by the same, duly certified and made up to a specified day of each month. The names of officers authorised to approve such records shall be sent to the Head of Human Resources & Organisational Development by each Head of Service with specimen signatures (where applicable) and the Head of Human Resources & Organisational Development shall be advised of any changes in names and signatures (where applicable) as the occasion arises.

27.02 Heads of Service shall be responsible for ensuring that all authorised vehicle users (including drivers of Council vehicles) have adequate insurance for business purposes and the appropriate current valid driving licence.

27.03 All claims for payment of incidental expenses such as removal, lodging and disturbance allowances and post entry training expenses will be submitted to the Head of Human Resources & Organisational Development in such a manner as prescribed. Expenses will only be claimed for expenditure actually incurred or attendances actually made. Assistance will only be provided once for each stage of training. The Council reserves the right to require books and training material for which expenditure has been reimbursed to be returned to the Head of Human Resources & Organisational Development for general Council use.

27.04 Payments to Members, including co-opted Members of the Council or its Committees who are entitled to claim travelling or other allowances will be made by the Head of Human Resources & Organisational Development upon receipt of the prescribed form duly completed. The procedures for the payment of claims will be in accordance with the currently approved

Council scheme and all claims for a financial year are to be submitted within one month of the 31st March.

- 27.05 The certification of expenses claims by or on behalf of the Head of Service shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenditure properly and necessarily incurred and that the fixed allowances payable by the Council are properly due.
- 27.06 Officers' claims submitted more than six months after the expenses were incurred will be paid only with the express approval of the appropriate Service Director.

28. CONTRACTS OTHER THAN PURCHASE OF MATERIALS

- 28.01 Where contracts provide for interim payments to be made on the basis of valuation certificates, a scheme contract register shall be maintained showing the state of account on each contract between the Council and the contractor together with the related professional fees and any other payments. The register will be kept centrally by the Head of Procurement.
- 28.02 Payments to contractors on account of contracts shall be made only on a certificate issued by the appropriate Head of Service (or Technical Consultant endorsed by the appropriate Head of Service). The Head of Service must ensure that each certificate is properly supported by sufficient detail to enable the payment to be reconciled to the contract documents. The Head of Service must also ensure that proper arrangements have been made for dealing with Value Added Tax and any deduction necessary under the Construction Industry Scheme.
- 28.03 In the case of certification by a Technical Consultant, the appropriate Head of Service shall undertake a monitoring role of the project to ensure that each certificate is supported by a copy of the valuation and to ascertain that it contains no unusual features, such as large variations, of which the Council has no knowledge.
- 28.04 Subject to the provisions of the contract in each case, every variation shall be authorised in writing by the relevant Head of Service or Technical Consultant.
- 28.05 Any such extra or variation which relates to contracts of £100,000 or above and which will increase the total cost of the scheme by more than 10% shall be reported to the relevant Service Director by the Head of Service as soon as practicable.
- 28.06 Subject to the conditions of the contract, the final payment certificate shall not be issued until the appropriate Head of Service has produced to the Internal Audit Manager a detailed statement of account, and all relevant documents, if required for audit purposes. The Internal Audit Manager shall to the extent considered necessary, examine all final accounts for contracts. The Internal Audit Manager shall also be entitled to examine contracts at any interim stage and make site visits to that end after having informed the responsible supervising officer. The Internal Audit Manager shall be entitled to make all such enquiries and receive such information and explanations as may be required in order to be satisfied as to the accuracy of the accounts. The Internal Audit Manager shall not unreasonably delay examination of final accounts.
- 28.07 Provision shall be made, if possible, in contracts for works and in such agreements as are mentioned in the foregoing regulations that the contractor shall retain for production as required by the Council, all accounts, vouchers and documents relating to the contract, until after the accounts have been audited.
- 28.08 If the final account has not been agreed within twelve months of completion of the works (including periods of extended maintenance), then the responsible officer shall report to

Corporate Management Team on the outstanding items. Any report under this regulation shall include a comparison of the final or likely final cost with the original contract sum together with reasons for any differences.

28.09 It shall be the duty of the Council's Head of Legal Services & Governance in all cases to:

- (a) keep in secure custody all the contract documents, including plans, specifications, bills of quantities, bonds, etc.;
- (b) require that all insurance which the contractor is required to effect, is duly entered into prior to the commencement of the contract and maintained until handing over the contract works.

28.10 Tenders for construction related contracts will be invited from contractors approved in accordance with current policy. Where any other form of tendering is used, for example, open tendering, then the successful contractor must comply with that policy prior to the awarding of the contract. It will be the responsibility of the supervising officer to ensure that suitable security is provided for the due performance of the contract. This shall be done in consultation with the Council's Head of Legal Services & Governance and will have to meet or exceed the minimum requirements as set out in the current Procurement Code of Practice.

28.11 The Head of Service responsible for or supervising any Council contract shall be responsible for considering any claims which are not within the existing contract terms. The Head of Service may refer any matters as necessary to the Council's

Head of Legal Services & Governance, especially where a precedent may be set, for consideration of the Authority's legal liability before any settlement is reached.

28.12 Where completion of a contract is delayed it shall be the duty of the Head of Service supervising the contract to either issue the appropriate extension of time certificate or to take action in respect of liquidated damages.

29. FINANCIAL STATIONERY

29.01 All official receipt forms, books, tickets, order books and other documents representing money or moneysworth, shall be ordered, controlled and issued by and be in the custody of the Principal Incomes Officer as far as deemed necessary who shall supply the requirements of any Department. A register shall be kept of all receipts and issues of such documents, and each issue shall be acknowledged by the signature of the official to whom the issue is made. The quantity issued is to be governed by ascertained needs. All completed documents shall be retained safely by the service area in line with the Councils document retention policy.

30. NON-COMPLIANCE WITH FINANCIAL REGULATIONS

30.01 Any non-compliance with these Financial Regulations will be regarded as a potentially serious matter and should be reported to the appropriate Director and the Head of Corporate Finance. If such matters involve fraud or theft, the Head of Corporate Finance must be informed who will decide whether or not the circumstances warrant referral to the Police. In an urgent situation, any officer has the duty to report a matter to the Police where time is of the essence. All matters so reported must be confirmed in writing, normally under the hand of the Head of Corporate Finance unless carried out under the "urgent" provision when the Head of Service should write with a copy for the information of the Head of Corporate Finance (who is therefore aware of any investigation).

- 30.02 The Head of Corporate Finance shall report all matters involving fraud and theft of Council assets and any other matters considered appropriate to the Chief Executive and the Council's External Auditor. All significant matters should be referred as soon as possible in confidence to the Audit Committee.
- 30.03 The Head of Human Resources & Organisational Development shall maintain an approved scheme for the operation of disciplinary matters within the Authority which shall recognise that procedures may be necessary to require adherence to or to deal with departures from proper financial procedures as set out in these Financial Regulations. This scheme shall include a Code of Conduct setting out procedures to be followed by employees who are offered gifts or hospitality and shall also regulate the conduct of those employees who are in receipt of remuneration outside their Council employment.
- 30.04 If delegated powers are used to waive the provisions of the Financial Regulations then the officer exercising the delegated power will report that to the Head of Corporate Finance.

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1. Introduction

These Standing Orders for Contracts are made under Sections 135 (1) and 135(2) of the Local Government Act 1972. They shall apply to all areas of Council activity, including any type of sub-contracting, apart from contracts for the acquisition and sale of interests in land and the Exempt Contracts described in section 4 below. The funding for all contracts must be in accordance with approved budgets and comply with Financial Regulations.

One of the most significant areas of Council contracting is procurement. Procurement is the process by which the Council manages the acquisition of all its Goods, Services (including but not limited to consultants/consultancy services of any type) and Works of all sorts. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts. These 'Standing Orders' should be read in conjunction with the Council's Procurement Code of Practice.

Procurement by the Council is governed by detailed European and UK legislation, as are other areas of Council contracting. The law requires **all** Council procurement and contracting to be conducted transparently, fairly and in a non-discriminatory and disproportionate manner. In the event of statutory or other legal requirement exceeding the requirements contained within these Standing Orders for Contracts, then statute shall take precedence over any provision in these Standing Orders.

All references to competitive tenders and quotations within these Standing Orders shall apply (with such changes as are appropriate) equally to circumstances where the contract involves the receipt of income by the Council or the disposal of any asset or undertaking by the Council, as they do to purchases to be made by the Council, unless specifically stated otherwise. However, the disposal of any interest in land and buildings is governed by a separate protocol contained within the Council's Constitution.

Any doubt or uncertainty as to how these Standing Orders are to be interpreted and any inconsistency between these Standing Orders and any other Council document shall be referred to the Head of Legal Services, whose decision shall be final.

2. Form and Certification of Contracts

2.1 Every Council Contract shall be in writing in a form and on terms approved by the Head of Legal Services and shall specify: -

- a) The work, materials, services or things to be furnished, had, done or disposed of.
- b) The price to be paid (or, as appropriate, the sums to be received), with a statement of discounts or other deductions, and where not known, committed estimated price, or the basis upon which the final contract sum is to be calculated.
- c) The time or times within which the contract is to be performed, together with the termination date of the contract.

2.2 The flowcharts in the Appendices set out the prescribed routes for all procurements in the six bands of contract value (A, B, C, D, E and F— see sections 13 to 18 below). These flowcharts show the principal rules and components of the relevant processes only, including the numbers of tenders or quotes to be invited. Detailed guidance of the processes is contained in the Procurement Code of Practice, which should be followed in all cases.

- 2.3 The flowcharts in the Appendices specify who is Delegated to sign a contract on behalf of the Council in each Band. Signatories are the minimum level of responsibility required. More Senior Officers can be substituted in all cases.
- 2.4 Contracts in Band C,D, E and F can be (as well as those contracts specified by the Head of Legal Services) under seal and attested by the Head of Legal Services or the Chief Executive or such other Officer Delegated in writing by either of them.

3. Compliance

- 3.1 Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and shall comply with:
- (a) All relevant statutory provisions;
 - (b) The relevant European Procurement Directives (the EU Treaty, the general principles of community law and the European Union's Public Contracts Directive (2014/24/EU) implemented by the Public Contracts Regulations 2015 or such other amendment, variation or replacement Regulations in force from time to time (" Regulations"))
 - (c) The Council's Constitution including these Standing Orders for Contracts, the Council's Financial Regulations and Scheme of Delegation.
- 3.2 The highest standards of probity are required of all Officers and Members involved in the procurement, award and management of Council contracts. Any serious non-compliance could lead to the Council's disciplinary procedures being invoked.
- 3.3 Officers and Members are reminded of their responsibilities in relation to gifts and hospitality and should ensure that they comply with the obligations set out in the Members' Code of Conduct and Officers' Code of Conduct respectively and any guidance issued in that regard.
- 3.4 Officers shall take appropriate measures to effectively prevent, identify and remedy Conflicts of Interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all Contractors as set out in the Regulations.
- 3.5 All contracts must contain a provision allowing the Council to terminate without compensation in the event that there has been actual or attempted fraud or corruption in connection with the procuring, continuation, renewal or performance of the contract. Including appropriate exclusion grounds as set out in the Regulations.
- 3.6 Any failure to comply with any of the provisions of these Standing Orders for Contracts, the Financial Regulations or UK and European Union legal requirements must be reported by the appropriate Director to the S151 Officer.

4. Exempt Contracts

- 4.1 The following contracts are exempt from the requirements of these Standing Orders:
- (a) Employment contracts (this exemption does not extend to the recruitment of agency staff or external secondment arrangements).
 - (b) Contracts relating **solely** to disposal or acquisition of an interest in land and property, for which there is a separate protocol contained within the Council's constitution.

- (c) In a genuine emergency threatening public health, injury to persons or serious and immediate damage to property the Authorised Officer can take any necessary action to alleviate the threat. This power is limited to the alleviation of the threat and does not extend to any works beyond what is strictly essential.
- (d) In circumstances where a matter, which is not deemed to be an emergency, but nonetheless is considered to be of an urgent nature, arises, prior approval from the appropriate Head of Service must be given in writing. However, should the estimated expenditure exceed £20,000 approval must be sought from 2 of the following Officers:
 - S.151 Officer, Head of Legal or Head of Procurement subject to an upper threshold prior to the commencement of the procurement process of £100,000 for goods, works and services.

Where it has been necessary to procure under 4.1 (c) or (d) every such case must be reported to the next available meeting of Corporate Management Team.

- (e) The appointment of Counsel.
- (f) The award of contracts for 'emergency' individual placements will remain at the discretion of the Corporate Directors with responsibility for Education & Lifelong Learning and Social Services in accordance with the Regulations.
- (g) Where the approving (or Delegated) Officer considers that additions, maintenance or repairs can only be carried out by the original contractor or supplier.

Where it has been necessary to procure under 4.1 (e), (f) or (g) the provisions of para. 19.2, 19.3 and 19.4 should be followed.

- (h) Where an external funder makes specific requirements i.e. the terms and conditions of the funding must be followed.

5. Internal Providers

- 5.1 Before commencing the procurement activity and subject to 4(h) above, the Head of Service or Authorised Officer shall ascertain whether an in-house service provider is able to carry out the works or service. If it is confirmed in writing by the in house provider that they do not have the capacity to undertake the works, the relevant Head of Service can proceed to procure in accordance with these Standing Orders. For the purposes of this clause an in-house provider must be able to demonstrate that not more than twenty five percent on the labour element of the value of work for the proposed contract would need to be sub-contracted to the private sector.
- 5.2 Where the in-house provider is able to and has the capacity to undertake the works, the works should automatically be allocated subject to approval of the relevant Head of Service and in accordance with any funding terms and conditions and such decisions shall be recorded in writing. If in such a case the relevant Head of Service does not wish to use the in-house provider then they must seek approval from the Council's Corporate Management Team prior to the commitment of the procurement.
- 5.3 All contracts over £10,000 allocated directly to in-house providers must be entered on the Corporate Contracts Register.

6. Authorised and Delegated Officers

- 6.1 Authorised Officer - This phrase refers to those Officers named in the Central Register held by the Head of Procurement. These Officers are Authorised to lead a given procurement process on behalf of the Council but have no Delegated powers.
- 6.2 Delegated Officer - This phrase refers to those Officers who have powers Delegated to them in writing by either; the Chief Executive, Director, Head of Service or Head of Procurement and can therefore complete actions where explicitly permitted in accordance with the processes and procedures as detailed within these Standing Orders for Contracts.

7. Preliminary Market Consultations

- 7.1 Before commencing a Procurement the Council may conduct market consultations with a view to preparing the procurement and informing Contractors of the Council's procurement plans and requirements, including seeking or accepting advice from independent experts or Contractors.
- 7.2 Prior to undertaking market consultation, advice and guidance must be sought from the Head of Procurement to ensure that such preliminary consultation does not have the effect of distorting competition and does not result in violation of the principles of non-discrimination, transparency and proportionality.

8. Division of Contracts into Lots

- 8.1 The Council may where it considers appropriate decide to award a contract in a form of separate lots and may determine the size and subject matter of such lots in accordance with the Regulations.
- 8.2 Where the Council has decided not to subdivide a contract into lots it shall provide an indication of the main reasons within the procurement documentation or as provided within the Regulations.

9. Framework Agreements

- 9.1 Before commencing the procurement activity, in consultation with the Head of Procurement (or Delegated Procurement Officer), the Authorised Officer must ascertain whether there is an approved Framework Agreement in place that should be used. Details of all Framework Agreements are held on the Council's Corporate Contracts Register. Details of use of Framework Agreements can be found in the Procurement Code of Practice.
- 9.2 The Framework Agreement may include within its terms a requirement for a mini competition exercise between those Contractors who are parties to the Framework Agreement. These shall be tendered in accordance with the particular Framework Agreement and these Standing Orders for Contracts. Procedure details are available within the Procurement Code of Practice.
- 9.3 Where the Council is able to call off from existing Framework Agreements procured by central Government agencies, purchasing consortia or other local authorities or public bodies, then the Council may benefit from using those contracts without entering into a separate procurement exercise. Where such Framework Agreements contain a number of different Contractors able to provide a particular category of goods or services a mini competition exercise between those Contractors who are parties to the Framework Agreement must be carried out in accordance with the particular Framework Agreement.

9.4 However, if such Framework Agreements are used it will be in accordance with the terms of those agreements which may not always be appropriate to the particular procurement in question. Advice should be sought from the Head of Procurement (or Delegated Procurement Officer) prior to commencing procurement through any Framework Agreement.

9.5 The setting up of Framework Agreements is governed by detailed EU and UK legislation. Before setting up any framework Agreement, the Procurement Code of Practice must be consulted, and any uncertainties or questions addressed to the Head of Procurement (or Delegated Procurement Officer). Any Framework Agreement set up by a client department must be notified to the Head of Procurement by the Head of Service or Authorised Officer in order that the Procurement department can incorporate the Framework Agreement into the Corporate Contracts Register for use by other departments where applicable.

10. Shared Services

10.1 Prior to the Council committing to a shared service arrangement with another public body approval must be sought from Corporate Management Team.

11. Collaborative Arrangements

11.1 When a requirement can be fulfilled through an existing arrangement already established by another Public Sector Organisation and the requirements of the Regulations complied with by that Public Sector Organisation, the arrangement will be in compliance with these Standing Orders for Contracts. This includes purchasing through arrangements that have been entered into for example but not limited to the National Procurement Service (NPS), Crown Commercial Services (CCS) and the Welsh Purchasing Consortium (WPC).

11.2 Before committing the Council to a contract as set out in 11.1, the Authorised Officer must seek written advice from the Head of Procurement.

12. Estimating the Contract Value

12.1 For the sake of consistency, all Contract values should be calculated, strictly in accordance with the Regulations. For the purposes of these Standing Orders the value of any contract shall be taken as the value or consideration for the contract as a whole over the contract period (which is normally a three or four year period). The Council shall make the best use of its purchasing power by aggregating purchases wherever possible. In particular contracts for supplies, services or works shall not be split (disaggregated) in an attempt to avoid the applicability of these Standing Orders for Contracts or the Regulations.

12.2 The evaluation of cost shall be carried out on the basis that the Council seeks the most economic packaging of the contract. Deliberate downsizing of contracts in order to avoid any provisions of Standing Orders of Contracts or the Regulations shall not be permitted.

12.3 Full details on assessing the value of all contracts can be found in the Procurement Code of Practice.

13 Low Value Procurement (Quotations) – Below £10,000 (Band A)

13.1 See Appendix A

14. Intermediate Value Procurement (Tenders) - Between £10,000 and £75,000 (Band B)

14.1 See Appendix B

15. Medium Value Procurements (Tenders) - Between £75,000 and £164,176 (for Goods and Services) or less than £4,104,394 (for Works). (Band C)

15.1 See Appendix C

16. High Value Contracts for Goods & Services (Tenders) – Over £164,176 (Band D)

16.1 See Appendix D

17. Schedule 3 Services (Light Touch Regime) between £164,176 and £589,148 (Band E)

17.1 See Appendix E

18. High Value Contracts for Works (Tenders) – Over £4,104,394 (Band F)

18.1 See Appendix F

19. Late Quotations or Tenders – Reduced number of Tenders

19.1 Any tender, quotation or pre-qualification questionnaire received after the specified closing date and time shall not be formally considered but will be opened for the sole reason of being returned to the person who submitted the document, unless the following provisions apply. The only discretion in the above shall be exercised by the Head of Procurement (even for quotations not returned to him/her) who shall record reasons in writing for allowing a late submission to be considered. Any reasons must include confirmation that the contents of the late quotation or tender have not been considered and that the other quotations or tenders have in the meantime been kept securely sealed so that all are opened at the same time and that no person submitting a quotation or tender is thereby disadvantaged.

19.2 For a procurement with a value between £10,000 and less than £75,000 where an Authorised Officer wishes to invite less than four tenderers to bid, he/she must seek the approval of the Head of Procurement.

19.3 For a procurement in excess of £75,000, where an Authorised Officer wishes to invite less than five tenderers to bid, he/she must seek the approval of the appropriate Director following consultation with the Head of Procurement.

19.4 For all procurements in excess of the EU thresholds where an Authorised Officer wishes to invite less than five tenderers to bid he/she must seek the approval of Corporate Management Team following consultation with the Head of Procurement.

19.5 Where, having invited the required number of quotations or tenders as specified in these standing orders there is less than a 50% priced response, then consideration must be given (which must be recorded in writing) to re-running the procurement. If the contract is for a sum less than £75,000 the decision can be taken by the Head of Service. If the contract is for a sum in excess of £75,000 the decision will be taken by the appropriate Director after consultation with the Head of Procurement.

20. Tender Evaluation

20.1 In the event of establishing award criteria other than the lowest price (or, in the case of the disposal of an asset, the highest price), the evaluation criteria shall be predetermined and approved by the Head of Procurement (or Delegated Procurement Officer) and listed in the Invitation to Tender documentation in order of importance. Any particular scoring or weighting attributable to any criteria must be clearly stated. In addition, the criteria shall be

strictly observed (and remain unchanged) at all times throughout the contract award procedure. Tenders shall only be evaluated in accordance with the evaluation criteria set out in the Invitation to Tender.

21. Errors in Tenders/Quotations and Non-Compliant Tenders/Quotations

- 21.1 Tenders/Quotations which do not comply with the Council's requirements as set out in the invitation to tender/quote or which contain minor errors must be dealt with in accordance with the guiding principles set out within the Regulations and upon compliance with advice received from the Head of Procurement (or Delegated Procurement Officer). An example would be (but not limited to) in the event that a genuine pricing and/or arithmetical error has been made by the contractor which has come to the attention of the Council prior to a contract award being made. In such a case, they may be given an opportunity to correct that error. No correction shall be allowed unless considered proportionate and does not distort competition in accordance with the Regulations. No other adjustment, revision or qualification is permitted. All areas of rectification or clarification must be conducted in writing.
- 21.2 Tender/Quotation documents must state how errors in Tenders/Quotations will be dealt with.

22. Abnormally Low Tenders

- 22.1 Where as a result of identifying that the overall tendered price or costs raises significant doubts that the Contractor will be able to complete the contract within the contract terms, the Council shall require tenderers to explain the price or costs proposed. This must be undertaken in accordance with the Regulations and in consultation with the Head of Procurement.

23. Post Tender Negotiation

- 23.1 Where procurement is conducted pursuant to the Regulations, no post-tender negotiations are permitted. The Head of Service may seek clarification from tenderers where appropriate in consultation with the Head of Procurement. Negotiations on price are never permissible except where provided for within the Regulations.
- 23.2 Where procurements do not need to strictly comply with the Regulations the Head of Procurement may authorise negotiations if considered to be in the best interest of the Council in accordance with guiding principles of the Regulations.
- 23.3 At all times during the procurement process the Council shall ensure that all tenderers are treated equally and in a non-discriminatory, transparent and proportionate manner.

24. Contract Award Notice

- 24.1 Where a contract has been tendered pursuant to the Regulations, the Council shall publish a contract award notice in the Official Journal of the European Union no later than 30 days after the date of award of the contract or such other requirements or time limits as are set out in the Regulations. This is the responsibility of the Authorised Officer and undertaken in consultation with the Head of Procurement (or Delegated Procurement Officer).

25. Contract Terms and Conditions

- 25.1 The relevant Head of Service shall use their best endeavours to ensure that Contracts are entered into on the appropriate set of Council's terms and conditions, which shall be included with each purchase order or invitation to tender. Where this is not possible,

variations to the relevant Council terms and conditions and/or the terms and conditions submitted by a contractor must be formally approved in writing by the Head of Legal Services. However, no amendment to the Council's terms and conditions or the terms and conditions submitted by a Contractor shall contravene the requirements set out within the Regulations and in particular but not limited to Regulation 73.

- 25.2 All Contracts with the provision to extend may be extended before the expiry date of the contract where it is in accordance with its original terms and conditions (which must expressly allow for extension) and proves to deliver Best Value for Money. Approval for such an extension shall be sought from the Head of Procurement or in accordance with the form of contract.
- 25.3 Where the terms do not expressly provide for extension and prior to the expiry of the contract, if it is felt to be in the Council's interests to extend a contract, then this can only be to the extent that the Regulations allow. For instance, if the Regulations apply to the goods, works or services under the contract and if the value of the proposed extension exceeds the relevant threshold, then this is likely to be regarded as a new contract and should be competitively procured, unless one of the narrow exceptions in the Regulations applies. In cases to which the Regulations do not apply, any extension must be by negotiation in accordance with the guiding principles of the Regulations. In all cases, the extension must follow the rules set out in the Procurement Code of Practice and be approved by the relevant Head of Service and reported to the Head of Procurement for information prior to the extension becoming legally binding on the Council.
- 25.4 All Contract variations must be carried out within the scope of the original Contract. Contract variations that materially affect or change the scope of the original Contract are not allowed.
- 25.5 All significant Contract variations must be in writing and signed by both the Council and the Contractor. It will be for the appropriate Head of Service to determine whether or not a variation is deemed to be significant (significant is deemed to be the higher of £10,000 or 10% of the contract value). The value of each variation must be assessed by the relevant Head of Service and all necessary approvals sought prior to the variation taking place. Any variation that may be of such significance that it could affect service delivery must be reported to the appropriate Director for approval.

26. Security and Performance

- 26.1 Any Authorised Officer shall, before accepting or recommending acceptance of a quotation or tender, consider whether it is appropriate in all the circumstances to require and take sufficient security for the due performance of any contract. Where the Council's approved procedure for selective tendering is being used, the minimum requirements of that scheme must be followed.

27. Liquidated and Other Damages

- 27.1 Where appropriate contracts for the execution of works shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed, save where the Head of Legal Services approves another type of remedy.
- 27.2 Every contract for the supply of goods or materials by a particular date or series of dates which falls into Bands C or D shall contain a clause to secure that, should the contractor fail to deliver the goods or materials, or any portion thereof within the time specified in the contract, the Council, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly, or to the extent of such default and to purchase other goods, or materials, as the case may be, of the same or similar description

to make good (a) such default, or (b) in the event of the contract being wholly determined the goods or materials remaining to be delivered. The clause shall further secure that the amount by which the cost of such purchasing other goods or materials exceeds the amount by which would have been payable to the contractor in respect of the goods or materials, as the case may be, replaced by such purchase if they had been delivered in accordance with the contract, shall be recoverable from the contractor save where the Head of Legal Services approves otherwise another type of remedy.

- 27.3 The above provisions are without prejudice to the obligation to ensure that the form and terms and conditions of all contracts are as approved by the Head of Legal Services.

28. Termination of Contract

- 28.1 For any Contract exceeding £75,000 in value, early termination must be approved by the Head of Procurement and the Head of Legal Services. Contracts of a lesser value may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the contract following consultation with the Head of Procurement.

29. Sub-Contracting

- 29.1 Any form of Council sub-contracting must comply fully with these Standing Orders for Contracts and the Regulations.
- 29.2 Where the Council has determined that a particular type of product or provision of service will be stipulated as an essential requirement of a contract then this must be approved by the Head of Service following consultation with the Head of Procurement.

30. Consultants

- 30.1 The commissioning/engagement of Consultants to work within the Council or to undertake work on behalf of the Council as part of a wider project will be subject to these Standing Orders for Contracts and Section 21 of the Council's Financial Regulations.
- 30.2 Where the Council uses consultants to act on its behalf in relation to any procurement, then the Head of Service shall ensure that the consultants carry out any procurement in accordance with these Standing Orders for Contracts. No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to. The Head of Service shall ensure that the consultant's performance in relation to procurement is in accordance with these Standing Orders for Contracts and the Regulations.
- 30.3 Where the Council uses consultants to act on its behalf in relation to any procurement the consultant must declare any potential conflict of interest that may arise to the Head of Service prior to the commencement of the procurement process.
- 30.4 Where the Head of Service considers that such a conflict of interest is significant the consultant shall **not** be allowed to participate in the procurement process.

31. Record and Document Retention and Control

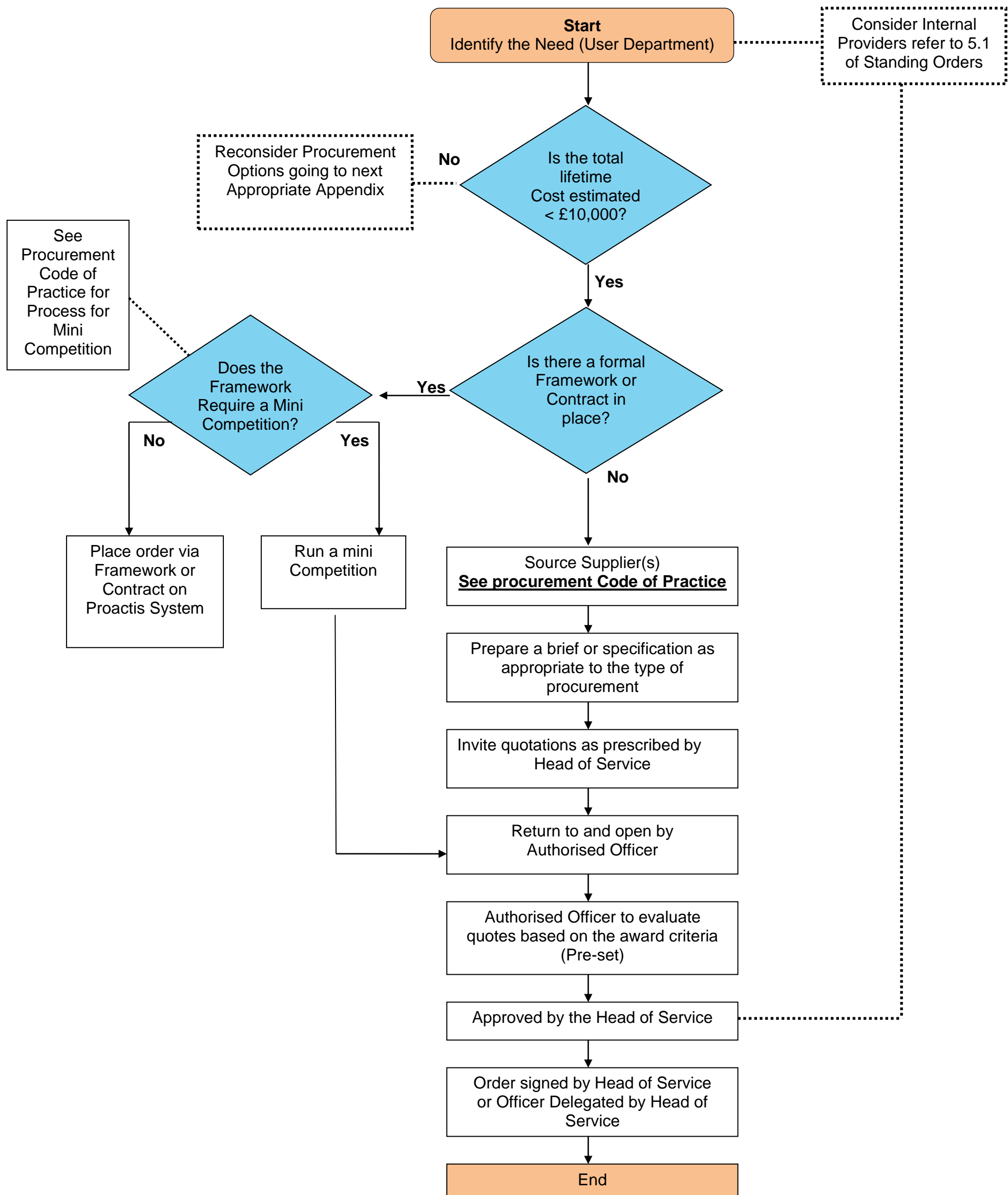
- 31.1 A Corporate Contracts Register of all Contracts over the value of £10,000 shall be administered by the Corporate Procurement Unit and all qualifying contracts must be input by the Authorised Officer.
- 31.2 For every individual Contract above £10,000 a contracts file shall be maintained with appropriate documentation as detailed within the Procurement Code of Practice.

32. Waiver of Standing Orders for Contracts

- 32.1 Approval of waiver of any of these Contract Standing Orders shall only be given in exceptional circumstances and only following a written report to S.151 Officer, following consultation with and the written approval of the Head of Procurement and the Corporate Director with responsibility for Procurement.
- 32.2 When consulting with the Head of Procurement and the Corporate Director with responsibility for Procurement, the originator of the report requesting a waiver of Standing Orders is responsible and accountable for making sure that the contents of the report are factually correct. The originator of the report should ensure that all supporting documentation is retained on an easily accessible file for auditing purposes. Should it be found that incorrect information has been knowingly or negligently submitted or omitted in order to obtain approval for a waiver of these Standing Orders the originator of the report may be subject to the Council's disciplinary procedures.

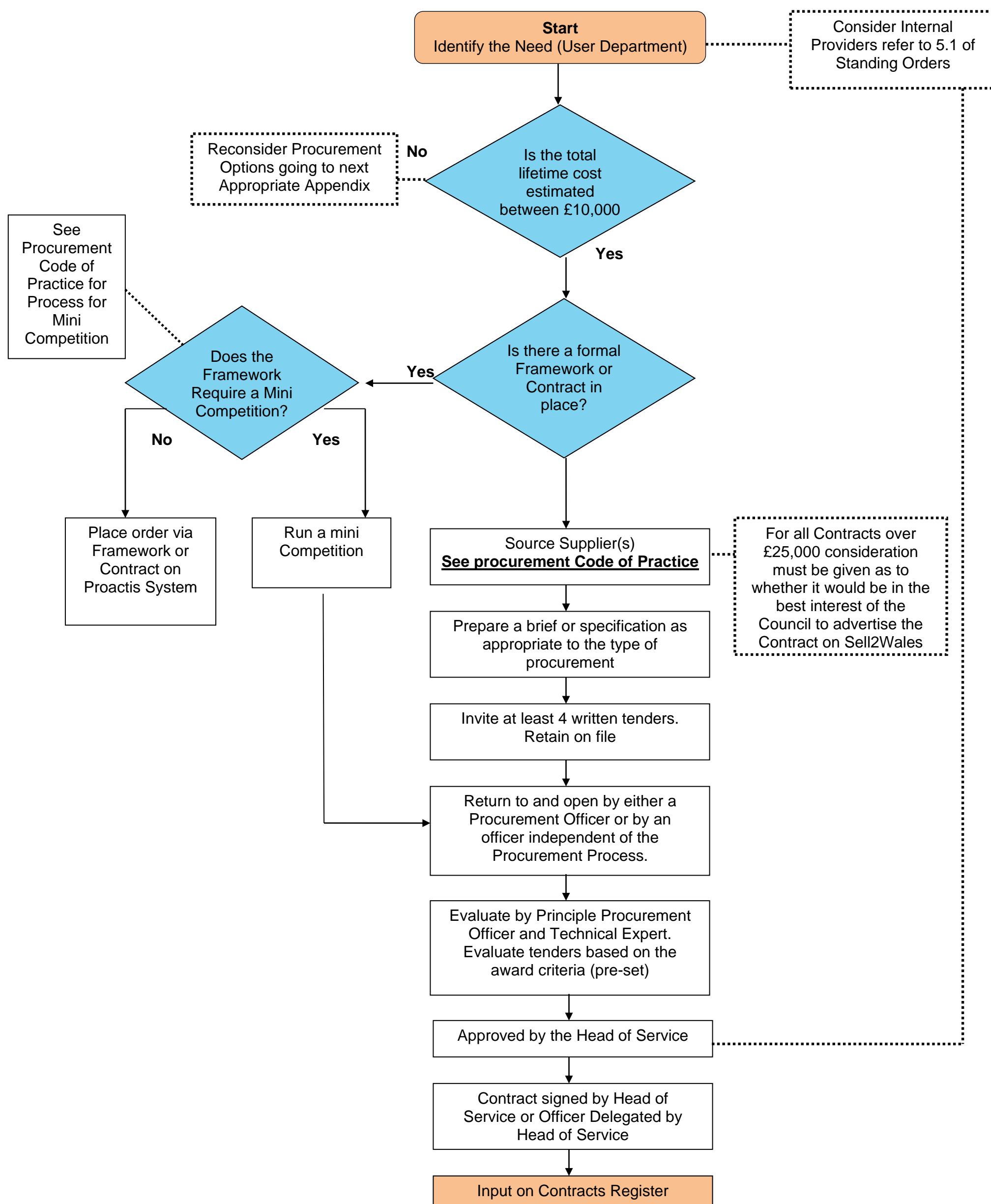
Appendix A: Low Value Procurement (Quotations) below £10,000

Estimating the contract value should always take into account the provisions of para. 12.



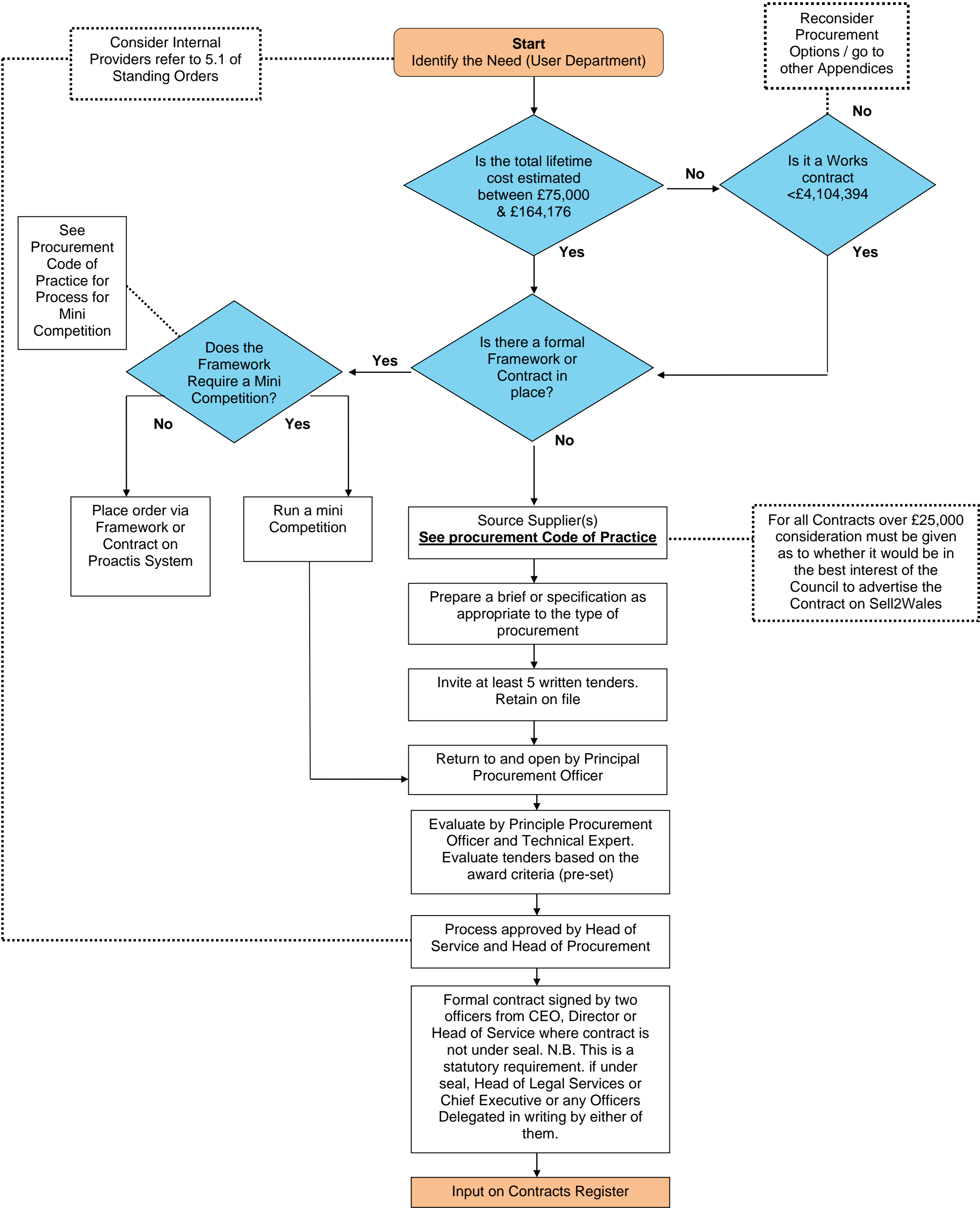
Appendix B: Intermediate Value Procurement (Tenders) between £10,000 and £75,000

Estimating the contract value should always take into account the provisions of para. 12.



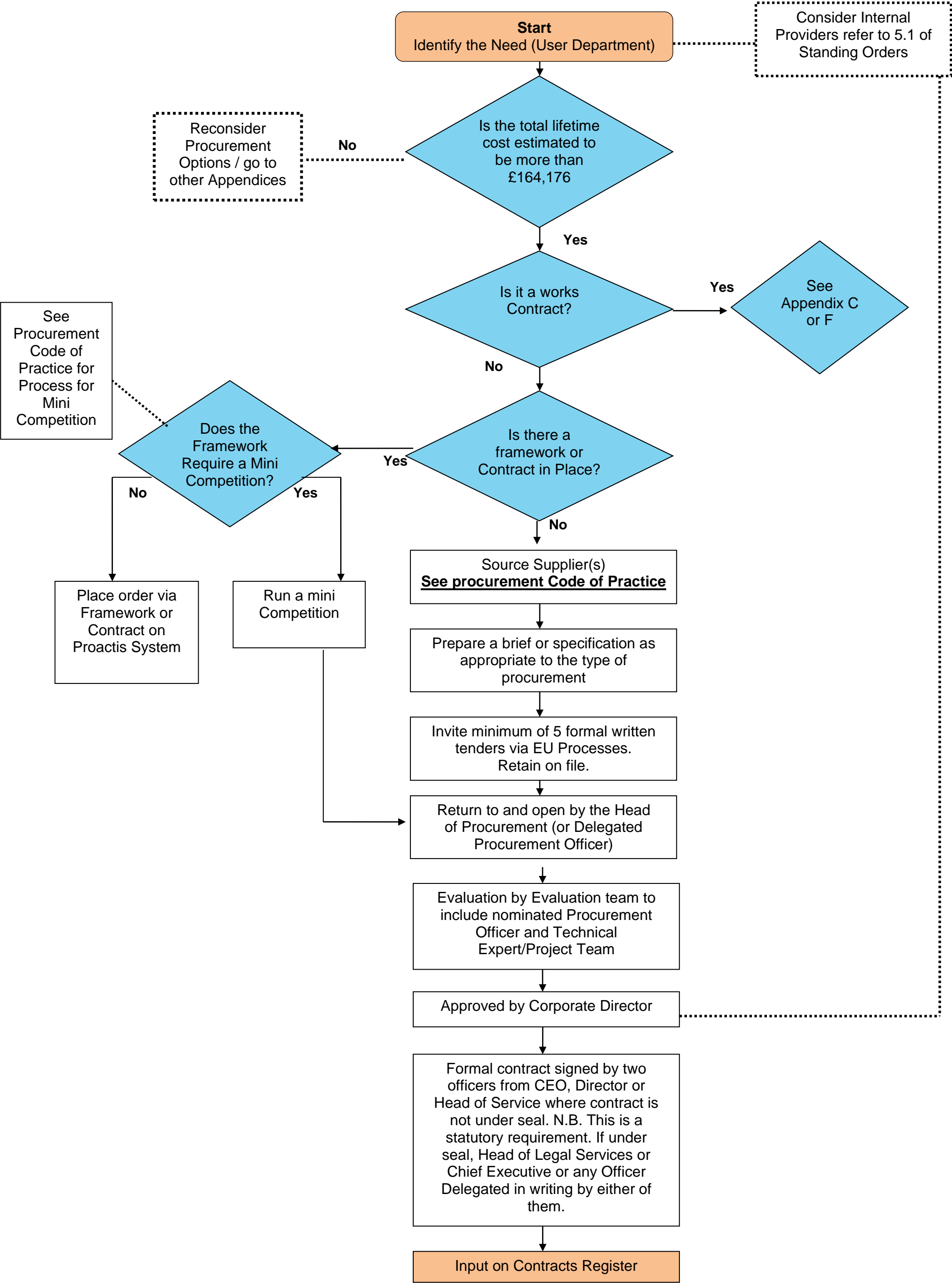
Appendix C: Medium Value Procurements (Tenders) - Between £75,000 and £164,176 (for Goods and Services) or less than £4,104,394 (for Works).

Estimating the contract value should always take into account the provisions of para. 12.



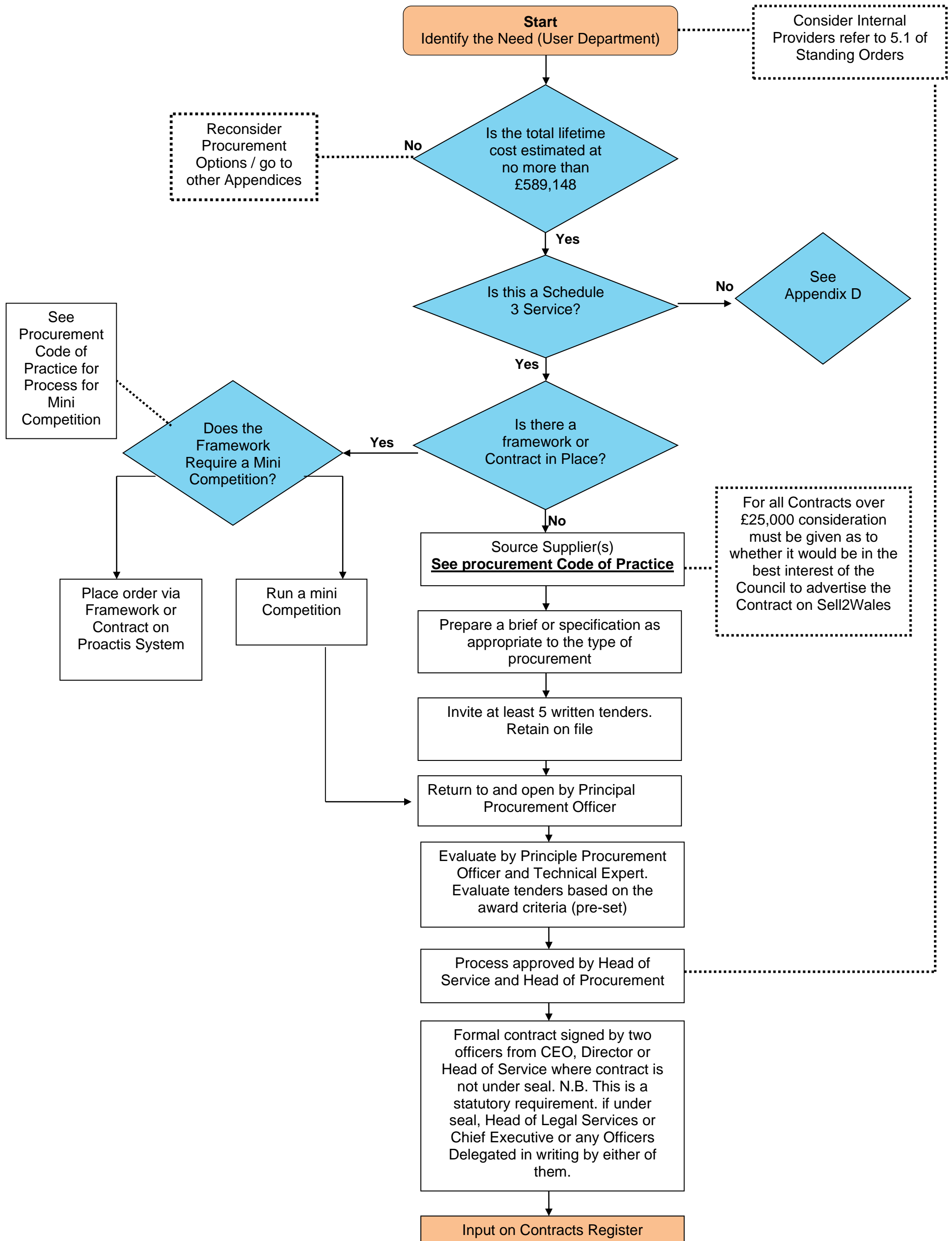
Appendix D: High Value Contracts for Goods & Services (Tenders) – Over £164,176 and Over £589,148 for Schedule 3 Services (Light Touch Regime)

Estimating the contract value should always take into account the provisions of para. 12.

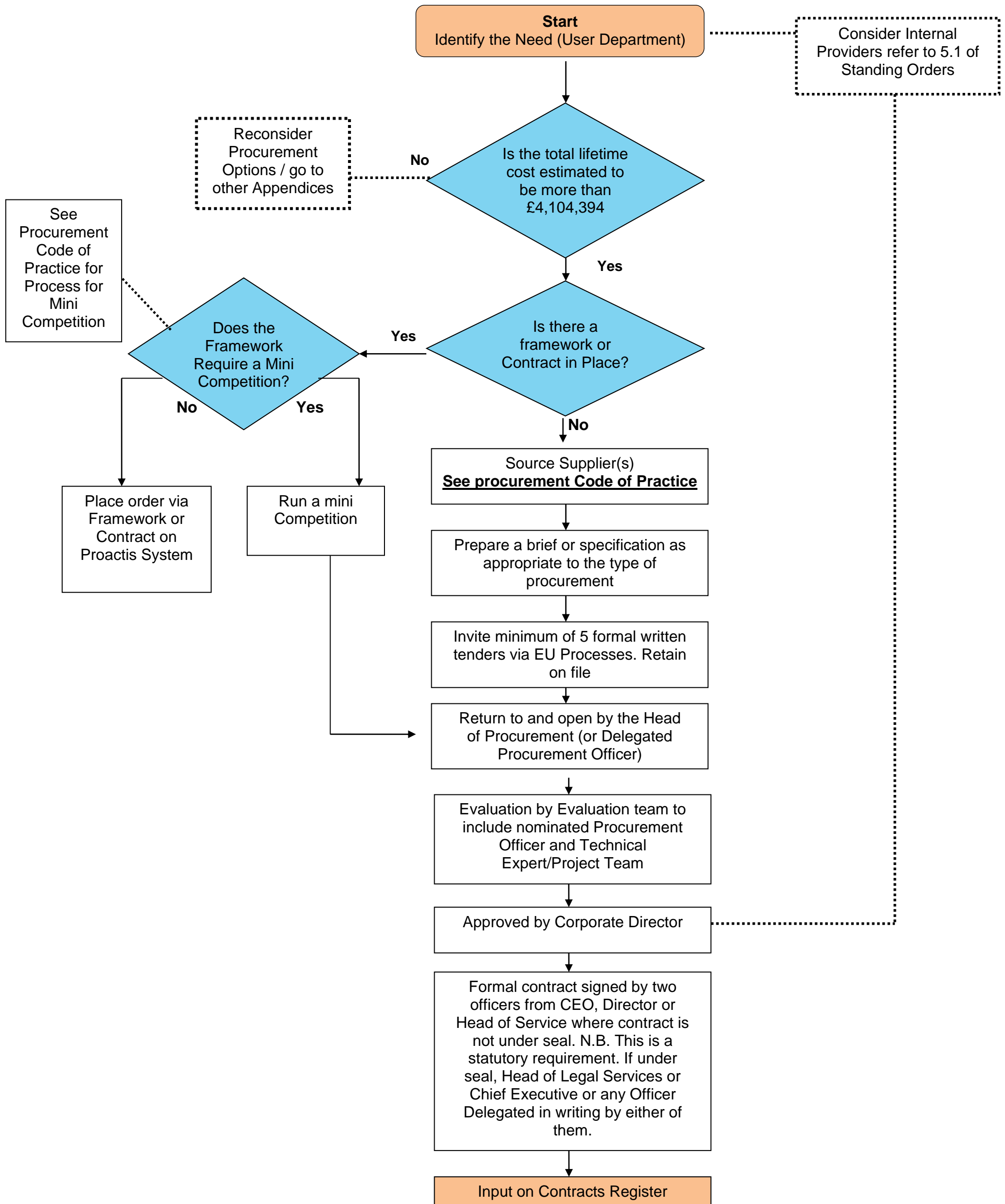


Appendix E: Schedule 3 Services (Light Touch Regime) between £164,176 and £589,148

Estimating the contract value should always take into account the provisions of para. 12



Appendix F: High Value Contracts for Works (Tenders) – Over £4,104,394
Estimating the contract value should always take into account the provisions of para. 12.



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PROTOCOL FOR DISPOSAL OF PROPERTY

1. PROTOCOL

- 1.1 This Protocol is to be read in conjunction with the Standing Orders for Contracts.

2. INTRODUCTION

- 2.1 Local authorities should act in a transparent and consistent manner in the disposal of property. Procedures are necessary to protect officers and members from accusations of unfairness or impropriety. These procedures need to be clearly set out and approved by Councillors.
- 2.2 This protocol sets out suggested principles of best practice in the disposal of property, taking account of the Commission for Local Administration Guidance Note, issued in November 1995.

3. INVOLVEMENT OF MEMBERS

- 3.1 Councillors play an important role in approving procedures and, where appropriate, taking the final decision on whether to dispose of property on negotiated terms. However, advice is clearly given by the Local Government Ombudsman that accusations of unfairness or impropriety are more likely to be made where Councillors involve themselves directly in the negotiation of terms, and that such negotiations should be left to the council's professional officers or independent advisers. No decisions by members on disposals should take place without appropriate professional advice being received.
- 3.2 Disposals should normally take place only after inviting competitive bids. Exceptions to this principle in relation to property which could be of interest to more than one potential purchaser, should only be with prior approval of elected members following a written report from officers, which should include full consideration of the effect of the action on other parties' interests and on the level of capital receipt.
- 3.3 Any proposal to dispose of property for less than the best terms reasonably obtainable, may require the consent of Welsh Assembly Government and should also be approved by members.

4. CONSULTATION PROCEDURES

- 4.1 Surplus property can be identified in three ways:-
- (i) A service directorate declares property surplus to its requirements. The service directorate may make a recommendation on the future use of property but it cannot make a decision on this use.
 - (ii) Surplus land or buildings identified through the property review process.
 - (iii) An application to purchase received from a third party.
- 4.2 The internal consultation procedures adopted by the Property Division comprise the following:
- The Planning Division on proposed land use.
- If not declared surplus under paragraph 4.1(i) above, the holding directorate.

All service directorates, when it is appropriate to do so, to ascertain whether there is an internal need for the property. (Note: Consultations will not take place for small areas of land such as garden land).

Corporate Finance in case there are any outstanding financial liabilities to the Council on the part of a third party applicant.

The Community Council Liaison Officer (where appropriate).

Any service directorate which might be affected by the application, or wish to comment on the proposed use of the land in relation to their professional remit (e.g. Environmental Services).

If surplus to requirements and no other objections or internal expressions of interest received, ward members.

- 4.3 If there are no objections to the sale, the property will be sold. If objections are raised by local members, issues of principle need to be decided or there are objections to a Public Open Space advertisement (see paragraph 7.2), a report is placed before Cabinet.

5. MARKETING OF PROPERTY

- 5.1 The Chief Inspector of Audit made a number of general recommendations in the 1995 Guidance Note. The council's procedures generally comply with these recommendations. Key principles of the procedure are:-

- (i) Disposals normally (but not always) require the invitation of competitive bids.
- (ii) Terms are not finalised without a current valuation being available.
- (iii) Property disposed of by auction is subject to a reserve price not less than its current open market valuation.
- (iv) Where property is disposed to a developer under a building agreement and subsequent lease or sale, developer's proposals are invited by public advertisement and considered by members.

- 5.2 The vast majority of sales are by private treaty. The advantages of this method are that it allows a flexible approach; time pressures are seldom imposed on either the vendor or the purchaser and it is widely understood and accepted by the general public. The major disadvantages are that the proceedings cannot always overcome suspicions of unfair dealing and offers made are subject to contract which, until exchange of contract, can lead to late increased bids or a reduced bid from the original highest bidder. Under a formal tender process, the offer is not subject to contract and, once accepted, a contract exists.

- 5.3 Informal tendering may take place as part of a private treaty sale. Informal tendering is a process by which offers are invited but perhaps without a firm closing date, unlike a formal tendering process (where tenders are submitted in a sealed envelope to be opened at one time). Offers received during this process can be opened as they are received. Bidders may be invited to increase their offer, possibly having been told that a higher bid has been received. This procedure may result in the council obtaining a higher price than if bidding was restricted to a single informal tendering process. At the end of the process all parties will be asked to re-submit a final bid in accordance with the following procedure:-

- i. An addressed envelope marked "not to be opened before (date and time)" and the address or identification of the property will be provided to each party.

- ii. Each party will be asked to supply the name and address of the solicitor who will act in the matter.
- iii. Each party should include confirmation from the bank, building society or other financial institution as to the funds it is prepared to provide if that best offer is accepted together with evidence that the balance if any, of the price is available from other resources.
- iv. The offer should state the period within which contracts can be exchanged following receipt of title documents from the Head of Legal Services.
- v. The offer should be submitted subject to contract only. Any other conditions on which it is made are to be specified.
- vi. Any offers sent by facsimile will not be considered and may invalidate any offer received in the sealed envelope due to potential breach of confidentiality.
- vii. Only offers of a non-variable nature will be considered. The Council will reserve the right not to accept the highest or any offer made.

These bids will be opened at the same time with two officers in attendance.

- 5.4 The Chief Property Officer will, in each case, need to consider the advantages and disadvantages of each potential method of sale and decide which is most appropriate and likely to result in the achievement of the highest sale price for the Authority. Cabinet approval is required to dispose of properties other than by formal tender where the estimated proceeds of sale is expected to exceed £150,000.

6. DEALING WITH LATE OR REDUCED BIDS

- 6.1 There is a particular difficulty if a higher offer is received by the council after an offer has been accepted "subject to contract". Problems with late bids may be minimized by an early exchange of contracts, the use of Exclusivity Agreements and by making it clear in writing to the original highest bidder that if a higher offer is received before exchange of contracts there is an obligation on the council to consider it. Alternatively, a form of contract can be sent out with the tender documents. The Head of Legal Services advises that in this situation, the council should invite one further round of bids from all previous bidders. If the bidding process was restricted at this stage, the council could be perceived as being unfair and, as a public body, may be subject to judicial review.
- 6.2 The council may also encounter a situation where a successful bidder seeks to reduce the offer, particularly if the bidder believes that the Council will be prepared to accept any offer above the next highest bid in their general obligation to obtain the best price. This could be avoided by early exchange of contracts and/or requiring final bids to be in the form of an offer which is not subject to contract, but this will probably be unacceptable to most prospective purchasers in a private treaty sale. In a situation where a successful bidder seeks to reduce an offer, all previous bidders should be invited to submit new bids or the property be re-marketed. If the circumstances of a particular disposal are such that this procedure is not considered to be in the best interests of the authority, the Chief Property Officer, with the approval of the Director of the Environment, can accept a lower bid, as long as it is still the highest.

7. RELATED ISSUES

- 7.1 Circumstances can arise where a Council may resolve not to proceed with a disposal, or may determine an alternative course of action. In such situations, it is appropriate to consider reimbursement of costs to prospective purchasers who in good faith have incurred abortive expenditure in pursuing negotiations with the Council.

- 7.2 Land which could be considered to be public open space cannot be disposed of by a Council unless the proposal has first been advertised for two consecutive weeks in a newspaper circulating in the area in which the land is situated, and any objections considered. The Town and Country Planning Act 1990 defines public open space as any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. No commitment in principle to disposal of such land should be made until objections have been considered in accordance with the requirements of the Local Government Act 1972, Section 123. Objections are reported to Cabinet before a final decision is made on disposal.
- 7.3 Councils are recommended to have regard to the “Crichel Down” rules when disposing of surplus land. The rules apply to all property acquired by or under threat of compulsion and requires an acquiring authority to offer it back, if surplus, at open market value if it has not materially changed in character since acquisition. Also, current legislation requires that if the property is not returned to its former owner or successor in title, then the former owner is to be reimbursed any uplift in value if the value of land is enhanced by any planning permission given within ten years of any acquisition completed on or after 25th September 1991.

8. DISPOSAL PROCEDURE

- 8.1 The key principles set out in this Protocol are summarised in the following procedure:
- (i) Before any property is disposed of, appropriate internal consultation will take place and “offer back” and compensation payments to previous owners considered.
 - (ii) Ward members will be consulted prior to any final decision made on the sale of property. If ward members object to an officer recommendation on the sale or retention of property, Cabinet will decide on the matter.
 - (iii) Property will normally be sold on the open market but there are cases when this is not possible. In those cases where it is evident that a property can, realistically, only be sold to a single party, the Chief Property Officer can, in consultation with the Director of the Environment and the appropriate Cabinet member, decide not to invite competitive bids.
 - (iv) In those cases where it is possible to market a property but the Chief Property Officer is of the opinion that this course of action may not be in the best financial or service interests of the Authority, Cabinet approval will be obtained before direct negotiations are opened with a single party, and the views of ward members will be taken into consideration.
 - (v) Where property is to be disposed of to a developer under a building agreement and subsequent lease or sale, developers’ proposals will be invited by public advertisement and considered by Cabinet and reported to the Policy and Resources Scrutiny Committee.
 - (vi) All disposals will be at the best price achievable. Any disposal at less than this price must be approved by Cabinet and, if appropriate, the National Assembly for Wales.
 - (vii) Terms of disposal will not be agreed without a current valuation being in place.
 - (viii) If a property is sold by private treaty, sealed bids from all interested parties will be invited at the end of the marketing process. These bids will be opened at the same time with two officers present.
 - (ix) If a higher offer is received after a previous offer has been accepted but before contracts are exchanged, the original highest bidder will be informed of the higher bid and all previous bidders will be asked to re-submit bids (in a form which, when accepted by the Authority, will create a binding contract immediately) by a specified date.

- (x) If a successful bidder seeks to reduce an offer, all previous bidders will normally be invited to submit new bids or the property be re-marketed. However, if the Chief Property Officer is of the opinion that acceptance of the reduced offer is in the best financial interests of the authority, he/she can, with the approval of the Director of the Environment, and in consultation with the appropriate Cabinet member, accept the bid as long as it is still the highest.
- (xi) All terms of sale approved by the Chief Property Officer under delegated powers may be subject to scrutiny.
- (xii) In those cases where the Council resolves not to proceed with a disposal after legal instructions have been issued, consideration will be given to the reimbursement of abortive costs to prospective purchasers.
- (xiii) Any objections to public open space advertisements be reported to Cabinet and given full consideration before a final decision is made on disposal.

Officer Employment Procedure Rules

References:

Chapter 2, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001, Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014.

Interpretation

For the purposes of these rules and Section (I) paragraph 6, of Part 3 of the Constitution:

"Chief Officer"	has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006 namely the Head of Paid Service, the Monitoring Officer, a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the Local Government and Housing Act 1989 (the 1989 Act) which for the Council's purposes includes the Director of Education, the Director of Social Services and the Chief Finance Officer (Section 151 Officer), a non statutory officer within the meaning of section 2(7) of the Local Government and Housing Act 1989, which for the Council's purposes includes the Deputy Chief Executive and all other Directors, and any reference to an appointment or purported appointment of a chief officer includes a reference to the engagement or purported engagement of such an officer under a contract of employment.
"Deputy Chief Officers"	has the same meaning as set out in section 2(8) of the Local Government and Housing Act 1989 which for the Council's purposes includes Heads of Service
"Head of Paid Service"	means the officer designated under Section 4(1) of the Local Government & Housing Act 1989 (designation and reports of Head of Paid Service).
"Chief Finance Officer"	means the officer having responsibility for the purposes of Section 151 of the Local Government Act 1972 (financial administration) for the administration of the Local Authority Financial affairs.
"Monitoring Officer"	means the officer designated under Section 5(1) of the Local Government and Housing Act 1989 (designation and reports of Monitoring Officer)
"Head of Democratic Services"	means the officer designated under section 8 of the Local Government (Wales) Measure 2011

"Assistants To Political Groups"	has the same meaning as a person appointed in pursuance of Section 9 of the 1989 Act
"School Based Employees"	has the same meaning as a person to whom regulations made under Section 35(4) and (5) of the Education Act 2002 (provision with respect to the appointment, discipline, suspension and dismissal of teachers and other staff of schools employed by the Local Education Authority
"remuneration"	has the same meaning as Section 43(3) of the Localism Act namely: <ul style="list-style-type: none"> a. The Chief Officer's salary or, in the case of a chief officer engaged by the authority under a contract for services, payments made by the authority to the Chief Officer for those services; b. Any bonuses payable by the authority to the Chief Officer c. Any charges, fees or allowances payable by the authority to the Chief Officer d. Any benefits in kind to which the chief officer is entitled as a result of the chief officer's office or employment e. Any increase in or enhancement of the chief officer's pension entitlement where the increase or enhancement is as a result of a resolution of the authority and f. Any amounts payable by the authority to the Chief Officer on the Chief Officer ceasing to hold office under or be employed by the authority, other than amounts that may be payable by virtue of any enactment.

1. Recruitment and appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- (ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(b) Seeking support for appointment.

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

2. Recruitment of Chief Officers (including Head of Paid Service)

2.1 The Council must take the steps set out in paragraph 2.2 below where

- (a) it proposes to appoint a Chief Officer and the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum.

2.2 The steps are to

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph 2.2 (a) above to be sent to any person on request.

2.3 Where paragraph 2.1 applies the Council is not required to take the step set out in paragraph 2.2 (b) if it proposes to appoint the Chief Officer for a period of no longer than 12 months.

2.4 Where a post has been advertised as provided in paragraph 2.2 (b) above, the Council must:-

- (a) interview all qualified applicants for the post, or
- (b) select a short list of such qualified applicants and interview those included on the short list.

2.5 Where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council may make further arrangements for advertisement in accordance with paragraph 2.2 (b) above.

3. Appointment of Head of Paid Service

The full council will make the appointment of the Head of Paid Service following the recommendation of a short list for such an appointment by a committee of the Council. That committee must include at least one member of the executive but must not comprise a majority of members of the executive.

4. Appointment of Chief Officers, Deputy Chief Officers, and Head of Democratic Services

A committee of the Council will appoint all Chief Officers (other than the Head of Paid Service) Deputy Chief Officers, and the Head of Democratic Services. That committee must include at least one member of the executive but must not comprise a majority of members of the executive.

5. Remuneration of Chief Officers

The Council must determine the level and any change in level of the remuneration to be paid to a Chief Officer.

6. Other appointments

- (a) **Officers other than those in (4) above.** Appointment of these officers (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors. This process is covered by the Council's approved Recruitment and Selection procedures.

- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
- (c) **School based employees.** Appointments of school based employees are made by the school in line with their own procedures.

7. Disciplinary action - Head of Paid Service, Chief Finance Officer, (Section 151 Officer), Monitoring Officer and Head of Democratic Services

- (a) Disciplinary action in relation to any of the Council's statutory officers named above or any other officer referred to in paragraph 7(b) below will be undertaken in accordance with the Disciplinary Procedure for Statutory Officers set out at Appendix A to these Rules.
- (b) An officer in relation to whom disciplinary action is proposed where
 - (i) the officer was, but at the time of the proposed disciplinary action no longer is an officer referred to in paragraph 7(a) above and
 - (ii) the alleged misconduct or as the case may be the reason for the proposal for dismissal occurred during the period when the officer was an officer referred to in paragraph 7(a) above

8. Disciplinary action – Other Chief Officers and Deputy Chief Officers (excluding officers listed in paragraph 7 above).

- (a) Disciplinary action in relation to any of the Council's other Chief Officers, Deputy Chief Officers or any other officer referred to in paragraph 8(b) below shall be undertaken in accordance with the Disciplinary Procedures for other Chief Officers set out at Appendix B to these rules.
- (b) An officer in relation to whom disciplinary action is proposed
 - (i) who was but at the time of the proposed disciplinary action no longer is an officer referred to in paragraph 8(a) above and
 - (ii) where the alleged misconduct or as the case may be the reason for the proposal for dismissal occurred during the period when the officer was an officer referred to in paragraph 8(a) above.

9. The terms of reference of the Investigating & Disciplinary Committee referred to in the Procedures are set out at Appendix C to these rules.

10. Disciplinary Action

(a) Officers Other Than Those Referred To In paragraphs 7 and 8 above.

The Disciplinary action in relation to these officers shall be undertaken in accordance with the Council's Ordinary Disciplinary Procedure.

(b) Assistants To Political Groups

Disciplinary action of an assistant to a political group shall be made in accordance with the procedures of that political group

(c) School Based Employees

Disciplinary action of a school based employee is taken by the school in line with their own procedures and not by the Council.

APPENDIX A

DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS

Approved by Council 21.3.13

DISCIPLINARY PROCEDURE FOR STATUTORY OFFICERS

1. Scope of Procedure

- 1.1(a) This Procedure applies to the following officers of the Council, namely the Head of Paid Service, the Monitoring Officer, Chief Finance Officer (Section 151 Officer) Head of Democratic Services and an officer in relation to whom disciplinary action is proposed where the officer was, but at the time of the proposed disciplinary action no longer is an officer referred to in this paragraph and the alleged misconduct or as the case may be the reason for the proposal for dismissal occurred during the period when the officer was an officer referred to in this paragraph
- 1.1(b) The officers referred to in 1.1(a) above are referred to collectively in this procedure as “Statutory Officers”
- 1.2 This Procedure has been adopted by the Council for the purpose of dealing with disciplinary, capability and other similar issues in relation to Statutory Officers of the Council. For the avoidance of doubt, this Procedure also applies to a breakdown of trust and confidence between the Statutory Officer and the Authority.
- 1.3 Minor conduct issues can often be resolved informally. Formal steps will be taken under this Procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 1.4 The objective of this Procedure is to:-
- (i) encourage employees to achieve and maintain acceptable standards of behaviour;
 - (ii) provide a fair and consistent method of dealing with alleged failure to maintain acceptable standards of behaviour;
 - (iii) minimise disagreements about disciplinary matters; and
 - (iv) reduce the need for disciplinary action and dismissals.
- 1.5 Save where alternative arrangements have been agreed in advance between the Council and the Chief Executive or the Statutory Officer, the steps set out in this Procedure should be followed. The parties recognise that it may be necessary to depart from the Procedure, from time to time, according to particular circumstances of a case. In such circumstances, both parties agree to give fair consideration to reasonable proposals to modify the Procedure accordingly.
- 1.6 This Procedure does not form part of a Statutory Officer’s contract of employment and it may be amended at any time, subject to overall compliance with the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014.
- 1.7 Any disciplinary matters will be dealt with sensitively and with due respect for the privacy of any individuals involved. All individuals involved must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

2. Roles and Responsibilities

- 2.1 Where it appears that an issue has arisen which, if proven, could result in disciplinary action being taken against a Statutory Officer, the matter will be referred to an Investigating and Disciplinary Committee (“Investigating and Disciplinary Committee”) for consideration.
- 2.2 The Investigating and Disciplinary Committee shall be responsible for conducting the preliminary investigation which is further referred to in paragraph 5 below.
- 2.3 The Investigating and Disciplinary Committee should:-
- (i) include no fewer than three elected members;
 - (ii) should not include any member with a direct personal involvement in the complaint;
 - (iii) should be politically balanced.
 - (iv) include a member of the Executive.
- 2.4 The Investigating and Disciplinary Committee shall appoint a chair person to oversee the function of the Committee (“Chair”).
- 2.5 The Investigating and Disciplinary Committee shall undertake a preliminary investigation into the allegations of conduct or capability, or other issues under investigation in order to determine whether a case to answer appears to exist which requires further consideration by a Designated Independent Person. The Investigating and Disciplinary Committee may choose to appoint a Chief Officer of the Council or an independent person to carry out the preliminary investigation on its behalf and whoever undertakes that role shall be referred to as the “Preliminary Independent Investigator” in this Procedure.
- 2.6 The Investigating and Disciplinary Committee shall be advised throughout by a suitable adviser who may be employed by or independent of the Council, (“the Independent Adviser”) who shall ordinarily be accompanied by a member of the Council's HR Team, save in cases where a conflict of interest could arise, in which case the Chair shall appoint a nominee, who may be an external adviser.
- 2.7 Save where the Investigating and Disciplinary Committee is satisfied, following a preliminary investigation, that the issue requires no further action or can be resolved informally, the matter must be referred to a Designated Independent Person, who shall be responsible for determining the matter in accordance with paragraph 5 below.

3. Timescale

- 3.1 The Procedure does not generally incorporate prescriptive timescales as it is recognised that these could be impracticable to achieve in the circumstances of a particular case. Where time limits do apply, they are included within the relevant section of this Policy. However, it is implicit that all stages of the Procedure be operated expeditiously by all parties in order to avoid unnecessary delay and prejudice to the interests of all parties.

4. Suspension

- 4.1 Suspension is not regarded as disciplinary action under this Procedure but as a neutral act which may be implemented where, in the opinion of the Investigating and Disciplinary Committee, it is believed that the Statutory Officer's continuing presence at work might compromise the investigation or otherwise impair the efficient exercise of the Council's functions.

- 4.2 Suspension may also be necessary if an allegation is such that, if proven, it would amount to gross misconduct.
- 4.3 In ordinary cases, power to suspend a Statutory Officer will rest with the Investigating and Disciplinary Committee. However, in cases which in the reasonable opinion of the Leader of the Council (or in his absence the Deputy) are urgent cases, the Leader of the Council (or in his absence his Deputy) shall have power to suspend a Statutory Officer.
- 4.4 Save in urgent cases, prior to imposing suspension in any case, the Investigating and Disciplinary Committee shall inform the Statutory Officer, in writing, of the reason for the proposed suspension and the Statutory Officer shall have the opportunity to make representations before a decision is taken.
- 4.5 In urgent cases, the Statutory Officer shall be informed of such reasons in writing within 2 working days and make representations to the Investigating and Disciplinary Committee, which shall be considered within 5 working days.
- 4.6 The necessity for the Statutory Officer to remain suspended should be reviewed at regular intervals and where possible lengthy periods of suspension should be avoided. Further specific consideration should be given as to whether alternative working arrangements might be implemented which could avoid the need for the Statutory Officer's suspension, whilst avoiding any compromise to the investigation or to the efficient exercise of the Council's functions.
- 4.7 Absence from duty during any period of suspension shall be on full pay.
- 4.8 Any suspension must not last longer than 2 months from the day on which it takes effect unless a Designated Independent Person has used their power to direct a continuation of the suspension after the expiry of that period.

5. Preliminary Investigation

- 5.1 The Chair of the Investigating and Disciplinary Committee will be responsible for informing the Statutory Officer, in writing, of the allegations or other issues under investigation. The date of this notification shall be the "Commencement Date" for the purpose of this Procedure.
- 5.2 The Chair of the Investigating and Disciplinary Committee shall be responsible for determining the arrangements for conducting a preliminary investigation, as set out in paragraph 2.2 above.
- 5.3 The Chair of the Investigating and Disciplinary Committee shall, where a decision has been taken to appoint another to conduct the preliminary investigation on its behalf, determine the terms of appointment of the Preliminary Independent Investigator, agree any remuneration payable to the Preliminary Independent Investigator (if appropriate), and provide facilities and all available information regarding allegations or other issues under investigation as are necessary to enable the Preliminary Independent Investigator to fulfil their role.
- 5.4 The Investigating and Disciplinary Committee or Preliminary Independent Investigator will be entitled to interview witnesses and carry out such enquiries as they deem necessary. This may include examining the Council's email, internet, and other IT systems, including the accounts of the Statutory Officer. The Statutory Officer shall fully cooperate with the Investigating and Disciplinary Committee or Preliminary Independent Investigator and shall make themselves available for such interviews and meetings and provide any relevant documentation or information as the Investigating and Disciplinary Committee or the Preliminary Independent Investigator deems necessary.
- 5.5 The Statutory Officer shall be given reasonable facilities and access to the Council's premises and systems as well as personal files/diary, etc. to allow them to prepare their responses on such terms as may be agreed by the Investigating and Disciplinary Committee or Preliminary Independent Investigator.

- 5.6 The Investigating and Disciplinary Committee or Preliminary Independent Investigator shall prepare a short report following their investigation which shall be submitted to the Chair of the Investigating and Disciplinary Committee for their consideration ("Preliminary Investigation Report") and it is expected that this will be done within 7 working days of the Commencement Date. A copy of the Preliminary Investigation Report shall be provided to the Statutory Officer within seven working days of receipt by the Chair of the Investigating and Disciplinary Committee.
- 5.7 The Statutory Officer shall, if they so wish, request further information and documents in relation to the Preliminary Investigation Report, within five working days of receipt by the Statutory Officer of the Preliminary Investigation Report.
- 5.8 Once the period for requesting further information has elapsed and any request for information and documents made under 5.7, the Chair of the Investigating and Disciplinary Committee shall summon a meeting of the Investigating and Disciplinary Committee.
- 5.9 Before determining whether the allegations or other issues warrant referral to the Designated Independent Person for further consideration. The Chair of the Investigating and Disciplinary Committee shall advise the Statutory Officer, in writing, that:-
- they are required to attend a meeting with the Investigating and Disciplinary Committee;
 - they may make oral representations to the Investigating and Disciplinary Committee at that meeting; and
 - they may put forward written representations and/or evidence, including written witness evidence, which they wish the Investigating and Disciplinary Committee to consider at this stage. Any such written representations, witness statements or supporting evidence must be submitted to the Chair of the Investigating and Disciplinary Committee at least three working days before the meeting. The Investigating and Disciplinary Committee will give careful consideration to the allegations or other issues, the Preliminary Investigator's Report, supporting evidence and any representations put forward by the Statutory Officer before taking further action.
- 5.10 The Investigating and Disciplinary Committee shall decide within 1 month of the referral of the allegation to it whether:-
- (i) the issue requires no further formal action under this Procedure (in which case they will consider what other steps, if any, should be taken, for example a requirement for training) and would ordinarily lift any suspension immediately; or
 - (ii) there is a case to answer which requires further investigation and the issue should be referred to a Designated Independent Person, in which case the following paragraphs of this Procedure shall apply.
- 5.11 The Investigating and Disciplinary Committee shall inform the Statutory Officer of the decision, in writing, as soon as practicable.

6. The Role of the Designated Independent Person

- 6.1 The identity of the Designated Independent Person must be agreed within one month of the decision to appoint a Designated Independent Person. If the Chair of the Investigating and Disciplinary Committee and the Statutory Officer (or their representative) have not agreed the appointment of a Designated Independent Person within that timeframe, the Council will appoint the individual nominated by the Welsh Ministers.
- 6.2 The Chair of the Investigating and Disciplinary Committee shall determine the terms of appointment of the Designated Independent Person, agree the Designated Independent Person's

remuneration, procure the necessary facilities, including access to sources of information and people identified as relevant to the case and provide all available information about the allegations or other issues under investigation as shall be necessary to enable them to fulfil their role.

- 6.3 The Designated Independent Person should operate on the basis of a combination of independent investigation using their powers to access information, and a formal hearing, at which the allegations and supporting evidence (including evidence provided by witnesses) are presented by the Council's representative, and the Statutory Officer or their representative is able to present their case.
- 6.4 Once appointed, the Designated Independent Person will consider whether it is appropriate to terminate or continue any suspension arrangements within 2 months of the commencement of any suspension.
- 6.5 The Investigating and Disciplinary Committee must, after consulting the Designated Independent Person, attempt to agree a timetable within which the Designated Independent Person is to undertake the investigation. Where there is no agreement, the Designated Independent Person must set a timetable which they consider appropriate.
- 6.6 It will be the responsibility of the Designated Independent Person to carry out a further investigation into the allegations or other issues under investigation and to submit a report ("Investigation Report") to the Investigating and Disciplinary Committee:-
- (i) stating in their opinion whether (and if so, the extent to which) the evidence they have obtained supports any allegation of misconduct, or incapability or supports a need for action under this Procedure for some other substantial reason; and
 - (ii) Recommending what, if any, disciplinary action or range of actions appears to be appropriate for the Council, through its Investigating and Disciplinary Committee, to take against the Statutory Officer having regard to all the circumstances of the case.

7. Receipt of the Designated Independent Person's Report

- 7.1 Within three working days of receipt of the Designated Independent Person's Report, the Chair of the Investigating and Disciplinary Committee, or his nominee, shall send a copy to the Statutory Officer.

8. Pre-Disciplinary Hearing Procedure

- 8.1 If the Investigation Report recommends disciplinary action is taken against the Statutory Officer, the Chair of the Investigating and Disciplinary Committee shall summon a meeting of the Investigating and Disciplinary Committee as a Disciplinary Hearing ("Disciplinary Hearing").
- 8.2 The Chair of the Investigating and Disciplinary Committee or their nominee shall give the Statutory Officer not less than ten working days written notice of the date of the Disciplinary Hearing with the Investigating and Disciplinary Committee. The notice shall include:-
- (i) the time and place of the Disciplinary Hearing;
 - (ii) who will be in attendance at the Disciplinary Hearing including the members of the Investigating and Disciplinary Committee;
 - (iii) a copy of the Designated Independent Person's Report and any supporting documentation (including any witness statements where relevant) and the allegations to be considered at the Disciplinary Hearing;

- (iv) confirmation that the Disciplinary Hearing is convened under this Procedure and could result in disciplinary action;
- (v) confirmation that the Statutory Officer may be accompanied at the Disciplinary Hearing by a trade union representative, an official employed by a trade union or a fellow work colleague ("Companion");
- (vi) confirmation that the Statutory Officer may ask any person to be present as a witness or adduce any documents or written statements in support of their response, provided full details of such witnesses and copies of any such documents or statements are provided to the Chair of the Investigating and Disciplinary Committee, or their nominee, at least five working days before the date of the Disciplinary Hearing, for distribution to all parties.

8.3 Within two working days, the Statutory Officer shall either agree the date for the Hearing or propose to the Chair or a nominee, a postponement for the date of the Hearing for a period not exceeding ten working days setting out the reasons for the request. For the avoidance of doubt, the postponement includes any postponement due to the availability of the Statutory Officer's Companion. If the Statutory Officer requests a postponement, the Chair of the Investigating and Disciplinary Committee or their nominee and the Statutory Officer (or his representative) shall agree the date for the Hearing. If they cannot agree the date within one working day, the Chair of the Investigating and Disciplinary Committee, having taken appropriate advice, shall determine the date of the Disciplinary Hearing.

8.4 The Statutory Officer and their Companion must make every effort to attend the Disciplinary Hearing (whether reconvened or otherwise). Failure to attend without good reason may be treated as misconduct in itself. If the Statutory Officer fails to attend without good reason, or persistently fails to do so, the Disciplinary Hearing may proceed in their absence and a decision may be made based on the available evidence.

8.5 At least five working days before the date of the Disciplinary Hearing the Statutory Officer shall give to the Chair of the Investigating and Disciplinary Committee, or their nominee:-

- (i) Full details of any witnesses they wish to call;
- (ii) Copies of any documents which they wish to refer to in support of their response;
- (iii) Any written statements or submissions which they wish to submit; and
- (iv) Details of the Companion they wish to bring to the Disciplinary Hearing.

8.6 The Chair of the Investigating and Disciplinary Committee or their nominee shall provide a copy of such documents and information to the Investigating and Disciplinary Committee as soon as reasonably practicable thereafter and no later than three working days prior to the Disciplinary Hearing.

9. The Investigating and Disciplinary Committee Hearing

9.1 The procedure for the Disciplinary Hearing will be as follows:-

- (i) the Chair of the Investigating and Disciplinary Committee will explain the purpose of the Hearing and the procedure to be followed;
- (ii) the Designated Independent Person, or their nominee will present the complaint and introduce evidence in support of the complaint, including the Designated Independent Person Report, documents and witness evidence either in person or in writing as previously notified;

- (iii) the Statutory Officer or their Companion, and the Investigating and Disciplinary Committee and Independent Adviser, will have the opportunity to ask questions of the Designated Independent Person and/or his nominee, including direct questions to the witnesses;
- (iv) the Statutory Officer or their Companion will introduce evidence in support of their response to the allegations, including documents and witnesses as previously notified;
- (v) the Designated Independent Person, or their nominee, and the Investigating and Disciplinary Committee and the Independent Adviser will have the opportunity to ask questions of the Statutory Officer and/or their Companion, including direct questions to the witnesses;
- (vi) both sides will sum-up their presentations, commencing with the Designated Independent Person or his nominee.

9.2 The Statutory Officer's Companion can address the hearing, put and sum up the Statutory Officer's case, make representations on behalf of the Statutory Officer to any views expressed at the Disciplinary Hearing and confer with the Statutory Officer during the Disciplinary Hearing. The Companion does not, however, have the right to answer questions on the Statutory Officer's behalf. If the Statutory Officer's choice of companion is unreasonable, the Investigating and Disciplinary Committee may request that another companion be selected e.g. where the companion may have a conflict of interest or prejudice the Disciplinary Hearing.

9.3 The Disciplinary Hearing may be adjourned if the Investigating and Disciplinary Committee need to carry out any further investigations such as re-interviewing witnesses in the light of any new points which are raised at the Disciplinary Hearing. The Statutory Officer will be given a reasonable opportunity to consider any new information obtained before the Disciplinary Hearing is reconvened.

9.4 When the Investigating and Disciplinary Committee has heard all of the evidence submitted they will adjourn to consider what, if any, further action should be taken. The range of options available to them include:-

- (i) taking no further action;
- (ii) recommending informal resolution or other appropriate procedures be followed;
- (iii) referring back to the Designated Independent Person for further investigation and a further report;
- (iv) taking disciplinary action against the Statutory Officer.

9.5 In the case of disciplinary action, the Investigating and Disciplinary Committee may impose the necessary penalty up to the maximum recommended by the Designated Independent Person and this can include the following:-

- (i) a recorded or oral warning;
- (ii) a written warning;
- (iii) a final written warning;
- (iv) a final written warning accompanied by:-
 - (A) suspension on half pay or no pay for a specified period; and/or

- (B) relegation (i.e. reduction in salary) for a specified period and/or on specified terms; and/or
 - (C) demotion;
 - (v) dismissal (whether summary or on notice)
 - (vi) alternatively the Investigating and Disciplinary Committee may explore other alternatives such as but not limited to early retirement, secondment, or redeployment to a more junior post where there are issues relating to capability or loss of trust and confidence in the Chief Officer in their current role.
- 9.6 For the avoidance of doubt, the actions set out in paragraph 9.5 (iv) above shall only be applied in circumstances where the Investigating and Disciplinary Committee has decided that appropriate disciplinary action would include dismissal but that action short of dismissal would be more appropriate due to mitigating or other circumstances.
- 9.7 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that period.
- 9.8 All others present at the Disciplinary Hearing (other than the Independent Adviser) will withdraw while the Investigating and Disciplinary Committee consider their decision.
- 9.9 Where practicable, the decision of the Investigating and Disciplinary Committee will be delivered orally after an adjournment. However, in order to ensure that the Investigating and Disciplinary Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the Statutory Officer in writing within five working days of the Disciplinary Hearing, or as soon thereafter as is reasonably practicable.
- 9.10 A letter will be sent out to the Statutory Officer which outlines the decision and the action, if any, to be taken and will set out the rights of appeal ("Decision Letter").
- 9.11 Where the Investigating and Disciplinary Committee has determined that dismissal or action short of dismissal is the appropriate action in the circumstances, the Council must approve that dismissal before notice of dismissal is given.

10. Appeal Process

- 10.1 This procedure provides for different arrangements for appeals against dismissal and appeals against action short of dismissal.

Appeals against dismissal

- 10.2 The Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 require any decision to dismiss the Council's Head of Paid Service by the Investigating and Disciplinary Committee shall be subject to approval by Full Council. In view of this requirement and to provide an appeals process, the meeting of Full Council will fulfil the function of an appeal meeting if one is made. In these circumstances:
- (a) Where an appeal is made, the appeal will be considered by full Council following the procedure set out at 10.8 to 10.16 below; and
 - (b) Where no appeal is made, the Full Council will consider the recommendation to dismiss by the Investigating and Disciplinary Committee and approve that decision or otherwise determine an alternative disciplinary penalty.

- 10.3 Where the case involves a Statutory Officer, other than the Council's Head of Paid Service, there is no requirement for Full Council to approve the dismissal. As a result of this, the Statutory Officer may appeal the decision of the Investigation and Disciplinary Committee to Full Council.

Appeals against action short of dismissal

- 10.4 A Statutory Officer (including the Council's Head of Paid Service) shall have the right to appeal the Investigating and Disciplinary Committee's decision to the Council's Appeals Committee. The Appeals Committee will consider the report of the Designated Independent Person and any other relevant information considered by the Investigating and Disciplinary Committee.
- 10.5 Any appeal must be made in writing to the Chair of the Appeals Committee or their nominee as set out in the Decision Letter within ten working days of the date of the Decision Letter including the grounds of appeal ("Notice of Appeal").
- 10.6 Within five working days thereafter the Statutory Officer must inform the Chair of the Appeals Committee of the following details in relation to the Notice of Appeal and provide the following information:
- (i) whether the Statutory Officer is to be accompanied at the appeal hearing by a Companion and if so by whom;
 - (ii) whether they wish to call witnesses and if so, their names and the nature of the evidence they will provide;
 - (iii) copies of any additional documents or information relevant to the appeal that was not provided at the Disciplinary Hearing;
- 10.7 The appeal hearing will normally take the form of a review of the decision taken by the Investigating and Disciplinary Committee.
- 10.8 The Appeals Committee will consider the appeal as soon as reasonably practicable after the Notice of Appeal has been received. It will invite the following persons to be present at an appeal hearing:
- (i) the Statutory Officer, who may be accompanied by a Companion; and
 - (ii) the Chair of the Investigating and Disciplinary Committee or another member of the Committee if so nominated by the Chair, to explain their reasons for their decision and to answer any questions.
- 10.9 The Procedure for convening the Appeal Hearing will follow that set out above in relation to the Disciplinary Hearing.
- 10.10 The Appeals Committee shall be advised by an independent adviser who shall not usually be the same adviser who advised the Investigating and Disciplinary Committee.
- 10.11 The Appeals Committee may take into account any additional information which has become available in relation to the allegations or other issues under investigation following the Disciplinary Hearing.
- 10.12 The Appeals Committee may decide to uphold or dismiss the original decision of the Investigating and Disciplinary Committee or impose a different sanction, as long as it is no higher than originally recommended by the Designated Independent Person and within the range of penalties as set out in paragraphs 10.4 and 10.5.
- 10.13 The decision reached will be final and there is no further right of appeal.

- 10.14 If it is not practicable for the Appeals Committee to provide their decision orally at the conclusion of the appeal hearing, it will be notified to the Statutory Officer, in writing, within five working days of the date of the appeal hearing, or as soon thereafter as is reasonably practicable.

APPENDIX B

Disciplinary Procedure For Other Chief Officers

Approved by Council 21.3.13

CAERPHILLY COUNTY BOROUGH COUNCIL
DISCIPLINARY PROCEDURE FOR CHIEF OFFICERS

1. Scope of Procedure

- 1.1(a) This Procedure applies to all Chief Officers, Deputy Chief Officers of the Council and any other officer referred to in paragraph 1.1(b) below other than those designated as “Statutory Officers” namely the Head of Paid Service, the Monitoring Officer, Chief Finance Officer (Section 151 Officer) and the Head of Democratic Services.
- 1.1(b) An officer in relation to whom disciplinary action is proposed who was but at the time of the proposed disciplinary action no longer is an officer referred to in paragraph 1.1(a) above and where the alleged misconduct or as the case may be the reason for the proposal for dismissal occurred during the period when the officer was an officer referred to in paragraph 1.1(a) above.
- 1.1(c) Reference to Chief Officer(s) in this procedure shall include the persons specified in paragraphs 1.1(a) and (b) above
- 1.2 This Procedure has been adopted by the Council for the purpose of dealing with disciplinary, capability and other similar issues in relation to Chief Officers of the Council. For the avoidance of doubt, this Procedure also applies to a breakdown of trust and confidence between the Chief Officer and the Authority.
- 1.3 Minor conduct issues can often be resolved informally. Formal steps will be taken under this Procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the allegation).
- 1.4 The objective of this Procedure is to:-
- (i) encourage employees to achieve and maintain acceptable standards of behaviour;
 - (ii) provide a fair and consistent method of dealing with alleged failure to maintain acceptable standards of behaviour;
 - (iii) minimise disagreements about disciplinary matters; and
 - (iv) reduce the need for disciplinary action and dismissals.
- 1.5 Save where alternative arrangements have been agreed in advance between the Council and the Chief Executive or the Chief Officer, the steps set out in this Procedure should be followed. The parties recognise that it may be necessary to depart from the Procedure, from time to time, according to particular circumstances of a case. In such circumstances, both parties agree to give fair consideration to reasonable proposals to modify the Procedure accordingly.
- 1.6 This Procedure does not form part of a Chief Officer’s contract of employment and it may be amended at any time, subject to overall compliance with the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) (Amendments) Regulations 2014.
- 1.7 Any disciplinary matters will be dealt with sensitively and with due respect for the privacy of any individuals involved. All individuals involved must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter.

2. Roles and Responsibilities

- 2.1 Where it appears that an issue has arisen which, if proven, could result in disciplinary action being taken against a Chief Officer, the Chief Executive will be responsible for conducting the preliminary investigation which is further referred to in paragraph 5 below.
- 2.2 The Chief Executive shall undertake a preliminary investigation into the allegations of conduct or capability, or other issues under investigation in order to determine whether a case to answer appears to exist which requires further consideration by an Investigating and Disciplinary committee ("Investigating and Disciplinary Committee"). The Chief Executive may choose to appoint a Chief Officer of the Council or an independent person to carry out the preliminary investigation on its behalf and whoever undertakes that role shall be referred to as the "Preliminary Independent Investigator" in this Procedure.
- 2.3 Save where the Chief Executive is satisfied, following a preliminary investigation, that the issue requires no further action or can be resolved informally, the matter must be referred to the Investigating and Disciplinary Committee, which shall be responsible for determining the matter in accordance with paragraph 5 below.

3. Timescale

- 3.1 The Procedure does not generally incorporate prescriptive timescales as it is recognised that these could be impracticable to achieve in the circumstances of a particular case. Where time limits do apply, they are included within the relevant section of this Policy. However, it is implicit that all stages of the Procedure be operated expeditiously by all parties in order to avoid unnecessary delay and prejudice to the interests of all parties.

4. Suspension

- 4.1 Suspension is not regarded as disciplinary action under this Procedure but as a neutral act which may be implemented where, in the opinion of the Chief Executive, it is believed that the Chief Officer's continuing presence at work might compromise the investigation or otherwise impair the efficient exercise of the Council's functions.
- 4.2 Suspension may also be necessary if an allegation is such that, if proven, it would amount to gross misconduct.
- 4.3 Prior to imposing suspension in any case, the Chief Executive shall inform the Chief Officer, in writing, of the reason for the proposed suspension and the Chief Officer shall have the opportunity to make representations before a decision is taken.
- 4.4 The necessity for the Chief Officer to remain suspended should be reviewed at regular intervals and where possible lengthy periods of suspension should be avoided. Further specific consideration should be given as to whether alternative working arrangements might be implemented which could avoid the need for the Chief Officer's suspension, whilst avoiding any compromise to the investigation or to the efficient exercise of the Council's functions.
- 4.5 Absence from duty during any period of suspension shall be on full pay.

5. Preliminary Investigation

- 5.1 The Chief Executive will be responsible for informing the Chief Officer, in writing, of the allegations or other issues under investigation. The date of this notification shall be the "commencement date" for the purpose of this Procedure.
- 5.2 The Chief Executive shall be responsible for determining the arrangements for conducting a preliminary investigation, as set out in paragraph 2.2 above.

- 5.3 The Chief Executive shall where a decision has been taken to appoint another to conduct the preliminary investigation on its behalf, determine the terms of appointment of the Preliminary Independent Investigator, agree any remuneration payable to the Preliminary Independent Investigator (if appropriate), and provide facilities and all available information regarding the allegations or other issues under investigation as are necessary to enable the Preliminary Independent Investigator to fulfil their role.
- 5.4 The Chief Executive or Preliminary Independent Investigator will be entitled to interview witnesses and carry out such enquiries as they deem necessary. This may include examining the Council's email, Internet, and other IT systems, including the accounts of the Chief Officer. The Chief Officer shall fully cooperate with the Chief Executive or Preliminary Independent Investigator and shall make themselves available for such interviews and meetings and provide any relevant documentation or information as the Chief Executive or Preliminary Independent Investigator deems necessary.
- 5.5 The Chief Officer shall be given reasonable facilities and access to the Council's premises and systems as well as personal files/diary, etc. to allow them to prepare their responses on such terms as may be agreed by the Chief Executive or Preliminary Independent Investigator.
- 5.6 The Chief Executive or the Preliminary Independent Investigator shall prepare a short report following their investigation which, where required, shall be submitted to the Chief Executive for their consideration ("Preliminary Investigation Report"). A copy of the Preliminary Investigation Report shall be provided to the Chief Officer within seven working days of receipt by the Chief Executive or where completed by the Chief Executive within seven working days of its completion.
- 5.7 The Chief Officer shall, if they so wish, make representations in relation to the Preliminary Investigation Report, within five working days of receipt by the Chief Officer of the Preliminary Investigation Report.
- 5.8 Before determining whether the allegations or other issues warrant referral to the Investigation and Disciplinary Committee for further consideration, the Chief Executive shall advise the Chief Officer, in writing, that:-
- they are required to attend a meeting with the Chief Executive;
 - they may make oral representations to the Chief Executive at that meeting; and
 - they may put forward written representations or evidence, including written witness evidence, which they wish the Chief Executive to consider at this stage. Any such written representations, witness statements or supporting evidence must be submitted to the Chief Executive at least three working days before the meeting.
6. The Chief Executive will give careful consideration to the allegations or other issues, the Preliminary Investigator's Report, supporting evidence and any representations put forward by the Chief Officer before taking further action.
- 6.1 The Chief Executive shall decide whether:-
- (i) The issue requires no further formal action under this Procedure (in which case they will consider what other steps, if any, should be taken) and would ordinarily lift any suspension immediately; or
 - (ii) The issue should be referred to the Investigating and Disciplinary Committee, in which case the following paragraphs shall apply.
- 6.2 The Chief Executive shall inform the Chief Officer of the decision, in writing, as soon as practicable.

7. The Role of the Investigating and Disciplinary Committee and appointing an Investigator

- 7.1 If the Chief Executive decides that the matter should be referred to the Investigating and Disciplinary Committee, it shall be its responsibility to appoint a Chief Officer of the Council, or an independent person, to carry out any further investigation required into the allegations or other issues as soon as practicable. This Investigator can be the same person who carried out the preliminary investigation.
- 7.2 The Investigating and Disciplinary Committee should:-
- (a) no fewer than three elected members;
 - (b) should not include any member with a direct personal involvement in the complaint;
 - (c) should be politically balanced; and
 - (d) should include a member of the Executive.
- 7.3 The Investigating and Disciplinary Committee shall appoint a chairperson to oversee the function of the Committee ("Chair").
- 7.4 The Investigating and Disciplinary Committee shall be advised throughout by a suitable adviser who may be employed by or independent of the Council, ("the Independent Adviser") who shall ordinarily be accompanied by a member of the Council's HR Team, save in cases where a conflict of interest could arise, in which case the Investigating and Disciplinary Committee shall appoint a nominee.
- 7.5 The Chief Executive shall determine the terms of appointment of the Investigator, agree the Investigator's remuneration (if appropriate), procure the necessary facilities and provide all available information about the allegations or other issues under investigation as shall be necessary to enable them to fulfil their role.
- 7.6 The Chief Officer will be informed that the matter has been referred to the Investigating and Disciplinary Committee, the members of the Investigating and Disciplinary Committee and that an Investigator has been appointed who, subject to availability, may be the same person who carried out the preliminary investigation.

8. Responsibilities of the Investigator

- 8.1 It will be the responsibility of the Investigator to carry out a further investigation into the allegations or other issues under investigation and to prepare a report ("Investigation Report"):-
- (i) stating in their opinion whether (and if so, the extent to which) the evidence they have obtained supports any allegation of misconduct, or incapability or supports a need for action under this Procedure for some other substantial reason; and
 - (ii) recommending what, if any, disciplinary action or range of actions appears to be appropriate for the Council, through its Investigating and Disciplinary Committee, to take against the Chief Officer having regard to all the circumstances of the case.

9. Pre-Disciplinary Hearing Procedure

- 9.1 Within seven working days of receipt of the Investigation Report, the Chief Executive, or their nominee, shall send a copy to the Chief Officer. If the Investigation Report identifies allegations of misconduct and a need for further action, the Chief Officer will be sent, in addition to the Investigation Report, written notice of the specific allegations to be considered by the Investigating and Disciplinary Committee at the Disciplinary Hearing and any supporting documentation.

- 9.2 The Chief Officer shall, if they so wish, request further information and documents relating to the allegations within five working days of receipt of the Investigation Report.
- 9.3 Any additional information and documentation requested would be provided by the Investigator, where relevant, within seven working days or such other time as appropriate in the circumstances.
- 9.4 Once the period for requesting further information has elapsed or once a response has been provided by the Investigator further to paragraph 9.3 above, the Head of People Management and Development or their nominee shall give the Chief Officer not less than ten working days written notice of the date of the Disciplinary Hearing with the Investigating and Disciplinary Committee. The notice shall include:-
- (i) the time and place of the Disciplinary Hearing;
 - (ii) who will be in attendance at the Disciplinary Hearing including the members of the Investigating and Disciplinary Committee;
 - (iii) a copy of the Investigator's Report and any supporting documentation (including any witness statements where relevant) and the allegations to be considered at the Disciplinary Hearing;
 - (iv) confirmation that the Disciplinary Hearing is convened under this Procedure and could result in disciplinary action;
 - (v) confirmation that the Chief Officer may be accompanied at the Disciplinary Hearing by a trade union representative, an official employed by a trade union or a fellow work colleague ("Companion");
 - (vi) confirmation that the Chief Officer may ask any person to be present as a witness or adduce any documents or written statements in support of his response, provided full details of such witnesses and copies of any such documents or statements are provided to the Chief Executive, or their nominee, at least five working days before the date of the Disciplinary Hearing, for distribution to all parties.
- 9.5 Within two working days, the Chief Officer shall either agree the date for the Hearing or propose to the Head of People Management and Development or their nominee, a postponement for the date of the Hearing for a period not exceeding ten working days setting out the reasons for the request. For the avoidance of doubt, the postponement includes any postponement due to the availability of the Chief Officer's Companion. If the Chief Officer requests a postponement, the Head of People Management and Development or their nominee and the Chief Officer (or his representative) shall agree the date for the Hearing. If they cannot agree the date within one working day, the Chair of the Investigating and Disciplinary Committee, having taken appropriate advice, shall determine the date of the Disciplinary Hearing.
- 9.6 The Head of People Management and Development or their nominee shall then formally give notice to the Investigating and Disciplinary Committee (and the Chief Officer if the Hearing has been postponed) of the date for the Disciplinary Hearing and shall submit a report to the Investigating and Disciplinary Committee, including the Investigation Report, supporting evidence and any representations provided by the Chief Officer.
- 9.7 The Chief Officer and their Companion must make every effort to attend the Disciplinary Hearing (whether reconvened or otherwise). Failure to attend without good reason may be treated as misconduct in itself. If the Chief Officer fails to attend without good reason, or persistently fails to do so, the Disciplinary Hearing may proceed in their absence and a decision may be made based on the available evidence.

9.8 At least five working days before the date of the Disciplinary Hearing the Chief Officer shall give to the Head of People Management and Development, or their nominee:-

- (i) Full details of any witnesses they wish to call;
- (ii) Copies of any documents which they wish to refer to in support of their response;
- (iii) Any written statements or submissions which they wish to submit; and
- (iv) Details of the Companion they wish to bring to the Disciplinary Hearing.

9.9 The Head of People Management and Development or their nominee shall provide a copy of such documents and information to the Chief Executive and the Investigating and Disciplinary Committee as soon as reasonably practicable thereafter and no later than three working days prior to the Disciplinary Hearing.

10. The Investigating and Disciplinary Committee Hearing

10.1 The procedure for the Disciplinary Hearing will be as follows:-

- (i) the Chair of the Investigating and Disciplinary Committee will explain the purpose of the Hearing and the procedure to be followed;
- (ii) the Chief Executive, or their nominee (who may include the Investigating Officer) will present the complaint and introduce evidence in support of the complaint, including the Investigation Report, documents and witness evidence either in person or in writing as previously notified;
- (iii) the Chief Officer or his Companion, and the Investigating and Disciplinary Committee and Independent Adviser, will have the opportunity to ask questions of the Chief Executive and/or their nominee, including direct questions to the witnesses;
- (iv) the Chief Officer or their Companion will introduce evidence in support of their response to the allegations, including documents and witnesses as previously notified;
- (v) the Chief Executive, or their nominee, and the Investigating and Disciplinary Committee and the Independent Adviser will have the opportunity to ask questions of the Chief Officer and/or their Companion, including direct questions to the witnesses;
- (vi) both sides will sum-up their presentations, commencing with the Chief Executive or their nominee.

10.2 The Chief Officer's Companion can address the hearing, put and sum up the Chief Officer's case, make representations on behalf of the Chief Officer to any views expressed at the Disciplinary Hearing and confer with the Chief Officer during the Disciplinary Hearing. The Companion does not, however, have the right to answer questions on the Chief Officer's behalf. If the Chief Officer's choice of companion is unreasonable, the Chief Executive or his nominee may request that another companion be selected e.g. where the companion may have a conflict of interest or prejudice the Disciplinary Hearing.

10.3 The Disciplinary Hearing may be adjourned if the Investigating and Disciplinary Committee need to carry out any further investigations such as re-interviewing witnesses in the light of any new points which are raised at the Disciplinary Hearing. The Chief Officer will be given a reasonable opportunity to consider any new information obtained before the Disciplinary Hearing is reconvened.

- 10.4 When the Investigating and Disciplinary Committee has heard all of the evidence submitted they will adjourn to consider what, if any, further action should be taken. The range of options available to them include:-
- (i) taking no further action;
 - (ii) recommending informal resolution or other appropriate procedures be followed;
 - (iii) referring back to the Investigator for further investigation and a further report;
 - (iv) taking disciplinary action against the Chief Officer.
- 10.5 In the case of disciplinary action, this can include the following:-
- (i) a recorded or oral warning;
 - (ii) a written warning;
 - (iii) a final written warning;
 - (iv) a final written warning accompanied by:-
 - (A) suspension on half pay or no pay for a specified period; and/or
 - (B) relegation (i.e. reduction in salary) for a specified period and/or on specified terms; and/or
 - (C) demotion;
 - (v) dismissal (whether summary dismissal or on notice); and
 - (vi) alternatively the Investigating and Disciplinary Committee may explore other alternatives such as but not limited to early retirement, secondment, or redeployment to a more junior post where there are issues relating to capability or loss of trust and confidence in the Chief Officer in their current role.
- 10.6 For the avoidance of doubt, the actions set out in paragraph 10.5 (iv) above shall only be applied in circumstances where the Investigating and Disciplinary Committee has decided that appropriate disciplinary action would include dismissal but that action short of dismissal would be more appropriate due to mitigating or other circumstances.
- 10.7 Written warnings will set out the nature of the misconduct, the change in behaviour required, the period for which the warning will remain active, and the likely consequences of further misconduct in that period.
- 10.8 All others present at the Disciplinary Hearing (other than the Independent Adviser) will withdraw while the Investigating and Disciplinary Committee consider their decision.
- 10.9 Where practicable, the decision of the Investigating and Disciplinary Committee will be delivered orally after an adjournment. However, in order to ensure that the Investigating and Disciplinary Committee shall be afforded sufficient time to fully consider their decision, their decision may be deferred and issued to the Chief Officer in writing within five working days of the Disciplinary Hearing, or as soon thereafter as is reasonably practicable.
- 10.10 The letter will outline the decision and the action, if any, to be taken and will set out the rights of appeal ("Decision Letter")

11. Appeal Process

- 11.1 The Chief Officer shall have the right to appeal the Investigating and Disciplinary Committee's decision, to the Appeals Committee. Any appeal must be made in writing to the Chair of Appeals Committee or their nominee as set out in the Decision Letter within ten working days of the date of the Decision Letter including the grounds of appeal ("Notice of Appeal").
- 11.2 Within five working days thereafter the Chief Officer must inform the Chair of the Appeals Committee of the following details in relation to the Notice of Appeal and provide the following information:
- (i) whether the Chief Officer is to be accompanied at the appeal hearing by a Companion and if so by whom;
 - (ii) whether they wish to call witnesses and if so, their names and the nature of the evidence they will provide;
 - (iii) copies of any additional documents or information relevant to the appeal that was not provided at the Disciplinary Hearing;
- 11.3 Having considered the Notice of Appeal, the Appeals Committee will determine whether the appeal hearing will take the form of a full re-hearing or a review of the decision taken by the Investigating and Disciplinary Committee.
- 11.4 The Appeals Committee will consider the appeal as soon as reasonably practicable after the Notice of Appeal has been received. It will invite the following persons to be present at an appeal hearing:
- (i) the Chief Officer, who may be accompanied by a Companion; and
 - (ii) the Chair of the Investigating and Disciplinary Committee or another members of the Committee if so nominated by the Chair, to explain their reasons for their decision and to answer any questions.
- 11.5 The procedure for convening the Appeal Hearing will follow that set out above in relation to the Disciplinary Hearing.
- 11.6 The Appeals Committee shall be advised by an independent adviser who shall not usually be the same Adviser who advised the Investigating and Disciplinary Committee.
- 11.7 The Appeals Committee may take into account any additional information which has become available in relation to the allegations or other issues under investigation following the Disciplinary Hearing.
- 11.8 The Appeals Committee may decide to uphold or dismiss the original decision of the Investigating and Disciplinary Committee or impose a different sanction within the range of penalties as set out in paragraphs 10.4 and 10.5.
- 11.9 The decision reached will be final and there is no further right of appeal.
- 11.10 If it is not practicable for the Appeals Committee to provide their decision orally, at the conclusion of the appeal hearing it will be notified to the Chief Officer, in writing, within five working days of the date of the appeal hearing, or as soon thereafter as is reasonably practicable.

APPENDIX C

Investigating & Disciplinary Committee

Terms Of Reference

1. Primary Purpose

- 1.1 To deal with all matters of discipline relating to Statutory Officers and Chief Officers employed by the Council as Statutory Officers as defined in Procedure A and Chief Officers as defined in Procedure B. These officers are employed under Joint Negotiating Committee (JNC) terms and conditions, in accordance with the Disciplinary Procedures for Statutory Officers (attached Marked A) and the Disciplinary Procedure for Other Chief Officers (attached Marked B).

1.2 Other

To review and amend the said Disciplinary Procedures A & B from time to time having regard to any changes to the model procedures outlined in the JNC Conditions of Service for Chief Officers that may be implemented from time to time. The JNC conditions are based on the Local Authorities (Standing Orders) (Wales) Regulations 2006 and associated amendments.

2. Membership

The membership of the Committee is set out in the said Disciplinary Procedures A & B.

3. Chair

The Chair of the Committee shall be selected from the Members of the Committee by majority vote.

4. The Council at its meeting on the 8th May, 2014 agreed that the current restriction within Standards Orders which prohibits a meeting for sitting longer than four hours to be removed from the Investigating and Disciplinary Committee, subject to a requirement on the Committee to take appropriate breaks so as to ensure the comfort of those participating in the meeting.

**Approved by Council
21.3.13**

**R4 added May 2014
1.1 & 1.2 amended as approved by Council 7.10.14**

RULES ON CONSULTATION

- 1.1 The Executive Procedure Rules in Part 4 of the Constitution set out what is expected by way of consultation on any report on an Executive decision and provide that:-

“The level of consultation required will be appropriate to the nature of the matter under consideration. Officers must consult in any event with the appropriate Cabinet member, ward members and appropriate officers and either incorporate their comments into the report or (if not accepted by the author of the report) the comments must be included in the report.”

- 1.2 Officers should be aware of the need for (a) timely and (b) proper consultation with interested parties and they should then ensure that the views of those parties are either incorporated into their recommendations, or if not, highlighted in the report so that members taking a decision as the result of a report will do so in the light of all the facts and opinions.

- 1.3 These are the groups which should be consulted, and sets out the circumstances in which those consultations should take place. They are as follows:-

- (a) officers;
- (b) Cabinet member(s);
- (c) local members;
- (d) scrutiny committees;
- (e) community Councils;
- (f) community partnerships;
- (g) voluntary and community sector;
- (h) younger people and older people.

- 1.4 (a) (b) and (c) Officers, Cabinet members and local members

There should be proper consultation with the appropriate Cabinet member(s), officers and local member(s). Officers must bear in mind the need to ensure that the consultation is done in sufficient time and that any views expressed are reflected fully either in the recommendations to the report or in a paragraph setting out those (differing) views, and explaining why they cannot be accommodated.

(d) Scrutiny committees

The Council's Constitution identifies the role of scrutiny committees in being consulted before matters go to the Cabinet but the circumstances in which a report is to be referred to the scrutiny committee for comment are not clearly written. The Council on the 17 May 2005 approved:-

“That Cabinet consult scrutiny committees on all ‘key’ issues contained in the Cabinet Forward Work Programme. These could include issues

- of a strategic or controversial nature
- which are likely to have a significant effect on the delivery of Council services across the county borough or
- have a significant element of risk or financial implications.

Whilst it is not possible to provide an all encompassing definition of ‘key’ issues Cabinet members and officers are asked to consider the merits of consulting scrutiny committees as issues arise.”

- 1.5 The Cabinet Forward Work Programme will be used to help this process by identifying those matters which need to be considered in advance by a scrutiny committee. The programme, prepared by Corporate Management Team and then approved at Cabinet on a quarterly basis shows all those matters that are significant decisions to be taken by the Cabinet over the next

quarter. Not all of these need to be considered in advance by a scrutiny committee. The forward work programme shows for convenience possible scrutiny dates for all the matters listed but if the programme will identify those matters where consideration by scrutiny must take place by separately identifying these. These 'marked' items will reflect the elements approved at Council in May 2005 (above).

- 1.6 There will inevitably be unexpected urgent matters where although they are 'key' it is not feasible to put them formally to a scrutiny committee in advance of being considered at Cabinet.
- 1.7 The identification of the 'marked' matters on the forward work programme is the responsibility of the Corporate Management Team, informed by the views of Cabinet members and chairs and vice-chairs of scrutiny committees who can identify forthcoming matters or reports as being essential for pre-scrutiny.

1.8 (e) Community Councils

The Council has agreed a charter with community Councils about exchanging information, liaison and consultation on specific subjects, and Appendix 1 sets out the "consultation" subjects from that protocol. This list is comprehensive but is due for review, in conjunction with community Councils, in the near future.

1.9 (f) Community Partnerships

In setting up each Community and Communities First Partnerships the partnership agreement, to which the Council is a signatory, sets out the role of the partnership and partnership principles, which, taken in total involve the Council in consultation with the community through the partnership, (as a separate exercise from the consultation with community Councils set out in the earlier paragraph).

- 1.10 This does not mean that everything which is to be considered by the Council or the Cabinet needs a consultation (for example operational matters would not be included) but there is a need to set out the rules in which there will be a consultation.
- 1.11 Clearly where these rules apply there is a difficulty in terms of response by the partnership because often of the short time limits in which a consultation reply is needed by the Council to progress its own reports efficiently but this will be a matter for each partnership to resolve in conjunction with their respective partnership co-ordinators.
- 1.12 The consultation would not apply to operational matters or where the Council is exercising a function under Planning, Licensing or Rights of Way. These rules recognise the practical difficulty of consulting where there is a time constraint, particularly where the bodies being consulted do not meet on a very regular basis. Consultation should take place broadly on the lines of those listed for community Councils, but concentrating on issues which would have an impact locally as opposed to strategic, county borough wide application where there are sufficient separate consultation arrangements. A list of subjects for consultation appears as Appendix 2. The Council's partnership co-ordinators will identify to Corporate Management Team any additional report (outside the terms of Appendix 2) which should be the subject of consultation with the community partnerships.
- 1.13 Clearly partnerships will need to have arrangements in place to deal with consultation urgently (possibly via delegations to the chair and vice-chair of the partnerships). It would be appropriate for partnerships, in certain circumstances where the chair or vice is an elected member of this Council, to put in place their own arrangements for another individual to substitute for the Councillor, to ensure that the response from the partnership is seen as independent of this Council. A period of two weeks for consultation is considered sufficient.

1.14 (g) Voluntary and Community Sector

The Council has signed a compact with various statutory and voluntary and community sector organisations to support the delivery of the Caerphilly County Borough Community Strategy, and consultation is an element of that, in the same way that it is with community partnerships (above).

- 1.15 Contacts with the voluntary sector are co-ordinated through the Policy Unit working with GAVO as the recognised “umbrella” body. As part of that role staff in the Policy Unit will monitor draft reports and identify those which would be of interest to the voluntary sector (not necessarily restricted to local issues) and those staff will ensure that there is a liaison with GAVO to feed in any comments or highlight potential issues from a voluntary sector perspective. The operation of this will be kept under review.

1.16 (h) Older and younger people

The Council supports a Youth Forum and a 50+ forum to support younger and older people in engaging in discussions about the county borough. There are contact officers within the Council who liaise with and support these groups and they can act in a similar capacity to that outlined above for the voluntary sector. They can scan forthcoming reports and consult with chair and vice chair of the groups where they identify a need to seek views from younger/older people. The operation of this will be kept under review.

1.17 Planning Applications

There is an existing statutory process of consultation on planning applications and none of the above rules will apply to the development control process.

1.18 Delegated Power Decisions

The rules on consultation apply equally to decisions under delegated powers and report writers are strongly reminded of the need for proper consultation. A large majority of delegated power decisions will however be more routine or operational, and so the “strategic” consultation with scrutiny committees and with partnerships, as described above, will not apply.

1.19 The Consultation Process

Parties involved in the consultation process (report writers and consultees) must remember the nature of the consultation process, namely that the consultee is given adequate information about what is being proposed by the report writer (preferably by sending a copy of the draft report), followed by the comments of the consultee being properly incorporated into the report or set out in the “consultations” paragraph of the report so that whoever is taking the decision is aware of the views of all interested parties. It is important to note that this is to ensure that the decision maker is aware of, and takes into account the views of all interested parties; it does not follow that the decision making body will automatically take a decision in line with those consultation replies.

- 1.20 Finally, it is important to note that consultation should be a two-way process. The actions and activities of groups referred to in categories (e) to (h) can have implications for the Council too. In the same way that the Council is proposing to consult with these groups, they need also to consider when it is appropriate for them to consult the Council, especially where significant actions and activities are being planned. This point will to be discussed with the groups as part of the overall dialogue about consultation arrangements.

Appendices:

- Appendix 1 Community Council consultation protocol
Appendix 2 Community Partnership consultation protocol

SUBJECTS FOR CONSULTATION - TOWN AND COMMUNITY COUNCILS

Chief Executive's	<ul style="list-style-type: none"> • Community Strategy • Caerphilly County Borough Council's Welsh Language Scheme • Improvement Objectives • Economic Development/Tourism
Planning	<ul style="list-style-type: none"> • The Development Plan • Applications for planning permission (via weekly list) • Applications for listed buildings consent; proposals for additions to the listed buildings list • Establishment of conservation areas; tree preservation orders • Advertisement control • Street naming
Local Recreation or other Facilities	<ul style="list-style-type: none"> • Major changes of use or closure of leisure or sports fields • Major changes of use or closure of community centres or community facilities • Major new arrangements or changes to play areas • Major new initiatives and developments in local arts provision • Opening, closure or alteration or opening times of libraries (including mobile libraries) • Community projects which relate to a specified locality or community
Education	<ul style="list-style-type: none"> • Proposals for the opening or closure of schools under local education authority control or funding
Waste Management, Waste Collection and Cleansing	<ul style="list-style-type: none"> • Major changes and new methods of the provision of domestic refuse collection and disposal including the development of new treatment and disposal facilities • Major changes and new methods of street cleansing or litter clearance • Changes to the provision and location of recycling facilities • Public convenience provision
Environmental Health, Trading Standards and Community Safety	<ul style="list-style-type: none"> • The establishment or abolition of litter control zones • Establishment of "No Cold Calling Zones" • Declaration of an Air Quality Management Area • Applications for prior approval of construction works
Highways, Access and Public Transport	<ul style="list-style-type: none"> • Major highway maintenance schemes; winter highway maintenance regimes • Major traffic management schemes, road safety schemes • Permanent highway closures or diversions (including footpaths, bridleways, cycleways and other minor highways) • Changes in parking (including off and on street provision) • Local authority supported bus services; local authority bus shelters • Alterations in rail services where notified to and supported by the authority
General	<ul style="list-style-type: none"> • Land disposal (sale or lease) • Other areas of council business not detailed which are key and fundamental to the majority of wards that have community/town councils

SUBJECTS FOR CONSULTATION - COMMUNITY PARTNERSHIPS

Local Recreation or other Facilities	<ul style="list-style-type: none"> • Major changes of use or closure of leisure or sports fields • Major changes of use or closure of community centres or community facilities • Major new arrangements or changes to play areas • Major new initiatives and developments in local arts provision • Opening, closure or alteration or opening times of libraries (including mobile libraries) • Community projects which relate to a specified locality or community <p>Note: Where there are closures brought about by operational or budgetary reasons the Council will inform the consultees of the proposals; the consequences of those decisions (e.g. after-use of buildings) will be the subject of consultation.</p>
Education	<ul style="list-style-type: none"> • Proposals for the opening, closure or merger of schools which are maintained by the local authority and adult education facility under local education authority control or funding
Cleansing, Health and Pollution	<ul style="list-style-type: none"> • Major changes and new methods of street cleansing or litter clearance • The establishment or abolition of litter control zones • The provision and location of recycling facilities • Establishment of noise abatement zones
Highways, Access and Public Transport	<ul style="list-style-type: none"> • Permanent highway closures or diversions (including footpaths, bridleways, cycleways and other minor highways) • Changes in parking (including off and on street) provision • Local authority supported bus services; local authority bus shelters • Alterations in rail services where notified to and supported by the authority • Local road safety schemes
General	<ul style="list-style-type: none"> • Land disposal (sale or lease) • Community safety

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Members' Code of Conduct

Reference:

The Conduct of Members (Model Code of Conduct) (Wales) Order 2001

The Conduct of Members (Principles) (Wales) Order 2001

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

CAERPHILLY COUNTY BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS

**CODE ADOPTED BY
CAERPHILLY COUNTY BOROUGH COUNCIL**

**ON 2ND MAY, 2008 &
AMENDED ON 13TH MAY, 2016**

CODE OF CONDUCT OF CAERPHILLY COUNTY BOROUGH COUNCIL

PART 1 INTERPRETATION

1.—

(1) In this code —

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

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

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

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

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

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

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

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

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

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

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

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

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

(2) In relation to a community council—

- (a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) "standards committee" ("*pwylgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2 GENERAL PROVISIONS

2.—

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

- (a) whenever you conduct the business, or are present at a meeting, of your authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
3. Where you are elected, appointed or nominated by your authority to serve —
- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
 - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
4. You must —
- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
 - (b) show respect and consideration for others;
 - (c) not use bullying behaviour or harass any person; and
 - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.
5. You must not —
- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
 - (b) prevent any person from gaining access to information to which that person is entitled by law.
- 6.—
- (1) You must —
- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
 - (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
 - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
- (2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

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

8. You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
 - (i) the authority's head of paid service;
 - (ii) the authority's chief finance officer;
 - (iii) the authority's monitoring officer;
 - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

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

9. You must —

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10.—

- (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if —
 - (a) it relates to, or is likely to affect —
 - (i) any employment or business carried on by you;
 - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
 - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
 - (vi) any land in which you have a beneficial interest and which is in the area of your authority;

- (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
- (viii) any body to which you have been elected, appointed or nominated by your authority;
- (ix) any —
 - (aa) public authority or body exercising functions of a public nature;
 - (bb) company, registered society, charity, or body directed to charitable purposes;
 - (cc) body whose principal purposes include the influence of public opinion or policy;
 - (dd) trade union or professional association; or
 - (ee) private club, society or association operating within your authority's area,

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

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

[Note: subparagraph (b) is omitted.]

- (c) a decision upon it might reasonably be regarded as affecting —
 - (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);
 - (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
 - (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

- (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
- (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—

- (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make —
 - (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
 - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —
 - (a) details of the personal interest;
 - (b) details of the business to which the personal interest relates; and
 - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal

interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.
- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—

- (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—
 - (a) relates to —
 - (i) another relevant authority of which you are also a member;
 - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
 - (iii) a body to which you have been elected, appointed or nominated by your authority;
 - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
 - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
 - (b) relates to —
 - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

- (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
 - (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;
- (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

- 13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—

- (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —
 - (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
 - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
 - (b) not exercise executive or board functions in relation to that business;

- (c) not seek to influence a decision about that business;
 - (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
 - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.
- (2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.
- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
 - (b) you have the benefit of a dispensation provided that you —
 - (i) state at the meeting that you are relying on the dispensation; and
 - (ii) before or immediately after the close of the meeting give written notification to your authority containing —
 - (aa) details of the prejudicial interest;
 - (bb) details of the business to which the prejudicial interest relates;
 - (cc) details of, and the date on which, the dispensation was granted; and
 - (dd) your signature.
- (4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4

THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

15.—

- (1) Subject to sub-paragraph (4), you must, within 28 days of—
 - (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
 - (b) your election or appointment to office (if that is later),register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- (2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- (3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.
- (4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.
- (6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—

- (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

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

Registration Of Gifts And Hospitality

17. You must within twenty eight days of the date of receipt notify the monitoring officer or in relation to a community council to your authority's proper officer of the existence and nature of any gifts, hospitality, material benefits or advantage received or offered to you and declined where the value of the item or benefit exceeds £25.00 or such other value as the Authority may from time to time determine. This rule applies equally to any gift accepted by the member on behalf of the authority.

COD YMYDDYGIAD CYNGOR BWRDEISTREF SIROL CAERFFILI

RHAN 1 DEHONGLI

1.—

(1) Yn y cod hwn —

mae "aelod" ("*member*") yn cynnwys aelod cyfetholedig onid yw'r cyd-destun yn mynnu fel arall;

ystyr "aelod cyfetholedig" ("*co-opted member*"), mewn perthynas ag awdurdod perthnasol, yw person nad yw'n aelod o'r awdurdod ond—

- (a) sy'n aelod o unrhyw bwyllgor neu is-bwyllgor i'r awdurdod, neu
- (b) sy'n aelod o unrhyw gyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod, ac sy'n cynrychioli'r awdurdod arno,

ac sydd â'r hawl i bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn unrhyw gyfarfod o'r pwyllgor neu o'r is-bwyllgor hwnnw;

ystyr "eich awdurdod" ("*your authority*") yw'r awdurdod perthnasol yr ydych chi'n aelod neu'n aelod cyfetholedig ohono;

ystyr "awdurdod perthnasol" ("*relevant authority*") yw—

- (a) cyngor sir,
- (b) cyngor bwrdeistref sirol,
- (c) cyngor cymuned,
- (ch) awdurdod tân ac achub a gyfansoddwyd drwy gynllun o dan adran 2 o Ddeddf Gwasanaethau Tân ac Achub 2004 neu gynllun y mae adran 4 o'r Ddeddf honno yn gymwys iddo,
- (d) awdurdod Parc Cenedlaethol a sefydlwyd o dan adran 63 o Ddeddf yr Amgylchedd 1995;

ystyr "cofrestr o fuddiannau'r aelodau" ("register of members' interests") yw'r gofrestr a sefydlir ac a gedwir o dan adran 81 o Ddeddf Llywodraeth Leol 2000;

ystyr "cyfarfod" ("*meeting*") yw unrhyw gyfarfod —

- (a) o'r awdurdod perthnasol,
- (b) o unrhyw weithrediaeth neu fwrdd i'r awdurdod perthnasol,

- (c) o unrhyw bwyllgor, is-bwyllgor, cyd-bwyllgor neu gyd-is-bwyllgor i'r awdurdod perthnasol neu unrhyw bwyllgor, is-bwyllgor, cyd-bwyllgor neu gyd-is-bwyllgor o'r fath i unrhyw weithrediaeth neu fwrdd i'r awdurdod, neu
- (ch) y mae aelodau neu swyddogion yr awdurdod perthnasol yn bresennol ynddo ac eithrio cyfarfod grŵp gwleidyddol a gyfansoddwyd yn unol â rheoliad 8 o Reoliadau Llywodraeth Leol (Pwyllgorau a Grwpiau Gwleidyddol) 1990,

ac mae'n cynnwys amgylchiadau pan fo aelod o weithrediaeth neu fwrdd neu swyddog sy'n gweithredu ar ei ben ei hun yn arfer un o swyddogaethau awdurdod; ac

ystyr "chi" ("you") yw chi fel aelod neu aelod cyfetholedig o awdurdod perthnasol.

(2) Mewn perthynas â chyngor cymuned—

- (a) ystyr "swyddog priodol" ("proper officer") yw swyddog o'r cyngor hwnnw o fewn ystyr adran 270(3) o Ddeddf Llywodraeth Leol 1972; a
- (b) ystyr "pwyllgor safonau" ("standards committee") yw pwyllgor safonau'r cyngor sir neu'r cyngor bwrdeistref sirol sydd â swyddogaethau mewn perthynas â'r cyngor cymuned y mae'n gyfrifol amdano o dan adran 56(1) a (2) o Ddeddf Llywodraeth Leol 2000.

RHAN 2 DARPARIAETHAU CYFFREDINOL

2.—

- (1) Ac eithrio pan fo paragraff 3(a) yn gymwys, rhaid i chi gydymffurfio â'r cod ymddygiad hwn —
 - (a) pa bryd bynnag y byddwch yn cynnal busnes eich awdurdod, neu'n bresennol mewn un o gyfarfodydd eich awdurdod;
 - (b) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu'n rhoi'r argraff eich bod yn gweithredu yn rôl aelod y cawsoch eich ethol neu eich penodi iddi;
 - (c) pa bryd bynnag y byddwch yn gweithredu, yn honni gweithredu neu'n rhoi'r argraff eich bod yn gweithredu fel un o gynrychiolwyr eich awdurdod; neu
 - (ch) ar bob adeg ac mewn unrhyw gapasiti, mewn cysylltiad ag ymddygiad a nodir ym mharagraffau 6(1)(a) a 7.
 - (2) Dylech ddarllen y cod hwn ar y cyd â'r egwyddorion cyffredinol a ragnodir o dan adran 49(2) o Ddeddf Llywodraeth Leol 2000 o ran Cymru.
3. Os byddwch wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i wasanaethu —

- (a) ar awdurdod perthnasol arall, neu ar unrhyw gorff arall, sy'n cynnwys Bwrdd Iechyd Lleol rhaid i chi, pan fyddwch yn gweithredu ar ran yr awdurdod arall neu'r corff arall hwnnw, gydymffurfio â chod ymddygiad yr awdurdod arall neu'r corff arall hwnnw; neu
- (b) ar unrhyw gorff arall nad oes ganddo god sy'n ymwneud ag ymddygiad ei aelodau, rhaid i chi, pan fyddwch yn gweithredu ar ran y corff arall hwnnw, gydymffurfio â'r cod ymddygiad hwn, ac eithrio pan yw'n gwrthdaro ag unrhyw rwymedigaethau cyfreithlon eraill y gall y corff hwnnw fod yn ddarostyngedig iddynt neu i'r graddau y mae'n gwrthdaro â'r cyfryw rwymedigaethau.

4. Rhaid i chi —

- (a) cyflawni eich dyletswyddau a'ch cyfrifoldebau gan roi sylw dyladwy i'r egwyddor y dylai fod cyfle cyfartal i bawb, waeth beth fo'u rhyw, eu hil, eu hanabledd, eu cyfeiriadedd rhywiol, eu hoed neu eu crefydd;
- (b) dangos parch at eraill ac ystyriaeth ohonynt;
- (c) peidio ag ymddwyn fel bwli neu harasio unrhyw berson; a
- (ch) peidio â gwneud dim sy'n cyfaddawdu, neu sy'n debygol o gyfaddawdu, didueddrwydd y sawl sy'n gweithio i'ch cyngor neu ar ei ran.

5. Rhaid i chi —

- (a) peidio â datgelu gwybodaeth gyfrinachol neu wybodaeth y byddai'n rhesymol ystyried ei bod o natur gyfrinachol, heb gydsyniad datganedig person a awdurdodwyd i roi cydsyniad o'r fath, neu onid yw'r gyfraith yn mynnu eich bod yn gwneud hynny;
- (b) peidio â rhwystro unrhyw berson rhag gweld gwybodaeth y mae gan y person hwnnw hawl i'w gweld yn ôl y gyfraith.

6.—

(1) Rhaid i chi —

- (a) peidio ag ymddwyn mewn ffordd y gellid yn rhesymol ei hystyried yn un sy'n dwyn anfri ar eich swydd neu ar eich awdurdod;
- (b) adrodd, p'un ai drwy weithdrefn adrodd gyfrinachol eich awdurdod neu'n uniongyrchol i'r awdurdod priodol, ar unrhyw ymddygiad gan aelod arall neu gan unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran ac y mae'n rhesymol i chi fod o'r farn ei fod yn golygu neu'n debygol o olygu ymddygiad troseddol (nad yw at ddibenion y paragraff hwn yn cynnwys tramgwyddau neu ymddygiad y gellir ei gosbi drwy gosb benodedig);
- (c) adrodd i swyddog monitro eich awdurdod ar unrhyw ymddygiad gan aelod arall y mae'n rhesymol i chi fod o'r farn ei fod yn groes i'r cod ymddygiad hwn;

- (ch) peidio â gwneud cwynion blinderus, maleisus neu wacsaw yn erbyn aelodau eraill neu unrhyw un sy'n gweithio i'ch awdurdod neu ar ei ran.
- (2) Rhaid i chi gydymffurfio ag unrhyw gais gan swyddog monitro eich awdurdod, neu gan Ombwdsmon Gwasanaethau Cyhoeddus Cymru, mewn cysylltiad ag ymchwiliad a wneir yn unol â'u gwahanol bwerau statudol.

7. Rhaid i chi —

- (a) yn eich capasiti swyddogol neu fel arall, beidio â defnyddio neu geisio defnyddio eich safle yn amhriodol i roi neu i sicrhau mantais i chi eich hun neu i unrhyw berson arall, neu i greu neu i osgoi anfantais i chi eich hun neu i unrhyw berson arall;
- (b) peidio â defnyddio adnoddau eich awdurdod, neu awdurdodi eraill i'w defnyddio—
 - (i) yn annoeth;
 - (ii) yn groes i ofynion eich awdurdod;
 - (iii) yn anghyfreithlon;
 - (iv) ac eithrio mewn dull a fwriedir i hwyluso neu i ffafrio cyflawni swyddogaethau'r awdurdod neu'r swydd yr ydych wedi eich ethol neu eich penodi iddo neu iddi;
 - (v) yn amhriodol at ddibenion gwleidyddol; neu
 - (vi) yn amhriodol at ddibenion preifat.

8. Rhaid i chi —

- (a) pan fyddwch yn cyfrannu mewn cyfarfodydd neu'n gwneud penderfyniadau ynghylch busnes y mae a wnelo eich awdurdod ag ef, wneud hynny ar sail rhinweddau'r amgylchiadau o dan sylw ac er budd y cyhoedd gan roi sylw i unrhyw gyngor perthnasol a ddarperir gan swyddogion eich awdurdod, ac yn benodol gan —
 - (i) pennaeth gwasanaeth taledig yr awdurdod;
 - (ii) prif swyddog cyllid yr awdurdod;
 - (iii) swyddog monitro'r awdurdod;
 - (iv) prif swyddog cyfreithiol yr awdurdod (y dylid ymgynghori ag ef pan fo unrhyw amheuaeth ynghylch pw^ er yr awdurdod i weithredu, ynghylch a yw'r cam a arfaethir yn dod o fewn y fframwaith polisi y cytunwyd arno gan yr awdurdod neu os gallai canlyniadau cyfreithiol gweithredu neu fethu â gweithredu gan yr awdurdod gael ôl-effeithiau pwysig);

- (b) rhoi rhesymau dros bob penderfyniad yn unol ag unrhyw ofynion statudol ac unrhyw ofynion rhesymol ychwanegol a osodir gan eich awdurdod.

9. Rhaid i chi —

- (a) parchu'r gyfraith a rheolau eich awdurdod sy'n llywodraethu hawlio treuliau a lwfansau mewn cysylltiad â'ch dyletswyddau fel aelod;
- (b) osgoi derbyn rhoddion oddi wrth neb, na lletygarwch (ac eithrio lletygarwch swyddogol, megis derbyniad dinesig neu weithio dros ginio, a awdurdodir yn briodol gan eich awdurdod) na buddiannau materol neu wasanaethau i chi eich hun neu i unrhyw berson os byddai gwneud hynny'n eich rhoi o dan rwymedigaeth amhriodol, neu os gallai'n rhesymol ymddangos fel pe bai'n gwneud hynny.

RHAN 3 BUDDIANNAU

Buddiannau Personol

10.—

- (1) Ym mhob mater rhaid i chi ystyried a oes gennych fuddiant personol, ac a yw'r cod ymddygiad hwn yn ei gwneud yn ofynnol i chi ddatgelu'r buddiant hwnnw.
- (2) Rhaid i chi ystyried bod gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef —
 - (a) os yw'n gysylltiedig â'r canlynol, neu'n debygol o effeithio arnynt —
 - (i) unrhyw gyflogaeth yr ydych yn ymgymryd â hi neu fusnes yr ydych yn ei redeg;
 - (ii) unrhyw berson sy'n eich cyflogi neu sydd wedi eich penodi, unrhyw ffyrn yr ydych yn bartner ynddi neu unrhyw gwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl;
 - (iii) unrhyw berson, ac eithrio eich awdurdod, sydd wedi rhoi taliad i chi mewn cysylltiad â'ch ethol neu mewn cysylltiad ag unrhyw dreuliau a dynnwyd gennych wrth i chi gyflawni eich dyletswyddau fel aelod;
 - (iv) unrhyw gorff corfforaethol y mae ganddo le busnes neu dir yn ardal eich awdurdod, ac y mae gennych chi fuddiant llesiannol mewn dosbarth o warannau sydd gan y corff hwnnw ac sy'n werth mwy na'r gwerth enwol o £25,000 neu un ganfed ran o gyfanswm cyfalaf cyfrannau dyroddedig y corff hwnnw;
 - (v) unrhyw gontract am nwyddau, gwasanaethau neu waith neu weithfeydd a wnaed rhyngoch chi, rhwng ffyrn yr ydych yn bartner ynddi, neu rhwng cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn

tâl, neu rhwng corff o'r math a ddisgrifir yn is-baragraff (iv) uchod a'ch awdurdod;

- (vi) unrhyw dir y mae gennych fuddiant llesiannol ynddo ac sydd yn ardal eich awdurdod;
 - (vii) unrhyw dir y mae eich awdurdod yn landlord arno ac y mae ffyrm yr ydych yn bartner ynddi, cwmni yr ydych yn gyfarwyddwr arno ac yn derbyn tâl, neu gorff o'r math a ddisgrifir yn is-baragraff (iv) uchod yn denant arno;
 - (viii) unrhyw gorff yr ydych wedi eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;
 - (ix) unrhyw —
 - (aa) awdurdod cyhoeddus neu gorff sy'n arfer swyddogaethau o natur gyhoeddus;
 - (bb) cwmni, cymdeithas ddiwydiannol a darbodus, elusen, neu gorff arall a chanddo ddibenion elusenol;
 - (cc) corff y mae dylanwadu ar farn neu bolisi cyhoeddus ymhlith ei brif ddibenion;
 - (chch) undeb llafur neu gymdeithas broffesiynol; neu
 - (dd) clwb preifat neu gymdeithas breifat sy'n gweithredu o fewn ardal eich awdurdod,
- yr ydych yn aelod ohono neu ohoni neu mewn safle rheolaeth neu reoli cyffredinol ynddo neu ynddi;
- (x) unrhyw dir yn ardal eich awdurdod y mae gennych drwydded (ar eich pen eich hun neu ar y cyd ag eraill) i'w feddiannu am 28 o ddiwrnodau neu fwy;

[Nodyn: Mae is-baragraff (b) wedi ei hepgor.]

- (c) pe byddai'n rhesymol ystyried penderfyniad arno yn benderfyniad a fyddai'n effeithio —
 - (i) ar eich llesiant neu eich sefyllfa ariannol, neu lesiant neu sefyllfa ariannol person yr ydych yn byw gydag ef, neu unrhyw berson y mae gennych gysylltiad personol agos ag ef;
 - (ii) ar unrhyw gyflogaeth yr ymgwymerir â hi neu fusnes a redir gan bersonau fel a ddisgrifir yn 10(2)(c)(i);

- (iii) ar unrhyw berson sy'n cyflogi neu sydd wedi penodi'r cyfryw bersonau ag a ddisgrifir yn 10(2)(c)(i), unrhyw ffyrm y mae'r cyfryw bersonau'n bartneriaid ynddi, neu unrhyw gwmni y maent yn gyfarwyddwyr arno;
- (iv) ar unrhyw gorff corfforaethol y mae gan bersonau fel a ddisgrifir yn 10(2)(c)(i) fuddiant llesionol mewn dosbarth o warannau sy'n werth mwy na'r gwerth enwol o £5,000; neu
- (v) ar unrhyw gorff a restrir ym mharagraffau 10(2)(a)(ix)(aa) i (dd) y mae personau a ddisgrifir yn 10(2)(c)(i) mewn safle rheolaeth neu reoli cyffredinol ynddo,

a hynny i raddau mwy—

- (aa) yn achos awdurdod â dosbarthiadau etholiadol neu wardiau, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn y dosbarth etholiadol neu'r ward, yn ôl y digwydd, y bydd y penderfyniad yn effeithio arnynt; neu

(bb) ym mhob achos arall, na'r rhelyw o bobl eraill sy'n talu'r dreth gyngor, o bobl eraill sy'n talu ardrethi neu breswylwyr eraill yn ardal yr awdurdod.

Datgelu Buddiannau Personol

11.—(

- 1) Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn bresennol mewn cyfarfod lle y caiff y busnes hwnnw ei ystyried, rhaid i chi ddatgelu ar lafar gerbron y cyfarfod hwnnw fodolaeth a natur y buddiant hwnnw cyn i'r cyfarfod ystyried y busnes neu ar ddechrau'r ystyriaeth, neu pan ddaw'r buddiant i'r amlwg.
- (2) Pan fydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch yn gwneud —
 - (a) cynrychioliadau ysgrifenedig (p'un ai drwy lythyr, neges ffacs neu ar ryw ffurf arall ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod ynghylch y busnes hwnnw, dylech gynnwys manylion am y buddiant hwnnw yn y gyfathrebiaeth ysgrifenedig; neu
 - (b) cynrychioliadau llafar (p'un ai'n bersonol neu ar ryw ffurf ar gyfathrebu electronig) i un o aelodau neu o swyddogion eich awdurdod dylech ddatgelu'r buddiant ar ddechrau'r cyfryw gynrychioliadau, neu pan ddaw'n amlwg i chi fod gennych fuddiant o'r fath, a chadarnhau'r cynrychioliad a'r buddiant yn ysgrifenedig o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.
- (3) Yn ddarostyngedig i baragraff 14(1)(b) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef ac y byddwch wedi gwneud penderfyniad wrth arfer un o swyddogaethau gweithrediaeth neu fwrdd, rhaid i chi mewn perthynas â'r busnes hwnnw sicrhau bod unrhyw ddatganiad ysgrifenedig ynghylch y penderfyniad hwnnw'n cofnodi bodolaeth a natur eich buddiant.

- (4) Rhaid i chi, mewn cysylltiad â buddiant personol nas datgelwyd eisoes, cyn cyfarfod neu'n syth ar ôl diwedd cyfarfod pan ddatgelir y buddiant yn unol ag is-baragraff 11(1), roi hysbysiad ysgrifenedig i'ch awdurdod yn unol ag unrhyw ofynion a nodir gan swyddog monitro eich awdurdod, neu mewn perthynas â chyngor cymuned, swyddog priodol eich awdurdod o bryd i'w gilydd ond, rhaid cynnwys o leiaf —
- (a) manylion am y buddiant personol;
 - (b) manylion am y busnes y mae'r buddiant personol yn gysylltiedig ag ef; ac
 - (c) eich llofnod.
- (5) Pan fydd eich swyddog monitro wedi cytuno bod yr wybodaeth sy'n ymwneud â'ch buddiant personol yn wybodaeth sensitif, yn unol â pharagraff 16(1), mae eich rhwymedigaethau o dan y paragraff 11 hwn i ddatgelu'r cyfryw wybodaeth, p'un ai ar lafar neu'n ysgrifenedig, i'w disodli gan rwymedigaeth i ddatgelu bodolaeth buddiant personol ac i gadarnhau bod eich swyddog monitro wedi cytuno bod y cyfryw fuddiant personol o natur gwybodaeth sensitif.
- (6) At ddibenion is-baragraff (4), dim ond os bod hysbysiad ysgrifenedig wedi ei ddarparu yn unol â'r cod hwn ers y dyddiad diwethaf pryd yr etholwyd chi, y penodwyd chi neu yr enwebwyd chi'n aelod o'ch awdurdod y bernir bod buddiant personol wedi ei ddatgelu eisoes.
- (7) At ddibenion is-baragraff (3), os na ddarperir hysbysiad ysgrifenedig yn unol â'r paragraff hwnnw bernir na fyddwch wedi datgan buddiant personol yn unol â'r cod hwn.

Buddiannau sy'n Rhagfarnu

12.—

- (1) Yn ddarostyngedig i is-baragraff (2) isod, os bydd gennych fuddiant personol mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef bydd gennych hefyd fuddiant sy'n rhagfarnu yn y busnes hwnnw os bydd y buddiant yn un y bydd yn rhesymol i aelod o'r cyhoedd sy'n gwybod y ffeithiau perthnasol fod o'r farn ei fod mor arwyddocaol fel y bydd yn debygol o ragfarnu eich barn ynghylch buddiant cyhoeddus.
- (2) Yn ddarostyngedig i is-baragraff (3), nid ystyrir bod gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes os bydd y busnes hwnnw—
- (a) yn gysylltiedig—
 - (i) ag awdurdod perthnasol arall yr ydych hefyd yn aelod ohono;
 - (ii) ag awdurdod cyhoeddus arall neu gorff sy'n arfer swyddogaethau o natur gyhoeddus lle yr ydych mewn safle rheolaeth neu reoli cyffredinol;
 - (iii) â chorff yr ydych wedi cael eich ethol, eich penodi neu eich enwebu gan eich awdurdod i fod arno;

- (iv) â'ch rôl fel llywodraethwr ysgol (os na chawsoch eich penodi neu eich enwebu gan eich awdurdod) oni bai bod y busnes yn benodol gysylltiedig â'r ysgol yr ydych yn un o'i llywodraethwyr;
 - (v) â'ch rôl fel aelod o Fwrdd Iechyd Lleol os na chawsoch eich penodi neu eich enwebu gan eich awdurdod i fod arno;
- (b) yn gysylltiedig:
- (i) â swyddogaethau tai eich awdurdod os oes gennych denantiaeth neu les gyda'ch awdurdod, ar yr amod nad oes arnoch i'ch awdurdod ôl-ddyledion rhent o fwy na deufis, ac ar yr amod nad yw'r swyddogaethau hynny'n ymwneud yn arbennig â'ch tenantiaeth neu â'ch les;
 - (ii) â swyddogaethau eich awdurdod mewn cysylltiad â phrydau ysgol, cludiant a threuliau teithio, os ydych chi'n warchodwr, yn rhiant, yn fam-gu neu'n nain neu'n dad-cu neu'n daid, neu os oes gennych gyfrifoldeb rhiant (fel y'i diffinnir yn adran 3 o Deddf Plant 1989) dros blentyn sy'n cael addysg lawnamser, onid yw'r busnes yn benodol gysylltiedig â'r ysgol y mae'r plentyn hwnnw'n ei mynychu;
 - (iii) â swyddogaethau eich awdurdod mewn cysylltiad â thâl salwch statudol o dan Ran XI o Ddeddf Cyfraniadau a Budd-daliadau Nawdd Cymdeithasol 1992, os ydych yn cael, neu os oes gennych hawl i gael, taliad o'r fath gan eich awdurdod;
 - “(iv) â swyddogaethau eich awdurdod mewn cysylltiad â lwfans neu daliad a wneir yn unol â darpariaethau Rhan 8 o Fesur Llywodraeth Leol (Cymru) 2011, neu lwfans neu bensiwn a ddarperir o dan adran 18 o Ddeddf Llywodraeth Leol a Thai 1989;
- (c) yn gysylltiedig â'ch rôl fel cynghorydd cymunedol mewn perthynas â grant, benthychiad neu fath arall ar gymorth ariannol a wnaed gan eich cyngor cymuned i gyrrff cymunedol neu wirfoddol hyd at uchafswm o £500.
- (3) Nid yw'r esemptiadau yn is-baragraff (2)(a) yn gymwys os yw'r busnes yn gysylltiedig â dyfarnu ar unrhyw gymeradwyaeth, cydsyniad, trwydded, caniatâd neu gofrestrriad.

Pwyllgorau Trosolygu a Chraffu

13. Bydd gennych hefyd fuddiant sy'n rhagfarnu mewn unrhyw fusnes sydd gerbron un o bwyllgorau trosolygu a chraffu eich awdurdod (neu un o is-bwyllgorau pwyllgor o'r fath)—
- (a) os bydd y busnes hwnnw'n gysylltiedig â phenderfyniad a wnaed (p'un a gafodd ei weithredu ai peidio) neu gam a gymerwyd gan weithrediaeth, bwrdd, neu un arall o bwyllgorau, is-bwyllgorau, cyd-bwyllgorau neu o gyd-is-bwyllgorau eich awdurdod; a

- (b) os oeddech chi, ar yr adeg pan wnaed y penderfyniad neu pan gymerwyd y cam, yn aelod o'r weithrediaeth, y bwrdd, y pwyllgor, yr is-bwyllgor, y cyd-bwyllgor neu'r cyd-is-bwyllgor a grybwyllir yn is-baragraff (a) a'ch bod chi'n bresennol pan wnaed y penderfyniad hwnnw neu pan gymerwyd y cam hwnnw.

Cyfrannu mewn Perthynas â Datgelu Buddiannau

14.—

- (1) Yn ddarostyngedig i is-baragraffau (2), (2A), (3) a (4), os bydd gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef rhaid i chi, oni roddwyd i chi ollyngiad gan bwyllgor safonau eich awdurdod —
- (a) ymadael â'r ystafell, y siambr neu'r man lle y mae cyfarfod i ystyried y busnes yn cael ei gynnal—
- (i) pan fo is-baragraff (2) yn gymwys, yn syth ar ôl i'r cyfnod ar gyfer gwneud cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes ddod i ben a beth bynnag cyn i ystyriaeth bellach o'r busnes ddechrau, p'un a ganiateir i'r cyhoedd aros yn bresennol ar gyfer y cyfryw ystyriaeth ai peidio; neu
- (ii) mewn unrhyw achos arall, pa bryd bynnag y daw i'r amlwg bod y busnes hwnnw'n cael ei ystyried yn y cyfarfod hwnnw;
- (b) peidio ag arfer swyddogaethau gweithrediaeth neu fwrdd mewn perthynas â'r busnes hwnnw;
- (c) peidio â cheisio dylanwadu ar benderfyniad ynghylch y busnes hwnnw;
- (ch) peidio â gwneud unrhyw gynrychioliadau ysgrifenedig (p'un ai drwy lythyr, neges ffacs neu ar ryw ffurf arall ar gyfathrebu electronig) mewn perthynas â'r busnes hwnnw; a
- (d) peidio â gwneud unrhyw gynrychioliadau llafar (p'un ai'n bersonol neu ar ryw ffurf ar gyfathrebu electronig) mewn cysylltiad â'r busnes hwnnw neu rhaid i chi roi'r gorau ar unwaith i wneud y cyfryw gynrychioliadau llafar pan ddaw'r buddiant sy'n rhagfarnu i'r amlwg.
- (2) Os oes gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef cewch fod yn bresennol mewn cyfarfod ond dim ond er mwyn gwneud cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes, ar yr amod y caniateir hefyd i'r cyhoedd fod yn bresennol yn y cyfarfod i'r un diben, p'un ai o dan hawl statudol neu fel arall.
- (2A) Os oes gennych fuddiant sy'n rhagfarnu mewn unrhyw fusnes y mae a wnelo eich awdurdod ag ef cewch gyflwyno cynrychioliadau ysgrifenedig i gyfarfod sy'n ymwneud â'r busnes hwnnw, ar yr amod y caniateir i'r cyhoedd fod yn bresennol yn y cyfarfod at y diben o wneud cynrychioliadau, ateb cwestiynau neu roi tystiolaeth sy'n ymwneud â'r busnes, pa un ai o dan hawl statudol neu fel arall.

- (2B) Pan fyddwch yn cyflwyno cynrychioliadau ysgrifenedig o dan is-baragraff (2A), rhaid i chi gydymffurfio ag unrhyw weithdrefn y caiff eich awdurdod ei fabwysiadu ar gyfer cyflwyno cynrychioliadau o'r fath.
- (3) Nid yw is-baragraff (1) yn eich rhwystro rhag bod yn bresennol a chyfrannu mewn cyfarfod —
- (a) os gofynnir i chi fod yn bresennol mewn cyfarfod pwyllgor trosolwg neu graffu, gan y cyfryw bwyllgor ac yntau'n arfer ei bwerau statudol; neu
 - (b) os oes gennych y fantais o fod gollyngiad wedi ei roi i chi ar yr amod—
 - (i) eich bod yn datgan yn y cyfarfod eich bod yn dibynnu ar y gollyngiad; a
 - (ii) eich bod, cyn y cyfarfod neu'n syth ar ôl i'r cyfarfod orffen, yn rhoi hysbysiad ysgrifenedig i'ch awdurdod a bod hwnnw'n cynnwys —
 - (aa) manylion y buddiant sy'n rhagfarnu;
 - (bb) manylion y busnes y mae'r buddiant sy'n rhagfarnu'n gysylltiedig ag ef;
 - (cc) manylion y gollyngiad a'r dyddiad pryd y'i rhoddwyd; a
 - (chch) eich llofnod.
- (4) Os bydd gennych fuddiant sy'n rhagfarnu a'ch bod yn gwneud cynrychioliadau ysgrifenedig neu lafar i'ch awdurdod gan ddibynnu ar ollyngiad, rhaid i chi ddarparu manylion am y gollyngiad o fewn unrhyw gynrychioliad ysgrifenedig neu lafar o'r fath ac, yn yr achos olaf hwn, rhaid i chi ddarparu hysbysiad ysgrifenedig ar gyfer eich awdurdod o fewn 14 o ddiwrnodau ar ôl gwneud y cynrychioliad.

RHAN 4 COFRESTR BUDDIANNAU AELODAU

Cofrestru Buddiannau Personal

15.—

- (1) Yn ddarostyngedig i is-baragraff (4), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl—
- (a) i god ymddygiad eich awdurdod gael ei fabwysiadu neu i ddarpariaethau gorfodol y cod enghreifftiol hwn gael eu cymhwyso i'ch awdurdod; neu
 - (b) i chi gael eich ethol neu eich penodi i swydd (os digwydd hynny'n ddiweddarach),

gofrestru eich buddiannau personol, os ydynt yn dod o fewn categori a grybwyllir ym mharagraff 10(2)(a), yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.

- (2) Yn ddarostyngedig i is-baragraff (4), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl dod yn ymwybodol o unrhyw fuddiant personol newydd sy'n dod o fewn categori a grybwyllir ym mharagraff 10(2)(a), gofrestru'r buddiant personol newydd hwnnw yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod.
- (3) Yn ddarostyngedig i is-baragraff (4), rhaid i chi, o fewn 28 o ddiwrnodau ar ôl dod yn ymwybodol o unrhyw newid i fuddiant personol a gofrestrwyd sy'n dod o fewn categori a grybwyllir ym mharagraff 10(2)(a), gofrestru'r newid hwnnw yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu, yn achos cyngor cymuned, swyddog priodol eich awdurdod.
- (4) Nid yw is-baragraffau (1), (2) a (3) yn gymwys i wybodaeth sensitif a benderfynir yn unol â pharagraff 16(1).
- (5) Nid yw is-baragraffau (1) a (2) yn gymwys os ydych yn aelod o awdurdod perthnasol sy'n gyngor cymuned pan fyddwch yn gweithredu yn eich capasiti fel aelod o awdurdod o'r fath.
- (6) Pan fyddwch yn datgelu buddiant personol yn unol â pharagraff 11 am y tro cyntaf, rhaid i chi gofrestru'r buddiant personol hwnnw yng nghofrestr eich awdurdod o fuddiannau'r aelodau drwy ddarparu hysbysiad ysgrifenedig ar gyfer swyddog monitro eich awdurdod, neu, yn achos cyngor cymuned, swyddog priodol eich awdurdod.

Gwybodaeth sensitif

16.—

- (1) Os byddwch yn ystyried bod yr wybodaeth sy'n ymwneud ag unrhyw un neu rai o'ch buddiannau personol yn wybodaeth sensitif, a bod swyddog monitro eich awdurdod yn cytuno, nid oes angen i chi gynnwys yr wybodaeth honno pan fyddwch yn cofrestru'r buddiant hwnnw, neu, yn ôl y digwydd, newid i'r buddiant o dan baragraff 15.
- (2) Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi ddod yn ymwybodol o unrhyw newid yn eich amgylchiadau sy'n golygu nad yw gwybodaeth sydd wedi ei heithrio o dan is-baragraff (1) mwyach yn wybodaeth sensitif, hysbysu swyddog monitro eich awdurdod, neu mewn perthynas â chynghor cymuned, swyddog priodol eich awdurdod gan ofyn am i'r wybodaeth gael ei chynnwys yng nghofrestr buddiannau aelodau eich awdurdod.
- (3) Yn y cod hwn, ystyr "gwybodaeth sensitif" ("*sensitive information*") yw gwybodaeth y mae ei rhoi ar gael i'w harchwilio gan y cyhoedd yn creu, neu'n debygol o greu, risg ddifrifol y gallech chi neu berson sy'n byw gyda chi fod yn destun trais neu fygythion.

Cofrestru Rhoddion a Lletygarwch

17. Rhaid i chi, o fewn 28 o ddiwrnodau ar ôl i chi gael unrhyw rodd, lletygarwch, buddiant materol neu fantais faterol, sy'n fwy na £25.00 neu werth arall a bennir mewn penderfyniad gan yr Awdurod o bryd i'w gilydd, hysbysu'r swyddog monitro neu, mewn perthynas â chyngor cymunedol, i swyddog priodol eich awdurdod am fodolaeth a natur yr eitem neu fudd hynny. Mae'r rheol hon yn ddilys hefyd ar gyfer unrhyw rodd sy'n cael ei derbyn gan yr aelod ar ran yr awdurdod.

Officers' Code of Conduct

Reference:

*The Code of Conduct (Qualifying Local Government Employees) (Wales)
Order 2001*

*The Code of Conduct (Non-Qualifying Local Government Employees) (Wales)
Regulations 2001*

**CODE OF CONDUCT
FOR EMPLOYEES**

Version:	Version 1 – February 2006 (revised November 2014) Policy Ratified by: Human Resources Date: July 2004 Revised February 2006 Revised June 2012 Revised November 2014 Area Applicable: All Caerphilly employees except School based unless the School Governing Body has adopted the Scheme
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Review Year	As Appropriate

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CAERPHILLY COUNTY BOROUGH COUNCIL

CODE OF CONDUCT FOR EMPLOYEES

1. INTRODUCTION

- 1.1 This Code of Conduct has been devised by the Council in order to give employees guidance on a range of issues which will help them to maintain and improve the high standards of conduct within local government and to protect them from misunderstandings and confusion.
- 1.2 This Code, incorporates the statutory Code of Conduct set out in regulations made by the National Assembly for Wales and sets out the minimum standards that should apply. It covers all employees of the Council other than teachers. In the Assembly regulations they are referred to as “qualifying employees” and the Council is referred to as “relevant authority”. These phrases appear throughout the document, when extracts from the statutory Code of Conduct are set out.
- 1.3 This policy must be cross-referenced with the following core policies of the Council:-
- Recruitment and Selection Policy
 - Disciplinary Procedure
 - the I.T. Security Policy
 - the Microsoft Exchange Code of Practice
 - Internet Usage Standards and Code of Practice
 - Grievance Procedure
 - Statements of Particulars of Employment
 - Codes of Conduct in relation to Social Care
- 1.4 Social Care staff need to be aware that code of conduct in social care is also subject to codes of practice issued by CSIW and these codes should be read in conjunction with this document.

2. SCOPE OF POLICY

- 2.1 This policy has been agreed with the Trade Unions and will apply to all employees except those whose terms and conditions are governed by School Governing Bodies who have not accepted the procedure. Where the School Governing Body has accepted the procedure, the provisions shall apply to those employees. 2.2 The effective date of the policy is 1 July 2004 (revised June 2014).

3. STANDARDS

- 3.1 The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity. Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law. (This is a Statutory Code requirement)
- 3.2 The Council's conditions of service provide that employees must not behave in such a way as to bring the Authority, or the service, into disrepute.

- 3.3 Local government employees are expected to give the highest possible standards of service to the public and it is part of their duties to provide appropriate advice to Councillors and fellow employees with impartiality; employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the level of service. Employees must report to the appropriate Head of Service/Establishment or Senior Officer any impropriety or breach of procedure. This is detailed in the paragraph below relating to Whistleblowing. Where appropriate, an employee may also raise any issue with their trade union representative. The employee will have the right to be represented by a work colleague, local or full-time trade union representative, spouse, partner, friend or legal representative.
- 3.4 Where a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 a qualifying employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation. (This is a Statutory Code requirement),

4. DISCLOSURE OF INFORMATION

- 4.1 Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information. (This is a Statutory Code requirement)
- 4.2 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. However due regard has to be made to the following legislative requirements and advice.
- 4.3 No Officer shall communicate to the public (or the press) the proceedings of any Committee meeting etc. when the public is excluded, nor the content of any document (or exempt report) relating to the Authority unless required by law or expressly authorised to do so.
- 4.4 Section 100 of the Local Government Act 1972 deals with the admission of the press and public to local government Committee meetings.
- 4.5 The Local Government Planning and Land Act 1980 at Section 2 requires local authorities to publish certain categories of information in accordance with codes of recommended practice and any statutory regulations made by the Secretary of State
- 4.6 The Local Government Act 1972 requires the Council to maintain a list, open to public inspection, specifying those powers of the Council which are exercisable from time to time by officers of the Authority in pursuance of its duties under statutory powers. Any person having custody of documents to which right of access applies would commit an offence by obstructing that right.
- 4.7 The Freedom of Information Act 2000 imposes wide legal obligations on authorities to disclose information that they hold.
- 4.8 Information relating to the above Acts and what constitutes exempt information is available from the Monitoring Officer.

- 4.9 Information relating to the Data Protection Act is available from the Head of Information Technology Services. Generally under the terms of this Act any computer or manual system holding personal data requires registration with the Data Protection Registrar. There are strict statutory rules about the use and disclosure of personal data. No disclosure of information under the Act should be actioned without the approval of the Head of Information Technology Services.
- 4.10 Employees should not use any information obtained in the course of their employment, for personal gain or benefit, nor should they pass it on to others who may use it in such a way. Any particular information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required or sanctioned by law.

5. POLITICAL NEUTRALITY

- 5.1 Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities. (This is a Statutory Code requirement)
- 5.2 Employees are employed to serve the Council as a whole. It follows that they must serve all Elected Members and not just those of the controlling group. They must ensure that the individual rights of all Councillors are respected. Regard must be had to Councillors' rights set out in the Council's Constitution; the Monitoring Officer can give advice on these.
- 5.3 As part of their employment, employees may be required to advise political groups. In doing so they must ensure that they do not compromise their political neutrality. Officers holding politically restricted posts who are invited to attend political meetings, other than meetings of the Council and its Committees, in their role as officers of the Council, must obtain the approval of their Manager/Nominated Officer prior to attending such meetings. It should be noted that unless there are exceptional circumstances which make it essential for the officer to attend, then permission will not be granted.
- 5.4 All employees, (whether or not the posts they hold are designated as being politically restricted), must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions or preferences to interfere with their work.
- 5.5 Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 (as amended) are exempt from the standards detailed above.
- 5.6 The Local Government and Housing Act 1989 (as amended) contains provisions to stop "twin tracking", i.e. where a senior local authority employee is also an elected member of another local authority and to restrict the political activity of senior employees. Local authority employees holding politically restricted posts are disqualified from membership of any local authority other than a Parish or Community Council, from being a Member of Parliament or Member of the European Parliament and are subject to prescribed restrictions on their political activity. The political restrictions are incorporated into the contract of employment of every local government employee who holds a politically restricted post. Regulations, which include the Local Government Officers (Political Restrictions) Regulations 1990 and the Local Government (Politically Restricted Posts) (No. 2) Regulations 1990 cover the posts which are politically restricted.

- 5.7 Local government employees, must not, in the course of their employment, discriminate against any section or sections of the local community.

6. RELATIONSHIPS

6.1 External Bodies/Organisations/Agencies etc.

- 6.1.1 All employees should be particularly vigilant in their dealings and conduct with external bodies, organisations, agencies etc, as they are justifiably seen, by the public and such bodies etc, to be acting as a representative of the Council. If any employee is placed in a position in which they are unsure of how to act, they must without delay, contact their Manager/Nominated Officer.

6.2 Councillors

- 6.2.1 Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis. (This is a Statutory Code requirement)
- 6.2.2 Employees are responsible to the Council through its senior managers. For some, their role is to give advice to Councillors and senior managers, and all are there to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Where relationships for example, business, family etc. exist between Councillors and employees which might bring about a conflict of interest, employees must enter details in the Register of Employees Interests (copy attached at Appendix 1).
- 6.2.3 Employees must have regard to the requirements of the Member/Officer Protocol contained in the Council's Constitution (available on the Council's Intranet, from any Head of Service, or from the Monitoring Officer).

6.3 The Local Community and Service Users

- 6.3.1 Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias. (This is a Statutory Code requirement)

6.4 Contractors

- 6.4.1 All relationships of a business or private nature with external contractors or potential contractors, where there is a potential conflict of interest, must be declared in the Register of Employee Interests (copy attached at Appendix 1). Orders and contracts must be awarded on merit, by fair competition against other tenderers, and no special favour should be shown to businesses which are run, owned or employ a spouse, partners or relatives or close acquaintances.
- 6.4.2 Employees who engage or supervise contractors or have any other official relationships with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship in the Register of Employees Interests (copy attached at Appendix 1). The entry must record what steps are intended to protect the Council's interests in these circumstances and must be signed by the employee and the appropriate senior officer.

7. APPOINTMENT AND OTHER EMPLOYMENT MATTERS.

- 7.1 Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work. (This is a Statutory Code requirement)

- 7.2 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employer to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post as reflected in the Council's recruitment and selection policy. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside of work with an applicant. Employees must record this interest in the Register of Interests (copy attached at Appendix 1).
- 7.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a spouse, partner, relative or close acquaintance.
- 7.4 Every candidate for any appointment under the employing authority must, when making an application, disclose in writing to the Chief Executive of the Authority whether to his knowledge he is related to any member of the Authority or to a holder of any senior office under the Authority. Deliberate omission to make such a disclosure will disqualify the candidate and, if the omission is discovered after appointment, he should be liable to dismissal. Every member and senior officer of the Authority shall similarly disclose to the Authority any relationship known to him to exist between himself and a candidate for an appointment of which he is aware. It shall be the duty of the Chief Executive to the Authority to report to the Authority or appropriate Committee any such disclosure made to him.
- 7.5 Where an employee states that he or she has gained academic and/or professional qualifications, evidence of such qualifications may be requested at any time.
- 7.6 The Local Authorities (Standing Orders) Regulations 1993 describe the procedure to be followed in respect of the appointment of Chief Officers and their dismissal in the event of misconduct.
- 7.7 Where relationships for example, business, family etc. exist between employees, employees must enter details in the Register of Employees Interests (copy attached at Appendix 1).

8. OUTSIDE COMMITMENTS

- 8.1 Employees must exercise great care and diligence in undertaking duties outside of their employment with the Council. Where the slightest doubt exists, and where there is a potential conflict of interest, employees are advised to either decline acceptance of secondary appointment/commissions or seek the advice of their Manager/Nominated Officer
- 8.2
- (a) Employees, Grade 9 and above (or equivalent if covered by other negotiating groups) must not undertake outside work if their official duties overlap in some way with their proposed work or if their proposed outside work causes a conflict of interest, or if it makes use of material to which the employee has access by virtue of his or her position. It is irrelevant whether or not the work is paid.
 - (b) Any employee, Grade 9 and above (or equivalent if covered by other negotiating groups) who wishes to engage in any outside business or appointment must obtain the consent of their Manager/Nominated Officer detailing the nature of the business or appointment. The Manager/Nominated Officer will inform the Corporate Management Team of the request and will consider any observations made before reaching a final decision.
 - (c) Any other employee will inform their Manager/Nominated Officer of the business or appointment so that the Council can ensure that it does not breach statutory or other requirements. The Council acknowledges the individual's right to privacy; this provision is purely to ensure that there is no breach of the law or conflict with the Council's interests.

(d) The employee will be informed in writing of the Council's views and where it is decided that there is a conflict of interest with the Authority's interests or there would be a breach of statutory requirements, the employee must refuse the appointment and/or refrain from being involved with/participating in the business.

(e) Details of such business or appointment should be entered in the Register of Employees' Interests (copy attached at Appendix 1).

- 8.3 No Council resources must be used for outside work except where authorised in advance by the Council. All work must be done outside of Council time and away from Council premises.
- 8.4 The requirements of the Council as an employer must take precedence over any outside appointments undertaken by an employee of the Council.
- 8.5 Employees must be aware of the rules on the ownership of intellectual property or copyright created during their employment where specifically included in conditions of service. "Intellectual property" is a wide term which includes inventions, creative writings and drawings. If these are created by the employee during the course of employment, as a general rule they belong to the employer. However, various Acts of Parliament cover different types of intellectual property. Details are available from the Head of Legal Services and Governance.

9. PERSONAL INTERESTS

- 9.1 Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:
- (1) any rules of their relevant authority on the registration and declaration by employees of financial and non - financial interests,
 - (2) any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority. (This is a Statutory Code requirement)
- 9.2 The Council adds the following rules as referred to above:- Employees must declare to their Manager/Nominated Officer any non-financial interests that they consider could bring about conflict with the Council's interests for example, acting as a school governor within a school maintained by the Council, involvement with an organisation receiving grant aid from the Council, involvement with organisations or groups seeking to influence the Council's policies, etc. Details of such interests must be entered in the Register of Employees Interests (copy at Appendix 1) and must record what steps are intended to protect the Council's interests in the circumstances.
- 9.3 Employees must declare to their Manager/Nominated Officer any financial interests which conflict with the Council's interests. Details of these interests must be entered in the Register of Employees Interests (copy at Appendix 1) and must record what steps are intended to protect the Council's interests in the circumstances.
- 9.4 Employees must declare to their Manager/Nominated Officer membership of any organisation not open to the public with formal membership and commitment of allegiance and which has secrecy about rules, membership or conduct. Details of membership should be declared in the Register of Employees Interests (copy at Appendix 1) and must record what steps are intended to protect the Council's interests in the circumstances.

- 9.5 A declaration by the Head of Service is signed by the appropriate Director, a declaration by a Director is signed by the Chief Executive and a declaration by the Chief Executive is signed by the Monitoring Officer.

10. EQUALITY ISSUES

- 10.1 Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law. (This is a Statutory Code requirement)

11. SEPARATION OF ROLES DURING THE TENDERING PROCESS

- 11.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for openness and accountability.
- 11.2 Employees in contractor or client positions must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 11.3 Employees who are privy to confidential information in relation to costs or tenders for either internal or external contractors must not disclose that information to any unauthorised party or organisation.
- 11.4 Employees contemplating a management buy out must, as soon as they have formed a definite intent, inform the Council and withdraw from the contract awarding process.
- 11.5 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

12. BRIBERY

- 12.1 Under the Bribery Act 2010 a person is guilty of an offence where they offer, promise or give a financial advantage to another person in the circumstances set out in the Act.
- 12.2 Under the Bribery Act 2012 the potential recipient of the bribe will be guilty of an offence in the circumstances set out in the Act.
- 12.3 Section 117 of the Local Government Act 1972 states that if an officer knows that a contract in which he has a direct or indirect pecuniary interest is before the local authority, he must give notice of his interest to the Authority. Section 117 (2) of the Act forbids an officer "under colour of his office or employment" to accept "any fee or reward" whatsoever other than proper remuneration. Contravention of this rule is a criminal offence. The employee must give notice to the Authority by entering details of the interest in the Register of Employees Interests (copy at Appendix 1).
- 12.4 It is a serious criminal offence for employees to receive or give any gift, fee, reward or advantage for doing or not doing anything showing favour or disfavour to any person in their official capacity. Employees must not contravene the provisions of the Bribery Act 2010 as this may result in the imposition of a fine or imprisonment.
- 12.5 If an employee or their spouse, partner or immediate relatives receive gifts and such gifts are less than £25 in value*, the goods may be kept and used by the employee **BUT ANY GIFT WHICH COULD BE SEEN BY A THIRD PARTY AS PLACING THE EMPLOYEE UNDER AN IMPROPER OBLIGATION SUCH AS MORE THAN ONE GIFT FROM THE SAME PARTY MUST BE REFUSED, IRRESPECTIVE OF ITS VALUE.**
- 12.6 If an employee or their spouse, partner or immediate relatives receive any gift other than those identified in the previous paragraph, they must refuse acceptance of the gift, explaining their position, the standards of conduct and integrity expected of local government employees, and,

the requirement of being seen to be fair to all agencies/bodies/organisations and individuals. If it is not possible to refuse, for example, if it was received through the post or refusal would cause offence, the employee must, without delay, report the occurrence to their Manager/Nominated Officer who will pass the gift to the Mayor's charity and write to the donor to explain what has been done. The Officer and the Manager/Nominated Officer must keep a record of any such occurrences in the Register of Employees Interests (copy at Appendix 1).

- 12.7 The rules above are by their very nature general, but the underlying principles should always be upheld and if any employee is in the slightest doubt as to how to conduct themselves in such a situation, they are advised to refuse a gift or hospitality or refer to their Manager/Nominated Officer for guidance.

* This is the same figure as elected members are required to declare, and will be reviewed by the Council from time to time, in respect of both this Code and the Code for elected members.

13. USE OF FINANCIAL RESOURCES

- 13.1 Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so. (This is a Statutory Code requirement).

14. HOSPITALITY

- 14.1 Employees may accept small offers of hospitality only where the activity is of a nature where there is a genuine need to impart information or to represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. If an employee or their spouse, partner or immediate relatives receive hospitality of less than £25 in value*, the hospitality may be accepted by the employee **BUT ANY GIFT WHICH COULD BE SEEN BY A THIRD PARTY AS PLACING THE EMPLOYEE UNDER AN IMPROPER OBLIGATION (SUCH AS MORE THAN ONE GIFT FROM THE SAME PARTY) MUST BE REFUSED, IRRESPECTIVE OF ITS VALUE.**
- 14.2 When hospitality has to be declined the employee should inform the person/company/organisation offering the hospitality of the procedures and standards operating within the Council.
- 14.3 When receiving authorised hospitality employees should be particularly sensitive as to the timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 14.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than individual and where the Council gives consent in advance and is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, employees should ensure that the Council meets the cost of such events to avoid jeopardising the integrity of any subsequent purchasing decisions.
- 14.5 If an employee or their immediate relatives enjoy hospitality, for example, they received lunch/dinner from a company with which they deal on behalf of the Council, either on an individual or small group basis, as opposed to hospitality at a more large scale presentation, for example at a conference, seminar etc, they are required to declare this in the Register of Employees Interests (copy at Appendix 1) upon their return and inform the company of this declaration to discharge themselves from any possible allegations that the provision of such hospitality affected their decision when dealing with the company.

* This is the same figure as elected members are required to declare, and will be reviewed by the Council from time to time, in respect of both this Code and the Code for elected members.

15. SPONSORSHIP

- 15.1 Where an outside body/agency/organisation wishes to sponsor or is seeking to sponsor a local government activity whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts and/or hospitality will apply. Particular care must be taken when dealing with contractors or potential contractors.
- 15.2 Where the Council wishes to sponsor an event or service neither an employee, nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the employee's Manager/Nominated Officer of any such interest and employees must enter any such interest in the Register of Employees Interests (copy at Appendix 1). Similarly where the Council through sponsorship, grant aid, financial or other means, gives support to the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

16. WHISTLEBLOWING

- 16.1 In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013 and other legislation), and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose. (This is a Statutory Code requirement)
- 16.2 The Council's Whistleblowing Policy can be accessed via the Council's Constitution at Part 5. Advice and Guidance can also be obtained from the independent charity Public Concern at Work, details of which are set out in the Whistleblowing Policy.
- 16.3 Employees are reminded that particular attention should be paid to anything which impacts in any way on children or vulnerable adults.
- 16.4 The Council has a high duty of care in the way that it delivers services to children and vulnerable adults and one of the elements of that duty is to ensure that staff who may come into contact with these groups in any way whatsoever have not been convicted of criminal offences which might affect whether it is appropriate for that member of staff to have dealings with either of these groups. For that reason employees whose posts are designated as exempted from the provisions of the Rehabilitation of Offenders Act are required within seven days of conviction of a criminal offence to report details of that to the Head of Workforce and Organisation Development and in this context:-
- (a) "conviction of a criminal offence" includes a formal caution given by the police in place of a summons to appear before a court; and
 - (b) this requirement does not apply to criminal offences which are dealt with by way of a fixed penalty in place of an appearance before a court.

17. APPLICATION OF THE CODE OF CONDUCT

- 17.1 A Register of Employees Interests must be kept by each Head of Service who will countersign the entries to show that they are aware of any declarations. The record will also show what steps are intended to protect the Council's interests in the circumstances.
- 17.2 In the case of Heads of Service and Directors, the responsibility for maintaining the Register of Employees Interests will rest with the Director of Corporate Services. In the case of the Chief Executive and the Deputy Chief Executive the responsible person will be the Council's Monitoring Officer. 17.3 The Head of Service/Establishment or other responsible officer must make arrangements to safeguard the confidentiality of the information. 17.4 This Code must be

made available to all Council employees. Breach of the Code may result in disciplinary action.

FEBRUARY 2006 (revised November 2014)

CAERPHILLY COUNTY BOROUGH COUNCIL - REGISTER OF EMPLOYEES' INTERESTS

Employee's Name:		Employee's Number:	
Job Title:			
Directorate			
Service Area, School or Establishment:			
Type of Declaration	Details		
Relationship: Councillor <input type="checkbox"/> Contractor <input type="checkbox"/> Employee <input type="checkbox"/> Other <input type="checkbox"/>	Name: Post Title: Nature of my relationship to the named person: Details of any potential contact/conflict of interest:		
Personal interest or membership of an organisation, business, professional body or secret society e.g. School Governing Body, voluntary organisation role, involvement in a family business	Description of my interest: Name and location of organisation concerned (if applicable): Effective date: Financial benefit / implication: Details of steps that could be taken to protect the Council's interest:		
Gifts and Hospitality	Was the gift / hospitality to you or to an immediate relative? (if a relative, please give the relative's name and their relationship to you): Description of gift, hospitality or sponsorship: Supplier name / organisation: Date offer made: Approximate value: Accepted / Declined and reason for decision		
Employee's Signature:		Date:	

CAERPHILLY COUNTY BOROUGH COUNCIL - REGISTER OF EMPLOYEES' INTERESTS

Completed By Head of Service

Details of any controls/ action taken to protect the Council's interests			
Name of Head of Service:			
Head of Service Signature:		Date:	

Circulation of Completed Form

Original copy retained by Head of Service:	
Date Copy Sent to Employee:	
Date copy emailed to HR Strategy and Development for filing on employee's personal file:	
Date Directorate Summary Spreadsheet updated:	

Version: 2
Date Verified: November 2014

Control Log - Register Of Interest Form

[illegible]

Register Of Employees Interests

Notes For Guidance

- 1.0 The Register of Interest Forms are to be completed in triplicate and on completion should be distributed as follows: Top Copy to be retained by the Head of Service/Manager Second Copy to be retained by the individual making the declaration Third Copy to be passed to the Head of Workforce and Organisation Development for filing on the individual's personnel file.
- 2.0 The Control Log should be completed to ensure all forms have been accounted for, all declarations have been received and will allow Managers to satisfy themselves that all declarations have been dealt with appropriately. Details to be completed as follows:
- (i) Registration Reference Number (top right hand corner of declaration form). All forms will be pre-numbered and should be issued in sequential order.
 - (ii) Name of Officer requesting the registration form (this will allow follow up in the event of the form not being returned in order to prevent completed forms being lost in transit).
 - (iii) Date Issued to the individual making the declaration (all three copies should be issued and returned).
 - (iv) Date Returned
 - (v) Note of whether the registration form was completed or not (YES or NO). This will provide a trail for following through completed registrations to filed records and account for any uncompleted forms.
 - (vi) If forms are not returned or completed a note of the reason for non completion e.g. lost in transit, spoiled, not required due to change in circumstances etc.

N.B. Any spoiled forms (all three copies) should be retained by the Head of Service/Manager and filed. Any uncompleted forms returned can either be cancelled and retained with the spoiled copies or reissued. Any reissued forms will need to be re-entered on the control log (a number of extra rows have been included in the control log to facilitate this).

- 3.0 The registration Forms will need to be completed as follows:

- (i) Service Area
- (ii) Type of Declaration:
 - (a) Relationships – details required will include the name of the individuals, company, or organisation concerned, the nature of the relationship and the likely contact/involvement with the individual making the declaration which might cause or be perceived to cause a conflict of interests.
 - (b) Outside Interests – details required will include the nature of the interest or outside employment and how this might be connected with, impact on or influence the work/duties of the individual making the declaration. (c) Gifts & Hospitality- details required will include the name of the individual, company or organisation making the offer, details of the offer including an estimated value. Also as in (a) above the likely contact/involvement of the individual making the declaration with the person(s) making the offer and how this might influence or be perceived to influence any decisions made as part of Page 24 of 24 that individual's work/duties and therefore constitute a potential conflict of interests.

- (iii) Further Description/Action Taken (to be completed by the individual making the declaration). In the case of Gifts and Hospitality this should indicate whether the gifts were accepted or declined.

In the case of (a) and (b) above or in the case of (c) where the offer is accepted the individual will need to state what action has been taken or is proposed in order to safeguard themselves against any allegations of misconduct due to a conflict of interest and ensure that the Council's interests are protected.

- (iv) Comments. Head of Service/Delegated Officer. Where the officer receiving the declaration is not satisfied that the action proposed by the individual making the declaration is sufficient to prevent a conflict of interest and protect the interests of both the officer and the Council advice should be issued to the officer as to what further action will need to be taken. This advice should be entered on the declaration of interest form so that all parties are clear as to what action has been recommended/agreed.
- (v) The form will need to be dated and signed by the Employee making the declaration and the Head of Service or delegated officer.

Whistleblowing Policy

<i>Version of Scheme:</i>	Version 3
<i>Draft Number:</i>	Final
<i>Scheme Ratified By:</i>	Council
<i>Date Ratified:</i>	18 th November 2014
<i>Effective Date of Scheme:</i>	18 th November 2014
<i>Review Date:</i>	2021
<i>Applicable To:</i>	All Caerphilly employees. If you are a volunteer or contractor working on Council premises, including builders, drivers and suppliers, you should raise your concerns under the Council's Corporate Complaints Policy, which is available on the Council's website.
<i>Equalities Issues:</i>	All Equalities considerations have been taken into account when drafting this Scheme.

The Council's recognised trade unions have been consulted on this Scheme.



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INTRODUCTION

1. Caerphilly County Borough Council is fully committed to running the organisation in the best possible way and to do so we need your help. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way.
2. All of us, at one time or other has a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the organisation itself, it can be difficult to know what to do.

WHAT THE SCHEME COVERS

3. This policy covers any disclosures that employees make with regard to any alleged wrong doing. The policy must be read in conjunction with all relevant Council policies and procedures, in particular the Council's Code of Conduct.

DETAIL OF THE SCHEME

4. The Whistleblowing Policy aims to reassure you that it is safe and acceptable to speak up and to enable you to raise serious concerns you have about malpractice at an early stage and in the right way.
5. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of detrimental treatment as a result.
6. The policy is specifically intended for raising concerns about malpractice. If, however, you wish to make a complaint about your employment or how you have been treated, please use the grievance procedure – copies can be obtained from your Manager or the HR Support Portal.
7. The policy provides you with an avenue to raise your concerns and to receive feedback on any action taken. Any feedback will be provided within the confines of the Data Protection Act 2018

CATEGORIES OF WRONGDOING

8. You are protected under this policy to raise any concerns you may have about the following categories of wrongdoing:
 - Criminal offences, including conduct which is an offence or a breach of law or sexual or physical abuse of clients;
 - Failure to comply with legal obligations including the unauthorised use of public funds, possible fraud and corruption; Discrimination against the public or colleagues (e.g. race, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex, and sexual orientation.)
 - Miscarriages of justice;
 - Dangers to health or safety including risks to the public as well as other employees;
 - Danger or damage to the environment or
 - Deliberate concealment of any of the above categories.
9. The policy may also be used to report something that:
 - Makes you feel uncomfortable in terms of the standards you believe the Council subscribes to;
 - Is against the Council's Constitution and policies;

- Falls below established standards of practice or
- Amounts to improper conduct.

OUR ASSURANCE TO YOU

10. Caerphilly County Borough Council is committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of detrimental treatment as a result. The Council will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.
11. With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone confidentially first. If this is the case, please say so at the outset.
12. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

ANONYMOUS ALLEGATIONS

13. The policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we could provide the assurances we offer in the same way if you report a concern anonymously.
14. If you are unsure about raising a concern you can get independent advice from Public Concern at Work (contact details can be found under Independent Advice).

UNTRUE ALLEGATIONS

15. If you make an allegation in good faith but it is not confirmed by the investigation, no action will be taken against you. Provided you are raising a genuine concern, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.
16. If you make an allegation maliciously or for personal gain, disciplinary action may be taken against you.

RAISING A CONCERN

17. You do not need to have firm evidence of malpractice before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.
18. If you have a concern about malpractice the first step is to raise it with your Manager or Team Leader. This may be done verbally or in writing. We understand that the ability to raise concerns in this way will depend on the nature of the concern and the individuals involved.
19. If you feel unable to raise the matter with your Manager, for whatever reason, please raise the matter with:
Head of People Services
20. If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made. A discussion will be held with you to discuss what is the most appropriate way to deal with the matter.
21. If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

HOW WE WILL HANDLE THE MATTER

22. The Council will acknowledge receipt of your concern within 10 working days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you, how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing please let us know.
23. When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we ask you to tell us at the outset.
24. If we think your concern falls within one of our other policies (i.e. grievance) we will let you know.
25. If you are invited to a meeting to discuss your concerns, you can be accompanied by a trade union representative or work colleague not involved in the matter.
26. Whenever possible we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. Any feedback will be provided within the confines of the Data Protection Act 2018.
27. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

INDEPENDENT ADVICE

28. If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Protect on 020 31172520 or by email at info@protect-advice.org.uk. You can also complete a Contact Form on the website, www.protect-advice.org.uk. Their lawyers can talk you through your options and help raise a concern about malpractice at work.
29. If you are a member of a trade union you can also contact your union for advice.

EXTERNAL CONTACTS

30. While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator than not at all. Public Concern at Work (or your union) will be able to advise you on such an option if you wish. Details of External Regulators under the Public Interest Disclosure (Prescribed Persons) Order 2014 can be found under Appendix 1. If this Schedule is amended by future legislation then the revised list will apply.
31. If you do take the matter outside the Council, you should ensure that you do not disclose personal or confidential information.

INTERPRETATION OF THE SCHEME

32. In the event of a dispute relating to the interpretation of the Policy, the Head of People Services or the Head of Legal and Monitoring Officer will make the final decision on interpretation.

REVIEW OF THE SCHEME

33. A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the Scheme will be amended and reissued.

MAY 2021

Public Interest Disclosure (Prescribed Persons) (Amendment)(No 2) Order 2015

This version in force from: **February 2016 to present**

Broadcasting and Communication	
The Office of Communications (known as Ofcom) Chairman The Office of Communications Riverside House 2a Southwark Bridge Road London SE1 9HA Tel: 020 7981 3000 Fax: 020 7981 3333 Website: www.ofcom.org.uk	Contact them about <ul style="list-style-type: none"> the provision of electronic communications networks and services, broadcasting and the provision of radio and TV services media ownership and control, competition in communication markets.
Business, finance or fraud	
Accounts Commission for Scotland The Secretary to the Accounts Commission Accounts Commission for Scotland 102 West Port Edinburgh EH3 9DN Tel: 0131 625 1500 Email: corrspodence@audit-scotland.gov.uk Website: www.audit-scotland.gov.uk	Contact them about <ul style="list-style-type: none"> the proper conduct of public business, value for money, fraud and corruption in local government bodies in Scotland.
The Auditor General for Wales PIDA Officer The Auditor General for Wales 24 Cathedral Road Cardiff CF11 9LJ Tel: 02920 320522 E-mail: whistleblowing@audit.wales Website: www.wao.gov.uk/whistleblowing	Contact them about <ul style="list-style-type: none"> the proper conduct of public business, value for money, fraud and corruption in public bodies in Wales.
The Auditor General for Scotland The Auditor General for Scotland 102 West Port Edinburgh EH3 9DN Tel: 0131 625 1500 Email: correspondence@audit-scotland.gov.uk Website: www.audit-scotland.gov.uk/contact-us/whistleblowing	Contact them about the proper conduct of public businesses in Scotland, including value for money, fraud and corruption in relation to the provision of public services in Scotland.

<p>Audit Scotland</p> <p>Audit Scotland 102 West Port Edinburgh EH3 9DN Tel: 0131 625 1500 Email: correspondence@audit-scotland.gov.uk Website: www.audit-scotland.gov.uk/contact-us/whistleblowing</p>	<p>Contact them about the proper conduct of public businesses in Scotland, including value for money, fraud and corruption in public bodies in Scotland.</p>
<p>The Bank of England</p> <p>Bank of England Intelligence and Whistleblowing Team Threadneedle Street London EC2R 8AH Tel: 020 3461 8703 Email: whistleblowing@bankofengland.co.uk</p>	<p>Contact them about</p> <ul style="list-style-type: none"> the functioning of clearing houses (including central-counterparties). payment systems and securities settlement systems. the treatment, holding and issuing of banknotes by the Scottish and Northern Ireland banks authorised to issue banknotes (and their agents). the custody distribution and processing of Bank of England banknotes under the Bank of England's Note Circulation Scheme. the provision of services relating to payment systems.
<p>Commissioner for Ethical Standards in Public Life in Scotland</p> <p>Commissioner for Ethical Standards in Public Life in Scotland Thistle House 91 Haymarket Terrace Edinburgh EH12 5HE Tel: 0300 011 0550 Email: info@ethicalstandards.org.uk</p>	<p>Contact them where you think a Local Authority Councillor or a Board Member of a devolved public body in Scotland has acted in a way that breaches the applicable code of conduct.</p>
<p>Commissioners for Her Majesty's Revenue & Customs (HMRC)</p> <p>HMRC Fraud Hotline Cardiff CF14 5ZN Tel: 0800 788 887 Website: https://www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion</p>	<p>Contact them about</p> <ul style="list-style-type: none"> the administration of UK taxes the administration of national insurance and tax credits systems customs and border-related functions and criminal investigations.

<p>The Comptroller and Auditor General</p> <p>The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP Tel: 020 7798 7999 Website: https://www.nao.org.uk/contact-us/whistleblowing-disclosures/</p>	<p>Contact them about</p> <ul style="list-style-type: none"> the proper conduct of public business. value for money, fraud and corruption in relation to the provision of public services.
<p>The Director of the Serious Fraud Office</p> <p>The Director of the Serious Fraud Office 2 - 4 Cockspur Street London SW1Y 5BS</p> <p>Email: https://www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption</p>	<p>Contact them about</p> <ul style="list-style-type: none"> serious or complex fraud, including bribery and corruption, in England, Wales or Northern Ireland. civil recovery of the proceeds of unlawful conduct.
<p>The European Securities and Markets Authority</p> <p>Website: www.esma.europa.eu/whistleblowers-corner</p>	<p>Contact them about</p> <ul style="list-style-type: none"> Undertakings for the Collective Investment in Transferable Securities (UCITS): compliance with Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities. trade repositories: the conduct of trade repositories regulated by Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories. <p>CRA: the conduct of persons who are credit ratings agencies registered under Chapter 1 of Title 3 of Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 or who are certified in accordance with Article 5(2) of that regulation.</p>

<p>The Financial Conduct Authority (FCA)</p> <p>The Financial Conduct Authority Intelligence Department (ref PIDA) 12 Endeavour Square London E20 1JN Tel: 020 7066 9200 Fax: 020 7676 9727 Email: whistle@fca.org.uk Website: www.fca.org.uk/site-info/contact/whistleblowing</p>	<p>Contact them about</p> <ul style="list-style-type: none"> the conduct of funds, markets, firms and individuals subject to Financial Services and Markets Act 2000, including banks, building societies, consumer credit and investment or insurance businesses, competition affecting financial markets in the United Kingdom and about the operation of mutual societies registered by the FCA under relevant legislation. the conduct of electronic money issuers (for the purposes of Electronic Money Regulations 2011), the conduct of Payment Services Providers (for the purposes of the Payment Services Regulations). the operation of small UK Alternative Investment Fund Managers registered under regulation 10 of the Alternative Investment Fund Managers Regulations 2013. the functioning of financial markets, money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the FCA. the conduct of self-regulatory organisations (in relation to regulation 2 of the Oversight of Professional Body Anti-Money Laundering and Counter Terrorist Financing Supervision Regulations 2017). the conduct of persons who are supervised contributors within the meaning of Article 3(1)(10) of Regulation (EU) no. 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds. the conduct of persons who are Miscellaneous BM persons within the meaning of regulation 5(2) of the Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018) the conduct of persons subject to functions conferred on the Financial Conduct Authority under Regulation (EU) No 648/2012 on OTC derivatives, central counterparties and trade repositories.
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<p>Financial Reporting Council Limited and its Conduct Committee</p> <p>PIDA Officer Financial Reporting Council 8th Floor 125 London Wall London EC2Y 5AS Tel: 0207 492 2497 Email: whistleblowing@frc.org.uk Website: www.frc.org.uk</p>	<p>Contact them about matters relating to:</p> <ul style="list-style-type: none"> • Statutory Audit in the UK (including oversight, monitoring and enforcement) • the independent oversight of the accountancy and actuarial professions • compliance with the requirements of accounting and reporting legislation • the investigation and enforcement action in relation to the conduct of accountants and actuaries and disciplinary action in public interest cases • the oversight of local audit, monitoring of major local audits and the investigation and enforcement action in relation to the conduct of local auditors in public interest cases • the independent supervision of the Auditor General • Third Country Auditors.
<p>The Lord Advocate, Scotland</p> <p>Procurator Fiscal Specialist Casework Crown Office 25 Chambers Street Edinburgh EH1 1LA Tel: 0300 020 0457 Email: SOCDADMINEast@copfs.gov.uk</p>	<p>Contact them about serious or complex fraud in Scotland.</p>
<p>Payment Systems Regulator</p> <p>Payment Systems Regulator Intelligence Department (Ref PIDA) 12 Endeavour Square London E20 1JN Tel: 020 7066 9200 Email: whistle@fca.org.uk</p>	<p>Contact them about payment systems and the services provided by them.</p>
<p>Prudential Regulation Authority</p> <p>Prudential Regulation Authority (IAWB) 20 Moorgate London, EC2R 6DA Tel: 020 3461 8703 Email: whistleblowing@bankofengland.co.uk</p>	<p>Contact them about matters relating to the carrying on of deposit-taking business, insurance business, or investment business and the safety and soundness of persons authorised for such purposes.</p>
<p>Public Services Ombudsman for Wales</p> <p>Public Services Ombudsman 1 Ffordd yr Hen Gae Pencoed CF35 5LJ Tel: 0300 790 0203 Fax: 01656 641199 Email: ask@ombudsman.wales Website: www.ombudsman.wales</p>	<p>Contact them about breaches by a member or co-opted member of a relevant authority's code of conduct in Wales.</p>

Revenue Scotland Revenue Scotland Victoria Quay Edinburgh EH6 6QQ Email: info@revenue.scot Website: www.revenue.scot	Contact them about the administration of the devolved taxes in Scotland, (Land and Buildings Transaction Tax, and Scottish Landfill Tax).
The Secretary of State for Business, Energy and Industrial Strategy Intelligence Team Insolvency Service 3rd Floor, Cannon House 18 Priory Queensway Birmingham B4 6FD Tel: 0300 678 0017 Email: intel.team@insolvency.gov.uk Website: www.gov.uk/insolvency-service	Contact them about fraud and other misconduct in relation to companies.
Charities	
The Charity Commission for England and Wales	Contact them about the proper administration of charities in England and Wales and of funds given or held for charitable purposes in England and Wales. See Report serious wrongdoing at a charity as a worker or volunteer .
Office of the Scottish Charity Regulator Office of the Scottish Charity Regulator (OSCR) 2nd Floor Quadrant House 9 Riverside Drive Dundee DD1 4NY Tel: 01382 220 446 Fax: 01382 220 314 Email: C&I@oscr.org.uk	Contact them about the proper administration of charities and of funds given or held for charitable purposes in Scotland.

Children's Interest	
Children's Commissioner for England The Office of the Children's Commissioner Sanctuary Buildings 20 Great Smith Street London SW1P 3BT Tel: 020 7783 8330 Email: info.request@childrenscommissioner.gsi.gov.uk Website: www.childrenscommissioner.gov.uk	Contact them about matters relating to the rights, welfare and interests of children in England.
Children's Commissioner for Wales Children's Commissioner for Wales Oystermouth House Phoenix Way Llansamlet Swansea SA7 9FS Tel: 0808 801 1000 (freephone number) Email: post@childcomwales.org.uk Website: www.childcomwales.org.uk	Contact them about matters relating to the rights, welfare and issues affecting children, young people and those who care for them, in Wales.
Commissioner for Children and Young People in Scotland Children and Young People's Commissioner Scotland Bridgeside House 99 McDonald Road Edinburgh EH7 4NS Tel: 0131 558 3373 Email: inbox@sccyp.org.uk Website: www.sccyp.org.uk	Contact them about matters relating to promoting and safeguarding the rights of children and young people in Scotland.
Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector") Ofsted Piccadilly Gate Store Street Manchester M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk	Contact them about matters relating to regulation and inspection of children's social care.

<p>The National Society for the Prevention of Cruelty to Children (NSPCC)</p> <p>NSPCC Weston House 42 Curtain Road London EC2A 3NH Tel: 020 7825 2500 This phoneline is manned 365 days a year:</p> <ul style="list-style-type: none"> • Mon-Fri (incl. bank holidays) 8am to 10pm • Weekends 9am to 6pm <p>Fax: 020 7825 2525 Email: help@nspcc.org.uk</p>	<p>Contact them about matters relating to child welfare and protection.</p>
<p>Welsh Ministers</p> <p>Care Inspectorate Wales Welsh Government Office Sarn Mynach Llandudno Junction LL31 9RZ Tel: 0300 7900 126 Email: ciw@wales.gov.uk Website: careinspectorate.wales/</p>	<p>Contact them about matters relating to</p> <ul style="list-style-type: none"> • the regulation and inspection of establishments and agencies for children's social care services • the inspection of Welsh local authority children's social services.
<p>Consumer Protection</p>	
<p>Competition and Markets Authority</p> <p>Competition and Markets Authority The Cabot 25 Cabot Square London E14 4QZ Tel: 020 3738 6000</p>	<p>Contact them about matters concerning the sale of goods or the supply of services, which adversely affect the interests of consumers; or about competition affecting markets in the UK.</p>
<p>Your local authority</p>	<p>Contact them about compliance with the requirement of consumer protection legislation. Find your local authority.</p> <p>https://www.gov.uk/find-your-local-council</p>
<p>Data Protection and Freedom of Information</p>	
<p>The Information Commissioner</p> <p>The Information Commissioner's Office Wycliffe House Water Lane Wilmslow SK9 5AF Tel: 0303 123 1113 Email: casework@ico.org.uk Website: www.ico.org.uk</p>	<p>Contact them about compliance with the requirement of legislation relating to data protection and to freedom of information.</p>

The Scottish Information Commissioner Office of the Scottish Information Commissioner Kinburn Castle Doubledykes Road St Andrews KY16 9DS Tel: 01344 464610 Email: enquiries@itspublicknowledge.info Website: www.itspublicknowledge.info	Contact them about compliance with the requirement of legislation relating to freedom of information in Scotland.
Defence procurement	
Single Source Regulations Office Single Source Regulations Office Finlaison House 15 -17 Furnival Street London EC4A 1AB Tel: 020 3771 4792 Email: disclosures@ssro.gov.uk Website: www.gov.uk/ssro	Contact them about matters relating to the provision of the Defence Reform Act 2014 and the Single Source Contract Regulations, which apply to single source defence contracts.
Education	
Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector") The Chief Inspector Ofsted Piccadilly Gate Store Street Manchester M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk	Contact them about matters relating to the welfare of children provided with accommodation by boarding schools, colleges and residential special schools.
Office of Qualifications and Examinations Regulation Whistleblowing and malpractice Complaints Investigation Manager Ofqual Earlsdon Park 53-55 Butts Road Coventry CV1 3BH Tel: 0300 303 3344 Email: whistleblowing@ofqual.gov.uk Online reform form: www.smartsurvey.co.uk/s/ofqual-whistleblowing	Contact them about matters in relation to which the Office of Qualifications and Examinations Regulation exercise functions under the Apprenticeships, Skills, Children and Learning Act 2009.

Qualifications Wales Qualifications Wales Q2 Building Pencarn Lane Imperial Park Coedkernew Newport NP10 8AR Tel: 01633 373222 Email: report@qualificationswales.org Website: www.qualificationswales.org	Contact them if you have concerns about the design, delivery or award of qualifications taken in Wales, or about a regulated awarding body. Qualifications Wales exercises its functions under the Qualifications Wales Act 2015.
Secretary of State for Education Ministerial and Public Communications Division Department for Education Piccadilly Gate Store Street Manchester M1 2WD Tel: 0370 000 2288 Website: https://www.gov.uk/contact-dfe	Contact them about matters relating to the following educational institutions in England: <ul style="list-style-type: none"> • maintained schools • maintained nursery schools • independent schools (including academies and free schools) • non-maintained special schools • pupil referral units • alternative provision academies • 16-19 academies (and free schools) • an institution within the further education sector • special post-16 institutions.
Environment	
The Environment Agency National Customer Contact Centre P O Box 544 Rotherham S60 1BY Tel: 03708 506 506 Website: https://www.gov.uk/environment-agency	Contact them about acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment. This includes those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.
Welsh Ministers Natural Resource Wales c/o Customer Care Centre Ty Cambria 29 Newport Rd Cardiff CF24 0TP Tel: 0300 065 300 Email: complaintsandcommendations@cyfoethnaturiolcymru.gov.uk	Contact them about matters relating to the environment and natural resources as set out in the Natural Resources Body for Wales (Establishment) Order 2012.

<p>The Scottish Environment Protection Agency</p> <p>Clerk to the Board Scottish Environment Protection Agency Strahallan House Castle Business Park Stirling FK9 4TZ Tel: 0178 6457 700 Email: whistleblowing@sepa.org.uk Website: www.sepa.org.uk</p>	<p>Contact them about acts and omissions which have an actual or potential effect on the environment or the management or regulation of the environment. This includes those relating to flood warning systems and systems and pollution in Scotland.</p>
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Equalities and Human Rights	
Equality and Human Rights Commission Equality and Human Rights Commission Correspondence Unit (Whistleblowing) Fleetbank House 2-6 Salisbury Square London EC4Y 8JX Tel: 0161 829 8100 Email: whistleblowing@equalityhumanrights.com Website: www.equalityhumanrights.com/whistleblowing	Contact them about compliance with the requirements of legislation relating to equality and human rights.
Food Standards	
The Food Standards Agency (FSA) Food Standards Agency Floors 6 and 7 Clive House 70 Petty France London SW1H 9EX Tel: 020 7276 8829 Email: foodcrime@food.gov.uk Website: www.food.gov.uk	Contact them about <ul style="list-style-type: none"> • matters which may present a risk to health of any member of the public in connection with the production, supply or consumption of food • the protection of consumer interests in relation to food in England, Wales, or Northern Ireland.
Food Standards Scotland Food Standards Scotland 4 th Floor Pilgrim House Aberdeen AB11 5RL Tel: 01224 285100 Website: www.foodstandards.gov.scot	Contact them about matters which affect the health and safety of consumers and the authenticity of food production in Scotland. You can report any suspicions or knowledge of food crime to the free and confidential Scottish Food Crime Hotline, in partnership with Crimestoppers – 0800 028 7926 or online or in confidence contact the Scottish Food Crime and Incidents Unit directly at foodcrime@fss.scot .
Your local authority <ul style="list-style-type: none"> • 	Contact them about compliance with the requirements of food safety legislation. https://www.gov.uk/find-your-local-council .
Health and Safety	
The Health and Safety Executive Health and Safety Executive Tel: 0300 003 1647 Online form: http://www.hse.gov.uk/contact/raising-your-concern.htm	Contact them about: <ul style="list-style-type: none"> • the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998 • the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work.

Office for Nuclear Regulation Office for Nuclear Regulation Building 4 Redgrave Court Merton Road Bootle L20 7HS Email: contact@ONR.gov.uk	Contact them about matters which may affect the health and safety of individuals on a: <ul style="list-style-type: none"> • nuclear site • an authorised defence site • a new nuclear build site They are also interested in the health and safety of any member of the public in connection with the activities of persons at work on premises which are, or are on, such sites.
Office of Road and Rail Office of Road and Rail One Kemble Street London WC2B 4AN Tel: 020 7282 2000 Fax: 020 7282 2040 Website: www.orr.gov.uk	Contact them about: <ul style="list-style-type: none"> • the provision and supply of railway services • any other activities in relation to the Office of Rail and Road functions.
Your local authority https://www.gov.uk/find-your-local-council	Contact them about: <ul style="list-style-type: none"> • matters which may affect the health or safety of any individual at work • matters which may affect the health and safety of any member of the public arising out of or in connection with the activities of persons at work.
Healthcare	
Care Quality Commission CQC National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA Tel: 03000 616161 www.cqc.org.uk Healthwatch England 151 Buckingham Palace Road London SW1W 9SZ Tel: 03000 683 000 (Monday to Friday, 8.30 a.m. to 5.30 p.m.) Email: enquiries@healthwatch.co.uk Website: www.healthwatch.co.uk 1Healthwatch England (HWE) is part of the Care Quality Commission (CQC). While CQC is the Prescribed Person, arrangements are in place to allow workers to also make disclosures directly to HWE if they wish	Contact them about matters relating to the provision of health and social care.

<p>National Guardian's Office</p> <p>National Guardian's Office 151 Buckingham Palace Road London SW1W 9SZ</p> <p>Tel: 0300 067 9000 (Monday to Friday, 8.30a.m. to 5.30 p.m.) Email: enquiries@nationalguardianoffice.org.uk Website: www.nationalguardian.org.uk</p>	<p>Contact them about matters concerning the freedom to speak up arrangements and cultures in the NHS in England, including where cases of issues raised by workers may not have been handled in accordance with good practice.</p>
<p>General Chiropractic Council</p> <p>General Chiropractic Council Park House 186 Kennington Park Road London SE11 4BT Tel: 020 7713 5155 Fax: 020 7713 5844 Email: regulation@gcc-uk.org Online complaint form: www.gcc-uk.org/concerns/online-complaint-form/</p>	<p>Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the General Chiropractic Council.</p>
<p>General Dental Council</p> <p>Legal and Governance General Dental Council 37 Wimpole Street London W1G 8DQ Tel: 020 7167 6000 Email: corporatelegalenquiry@gdc-uk.org Online enquiry/complaint form: contactus.gdc-uk.org Website: www.gdc-uk.org</p>	<p>Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the General Dental Council or any other activity.</p>
<p>General Medical Council</p> <p>General Medical Council Fitness to Practise Directorate 3 Hardman Street Manchester M3 3AW Tel: 0161 923 6399 Online complaints form: www.gmc-uk.org</p>	<p>Contact them about matters relating to:</p> <ul style="list-style-type: none"> the registration and fitness to practise of a member of a profession regulated by the General Medical Council any activities not covered by (1) in relation to which the Council has functions.
<p>General Optical Council</p> <p>Fitness to Practice General Optical Council 10 Old Bailey London EC4M 7NG. Tel: 020 7580 3898 Email: concerns@optical.org Website: https://www.optical.org/en/Investigating_complaints/raising-concerns.cfm</p>	<p>Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the General Optical Council.</p>

<p>General Osteopathic Council</p> <p>Osteopathy House 176 Tower Bridge Road London SE1 3LU Tel: 020 7357 6655 Fax: 020 7357 0011 Email: regulation@osteopathy.org.uk</p>	<p>Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the General Osteopathic Council.</p>
<p>General Pharmaceutical Council</p> <p>Concerns General Pharmaceutical Council 25 Canada Square London E14 5LQ Tel: 020 3713 8000 Email: concerns@pharmacyregulation.org Website: www.pharmacyregulation.org/raising-concerns</p>	<p>Contact them about matters relating to: the registration and fitness to practise of a member of a profession regulated by the council regulated activities at or from pharmacy premises registered by the council any other activities in relation to which the council has functions.</p>
<p>Healthcare Improvement Scotland</p> <p>Senior Reviewer (Responding to Concerns) Quality Assurance Directorate Healthcare Improvement Scotland Gyle Square 1 South Gyle Crescent Edinburgh EH12 9EB Tel: 0131 623 4300 Email: hcis.respondingtoconcerns@nhs.net Website: www.healthcareimprovementscotland.org</p>	<p>Contact them about matters relating to the safety or quality of health care in Scotland.</p>
<p>Health and Care Professions Council</p> <p>Health and Care Professions Council Park House 184 – 186 Kennington Park Road London SE11 8BU Tel: 0845 300 6184 Website: www.hpc-uk.org</p>	<p>Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the Health and Care Professions Council, or any other activities in relation to which the Council has functions.</p>
<p>Health Education England</p> <p>Health Education England 1st Floor Blenheim House Duncombe Street Leeds LS1 4PL Website: https://hee.nhs.uk/</p>	<p>Contact them about matters relating to the education and training for health care workers and ensuring sufficient skilled and trained health care workers are available for the delivery of services.</p>

Monitor (also known as NHS Improvement) NHS Improvement Skipton House 80 London Road London SE1 6LH Email: england.whistleblowing@nhs.net Website: www.improvement.nhs.uk	Contact them about the regulation and performance of NHS foundation trusts and any other activities in relation to which Monitor exercises its functions.
National Health Service Commissioning Board (also known as NHS England) NHS England Skipton House 80 London Road London SE1 6LH Tel: 0300 311 22 33 Email: england.whistleblowing@nhs.net	Contact them about matters relating to the delivery of primary medical, dental, ophthalmic and pharmaceutical services in England.
NHS Counter Fraud Authority NHS Counter Fraud Authority Skipton House 80 London Road London, SE1 6LH Ffôn: 0800 028 4060 Website: https://cfa.nhs.uk/	Contact them about matters relating to fraud, bribery, corruption or other unlawful activity in relation to the health service in England and Wales.
NHS Trust Development Authority (also known as NHS Improvement) NHS Improvement Skipton House 80 London Road London SE1 6LH Tel: 020 3747 0900 Email: england.whistleblowing@nhs.net Website: www.improvement.nhs.uk	Contact them about the performance of English NHS trusts, including clinical quality, governance and management of risk.
Nursing and Midwifery Council Nursing and Midwifery Council 23 Portland Place London W1B 1PZ Tel: 020 7637 7181 Email: whistleblowing@nmc-uk.org http://www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing	Contact them about matters relating to the registration and fitness to practise of a registered nurse or midwife in the UK and a nursing associate in England and any other activities in relation to which the Council has functions.

<p>The Secretary of State for Health and Social Care</p> <p>Public Health England Public Information Access Office Wellington House 133-135 Waterloo Road London SE1 8UG Website: www.gov.uk/phe</p> <p>The Secretary of State for Health and Social Care Ministerial Correspondence and Public Enquires Unit Department of Health and Social Care 39 Victoria Street London SW1H 0EU Website: www.gov.uk/dh Tel: 0300 062 8163 Fax: 0300 062 8387 Email: hiw@wales.gsi.gov.uk Website: www.hiw.org.uk</p> <p>The Secretary of State for Health is the Prescribed Person for public health matters. Public Health England (PHE) discharges some of the public health responsibility on behalf of the Secretary of State. Arrangements are in place to allow disclosures to be made directly to PHE as well as to the Secretary of State for Health. See above for contact details.</p>	<p>Contact them about matters relating to the provision of public health services.</p>
<p>Health Inspectorate Wales</p> <p>Healthcare Inspectorate Wales Welsh Government Rhydycar Business Park Merthyr Tydfil CF48 1UZ Tel: 0300 062 8163 Fax: 0300 062 8387 Email: hiw@gov.wales Website: www.hiw.org.uk</p>	<p>Healthcare Inspectorate Wales (HIW) is the independent inspectorate and regulator of health care services in Wales. Contact them with any concerns about matters relating to:</p> <ul style="list-style-type: none"> • the provision of health care by and for Welsh NHS bodies as defined under the Health and Social Care (Community Health and Standards) Act 2003 • services regulated under Part 2 of the Care Standards Act 2000 by establishments and agencies for which the Welsh Ministers are the registration authority • private dental practices prescribed in regulation 3 of the Care Standards Act 2000 • the use and application of the Mental Health Act 1983.

Housing	
Registers of Scotland Accountable Officer Registers of Scotland Meadowbank House 153 London Road Edinburgh EH7 8AU Tel: 0131 659 6111 Email: rossecretariat@ros.gov.uk	Contact them about matters relating to the registration of land or property in Scotland.
Regulator of Social Housing Regulator of Social Housing Referrals and Regulatory Enquiries team 1st floor – Lateral 8 City Walk Leeds LS11 9AT Tel: 0300 124 5225 Email: enquiries@rsh.gov.uk Web: www.gov.uk/government/organisations/regulator-of-social-housing	Contact them about matters relating to the regulation of registered providers of social housing in accordance with Part 2 of the Housing and Regeneration Act 2008.
Scottish Housing Regulator Scottish Housing Regulator Buchanan House 58 Port Dundas Road Glasgow G4 0HF Email: shr@shr.gov.scot	Contact them about <ul style="list-style-type: none"> • social landlords' performance of housing activities. • the registration of registered social landlords, their financial well-being and standards of governance.
Welsh Ministers Housing Regulation Team Rhydycar Business Park Rhydycar Merthyr Tydfil CF48 1UZ Tel: 0300 062 8300 Email: HousingRegulation@gov.wales Website: www.gov.wales/housing	Contact them about the regulation of registered social landlords in Wales.

Local authorities	
<p>England</p> <p>The Comptroller and Auditor General</p> <p>The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP</p> <p>Tel: 020 7798 7999 Website: www.nao.org.uk/contact-us/whistleblowing-disclosures/</p>	<p>Following the Audit Commission's closure on 31 March 2015, disclosures relating to local authorities can be made to the external auditor of the relevant authority or the Comptroller and Auditor General.</p> <p>To make a disclosure to the authority's external auditor, please contact the local authority, who will have a record of who to contact. You can also ask Public Sector Audit Appointments Limited (PSAA), the company now responsible for appointing auditors to local government, police and local NHS bodies for the name of the auditor of the relevant local authority.</p> <p>It should be noted that PSAA is not a prescribed person under the Public Interest Disclosure Act and their role in this is only to signpost individuals to the external auditor appointed to the local authority in question. To make a disclosure to the Comptroller and Auditor General, please contact the National Audit Office (see Comptroller and Auditor General below).</p> <p>Contact them about the proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.</p>
<p>Scotland</p> <p>Accounts Commission for Scotland</p> <p>The Secretary to the Accounts Commission Accounts Commission for Scotland 102 West Port Edinburgh EH3 9DN</p> <p>Tel: 0131 625 1500 Email: <correspondence@audit-scotland.gov.uk> Website: www.audit-scotland.gov.uk</p>	<p>For matters relating to local authorities in Scotland, please contact the Accounts Commission for Scotland.</p>

<p>Wales</p> <p>The Auditor General for Wales</p> <p>Contact them about the proper conduct of public business; value for money, fraud and corruption in public bodies in Wales.</p> <p>PIDA Officer The Auditor General for Wales 24 Cathedral Road Cardiff CF11 9LJ</p> <p>Tel: 029 20 320 522 Email: whistleblowing@audit.wales Website: www.wao.gov.uk/whistleblowing</p>	<p>With regard to local authorities in Wales, please contact the Auditor General for Wales.</p>
<p>Commissioners Nominated Under Section 15 (6) of the Local Government Act 1999</p>	<p>Contact them about matters relating to the exercise of specified functions of a best value authority as directed by the Secretary of State in relation only to the local authority they are intervening in.</p>
<p>Pensions</p>	
<p>The Pensions Regulator</p> <p>The Information Team Napier House Trafalgar Place Brighton BN1 4DW Tel: 0345 600 7060 Email: wb@tpr.gov.uk Website: www.thepensionsregulator.gov.uk</p>	<p>Contact them about matters relating to:</p> <ul style="list-style-type: none"> • the protection of members' benefits under work-based pension schemes • the administration and governance of such schemes (this includes matters relating to automatic enrolment under the Pensions Act 2008).
<p>Police and Justice</p>	
<p>Chief Executive of the Criminal Cases Review Commission</p> <p>Criminal Cases Review Commission 5 St Philip's Place Birmingham B3 2PW Tel: 0121 233 1473 Fax: 0121 232 0899 Email: complaints@ccrc.x.gsi.gov.uk Website: www.ccrcc.gov.uk</p>	<p>Contact them about actual or potential miscarriages of justice in England and Wales.</p>

<p>The Chief Executive of the Scottish Criminal Cases Review Commission</p> <p>Scottish Criminal Cases Review Commission 4th Floor, Portland House 17 Renfield Street Glasgow G2 5AH Tel: 0141 270 7030 Fax: 0141 270 7040 Email: info@sccrc.org.uk Website: www.sccrc.org.uk</p>	<p>Contact them about actual or potential miscarriages of justice in Scotland.</p>
<p>The Director of the Serious Fraud Office</p> <p>The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS Tel: 020 7239 7272 https://www.sfo.gov.uk/publications/information-victims-witnesses-whistleblowers/ Online form: www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption/</p>	<p>in about matters relating to corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others.</p>
<p>The Independent Police Complaints Commission</p> <p>Independent Police Complaints Commission P O Box 473 Sale M33 0BW Tel: 08458 770 061 / 0300 020 0096 Email: reportline@policeconduct.gov.uk www.policeconduct.gov.uk/</p>	<p>Contact them about matters relating to the conduct of a person serving with:</p> <ul style="list-style-type: none"> • the police • the National Crime Agency • Commissioners and officers of Her Majesty's Revenue and Customs • the parts of the Home Office that exercise law enforcement powers in relation to border and immigration functions • police and crime commissioners (including the Mayor for Greater Manchester) • the Mayor's Office for Policing and Crime • the Gangmasters and Labour - Abuse Authority (persons acting as Labour Abuse Prevention Officers) • British Transport Police • Ministry of Defence Police • Civil Nuclear Constabulary.

National Crime Agency National Crime Agency PO Box 58345 London NW1W 9JJ Tel. 0370 496 7622 Email: communication@nca.gov.uk	Contact them about matters relating to corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others.
Social care	
<i>Care Inspectorate (Social Care & Social Work Improvement Scotland)</i> Care Inspectorate Compass House 11 Riverside Drive Dundee DD1 4NY Tel: 0345 600 9527 Email: enquiries@careinspectorate.com	Contact them about matters relating to the provision of care services in Scotland.
Care Quality Commission CQC National Customer Service Centre Citygate Gallowgate Newcastle upon Tyne NE1 4PA Tel: 0300 061 6161 Website: www.cqc.org.uk	Contact them about the provision of adult social care services in England.
<i>Health and Care Professions Council</i> Health and Care Professions Council Park House 184-186 Kennington Park Road London SE11 8BU Tel: 0845 300 6184 Website: www.hpc-uk.org	Contact them about matters relating to the registration and fitness to practise of health professional

<p>Healthcare Improvement Scotland</p> <p>Senior Reviewer (Responding to Concerns) Quality Assurance Directorate Healthcare Improvement Scotland Gyle Square 1 South Gyle Crescent Edinburgh EH12 9EB Tel: 0131 623 4300 Email: hcis.respondingtoconcerns@nhs.net Website: www.healthcareimprovementscotland.org</p>	<p>Contact them about matters relating to the safety or quality of health care in Scotland.</p>
<p>Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector")</p> <p>Ofsted Piccadilly Gate Store Street Manchester M1 2WD Tel: 0300 123 3155 Email: whistleblowing@ofsted.gov.uk</p>	<p>Contact them about matters relating to regulation and inspection of children's social care.</p>
<p>Older People's Commissioner</p> <p>Older People's Commissioner for Wales Cambrian Buildings Mount Stuart Square Butetown Cardiff CF10 5FL Tel: 029 20 445030 Email: ask@olderpeoplewales.com Website: www.olderpeoplewales.com</p>	<p>Contact them about matters relating to the rights and wellbeing of older people in Wales.</p>
<p>Scottish Social Services Council</p> <p>Scottish Social Services Council Compass House 11 Riverside Drive Dundee DD1 4NY Tel: 0345 60 30 891 Email: ftp@sssc.uk.com Website: www.sssc.uk.com</p>	<p>Contact them about matters relating to the registration of the social services workforce in Scotland.</p>

Social Care Wales Care Council for Wales South Gate House Wood Street Cardiff CF10 1EW Tel: 0300 303 3444 Email: ftp@socialcare.wales Website: www.socialcare.wales	Contact them about matters relating to the registration of social care workers in Wales.
Welsh Ministers Care Inspectorate Wales Welsh Government Office Sarn Mynach Llandudno Junction LL31 9RZ Tel: 0300 7900 126 Email: ciw@gov.wales Website: careinspectorate.wales	Contact them about matters relating to the provision of social care services and to the inspection of Welsh local authority social services.
Tax	
Commissioners for Her Majesty's Revenue & Customs (HMRC) HMRC Fraud Hotline Cardiff CF14 5ZN Tel: 0800 788 887 Website: https://www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion	Contact them about: <ul style="list-style-type: none"> the administration of UK taxes the administration of national insurance and tax credits systems customs and border-related functions criminal investigations.
Revenue Scotland Revenue Scotland Victoria Quay Edinburgh, EH6 6QQ Email: info@revenue.scot Website: www.revenue.scot	Contact them about the administration of the devolved taxes in Scotland, (Land and Buildings Transaction Tax, and Scottish Landfill Tax).
The Welsh Revenue Authority Welsh Revenue Authority QED Centre Main Avenue Treforest Industrial Estate Pontyprid CF37 5YR	Contact them about matters relating to devolved taxes (Land Transaction Tax and Landfill Disposal Tax).
Trade Unions	

The Certification Officer Certification Officer Fleetbank House 2-6 Salisbury Square London EC4Y 8JX Tel: 0330 109 3602 Email: info@certoffice.org Website: www.gov.uk/certificationofficer	Contact them about fraud and other irregularities, relating to the financial affairs of trade unions and employers' associations.
Transport	
Civil Aviation Authority Civil Aviation Authority Aviation House Gatwick Airport South West Sussex RH6 0YR Tel: 0330 138 2847 Website: www.caa.co.uk	Contact them about compliance with the requirements of civil aviation legislation, including aviation safety and aviation security.
Office of Rail and Road Office of Rail and Road 25 Cabot Square London E14 4QZ Tel: 020 7282 2175 Email: boardsecretariat@orr.gov.uk Website: www.orr.gov.uk	Contact them about:the provision and supply of railway services any other activities in relation to the Office
The Secretary of State for Transport Permanent Secretary Department for Transport Great Minster House 33 Horseferry Road London SW1P 2NS Tel: 0300 330 3000	Contact them about matters relating to: <ul style="list-style-type: none"> • compliance with the requirements of merchant shipping law, including maritime safety • motoring services with respect to driver and vehicle standards, and the testing and certification of vehicles, their systems and components road, rail and maritime transport security
Utilities	
The Gas and Electricity Markets Authority (Known as Ofgem) Whistleblowing Desk Consumer Affairs 10 South Colonnade Canary Wharf London E14 4PU Tel: 020 7901 7121 Email: whistle@ofgem.gov.uk Website: www.ofgem.gov.uk	Contact them about: <ul style="list-style-type: none"> • the generation, transmission, distribution and supply of electricity • the transportation, shipping and supply of gas through pipes • smart meter communication service and ancillary activities the renewable generation of heat.

<p>Water Services Regulation Authority (known as Ofwat)</p> <p>Case Management Office Ofwat Centre City Tower 7 Hill Street Birmingham B5 4UA Tel: 0121 644 7725 Email: casemanagementoffice@ofwat.gsi.gov.uk Website: www.ofwat.gov.uk</p>	<p>Contact them about the supply of water and the</p>
<p>The Water Industry Commission for Scotland</p> <p>Water Industry Commissioner for Scotland First Floor Moray House Forthside Way Stirling FK8 1QZ Tel: 01786 430200 Email: enquiries@watercommission.co.uk Website; www.watercommission.co.uk</p>	<p>Contact them about the supply of water and the provision of sewerage services in Scotland.</p>

Protocol on Member/Officer Relations

CAERPHILLY COUNTY BOROUGH COUNCIL

PROTOCOL FOR MEMBERS AND OFFICERS

1. Introduction

- 1.1 This protocol guides Members and Officers of the Council in their relationships with one another. To a large extent, the protocol is no more than a statement of current practice and convention. As it is in a written form, however, it should promote clarity and certainty.
- 1.2 This protocol will be kept under review and amended as necessary.
- 1.3 A breach of this protocol could constitute a breach of the Council's Code of Conduct or the Officer Code of Conduct.

2. Member/Officer Relations

- 2.1 The Council's Code of Conduct says this on the relationship between Members and Officers:-

"Members of the Authority:

- (a) must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity of all people, regardless of their gender, race, disability, sexual orientation, age or religion and show respect and consideration for others;
 - (b) must not do anything which compromises or which is likely to compromise the impartiality of the authority's employees".
- 2.2 Members and Officers share a responsibility to work together to achieve decisions in the interests of the Council and the area it serves. Officers serve the Council as a whole and they act in a politically neutral way in giving professional advice and general support to all Members.
- 2.3 Irrespective of size, all political groups are entitled to equal treatment by Officers. All political groups and Members not in political groups are entitled to have access to information from Officers through the Council's established channels to the same extent and are entitled to call on the support of Officers to assist them. These channels are set out later in the protocol.
- 2.4 All dealings between Members and Officers should observe reasonable standards of courtesy and neither party should seek to take advantage of their position. On occasions, Members may have reason to complain about the conduct or performance of an Officer. All such complaints should be made personally to the relevant Head of Service, or the Chief Executive. It is important that complaints are made in this way, and details are noted.
- 2.5 If an Officer is concerned about a Member's conduct it should be brought to the attention of the Chief Executive and the Leader of the Council. In the absence of the Leader, the Deputy Leader should be approached. If appropriate, matters of concern will be referred to the Council's Monitoring Officer and Standards Committee.
- 2.6 The partnership of Members and Officers depends on mutual trust, respect and understanding of respective roles and responsibilities. **Care should be taken to ensure that dealings with**

an individual Member or Officer cannot be open to accusations of bias, favouritism or political partiality.

3. Rights of access to information

- 3.1 The previous provisions of this paragraph have been replaced with effect from the 1 December 2005 by a protocol on elected members' rights of access to information, which was approved at a meeting of the Council on the 22 November 2005. That protocol now appears at the end of Part 5 of the Constitution.

4. Preparation of Agenda

- 4.1 Agendas for meetings of the Council, its Cabinet and Committees shall be prepared by the Chief Executive. Any Member may ask either the Director or the relevant Scrutiny Committee Chairman for an item of business to be included on an Agenda. Its inclusion is subject to the discretion of the Chairman and must comply with the Committee's forward work programme.
- 4.2 Reports which have been presented to the Cabinet are subsequently detailed on the Agenda for the relevant Scrutiny Committee and within a given deadline a Member can request that the item may be reviewed and debated at the meeting.

5. Urgent Business

- 5.1 The decision as to whether an item of business is urgent and should be considered by the meeting is one for the Chairman to make. As a working rule, an item of business will normally only be urgent if it has arisen since the despatch of the agenda.
- 5.2 Members or Officers wishing to raise an item of urgent business should approach the Chairman and Committee Services Officer prior to the start of the meeting at which the request is to be raised. The Chairman's ruling is binding on whether an item is urgent and is not open to discussion or debate.

6. Delegation of Functions

- 6.1 The Scheme of Delegation sets out the various powers delegated to appropriate Officers and Councillors. In exercising delegated powers every person is obliged to act in accordance with:-
- (i) the overall policies laid down by the Council or any of its Committees;
 - (ii) Standing Orders including those relating to contacts; and
 - (iii) financial regulations.
- 6.2 Officers are expected to consult with Members as follows:-
- (i) to maintain a close liaison with the appropriate Chairman and Vice Chairman;
 - (ii) to consult as necessary/inform any other Member who has a specific local or specialist interest in the matter particularly when the issue is controversial or ongoing, ie. more than two letters/phone calls/visits are needed to resolve the matter;
 - (iii) to reflect the views of consulted Members in the subsequent report.

- 6.3 In all cases it is open to an Officer to refer a matter to the Cabinet or appropriate Committee for decision if in his opinion the matter is of such a nature that it should more properly be referred to Members. If an Officer exceeds the authority given under delegated powers they could be subject to disciplinary action.

7. Support Services to Members

- 7.1 The Council can only lawfully provide support services (eg. stationery, typing, printing, photocopying, transport, shredding of confidential waste etc) to Members to assist them in discharging their role as Members of the Council. Such support services must therefore only be used for Council business and never in connection with party and political campaigning activity, or for private purposes.

8. Relations with the Media (this should be read in conjunction with the Media Protocol which is part of the Communications Strategy attached as an appendix).

- 8.1 Relations with the media need to be handled with care to ensure the Council's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Communications Manager together with the appropriate Cabinet Members, Committee Chairmen and relevant Officers.
- 8.2 On occasions Members may be approached directly by the media and asked to make a comment or to appear for interview. Members are asked where practicable to ensure the Chief Executive and/or Communications Manager are made aware of the approach. Unless Members have been authorised to speak on behalf of the Council they should make it clear that any views they express are not necessarily those of the Council. In all cases Members should uphold the good name and integrity of the Council.

9 Planning Applications – Members Involvement

- 9.1 The Council's Planning Committee (or Chief Planning Officer under the Scheme of Delegation) is responsible for making decisions on planning applications. Members may find themselves lobbied both by applicants and objectors. Such approaches need to be handled carefully to maintain the Council's integrity and credibility in the decision making process. Members should follow the guidelines given below in dealing with these situations:-
- (i) take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have heard all the evidence and arguments.
 - (ii) encourage lobbyists to write to the Officers so their views can be included in the report to Planning Committee.
 - (iii) not to lobby officers directly so as to influence the professional views expressed in the report.
- 9.2 Members attention is drawn to the Local Government Association document 'Probity in Planning – The role of Councillors and Officer' (October 1997). Members are advised to follow this advice in their involvement with planning matters.

1. Media Protocol

Selection and Association of Councillor Spokespeople in Media Commentary

Purpose of Document

This is intended as a technical working paper aimed at providing clarity and agreement on how and which Councillors and other Council representatives should be approached for media commentary under the Council's current pilot structure of Cabinet; Overview and Scrutiny; Area forums etc.

The protocol relates to **pro-active** (communication unit led) and **reactive** (media led) cases and should minimise conflict in the often, difficult process of determining who to approach. It will form part of the List of Approved Delegations.

Scope & Background

The whole business of Modernising Local Government places accountability and clarity at the top of the agenda. A fundamental element of local accountability is a high level of public awareness of who is responsible for Leadership roles. An inevitable response to these demands and the function of a Cabinet is that more frequent emphasis may be placed on those Members responsible for decisions.

It is an accepted fact that individual Members place value on gaining a public profile and achieving awareness for political and personal views on issues. Likewise, the Modernising Local Government agenda and local research indicates that **public awareness of Councillors**; their role in the Council and understanding of 'who decides what' is very low (nationally and locally, only 2.5% of the population can name a Councillor). This validates the role of the Caerphilly county borough council's communication Unit in promoting the positive image of Councillors; it also demands this protocol to support the values of fairness and integrity.

The **Communications Strategy** "One Voice" prescribes the values and standards of:

Integrity and Honesty	Openness and Accessibility
Clarity	Inclusive
Personable and approachable	Political balance
Leadership and Accountability	Impartiality
Timeliness and tactics	Consistency

The Protocol

Public understanding and clarity should take precedent over the formality of Council definitions. Within the value of honesty and integrity it should be accepted that the concept of communications is to illustrate and present Council in best possible light.

ROLES AND RESPONSIBILITIES

Leader of the Council

Lead commentary on any major issue including corporate budget, emergency issues, and major built environment or media campaigns. In the Leader's absence, the Deputy Leaders may be approached.

Cabinet Spokespeople

The appointed spokespeople from the Cabinet comment on issues arising under their area/portfolio of responsibility.

i.e. Cabinet member for: -

- Best Value and Community Planning
- Economic Development and Objective 1
- Education, Leisure and Lifelong Learning
- Environmental and Housing Services
- Modernisation and Personnel
- Resources
- Social Services
- Transportation and Planning

Overview and Scrutiny Committee

The Chair will comment on issues that arise from this group and in their absence, the Vice Chair.

The Chairman

In position as first citizen to give comment on behalf of the county borough, in relation to civic events or where the Chairman has a long-standing personal commitment to local issues e.g. Chairman's Charity. In some circumstances it may be relevant to comment in the event of an emergency incident. Following existing civic protocol, if the Chairman is unavailable it may be appropriate to approach the Vice Chairman.

Ward Councillors

Ward Councillors will comment on Area Forum issues.

Comment from Leader of Each Political Party

Cross party comments will be used when there is clear cross party support for corporate projects such as crime reduction. It is not the Council's role to present conflicting political views.

Party Spokespeople

With the agreement of the political parties, the Communication Unit can provide details of individual party spokespeople to the local media to enable them to use the information to make proactive approaches if they wish.

Press Briefings

Press briefings have two purposes:

- To help explain a complex issue that will aid the media's understanding of the subject and more accurate reporting.
- To communicate an important story (good and bad news) that will attract media attention.

When:

Press briefings will be arranged on an ad hoc basis, to provide additional support including:

- When complex issues are being determined / being raised
- When sensitive issues need absolute accuracy and confidentiality
- When major incident situations arise
- When media partners identify the need for greater clarity of Council Reports and Agendas issued ahead of Council meetings (NB it will not always be possible, effective or efficient to plan Press Briefings when no media interest has been raised)
- Major corporate news e.g. budget /Council Tax announcement
- To illustrate the work of major services such as Education or Social Services or Transportation

Who:

Press Briefings will usually comprise

- The Cabinet member 'Portfolio Holder' for the related issue or the Chair of the appropriate meeting
- The Chief Executive or Director with portfolio responsibility
- The appropriate Service Unit Head and/or any technical expert
- A representative of Communication Unit

The Leader of the Council will also be informed of all Press Briefings and is entitled to attend should they wish.

Press briefings do not preclude the media from approaching other Council representatives for comment.

Use of Embargoes

Embargoes will only be used when considered essential

- When news releases are linked to a launch event
- When an issue of confidentiality requires it
- When it is required by a third party (e.g. Lottery Commission announcing funding support)

Embargoes are not legally enforceable and are adhered to by general local agreement.

The following supplementary guidance was approved by the Council on the 27 May 2004 as an addition to the Member/Officer Protocol:-

GUIDANCE TO OFFICERS ON ATTENDANCE AT PUBLIC MEETINGS NOT ORGANISED BY THE COUNCIL

1. Officers are often asked by elected members to attend public meetings organised by that member, or by an organisation other than the Council to attend as a representative of the authority. It is difficult to set out hard and fast rules but this guidance has been approved by Corporate Management Team and should cover most eventualities.
2. Officers are reminded that neither Cabinet nor local members as individuals can require the attendance of an officer at a public meeting and no disciplinary consequences will follow to the officer if he/she refuses to attend purely on the basis of the request from the councillor involved.
3. When an officer is invited to a meeting he/she should obtain as much information as possible as to the exact purpose of the meeting and who will be present. The relevant officer should then exercise his/her own judgement as to whether he/she should attend and if in doubt

should seek advice from his/her line manager. The presumption, however, should be in favour of attending the meeting.

4. On many occasions local members will also have been invited or may even have arranged or called for the meeting in the first place. If they have not been involved then they should be advised of the meeting.
 5. The relevant Cabinet Member should also be notified of the meeting. It is of course up to the meeting organiser whether the Cabinet Member will be allowed to attend but it is always open to the officer to make a condition of his/her attendance that the Cabinet Member would be invited to attend. This should only arise where an issue appears sensitive or politically charged or where a large number of residents are likely to be present which indicates the scale of the problems.
 6. Consideration should also be given to arranging for the Local Member or Cabinet Member to be proposed to chair the meeting.
 7. Whilst at the meeting the officer should make it clear that his/her attendance is on the basis of explaining policy or answering questions as to facts or policy. It should be made clear that changes in policy are matters for the Council itself, i.e. elected members, to resolve.
 8. Whilst we are all public servants and we should assist the residents where possible and be accountable for our actions or failures to act, this does not mean that we should be unreasonably attacked or vilified at such meetings and there might be occasions when it is reasonable to leave a meeting after giving due notice to do so.
 9. These brief guidelines have been set out to deal with queries that have arisen from time to time but to make them too rigid may give rise to greater problems being encountered. It is clearly a matter for each officer in dealing with a request to attend a public meeting to exercise his/her judgement and seek guidance in individual cases where appropriate.
- N.B. The guidelines set out above relate to public meetings but officers should be reminded of the protocol previously agreed regarding ward issues which do not involve, or have not reached the stage, of public meetings.

“CONSULTATION/LIAISON WITH MEMBERS REGARDING LOCAL ISSUES

In accordance with the model adopted by the Council local members are consulted on issues affecting their ward about reports to be presented to Cabinet which were of a local nature. There was no protocol however for dealing with day to day issues which arise. In order to find a balance of informing members it was suggested that the following be adopted as a basis for the protocol.

- (i) when officers write to residents regarding matters of general concern in the area a copy should be forwarded to the local members e.g. traffic calming measures;*
- (ii) when officers write to residents regarding issues affecting one household the local member is not informed except as is mentioned in (iii) below;*
- (iii) where a member of the Council has been involved in an issue affecting one household, then the relevant officer(s) should keep the member informed of developments until the issue is finalised. In these circumstances officers do not copy the correspondence to the other ward members;*

- (iv) *where a member of the Council has been involved in an issue affecting more than one household then it is for the discretion of that member to keep all other local members, and any other member(s), informed of developments until the issue is finalised;*
- (v) *this protocol will not affect members access to information or the limitations thereon contained in the Local Government (Access to Information) Act 1985.”*

March 2004

Protocol describing the principal functions of the Monitoring Officer and the manner in which the authority expects him/her to discharge those functions

1 Functions

The principal functions of the Monitoring Officer shall be:

- 1.1 To report to the Council and to the Executive in any case where he/she is of the opinion that any proposal, decision or proposal of the authority in respect of any “reportable incident” (being any matter which, in his/her opinion, has given rise to or is likely to or would give rise to any illegality, or breach of statutory code or which has given rise to any maladministration under Sections 5 and 5A of the Local Government and Housing Act 1989);
- 1.2 To investigate any matter which he/she has reason to believe may constitute, or where he/she has received an allegation that a matter may constitute, a reportable incident or a failure to observe the authority’s Code of Conduct for Members;
- 1.3 To act as the principal adviser to the authority’s Standards Committee;
- 1.4 To maintain the register of members’ interests;
- 1.5 Where so appointed by the Council, to act as the proper officer for the preparation, publication and retention of records of decisions taken by or on behalf of the Council and the Executive;
- 1.6 Responsibility as set out in Council policies or regulations for Complaints, the Public Services Ombudsman for Wales and Whistle-Blowing functions of the authority;
- 1.7 To consult regularly with the Chief Executive, the Chief Finance Officer, Head of Human Resources and the Chief Internal Auditor to identify areas where the probity of the authority can be improved or better protected, and to take appropriate actions;
- 1.8 To respond to the Public Services Ombudsman for Wales in respect of any complaint of a breach of the authority’s Code which is referred to him/her for local investigation and/or determination;
- 1.9 A power to investigate any application for a dispensation and to report and recommend to the Standards Committee;
- 1.10 To secure that members and officers of the authority are fully aware of their obligations in relation to probity;
- 1.11 To report to the Executive and to the Council on the resources which he/she requires for the discharge of his functions;
- 1.12 To report regularly to the Standards Committee on the performance of his/her functions and to make any recommendations, which would better enable those functions to be performed;
- 1.13 To undertake all statutory Monitoring Officer functions, including:
 - 1.13.1 advice on the requirement to adopt a Local Code within 6 months of the publication of the relevant Model Code;
 - 1.13.2 advice on the requirement upon members to sign an undertaking to observe their

authority's Local Code within two months of the authority adopting its Local Code and within one month of election to the Council;

- 1.13.3 advice on the requirement for members to notify the Proper Officer of the Council of any personal interests where such interests will form part of a public register, and means of gaining access to that register.
- 1.13.4 advice on the need to apply to the Standards Committee for any dispensations and of the arrangements agreed by the Standards Committee for receiving and determining any such applications, and for maintaining a register of such dispensations and advising the applicant and the Council of any dispensations which are granted;
- 1.13.5 advice on any provisions under which individual complaints of misconduct by members may be referred or delegated to the Monitoring Officer and the Standards Committee for investigation and determination, and any arrangements agreed by the Monitoring Officer and the Standards Committee for dealing with such complaints; and
- 1.13.6 advice and action under the terms of the Council's Local Resolution Protocol and Procedure for complaints against members of the authority under that Protocol and/or the obligation of any member to report a potential breach of the Code of Conduct.
- 1.13.7 advice to individual members on enquiries as to their obligations to declare or notify particular interests, on the need to apply for a dispensation, and on any consequent restrictions on the member's participation in consideration of the matter.
- 1.13.8 the provision of support and advice to Community and Town Councils within the area of the authority in maintaining probity, including advice on the requirement for members to notify the Proper Officer of that Council of any personal interests where such interests will form part of a public register, means of gaining access to that register, and of any arrangements to ensure that the Proper Officer of Community and Town Council are kept informed of any such declarations.

2 Resources

For the purpose of carrying out these functions, the Monitoring Officer shall be provided with the following resources:

- 2.1 The right of access to all documents and information held by or on behalf of the authority, including documents and information held by any officer or member of the authority. For the purpose of clarification, this right does not extend to documents and information held by or on behalf of any political party or group represented on the Council;
- 2.2 The right of access to any meetings of officers or members (or both) of the authority, whether or not such meetings include any other persons. For the purpose of clarification, this right does not extend to any meetings held by or on behalf of any political party or group represented on the Council;
- 2.3 The right to require any officer or member of the authority, or any contractor of the authority, to provide an explanation of any matter under investigation;
- 2.4 A right to report to the Council, the Standards Committee, and to the Executive, including a right to present a written report and to attend at meetings and to advise verbally;
- 2.5 The right to require the assistance of any officer of the authority in carrying out an

investigation and to delegate to that officer any of the powers of the post of Monitoring Officer in relation to the investigation;

- 2.6 The right of access to the Head of the Paid Service and to the Section 151 Officer and the Corporate Management Team;
- 2.7 The consent of the authority to disclose information and documents to the Public Services Ombudsman for Wales, even where such disclosure would otherwise be in breach of the Monitoring Officer's duty of confidentiality to the authority;
- 2.8 The right, after consultation with the Head of the Paid Service and the Section 151 Officer, to notify the Police, the authority's auditors and other regulatory agencies of his/her concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions;
- 2.9 The right to obtain at the authority's expense legal advice, either internally or from an independent external solicitor or barrister, on any matter which he/she believes may be a reportable incident, and sufficient financial resource to enable him/her to do so.

3 Discharge of Functions

- 3.1 It is recognised that the Monitoring Officer will be most effective if he/she is able to advise on any issue at an early stage of policy formulation or implementation. Accordingly, officers and members of the authority should routinely inform and consult the Monitoring Officer in respect of new policy proposals and action programmes;
- 3.2 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding the illegality, etc, or by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, officers and members of the authority may consult the Monitoring Officer in confidence in respect of any proposal, and the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the officer or member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer;
- 3.3 Where the Monitoring Officer receives a complaint of a potential reportable incident, he/she shall in appropriate cases seek to resolve the matter amicably, by securing that any illegality, failure of process or breach of code is rectified, that the complainant is informed of the rectification, with or without a compensation payment and/or apology. However, it is recognised that the Monitoring Officer may determine that the matter is of such importance that a statutory report is the only appropriate response.
- 3.4 In appropriate cases, the Monitoring Officer may rely upon existing processes within the authority (such as internal appeals procedures or insurance arrangements) to resolve any potential reportable incident, but may intervene in such processes to identify that the particular matter is a potential reportable incident and to ensure the satisfactory resolution of the issue;
- 3.5 In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer shall be entitled to add his/her written advice to the report of any other officer of the authority;
- 3.6 Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Chief Executive and the Section 151 Officer, he/she is of the opinion that such is necessary in order to respond properly to a reportable incident.

- 3.7 Where the Monitoring Officer becomes aware of facts which, if substantiated, would indicate a failure by one or more members of the authority to observe the Code of Conduct for Members, the Monitoring Officer may:
- 3.7.1 advise any member or complainant to report the facts to the Public Services Ombudsman for Wales (PSOW) ; or
 - 3.7.2 conduct, or arrange for the conduct of, a preliminary investigation (see below); or
 - 3.7.3 report the matter to the PSOW without any investigation
- 3.8 Where, upon preliminary investigation, the Monitoring Officer is of the opinion that there is substantive evidence to suggest that a member of the authority has failed to observe the Code of Conduct, he/she shall consider whether the matter is capable of local resolution and, if so, take such action as is necessary to seek to resolve the matter in accordance with the Council's local resolution procedure.
- 3.9 Where the Monitoring Officer is of the opinion that such a matter is not capable of local resolution, is so serious that local resolution is not appropriate or where such efforts have failed, the Monitoring Officer may report the matter to the Public services Ombudsman for Wales. Before so reporting, the Monitoring Officer shall where practicable consult the Chief Executive (or in his/her absence the Section 151 Officer).

4 Conflicts

Where the Monitoring Officer is in receipt of a complaint or is aware of a potential reportable event relating to a matter upon which he/she has previously advised the authority, he/she shall consult the Chief Executive who may request an independent person or a neighbouring authority to make their Monitoring Officer available to the authority to investigate the matter and report to the Chief Executive and/or the authority as **appropriate**.

CAERPHILLY COUNTY BOROUGH COUNCIL

PROTOCOL ON ELECTED MEMBERS' RIGHTS OF ACCESS TO INFORMATION

Approved at a meeting of Caerphilly County Borough Council on 22 November 2005, to take effect from 1 December 2005

RIGHTS OF ACCESS TO INFORMATION

1. STATUTORY AND OTHER POWERS

Elected Member as a member of the public

1.01 Members of the public have the following rights to information held by a public authority:-

- (a) under the Freedom of Information Act 2000 - a general right of access to all types of recorded information held by public authorities subject to exemptions specified in the legislation (see Appendix 2);
- (b) under the Environmental Information Regulations 2004 to a wide range of environmental information held by public authorities subject again to exemptions (see Appendix 3);
- (c) under the Access to Information Act 1985 a right to attend meetings of the Council, its committees and meetings of the Cabinet except where confidential or exempt information (see Appendix 1) is to be disclosed, the right to see agenda papers and reports (except for exempt information) and to inspect background papers and the following minutes of the meetings;
- (d) under the Data Protection Act individuals have the right to see personal data held by the authority about that individual (subject to exemptions which are set out in the Act). Only the individual, and not members of the public generally, have that right.

Rights as an elected member

1.02 Note: these rights are over and above rights given to members of the public and information obtained under these categories may not be disclosed to a member of the public.

- (a) under Access to Information Act 1985 the right to inspect material relating to any business to be transacted at a meeting (of the Council or its committees or of the Cabinet) apart from certain categories of exempt information. The law allows the Proper Officer to exempt from this right certain categories of exempt information (see Appendix 1 for the details).
- (b) under the Local Government Act 2000 members of a scrutiny committee have additional rights to copies of any documents in the possession or under the control of the Executive of the authority. Additional rights have been given by a Statutory Instrument made by the National Assembly for members of Overview and Scrutiny Committees which permits a member of an Overview and Scrutiny Committee to

copies of any documents in the possession or under the control of the Executive of the authority and contains material relating to any business transacted at a meeting of the Executive **except that** where that information contains confidential or exempt information the member will not be entitled to a copy of the document unless either:-

- (i) it relates to a decision being scrutinised by the scrutiny committee; or
- (ii) it is relevant to any review contained in any programme of work of such a committee.

The Chief Executive as Proper Officer will determine whether information may be released in these circumstances.

- (c) the right (as agreed by the Council) to receive copies of all exempt reports being considered by committees, or the Cabinet, where the member is not a member of that body, and a right to sit in on any meetings where exempt information is being considered;
- (d) rights to information under the “need to know”. The common law right of Members is much broader, and is based on the principle that any Member has a right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a member of the Council. This principle is commonly referred to as “the need to know” principle.

- 1.03 The exercise of this common law right depends, therefore, upon the Member’s ability to demonstrate that he/she has the necessary “need to know”. The Courts have held that Members have no right to a “roving commission” to go and examine documents. Mere curiosity is not sufficient.
- 1.04 There are some instances where the “need to know” can be clearly established, e.g. a Member of a Committee will usually have a right to see relevant information to be dealt with by that Committee or any of its Sub-Committees; a Member of an Overview and Scrutiny Committee should be entitled to access relevant information relating to any matter considered by another committee where that matter has become an issue for scrutiny; where a matter is being discussed at Full Council either on the basis of a report to the Council or on the recommendation of a Committee or other forum where there is a natural connection between the matters discussed. Members will normally be able to have access to the background documents to a Council or Committee Report; where the matters relate to that Member’s ward. These are areas where a “legitimate interest” can usually be demonstrated.
- 1.05 Where the request relates to a need not connected with the Member’s public position a need to know will not be made out e.g. where the Member needs the information because of his position as Chair of a voluntary body. The need to know will also not apply where it merely arises from a Member’s personal interest in the matter in question.
- 1.06 The decision on a “need to know” request needs to balance any demonstrated need against other public interest factors pointing in the opposite direction. These may involve potential breaches of Data Protection principles, Human Rights or the common law of confidentiality.
- 1.07 One important difference is that a Member’s “need to know” may be satisfied more satisfactorily or readily by other available means e.g. by written information or a briefing by officers. Each situation will need to be considered on its own merits.
- 1.08 Where a question arises as to the Member’s need to know, the following procedure will apply:-
 - (i) The Chief Executive will consider, in consultation with the Leader of the Council, whether the request is reasonably in furtherance of the Member’s need to know. If it is then the document will be produced for the Members inspection.

- (ii) If the request raises any legal issues, the Leader and the Chief Executive will consult the Council's Head of Legal & Governance.
- (iii) If the matter remains unresolved it will then be referred to the Standards Committee for decision.

1.09 Both Members and Officers must note that where information of a possible defamatory nature is contained in a document, inspection of which is permitted, such inspection is allowed on the clear understanding that neither the document nor its contents should be passed on.

Advice and Information

- 1.10 Members are entitled to seek information (sometimes at short notice) from any appropriate Officer. Officers will do their utmost to assist Councillors in their information and advice needs, but may refer Members to another Officer who is better able to give the relevant advice. Any advice given to a political group, or to members collectively or individually, and the subject of that advice, is strictly confidential to the Members concerned unless agreed otherwise. Any advice given must be on Council business and not on party political group issues. Further, the proceedings of a political group meeting are to remain private.
- 1.11 Officers are encouraged to work with all political groups and to facilitate discussions between them in order to secure decisions, whenever appropriate. In doing this, Officers must be careful to respect any information confidential to a single political group.
- 1.12 The Council wishes to conduct its affairs as openly as possible and to give Members maximum access to information and documents to enable them to discharge their role as Members of the Council, subject to the restrictions imposed by law. Requests for information must be made to a Director, Head of Service or Senior Officer of the relevant service and can range from general information about an aspect of the Council's work to specific requests for information on behalf of a Ward Constituent.
- 1.13 In cases where a Ward Constituent does not want his/her Ward Member to obtain information on his/her behalf and wishes to nominate a Member from a different Ward to act on his/her behalf, a signed letter to this effect must be obtained from the Ward Constituent and produced to the relevant Director or Head of Service.
- 1.14 Councillors are entitled to access (a) all information that is publicly available and (b) other information held by Officers which it is reasonable for Councillors to access in pursuit of their roles. This right is described in paragraph 2 below. Individual Officers are entitled to seek confirmation from the Chief Executive and the Monitoring Officer about making sensitive information available if there is any doubt. Councillors must respect the right of Officers to seek this clarification. Officers will co-operate with Councillors in making information available promptly, with a target of 10 working days for a response. There is a presumption that if the member shows a need to know, information will be disclosed as requested by members unless the information falls within those categories of exempt information set out below, when reasons for the decision should be given.

2. STATUTORY AND OTHER RESTRICTIONS

Data Protection Act

- 2.01 Personal data is defined later in this document. The Council has a statutory obligation to observe the data protection principles, which strictly regulate the release of personal data. In order to put beyond doubt the right of the Council to release personal data, the written consent of the individual involved will be required. This should be in the form set out in Appendix 4 to this document.

- 2.02 There are restrictions in the children legislation and the adoption legislation on disclosure of information which may be wider than personal data but in addition there is with clients of the Social Services directorate a natural expectation of confidentiality covering the authority's dealings generally with those clients and an expectation that unless authorised by the individual or required to do so by legislation or a court order the authority would not disclose that information to a third party.

Social Services cases (children and vulnerable adult information)

- 2.03 The following Departmental Guidance represents the ability of an individual to access information. It is included in this part of the Protocol for information as to the processes already in place.

2.04 ACCESS TO PERSONAL INFORMATION IN CHILDREN'S SERVICES

INTRODUCTION

The Directorate will pursue, as far as is consistent with the welfare of individual children, open access to individuals to their personal information held in computerised and manual information systems.

LEGISLATION, REGULATIONS, GUIDANCE, REPORTS:

Access to Personal Files (Social Services) Regulations 1989

Welsh Office Circular (88)51

Data Protection Act 1984

Social Work etc. Orders: Individual's Right of Access to Information

Welsh Office Circular WHC(88)59/WOC41/88

Data Protection 1984

Personal Social Services: Confidentiality of Personal Information.

The overriding principles that wherever possible the child (the data subject) should have access to their records as a matter of course and the personal information recorded on file should be used in positive ways to help the child. A data subject is defined as "an individual receiving or having received Social Services involvement, whether as an individual or member of a family group".

With specific listed exemptions, no information held by the Social Services Department should come as a surprise to a child or young person.

"Personal Information" means information which relates to an individual who can be identified from that information (or from other information in the possession of the Authority with respect to the individual).

There are exceptions to this:-

- *Information given by third parties where their written permission to divulge has not been given.*
- *Where individuals other than the client would be identified.*
- *Information which is likely to cause the client or a third person serious harm. (It is envisaged that withholding information on this ground would be most exceptional but may be "relevant where there is a risk of child abuse or neglect, or where the individual has a mental disorder").*

- *Information restricted by statute (this relates to adoption and information that “consists of a report given or to be given to the Court by the local Social Services Authority in the course of any proceedings to which the Magistrates Courts (Children and Young Persons) Rules 1988(A) apply where in accordance with the provision of those Rules, the information may be withheld by the Court in whole or in part from the individual who is the subject of the information”).*
- *Health, Personnel, Police and other professionals and agencies originating information by letter, reports, case conferences notes or verbal communications have been assured confidentiality. As with any third party information, written permission to allow access to such information will be requested from the individual or agency, on each occasion access is requested.*
- *Information held by the local Social Services Authority for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offender and open access would prejudice either or both matters.*
- *Information in respect of which a claim to professional privilege could be maintained in legal proceedings.*

ACCESS TO RECORDS

Access is available to the child or young person.

The child or young person will be permitted access to their personal information subject to an assessment of their ability to understand the information. A child for purposes of this policy is anyone under the age of eighteen years.

If a child is of an age or stage of maturity or disability that it would be inappropriate to allow the child access to information held in departmental files, parents or guardians will be allowed access if it is in the child’s interest.

Members access to information in this category

- 2.05 The need for confidentiality is high, resulting from statutory requirements, and the natural expectation of confidentiality from the client of the Directorate. It follows therefore:-
- that the “need to know” of an elected member must be of a very high order before information can be disclosed
 - that there will be circumstances where officers will decline to comment at all, because to do so could reveal the Department’s involvement with an individual or family, and so breach confidence
 - any information disclosed to a member must remain with that member. That elected member may be put in a difficult position (if for example he/she is representing the interests of a third party and is expected to “report back” to a complainant) and the member should consider not having that information at all rather than have to say to the complainant “I know but I can’t tell you”.
- 2.06 The Director of Social Services is personally accountable to the courts for the care of individuals, and so the protection of personal data. For information in this category therefore the decision as to whether to release information personal to a client of the Directorate will be taken by the Director or any officer nominated by the Director after consultation with the Chief Executive, Head of Legal Services or the Monitoring Officer, and the rules earlier in this Protocol about reference to the Leader and the Standards Committee will not apply.
- 2.07 In reaching the decision the Director will consider:-
- (i) whether proper and informed consent to disclose information has been given by the individual (and the form at Appendix 4 will be relevant to this);

- (ii) the “need to know” circumstances of the individual elected member;
- (iii) whether making any comment at all would breach a confidence of someone other than the member’s constituent;
- (iv) whether information can be given to the member in another way to enable the member to discharge his/her constituency role on a query by a third party.

Ward Members

2.08 The protocol for dealing with day to day issues is as follows:-

- (i) when officers write to residents regarding matters of general concern in the area a copy should be forwarded to the local members e.g. traffic calming measures;
- (ii) when officers write to residents regarding issues affecting one household the local member is not informed except as is mentioned in (iii) below;
- (iii) where a member of the Council has been involved in an issue affecting one household, then the relevant officer(s) should keep the member informed of developments until the issue is finalised. In these circumstances officers do not copy the correspondence to the other ward members;
- (iv) where a member of the Council has been involved in an issue affecting more than one household then it is for the discretion of that member to keep all other local members, and any other member(s), informed of developments until the issue is finalised;
- (v) the above rules apply equally where correspondence is received in relation to a constituent of a particular ward where the member generating the correspondence is not a member for that ward.
- (vi) this protocol will not affect members’ access to information or the limitations thereon contained in the Local Government (Access to Information) Act 1985.

2.09 In exercising those rights, Members must have regard to the Code of Conduct which requires them to maintain the confidentiality of information given in confidence.

MPs and AMs

2.10 Guidelines have been adopted by the Council following consultation with the Information Commissioner:-

2.11 Guidelines for when local ward Councillors may be given copies of correspondence from AMs and MPs containing personal data

To: All Directors and Heads of Service

As you will be aware the Council no longer routinely copies complaint correspondence to local ward Councillors, in the light of the Information Commissioner’s concerns that this may breach the provisions of the Data Protection Act 1998.

The Information Commissioner has agreed that there will be some circumstances where local ward Councillors will need to become closely involved in handling a complaint which may necessitate the disclosure of a complainant’s personal data. However the Information Commissioner has emphasised that this is only permissible where the local ward Councillor has a demonstrable need to know that personal data.

Personal data is defined in the Data Protection Act 1998 as...
data which relate to a living individual who can be identified-

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Sensitive personal data means...

personal data consisting of information as to-

- (a) the racial or ethnic origin of the data subject,
- (b) his political opinions,
- (c) his religious beliefs or other beliefs of a similar nature,
- (d) whether he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992),
- (e) his physical or mental health or condition,
- (f) his sexual life,
- (g) the commission or alleged commission by him of any offence, or
- (h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

Rather than leaving such decisions to be taken purely on an ad hoc basis it has been decided that the following guidelines should be issued to give some guidance as to who should make the decision, when such copying might be appropriate and how this can be done within the parameters set by the Information Commissioner.

Firstly, the decision should always be taken at Head of Service level or above. The basic presumption is against copying complaint correspondence to local ward Councillors. In difficult cases a Head of Service should consult with their respective Director or if this is not possible with the Monitoring Officer.

Secondly, the decision to copy in a Councillor or Councillors to correspondence should not be on the basis that they are the local ward Councillor. But should be on the basis that the Councillor needs to know because of another position, or role, that the Councillor holds, or it is known that the Councillor has already made representations on behalf of the complainant in connection with the same matter. Such a decision should always be made on a case-by-case basis.

Thirdly, serious consideration should be given as to how much of any personal data the Councillor needs to know to make a decision, or contribute to making a decision, on the matter. This is to address the question of whether there is a demonstrable need to know that personal data. It may be possible to anonymise the correspondence by obscuring names and addresses. Personal data, especially sensitive personal data, contained in correspondence, which is irrelevant to the decision or complaint could be deleted. For instance the constituent's physical or mental health may be relevant to the complaint but their racial or ethnic origin may not be, and therefore any references to such could be deleted. Where such deletions are physically difficult to achieve it may be possible that a synopsis of the correspondence can be prepared for use that omits irrelevant personal data.

APPENDIX 1

CATEGORIES OF EXEMPT INFORMATION

EXEMPT INFORMATION	QUALIFICATION
12. Information relating to a particular individual.	Public interest test applies (see below)
13. Information which is likely to reveal the identity of an individual.	Public interest test applies (see below)
14. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under —</p> <p>the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.</p> <p>Public interest test applies (see below)</p>
15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Public interest test applies (see below)
16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
17. Information which reveals that the authority proposes : (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Public interest test applies (see below)
18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest test applies (see below)
<i>(In relation to a meeting of a standards committee, or a sub-committee of a standards committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):</i>	Public interest test applies (see below)

EXEMPT INFORMATION	QUALIFICATION
18A. Information which is subject to any obligations of confidentiality. 18B. Information which relates in anyway to matters concerning national security. 18C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.”.	
	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992

Public Interest Test:

Information which —

- (a) falls within any of paragraphs 12 to 15, 17 and 18 above; and
- (b) is not prevented from being exempt by virtue of the ‘qualifications’ above,

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

APPENDIX 2

FREEDOM OF INFORMATION ACT EXEMPTIONS

EXEMPTION	QUALIFIED OR ABSOLUTE EXEMPTION?*
Section 21: Information Accessible By Other Means	Absolute
Section 22: Information Intended For Future Publication	Qualified
Section 23: Information Supplied by, or Related to, Bodies Dealing with Security Matters	Absolute
Section 24: National Security	Qualified
Section 26: Defence	Qualified
Section 27: International Relations	Qualified
Section 28: Relations Within The United Kingdom	Qualified
Section 29: The Economy	Qualified
Section 30: Investigations And Proceedings Conducted By Public Authorities	Qualified
Section 31: Law Enforcement	Qualified
Section 32: Court Records	Absolute
Section 33: Audit Functions	Qualified
Section 34: Parliamentary Privilege	Absolute
Section 35: Formulation Of Government Policy	Qualified
Section 36: Prejudice to Effective Conduct of Public Affairs	Qualified (absolute if the information is held by the Commons or Lords)
Section 37: Communications With Her Majesty, With Other Members Of The Royal Household, And The Conferring By The Crown Of Any Honour Or Dignity	Qualified
Section 38: Health And Safety	Qualified
Section 39: Environmental Information	Qualified
Section 40: Personal Information where the applicant is the data subject (disclosure of which is governed by the Data Protection Act 1998)	Absolute in relation to personal data under Data Protection Act; otherwise Qualified
Section 41: Information Provided In Confidence	Absolute
Section 42: Legal Professional Privilege	Qualified
Section 43: Commercial Interests	Qualified
Section 44: Prohibitions by law on Disclosure	Absolute

* If something is a 'qualified exemption' then a public interest test is applied "does the public interest in maintaining the exemption outweigh the public interest in disclosing the information?"

APPENDIX 3

ENVIRONMENTAL INFORMATION REGULATIONS EXEMPTIONS

REGULATION	EXEMPTION
12(3)	Personal information
12(4)(a)	Information is not held (then there is a duty to refer the request on)
12(4)(b)	The request is manifestly unreasonable
12(4)(c)	The request is too general (after fulfilling duty to advise and assist)
12(4)(d)	The request is for unfinished documents or data (in which case estimated time for completion must be given).
12(4)(e)	The request is for internal communications (as with all EIR exceptions, the public interest must be applied).
12(5)(a)	To the extent that its disclosure would adversely affect international relations/public security/defence
12(5)(b)	To the extent that its disclosure would adversely affect the course of justice and right to fair trial
12(5)(c)	To the extent that its disclosure would adversely affect commercial confidentiality
12(5)(d)	To the extent that its disclosure would adversely affect confidentiality of proceedings
12(5)(e)	To the extent that its disclosure would adversely affect intellectual property rights
12(5)(f)	To the extent that its disclosure would adversely affect personal/voluntary data
12(5)(g)	To the extent that its disclosure would adversely affect environmental protection
13	The request is for personal information, and disclosure is permitted provided it does not breach the Data Protection Act 1998 (or any other data protection principles).

Note: Each of the exemptions is subject to:-

- (a) a presumption in favour of disclosure;
- (b) a public interest test “is the public interest in maintaining the exception outweighed by the public interest in disclosing the information?”.

APPENDIX 4

CAERPHILLY COUNTY BOROUGH COUNCIL

CORRESPONDENCE WITH COUNCILLORS, MEMBERS OF PARLIAMENT & ASSEMBLY MEMBERS

Dear Resident,

You have asked your Councillor, Member of Parliament or Assembly Member to write to the Council on your behalf. There are certain confidentiality and data protection rules which mean that I need your consent to show this correspondence to other people who may be involved.

For that reason, I need you to sign this form which is your agreement:-

- (a) that I can copy the correspondence being sent on your behalf to those people who need to see it in order to reply to the letter properly;
- (b) to copy it to those people involved in the running or overseeing of the area of the Council's activity that you are writing about (and this could include cabinet members or local councillors) so that they are aware of the problem and can take this into account when taking decisions about how the Council's services are delivered in future; and
- (c) to disclose your personal information.

Your Councillor/M.P./A.M. will also be signing this document to show his/her agreement to the disclosures that I have described above.

Yours sincerely,

Anthony O'Sullivan
Chief Executive

I agree to the information being disclosed for the purposes described above.

Signed:
(Resident)

Address:

Dated:

Signed:
(Councillor/M.P./A.M.)

Dated:

PLANNING CODE OF PRACTICE

ADOPTED BY

COUNCIL - 31ST JULY, 2007

**(Amended in relation to site inspections at meeting of Council – 17th November, 2015)
(Amendments relating to non-committee members of committee April 2021)**

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1. INTRODUCTION

- 1.1 This code of practice is intended to guide the procedures by which councillors (members) and officers of the council deal with planning matters, and to set standards of probity and conduct which the people of Caerphilly County Borough can expect.
- 1.2 As planning affects people's lives and private interests, it can often be very contentious. It is, therefore, important that the people of Caerphilly borough understand the system and have confidence in its integrity and transparency, and that members and officers involved in the planning process, avoid impropriety or even the suspicion of impropriety. This approach is endorsed by the Committee on Standards in Public Life (the Nolan Committee), the District Audit and the Local Government Association.
- 1.3 Members must follow the Codes and Protocols in The Constitution of Caerphilly County Borough Council (The Constitution), Part 5 of which covers such matters as declarations of interests, gifts and hospitality and the Protocol for Member/Officer Relations. When dealing with planning matters they must also act in accordance with this Planning Code of Practice.
- 1.4 A breach of these codes whilst not usually amounting to a breach of criminal law, may adversely affect the standing of the Council. It could result in a decision being judicially reviewed or in a complaint of maladministration, being made to the Local Government Ombudsman. A breach of the Members' Code of Conduct can result in a complaint against a member personally.
- 1.5 If members or officers are in doubt about the application of the codes they should seek advice from the Council's Monitoring Officer.

2. GENERAL ROLES, RESPONSIBILITIES AND CONDUCT

- 2.1 Members and officers have different, but complementary roles in the planning process. Members of the Planning Committee have different roles to those of other councillors.

Members of the Planning Committee

- 2.2 Councillors who are members of the Planning Committee determine the more significant and contentious planning applications received by the council. In doing so those members perform a quasi-judicial role and are required to consider all planning proposals in the wider public interest. Other applications are delegated to the Chief Planning Officer and the Development Control Manager to decide, as described in paragraph 2.10.
- 2.3 Planning Committee Members shall:
 - Exercise personal responsibility in deciding whether to declare any personal interest as defined in the Code of Conduct in relation to any planning application that is before the Planning Committee for determination, and withdraw, if so required by the Code. If in doubt, members should consult

and seek guidance from the Monitoring Officer.

- Act fairly and openly and avoid any actions that would give rise to an impression of bias.
- Avoid social contact with applicants and their agents, objectors and other interested parties which could put, or be seen as putting, the member under an obligation, or could create an impression of bias.
- Approach each planning application or issue with an open mind, avoiding preconceived ideas.
- Not organise support for or opposition to a planning application or express a view about the merits or otherwise of an application if they do not wish to affect their ability to vote at Planning Committee.
- Carefully weigh up all relevant planning issues before making a decision.
- Make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. Whilst Planning Committee members have a special responsibility to their electoral division constituents, the decisions of that committee must be based on material planning considerations.
- Not decide how to vote on applications on the basis of a political 'whip', but only on the planning merits of each case. Subjecting a planning decision to the discipline of the political 'whip' could result in a judicial review, or maladministration complaint.
- Have reasons and justification for their position and resolutions (this is a requirement of the Code of Conduct).

Members of the Planning Committee who are also members of community and town councils

- 2.4 Membership of a community and town council provides an opportunity to listen to local views and does not of itself give rise to a conflict of interest for a Planning Committee member provided he or she maintains an open mind until all the evidence and arguments have been presented at the Planning Committee. A member does not have to declare an interest at the Community/Town council that he/she is a member of the Planning Committee, unless the matter under discussion is an application by the County Borough Council.
- 2.5 Legally a member may participate and vote when a planning application is under consideration at a meeting of the community town council. However, such involvement could give rise to a perception that the member has already formed a view as to how he or she would vote in advance of reading the full and final report to the Planning Committee and hearing the debate. That could undermine the integrity of the decision made by the Planning Committee and the decision could then be challenged on appeal, in the courts or by a claim of maladministration made to the

ombudsman.

- 2.6 Members should therefore choose whether they should take part in debates at the community or town council or at the Planning Committee. This does not prevent a member listening to a debate at a community council, so long as the member does not take part in the debate.

Non-Committee members of the council

- 2.7 Members who are not on the Planning Committee represent their electoral division and the county borough as a whole. They may attend the Planning Committee and address it for no more than five minutes but may not take part in any debate and will not have a vote on any matter. They may also attend site visits. Whilst such members are not decision makers like Planning Committee members, they shall:
- Act fairly and openly and avoid any actions that would give rise to an impression of bias or undue influence.
 - Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.
- 2.8 Such members may express support for a particular opinion in advance of the matter being considered by the Planning Committee, or by the Chief Planning Officer and Development Control Manager under delegated powers.
- 2.9 A member who has declared a personal and prejudicial interest in a planning application is not permitted to attend the Planning Committee and speak, unless members of the public will be addressing the planning committee on the planning application..”
- 2.10 Members are consulted about planning submissions by means of the weekly list of planning applications, which gives them the opportunity to specify which proposals should come before committee, and should prompt them to advise officers of their concerns as early in the process as possible.
- 2.11 Officers cannot give members a blow-by-blow account of the determination of a planning application. They cannot enter into correspondence about material planning considerations with members or interested persons whilst an application is in the process of being determined. The important thing is that members provide officers with their concerns as soon as possible so that they can be properly investigated.
- 2.12 It is not appropriate for members to communicate directly with the applicants, developers or statutory consultees. It is for officers to resolve any matters with the applicants, developers or statutory consultees.
- 2.13 Officers will not attend public or site meetings to discuss planning applications.
- 2.14 Officers will commit to one meeting with ward members for each major planning application, to give councillors the opportunity to express their

concerns. A maximum two members of the public can attend such a meeting as representatives of the local community and unless there are exceptional circumstances these meetings should be held a virtually. If further concerns come to light, an email will normally be enough to advise officers.

- 2.15 Members will not be provided with any paper copies of a planning application or supporting documents. That would be wasteful of resources and contrary to the general trend of communicating information electronically.
- 2.16 Officers will ensure that all additional documentation submitted by applicants or agents in support of a planning application will be placed on the Public Access part of the Council's website as soon as practically possible to allow members to update themselves on the progress of an application.
- 2.17 Members should communicate to officers their concerns or support for a scheme based on the submission of amended plans and documentation as soon as practically possible.
- 2.18 The feedback on members' concerns is contained in the report to Planning Committee or in the delegated officer report. Officers will provide to members a general quarterly update in respect of major applications stating when they are likely to come before committee, and what the outstanding issues are. The timescale for reporting an application to Planning Committee will vary depending on the scale and complexity of the application.
- 2.19 In multi-Member Wards only one Member from each political group should normally exercise speaking rights at Planning Committee unless they have opposing views.
- ~~2.7 Members who are not on the Planning Committee represent their electoral division and the county borough as a whole. They may attend the Planning Committee and address it for no more than five minutes but may not take part in any debate and will not have a vote on any matter. They may also attend site visits. Such members do not act in the quasi-judicial role performed by Planning Committee members, but shall:~~
- ~~• Act fairly and openly and avoid any actions that would give rise to an impression of bias or undue influence.~~
 - ~~• Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.~~
- ~~2.8 Such members may express support for a particular opinion in advance of the matter being considered by the Planning Committee, or by the Chief Planning Officer and Development Control Manager under delegated powers.~~
- ~~2.9 A member who has declared an interest in a matter is not permitted to attend the Planning Committee, either as a councillor or as a private citizen.~~

Officers

- 2.10 The function of officers is to support and facilitate the councillors in their work and to

implement lawful decisions.

- 2.11 The Chief Planning Officer and the Development Control Manager make decisions on the majority of planning applications under delegated powers and make recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee. In considering applications and in advising members and the public on planning policy, the determination of planning applications, enforcement and other planning matters, officers must:

- Act fairly and openly and avoid any actions that would give rise to an impression of bias.
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.
- Approach each planning application or issue with an open mind, avoiding preconceived ideas.
- Carefully weigh up all relevant planning issues
- Make decisions purely on planning grounds having regard to the development plan and other material considerations.
- Give professional, objective and accurate analysis of the planning issues.
- Give a clear recommendation.
- Carry out the decisions of the Planning Committee.

- 2.12 The council's legal officers advise members on legal and procedural matters. In doing so, they must:

- Act fairly and openly and avoid any actions that would give rise to an impression of bias.
- Avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.
- Give professional, objective and consistent advice.
- Carry out the decision of the Committee insofar as they relate to the completion of any legal agreement, or instigation or defence of proceedings etc.

3. ADMINISTRATIVE ARRANGEMENTS

Planning application notification

- 3.1 All the members of the council will be informed of the submission of all planning and related applications through the weekly list of planning applications.
- 3.2 The weekly applications list will indicate whether the application decision is expected to be made by the Planning Committee or by officers under the scheme of delegation.

Meetings with applicants and objectors

- 3.3 Local members will not be informed of, or invited by the Planning Division, to any meetings with applicants or objectors in respect of any application in their electoral division, although the applicant or objector may invite them. Should members attend

any such meetings they should be aware of the need to avoid expressing any support for or objection to the proposal.

- 3.4 The local planning authority does not organise public meetings in respect of any application. The statutory planning process which includes a procedure for notifying occupiers of land neighbouring an application site provides ample opportunity for the public to make its views known about a proposal.

Determination process

- 3.5 Should a member wish an application, designated to be determined under delegated powers, to be determined by the Planning Committee, he or she should make a request in writing, which includes e-mail, to the Chief Planning Officer within 21 days of the issue of the weekly list that contains that particular submission.
- 3.6 Members shall not put pressure on officers to make particular recommendations or decisions, nor to change recommendations or decisions in respect of any application.

4. PRE-APPLICATION DISCUSSION AND ENFORCEMENT DISCUSSIONS

- 4.1 Local planning authorities are encouraged to enter into discussions and negotiations, which can bring about improvements that can make an application acceptable, and thereby potentially speed up the process.
- 4.2 Such discussions will normally take place at officer level and members shall, wherever possible, refer requests for such advice to the officers. If members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.
- 4.3 All officers taking part in such discussions shall:
- Identify the decision making process applicable to the application or issue under discussion.
 - Make it clear that only personal professional and provisional views can be expressed that will not bind the council to reach a particular decision when determining an application.
 - Express views in the context of the development plan and other material planning considerations.
 - Be consistent in interpreting planning policies and government guidance.
 - Where appropriate advise applicants, neighbours and objectors on procedural matters.
- 4.4 Occasionally local people or community and town councils will arrange public meetings to discuss a current application and may invite the applicants, members and officers to attend. Officers will not attend such meetings, and any councillors attending should abide by this code and The Constitution. Officers may attend normal meetings of town and community councils but only to convey information to and listen to the views of the members of those councils, and not to enter into a debate.

A member of the Planning Committee who expresses a view about an application at such a meeting will put at risk their ability to participate at the Planning Committee meeting.

5. LOBBYING OF MEMBERS OF THE PLANNING COMMITTEE

- 5.1 Lobbying is the process by which applicants, agents, neighbours, non-planning committee members and other interested parties may seek to persuade councillors on the Planning Committee to come to a particular decision. It is legitimate for them to approach members of the Planning Committee (in person or in writing) and such discussions may help members to understand the issues and concerns. As stated in the Nolan Committee Third Report, 'It is essential for the proper operation of the planning system that local concerns are adequately ventilated.'
- 5.2 In responding to approaches of this kind, Planning Committee members should not publicly express an opinion that may be taken to indicate that they have made up their minds prior to hearing all the evidence and arguments, which will be presented at the Planning Committee. They should explain their position in respect of probity if they express an opinion on a proposal before consideration at the Planning Committee. They should:
- Explain the procedures by which representations can be made.
 - Indicate that a decision will be taken only when all relevant planning considerations have been taken into account.
 - Explain the kinds of planning issues that the council can take into account.
 - Report issues raised to the officers or direct the public to the officers so that their views can be considered.
- 5.3 Although it is not unlawful for a member of the Planning Committee to publicly support a particular outcome, or express a view on an application prior to the meeting of the Planning Committee, such involvement could give rise to a perception that the member has already formed a view as to how he or she would vote in advance of reading the full and final report to the Planning Committee and hearing the debate. That could undermine the integrity of the decision made by the Planning Committee and the decision could then be challenged on appeal, in the courts or by a claim of maladministration made to the ombudsman.
- 5.4 Members should not give any indication that they have made their mind up about a planning application prior to consideration of a full report and debate at Planning Committee.

6. PLANNING APPLICATIONS SUBMITTED BY MEMBERS, COMMUNITY AND TOWN COUNCILS AND OFFICERS

- 6.1 Planning applications submitted by, or on behalf of members or officers employed by the council who are involved in the planning process, or by, or on behalf of a spouse, partner, parent, child or sibling of a member or officer of the council involved in the planning process, where known, shall be decided by the Planning Committee and not under delegated powers by the Chief Planning Officer or the Development Control Manager. This will also apply where that person is acting as an agent for

another party.

- 6.2 The affected member or officer must declare the existence and nature of the interest or relationship in accordance with the appropriate Code of Conduct and withdraw from involvement in the decision.
- 6.3 The affected officer shall take no part in the processing of the application and any recommendation made to the Planning Committee.
- 6.4 Where a community or town council submits a planning application, the county borough council members who are also members of that community or town council should disclose their interest and not participate on that application should it come to Planning Committee for decision. (Note that while the Code of Conduct allows a member to speak but not vote having declared that interest, the member should not participate, so as to protect the decision from being challenged by way of judicial review).

7. PLANNING APPLICATIONS SUBMITTED BY THE COUNCIL

- 7.1 It is essential that the council treat applications for its own development (or a development involving the council and another party) in the same manner as all other applications and that this is seen to be the case.
- 7.2 All such proposals will be subject to the same administration processes, including consultation, as private applications. Determination shall similarly take into account planning policy and any other material planning considerations.
- 7.3 Where appropriate, applications submitted by the council should be dealt with under delegated powers in accordance with the scheme of delegation.

8. OFFICERS' REPORTS TO THE PLANNING COMMITTEE

- 8.1 All planning matters considered by the Planning Committee will be the subject of appropriate written reports by the Chief Planning Officer incorporating his recommendations. Such reports shall be comprehensive but succinct in setting out the key planning issues to be considered in terms of the provisions of the development plan and other material planning considerations, the substance of any representations received and any relevant planning history.

9. CONDUCT AND PROCEDURE OF PLANNING COMMITTEE MEETINGS

Conduct

- 9.1 The chairperson of the Planning Committee is responsible for the conduct of the meeting in accordance with the Rules of Procedure (Part 4 of The Constitution), and for the effective delivery of business in a professional, courteous and transparent manner. The members of the committee and officers shall respect that role and behave in a manner that is commensurate with the high standards of conduct and propriety that are expected in public office.

9.2 The chairperson will seek to ensure that members and officers are treated in accordance with the council's agreed Protocol on Member/Officer Relations, with regard to:

- The political neutrality of officers
- The independence of officers
- Mutual respect, courtesy, civility and professionalism with respect of differing views.

9.3 Members of the public are permitted to address the meeting in accordance with the council's agreed procedure. Where disturbance of the meeting occurs by way of public interference, the chairperson may suspend proceedings until matters are resolved or in extreme situations may close the meeting to the public.

Procedure

9.4 The deliberations of the Committee will be confined to the published agenda and any urgent items that have been accepted by the chairperson in accordance with the Local Government Act 1972. The order of business will generally be in accordance with the agenda but the chairperson will seek to bring forward items of business that members of the public or applicants have come to hear.

9.5 The chairperson will ensure that meetings of the Planning Committee are conducted in accordance with the council's Rules of Procedure and safeguard that appropriate debate is able to take place in a structured and professional manner, with members being given the opportunity to raise material planning issues (normally through a single presentation). The chairperson will seek to avoid repetition or irrelevant debate.

9.6 Members shall endeavour to give not less than 24 hours notice (preferably in writing) to the Chief Planning Officer all questions requiring a technical or detailed response so that an appropriate response can be prepared for the meeting of the Planning Committee.

9.7 Planning officers will update the Planning Committee on each application in respect of submissions and other material matters not addressed in the main report and, through the chair, will be responsible for responding professionally to member questions.

9.8 Appropriate legal or administration officers will be responsible for advising the chairperson and the committee on matters of procedure and protocol.

9.9 Where officers advise the chairperson of material professional concerns or potential consequences of a particular course of action, or of any potential liabilities or errors of fact, officers shall be afforded reasonable opportunity to concisely explain those matters to the Planning Committee before it reaches a decision.

10. SITE INSPECTIONS

Purpose of site inspections

- 10.1 Site inspections are fact-finding exercises to allow members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting.
- 10.2 The sole purpose of site inspections is to allow the chairperson and vice-chairperson and other members to look at the site and its surroundings. In conducting the site visit, the members will not formally debate the application, express a prior opinion, lobby for any particular decision or come to any decision.

Requests for Committee site inspections

- 10.3 If Members wish an application to be reported to Planning Committee and be the subject of a site visit, they should advise the case officer or in his/her absence any other officer of the Development Management Team in writing (including email) within 21 days of receiving the weekly list of planning applications.
- 10.4 Site visits should be allowed on the basis of a request from either the chairperson or vice-chairperson, or from any local member including an adjoining ward Councillor whether or not a member of the committee. It is expected that local members will already be familiar with the site. Members are encouraged to go to the sites themselves, discuss proposals with officers, and look at the presentation that officers now email to Planning Committee Members before Committee.
- 10.5 Site visits may also be arranged, at the behest of the Head of Planning and Regeneration or Development Control Manager when they consider that there are particular site issues that members should be aware of prior to the determination of the application.

Criteria for agreeing to hold site inspections

- 10.6 Any request for a formal site visit will have to comply with the following criteria:-
- Illustrative material is insufficient to convey the issues;
 - A judgement is required on visual impact;
 - The setting and surroundings are relevant to the determination of the application;
 - The site has not been visited recently by the Planning Committee in relation to another planning application.
- 10.7 Requests for formal site visits made at Planning Committee will only be allowed in exceptional circumstances, e.g. where a Councillor is incapable of notifying officers of the need for a site visit when the application for planning permission was first publicised.

Examples where a site visit would not normally be appropriate include where:

- The member simply disagrees with the conclusion reached in the report.

- The member wishes to consider boundary or neighbour disputes.
- Loss of property values
- Any issues that are not material planning considerations.
- Where councillors have already visited the site within the last 12 months, except in exceptional circumstances.

Where there is any dispute about the need for a site visit, the final decision will be taken by the Chair and/or Vice-Chair of the Planning Committee in consultation with the Head of Planning and Regeneration and/or the Development Control Manager.

Notification of site visits

- 10.8 All site visits will take place on the Monday before Planning Committee for applications being reported to that Committee. Where it is impractical to undertake all approved site visits on the Monday before the Planning Committee, the visit/s may take place on any day subject to the visit/s taking place before the Planning Committee to which the application/s is/are being reported. All Members (subject to declarations of interests) will be entitled to attend the site visits, and all Planning Committee Members will be encouraged to attend.

Committee Services will arrange the site visits, but will not attend to take minutes. A brief note will be prepared by Planning Officers and will be presented to the Planning Committee, confirming that a site visit has taken place and providing a summary of any additional information received or matters arising from the site visit.

Attendance At Site Inspections

- 10.9 Site visits will normally be attended by the chairperson and vice-chairperson of Planning Committee, ward members and appropriate officers. All Members (subject to declarations of interest) will be encouraged to attend the site visits and all Planning Committee Members will be encouraged to attend.
- 10.10 Members may through the chairperson ask questions of officers to clarify factual matters relevant to the site inspection.
- 10.11 If a request is received from a third party to inspect the site from a different location, the members, as a group, should take the view whether to do so. Unless there are good reasons not to do so, such a request should normally be acceded to but only if all participants at the site inspection are extended the same invitation.
- 10.12 Members may only enter onto the site with the permission of the site owner who has the right of attendance at the site inspection.
- 10.13 The public does not have a right of access to a site but may attend and view the site by way of public vantage points or on site with the consent of the owner.
- 10.14 Applicants, their agents and members of the public, will not be allowed to speak at the site visits apart from providing matters of information or clarification; the informal meeting with the public that has become the part of the customer practice of the

Council will end so that the site visits are undertaken in a more formal manner.

- 10.15 If a member finds it necessary to visit a site alone, he or she shall view it from public vantage points only, seek to avoid discussion with interested parties and, if dialogue occurs, make it clear that a decision will be taken when the Planning Committee has discussed it after the site inspection.
- 10.16 **Members are reminded that the rules of declarations of interest apply to site visits, and that if a member has an interest that would require the member to withdraw from a Planning Committee, the member is not entitled to attend the site meeting.**

Conduct at site inspections

- 10.17 The inspection will be chaired by the chairperson or vice chair of the Planning Committee who will ensure that it is conducted as a single meeting and in an orderly fashion.
- 10.18 The planning officer will give a brief summary of the application and the site inspection issues at the beginning of each site visit.
- 10.19 Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.
- 10.20 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.
- 10.21 Non-Committee members may address their colleagues on issues of fact pertaining to the site context.

11. PLANNING COMMITTEE DECISIONS CONTRARY TO OFFICER RECOMMENDATION

- 11.1 From time to time the Committee will disagree with professional advice given by the officers and may decide to determine an application contrary to that advice. When this occurs the chair of the Planning Committee will ensure that the following principles are followed:
- Members shall clearly express the planning reasons for their decision and these shall be minuted.
 - A member proposing refusal of an application for which the officer recommendation is approval shall state his/her reasons prior to the vote being taken.
- 11.2 In the cases when this occurs the matter shall be deferred for a further report at the following or subsequent meetings in which officers will advise members of the appropriate wording of the reasons for refusal. Officers shall be given an opportunity in that report to explain to the Planning Committee the planning or legal implications of their intended decision before the decision is confirmed.

11.3 Where the Planning Committee wishes to add or amend conditions or reasons, or attach a planning obligation, officers shall be given the opportunity to explain the planning or legal implications before the decision is confirmed.

11.4 The committee shall ascertain officers' views in respect of paragraph 12.5.

12. APPEALS AGAINST COUNCIL DECISIONS

12.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the council. In some circumstances (such as where specialist evidence is required or where a member decision is contrary to officer recommendation) it may be necessary to appoint consultants to appear for the council.

12.2 In giving evidence officers will present the best possible case on behalf of the council while complying with the RTPI Code of Professional Conduct, which requires that planning officers who are members of the institute do not make statements purporting to be their own, but which are contrary to their *bona fide* professional opinion.

12.3 In cases where the appeal is against a decision that the committee has made contrary to officers' recommendation, the planning case-officer may be able to give evidence. However in some cases, another officer or consultants will be employed if the Chief Planning Officer considers that the case-officer's previously stated views (or those of the Planning Division as a whole) might be unhelpful to presenting the committee's position.

12.4 Members can have an important role to play in appeals and may, within set deadlines, make written representations to the inspector and may also appear at informal hearings or as a witness at public local inquiries. In doing so they should state whether they are acting in their local councillor capacity or, exceptionally, representing the council's case.

12.5 Where planning officers are unable to defend decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute) the Planning Committee should be aware of this before the final vote is taken. In such cases, the committee shall nominate at least two of its members who voted contrary to the recommendation to appear at any appeal and defend the committee's decisions and the reasons for them. These should normally be the proposer and seconder of the proposal that was contrary to officers' recommendation. Those members will then be required to attend a subsequent appeal hearing, and if necessary, to give evidence in support of the Council's decision.

12.6 Planning and legal officers will support members attending or wishing to make representation at appeals and advise them on preparing and delivering evidence. Legal officers will attend inquiries or assist in preparing representations when legal representation is required.

13. MEMBER TRAINING

- 13.1 The council considers that members of the Planning Committee should undertake training and that this opportunity be offered to all members.
- 13.2 Members will be offered and required to attend core training (normally within three months of appointment to the committee). The subject matter will cover planning procedures, the development plan and material planning considerations, probity and other subjects determined from time to time by officers in consultation with the members. The Council, or political groups as appropriate, will be asked to remove from the Committee a member who fails to undertake this training.
- 13.3 Other training will be available in the form of additional sessions, short presentations to the committee and the circulation of briefing notes.
- 13.4 Attendance at training events will be recorded and will be monitored through the relevant scrutiny committee.

14. REVIEW OF DECISIONS

- 14.1 The Audit Commission's report 'Building Quality' recommends that councillors should visit a sample of implemented planning permissions to assess the quality of the decisions. The purpose of such a review is not to change decisions, but to assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy.
- 14.2 The Planning Committee will undertake an annual review of a sample of planning decisions made by the committee. The review will include examples from a range of development types e.g. major residential proposals, listed building consents and enforcement cases, and, where it is considered appropriate and beneficial, include visits to the sites.
- 14.3 The Planning Committee will formally consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.
- 14.4 The outcome of appeals against the decisions of the council will be reported regularly to Planning Committee. The outcome of enforcement cases and legal proceedings will also be reported regularly so that the Planning Committee can review its own decision-making processes.

Caerphilly County Borough Council Local Resolution Protocol

1. Introduction

- 1.1 By way of background, around a third of complaints referred to the Public Services Ombudsman for Wales (**Ombudsman**) are made by a Member against a fellow Member. Many of these complaints relate to low-level behavioural issues, typically during what may often be seen as the "cut and thrust" of normal Council debates and local politics. Many of these, if investigated by the Ombudsman, would not result in a sanction being imposed.
- 1.2 This Protocol has been adopted in response to the Ombudsman's latest guidance on the Code of Conduct for Members (**Code**) which states that "low-level, Member-on-Member" complaints relating to the breaches of the Code should be dealt with at a local level. The Ombudsman's aim of doing so is to seek the resolution of matters at an early stage so as to avoid unnecessary escalation. The Protocol should be read in conjunction with the Members Code. It adds to this document and does not detract from it.
- 1.3 This Protocol seeks to define what is meant by "low-level, Member-on-Member" complaints and sets out the procedure to be adopted in response to them.
- 1.4 It is important to note that this Protocol does not preclude Members from referring any complaint to the Ombudsman if they so wish. However Members should note that the Ombudsman has made clear that, in normal circumstances, it is expected that in the first instance Members should exhaust the procedures set out in this Local Protocol before referring low-level complaints to the Ombudsman.

2. The Standards of Conduct

Members shall:-

2.1 Public Behaviour

- (a) Show respect to each other
- (b) Not make personal abusive comments about each other
- (c) Not publish anything insulting about each other
- (d) Not make malicious allegations against each other
- (e) Not publish or spread any false information about each other
- (f) Show respect to each other's diverse backgrounds and circumstances
- (g) Use social media responsibly and in accordance with the Members' Code of Conduct and this protocol

2.2 Behaviour In Meetings

- (a) Behave with dignity
- (b) Show respect to the Chairman and obey his/her decisions and conversely Members can expect the Chairman to show mutual respect to Members
- (c) Not use indecent language nor make discriminatory remarks that may be deemed to be offensive to any section of society

3. What Is A "Low-Level, Member On Member" Complaint?

3.1.1 In order to fall within the remit of this Protocol a complaint should satisfy all of the following criteria:

- (a) The complaint made by a Member of the Council and relates to a breach of the Code by a fellow Member.
- (b) The complaint is "low-level" in nature. Whether or not a complaint is "low-level" in nature will be dependant on the individual circumstances of a complaint.

The Ombudsman has indicated that "typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other Members under paragraph 6(1)(d) of the Code".

If you are unsure whether a matter you wish to complain about is "low-level" then you may wish to discuss this with the Monitoring Officer (who may consult with the Ombudsman's office) to obtain guidance.

- (c) The complaint does not relate to repeated occurrences of similar conduct that has already been dealt with under this Protocol or by the Ombudsman. In the event that the complaint relates to such a "repeated offence" it is likely that it will be appropriate to refer the matter to the Ombudsman directly.

4. Procedure

- 4.1 Allegations by a Member of a breach of one (or more) of the standards of conduct set out in paragraph 2 of the Protocol by another Member will be dealt with in accordance with the procedures set out below.
- 4.2 It is important that any allegations made under the protocol are dealt with quickly and effectively with the co-operation of all parties involved. Each party must make themselves available to attend a hearing held thereunder as a matter of priority and within the timescales set out in this Protocol.
- 4.3 Should following commencement of the Protocol process any member elects at any time to refer the matter to the Ombudsman for investigation the Protocol

process will be discontinued and cannot subsequently be resumed.

4.4 Stage One - Making The Complaint And Informal Resolution

- (i) Any Member who wishes to submit an allegation under the Protocol should send the complaint to the Monitoring Officer. The complaint must be submitted to the Monitoring Officer within one month of the event that has given rise to the complaint occurring or, within one month of the substance of the complaint coming to the attention of the Member submitting the allegation.
- (ii) Following receipt of the complaint the Monitoring Officer will advise whether the allegation falls within the Protocol or whether the complainant(s) should consider referral to the Ombudsman as an allegation of breach of the Members' Code of Conduct.
- (iii) If there is a formal referral to the Ombudsman then legislation and regulations set out how the Ombudsman may investigate that matter and if appropriate refer the result of any investigation to the Standards Committee so that the Committee may determine that complaint.
- (iv) If the Monitoring Officer determines that the allegation falls within the Protocol he/she will seek to try and resolve the matter informally.
- (v) If following Stage One the Monitoring Officer cannot resolve the matter informally between the parties and the Member(s) wishes to proceed with the allegation under the protocol the matter will be referred to a hearing before the Standards Committee under Stage Two.

NB: The Monitoring Officer may choose not to deal with the allegation at this stage in order to be able to advise the Committee later in the process, in which case the Deputy Monitoring Officer or a Legal Officer will advise the Member complainant(s).

4.5 Stage Two – Standards Committee Hearing

- (i) Stage Two is a hearing before the Standards Committee.
- (ii) The Member(s) making the complaint will be asked to re-confirm the substance of the complaint in writing to the Monitoring Officer (including identifying which standard(s) of conduct set out in paragraph 2 above is/are alleged to have been breached) together with all the written evidence they wish to submit for consideration at the hearing within two weeks of notifying the Monitoring Officer they wish the complaint to be dealt with by way of hearing before the Standards Committee.
- (iii) The Member(s) who is the subject of that complaint must provide a written response to that complaint within one month of receipt of notification of it together with all written evidence they wish to submit for consideration at the hearing.

- (iv) The Monitoring Officer if he/she participated in Stage One will notify the Deputy Monitoring Officer or a Legal Officer of receipt of the complaint who shall thereafter have conduct of the matter (the 'Investigating Officer').
- (v) If the Monitoring Officer chose not to deal with the allegation at Stage One he/she shall be the Investigating Officer.
- (vi) Both the Member(s) making the complaint and the Member(s) against whom the allegation(s) has been made must respond promptly to all correspondence relating to the matter including requests to confirm availability in respect of scheduling the hearing itself. Member(s) will be given dates within a two month window in which they must confirm a date they are available to attend the hearing.
- (vii) The papers referred to in paragraph 4.5(ii) and 4.5(iii) will be distributed to the Members of the Committee in accordance with the Council's Access to Information Rules.
- (viii) No additional evidence may be produced without the prior consent of the Chair of the Committee.
- (ix) Each Member must give notification in writing to the Investigating Officer of any witnesses they intend to call to give evidence at the hearing. It is the responsibility of the Member calling the witness to ensure that the witness is available to attend on the agreed date.
- (x) If either side wishes not to be present or fails to attend, the hearing may be held in their absence.
- (xi) Should they deem it appropriate the Standards Committee may invite Council officers to attend the hearing to answer any questions they may have relevant to the matter before it.
- (xii) The proceedings at the Standards Committee hearing itself shall be conducted as follows:-
 - (a) Opening address by the Chairman;
 - (b) Member(s) who submitted the complaint be invited to address the Committee;
 - (c) Questions by Committee Members;
 - (d) Member(s) who the allegations have been made against be invited to address the Committee;
 - (e) Questions by Committee Members;

- (f) Witnesses for Member(s) who submitted the complaint address the Committee;
- (g) Questions by Committee Members;
- (h) Witnesses for Member(s) who the allegations have been made against be invited to address the Committee;
- (i) Questions by Committee Members;
- (j) The Member(s) who has made the complaint be invited to address the Committee with any closing remarks;
- (k) The Member(s) who is/are the subject of the complaint be invited to address the Committee with any closing remarks;
- (l) Questions by Committee Members (if any) to Council Officers who have been invited to attend by the Committee;
- (m) Committee to retire to deliberate in private on the representations and decide whether or not the Member(s) who the allegations have been made against has failed to comply with the Protocol and what sanction, if any, to impose;
- (n) Committee to reconvene in public for the Chairman to announce the Committee's finding.

NB: There will be no cross examination of any of the parties save for questions asked by Committee members.

- (xiii) The Investigating Officer will be available to advise the Committee.
- (xiv) The Committee can come to one or more of the following conclusions, namely:-
 - (a) that there is no basis to the complaint and no further action required
 - (b) that there is a basis to the complaint but that no further action is required
 - (c) that there is a basis to the complaint and that the Member should be censured at the next meeting of Council and/or additional action should be taken
 - (d) referral to the Ombudsman for investigation and if the complaint is considered to be deserving of more serious sanctions than the Standards Committee has the power to impose.

- (xv) The conclusion reached by the Committee will be minuted and reported to Council. In addition, the Committee can make recommendations to Council regarding changes to the Protocol or taking any further action (for example the removal of Members from specific committees or further training requirements).

- 4.6 In making a decision on the sanction to be imposed, the Standards Committee may take into account (but is not limited to considering):
 - a. The severity of the offence;
 - b. The level of remorse the Member in question has shown and any apologies they have made.

NB: The time-limits and deadlines set out in these procedures are subject to there being flexibility in exceptional circumstances as determined by the Chairman.

5. **General**

- 5.1 Both the name of the complainant and the Councillor against whom the complaint has been made will be kept confidential at Stage 1 of the Protocol process.
- 5.2 Where complaints are resolved at Stage 1 the Monitoring Officer shall report to Standards Committee periodically the numbers and types of complaints determined under this Protocol, but shall maintain the anonymity of both the complainant and the Councillor concerned.
- 5.3 The Stage 2 hearing before the Standards Committee will generally be conducted in an open session of the Standards Committee.

PROTOCOL FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES

1. BACKGROUND

1.1 The Family Absence for Members of Local Authorities (Wales) Regulations 2013 create an entitlement of Members to the following types of Family Absence:

- (a) **Maternity Absence** – Available to pregnant Members who can take an absence period of up to a maximum of 26 weeks.
- (b) **Newborn Absence** – Available to a Member who is married to, the civil partner or partner of a child's mother and expects to have responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days of a child's birth.
- (c) **Adopter's Absence** – Available to a Member who adopts a child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.
- (d) **New Adoption Absence** – Available to a Member who is married to, the civil partner or partner of a person adopting a child and expects to have responsibility for the upbringing of the child. Up to two consecutive weeks are available to be taken within 56 days of a child being adopted.
- (e) **Parental Absence** – Available to a Member who has or expects to have responsibility for the care of a child and does not satisfy the criteria for Maternity Absence, Newborn Absence, Adopters Absence or New Adoption Absence. Up to 90 days can be taken in a single or a series of absences from the date a councillor assumes responsibility for the care of a child under the age of 14 and ends 1 year later.

2. Members can claim a period of Family Absence by satisfying the following requirements:

2.1 Maternity Absence

- (a) No later than 15 weeks before the expected week of childbirth or, if that is not practical, as soon as reasonably practical, a Member must give written notice to the Head of Democratic Services of:
 - a. The Member's pregnancy.
 - b. The expected week of childbirth.
 - c. The date on which the Member intends the maternity absence will start.
 - d. The duration of the period of maternity absence. The period of absence will be 26 weeks unless the Member specifies a shorter period of time.
- (b) A Member can vary the period of absence by giving the Head of Democratic Services a new start date at least one week before the intended start date or at least one week before the new start date or, if that is not reasonably

practicable, as soon as possible. Regardless, Maternity Absence will start automatically on the day after childbirth, if the baby is born before the date specified by the Member.

- (c) A Member must provide a certificate from a registered medical practitioner or midwife stating the expected week of childbirth if requested to do so by the Head of Democratic Services.
- (d) A Member can vary the duration of Maternity Absence by giving the Head of Democratic Services written notice of the new duration by giving at least one weeks notice before the expected end of the absence or, at least one week before the intended new end of the period of absence or, if that is not practical, as soon as is reasonable practical.
- (e) Maternity Absence may begin between the start of the 11th week before the expected childbirth and the day after childbirth occurs.
- (f) Although a Member can choose the day on which their maternity absence starts, if a member is absent from a meeting during the 4 week period before the start of the expected childbirth due wholly or partly to pregnancy, the Maternity Absence will begin on the day after the meeting from which the Member was absent.
- (g) A Member may cancel Maternity Absence at anytime before the start of Maternity Absence by giving written notice to the Head of Democratic Services.

2.2 Newborn Absence

- (a) A Member must give the Head of Democratic Services written notice of the date the Member intends the period of Newborn Absence to start. The period of absence will be 2 consecutive weeks unless the Member specifies a shorter period of time.
- (b) Newborn Absence may be taken between the day of childbirth and 56 days after that date.
- (c) A Member may cancel Newborn Absence at anytime before the start of Newborn Absence by giving written notice to the Head of Democratic Services.

2.3 Adopter's Absence

- (a) A Member must give the Head of Democratic Services written notice of the date the Member intends the period of Adopter's Absence to start. The period of absence will be 2 consecutive weeks unless the Member specifies a shorter period of time.
- (b) Adopter's Absence may be taken between the date on which a child is placed with a Member for adoption and 56 days after that date.
- (c) A Member may cancel Adopter's Absence at anytime before the start of

Adopter's Absence by giving written notice to the Head of Democratic Services

2.4 New Adoption Absence

- (a) A Member must give the Head of Democratic Services written notice of the date the Member intends the period of Adopter's Absence to start. The period of absence will be 2 consecutive weeks unless the Member specifies a shorter period of time.
- (b) New Adopter's Absence may be taken between the date on which a child is placed with the adopter and 56 days after that date.
- (c) A Member may cancel New Adopter's Absence at anytime before the start of New Adopter's Absence by giving written notice to the Head of Democratic Services.

2.5 Parental Absence

- (a) A Member must give the Head of Democratic Services written notice of:-
 - a. Their intention to take parental Absence.
 - b. The date on which the Member intends the Parental Absence will start.
 - c. The duration of the period of Parental Absence.
 - d. Whether the absence is intended to be taken as a single period or as a series of absences. Where Parental Absence is to be taken in a series of absences, a Member must give the Head of Democratic Services advance written notice of the intended start date and duration of each period of parental Absence.
- (b) If requested to do so, a Member must give the Head of Democratic Services evidence in relation to the extent that they have responsibility for the child.
- (c) The period of absence will be up to 90 days which can be taken in a single or a series of absences from the date a councillor assumes responsibility for the care of a child under the age of 14 and ends 1 year later.
- (d) A Member may cancel Parental Absence at anytime before the start of Parental Absence by giving written notice to the Head of Democratic Services.
- (e) A Member may bring any period of Parental Absence to an end earlier than intended by notifying the Head of Democratic Services in writing of their intention.

2.6 Records and Notification of Family Absence

- (a) The Head of Democratic Services will keep a record of all notifications and periods of maternity absence, parental absence, newborn absence, adopters absence and new adoption absence (collectively referred to as family absence) taken and will inform the Mayor, Leaders of each political

group and Chair of Democratic Services Committee of all periods of family absence.

2.7 Cancellation of Family Absence by Council

- (a) If the Head of Democratic Services suspects that a Member is not entitled to the family absence as notified, he/she may cancel or end a Member's family absence if he/she is of the view that the Member is not entitled to such absence in accordance with the Regulations.
- (b) A Member's remuneration will be withheld if a Member does not return from family absence by the date determined in paragraph (c) below.
- (c) In the event of a decision by the Head of Democratic Services to cancel the Family Absence he/she shall notify the Mayor of his intention to cancel and thereafter give written notice to the Member of the decision to cancel or bring to an end the period of family absence and the date from which the Member must return from family absence.

2.8 Members right to Appeal against Cancellation of Family Absence

- (a) A Member may within 28 days of being notified by the Head of Democratic Services that a period of family absence being cancelled or ended, complain in writing to the Head of Democratic Services regarding the cancellation.
- (b) The Head of Democratic Services will refer any complaint received under para (a) above to the Panel constituted in accordance with the Family Absence for Members of Local Authorities (Wales) Regulations 2013 who will determine the complaint made.
- (c) The Panel may:-
 - Confirm the decision of the Head of Democratic Services; or
 - Substitute its own decision as to the Member's entitlement to family absence in accordance with the Regulations.

2.9 Members request to perform duties/attend meetings during a period of Family Absence

- (a) Any Member on Family Absence may subject to paragraph (b) and (e) below:-
 - (i) Attend any meeting or perform any duty associated with being a councillor within specific dates.
- (b) The Member must obtain the permission of the Mayor (or Deputy in his or her absence) before attending any meeting or exercising any duty.
- (c) In seeking permission the Member will (if able) specify start and finish dates in any application to suspend Family Absence.

- (d) The Mayor will inform Leaders of each political group of the Council before granting permission under paragraph (b) above.
- (e) A Member may complain in writing to the Head of Democratic Services regarding a refusal under paragraph (b) above.
- (f) The Head of Democratic Services will refer a complaint under para (e) above to the Mayor of the Council.
- (g) A Panel constituted in accordance with the Family Absence For Members of Local Authorities (Wales) Regulations 2013 will determine a complaint made under paragraph (e) above.
- (h) The Panel may: -
 - Confirm the decision of the Mayor of the Council (or Deputy in his or her absence); or
 - Substitute its own decision as to the Member attending any meeting or performing any duty.

Members Training and Development Protocol

Introduction

Whilst each councillor role requires a different blend of skills, knowledge and competencies, this protocol provides Members with a consistent process for identifying and delivering mandatory and non mandatory training based on Members individual roles.

This protocol creates three distinct categories:

A. Mandatory Training

The following training is mandatory to ensure all councillors have the necessary knowledge to enable them to operate within the Council's Code of Conduct, have an understanding of the Council's constitution, undertake common essential duties and, where appropriate, discharge regulatory or personnel committee functions.

- i) Induction training
- ii) Certain training associated with Members' statutory responsibilities, i.e. Audit Committee and regulatory committee membership and Committees with personnel functions

B. Recommended Training

This type of training is considered as important whilst recognising that Members have different levels of experience and knowledge of the councillor role. The amount of training commitment required will depend on individual Members specific committee roles.

C. Requested Training

This type of training is identified by individual Members as part of the councillor training needs analysis undertaken every 2 years. It is similar to Recommended Training in being considered helpful but not compulsory.

A. Mandatory Training

i) Induction Training

Induction Training will be delivered within the first month of a new Council. It is made up of two 2½ hour modules held in the daytime and repeated in the evening as follows:

Module 1 - Governance

- Code of Conduct – Understanding the Council's Code of Conduct and the role of the Council's Standards Committee and Public Service Ombudsman.
- The Council's Constitution – Understanding the key procedures for the operation of full Council and Council Committees.
- Electronic Voting and Webcasting – A guide to the operation of the Council's electronic voting system installed in the Council Chamber and to inform Members of the operation of webcasting of Council meetings.

Module 2 - Equalities and Information Management

- Information Management and Data Protection - Requirements of data protection legislation, awareness required to handle all personal information safely and freedom of information legal obligations.
- Equalities and Welsh Language – To provide Members with an overview of the Council's Equalities and Welsh Language obligations.

ii) Certain training associated with Members' statutory responsibilities, i.e. Audit Committee and regulatory committee membership and Committees with personnel functions

The Council has an Audit Committee, 3 regulatory committees; namely Planning Committee Licensing Committee and Rights of Way Cabinet Committee and 3 personnel related committees; namely Pension and Compensation Committee, Appointments and Appeals Committee and Investigating and Disciplinary Committee.

Members serving on these committees will receive mandatory training at least (it may be more if there are changes to legislation) twice per Council term to ensure that they understand the role of the committee, any considerations to be taken into account before coming to a decision and any appeals processes. Membership of these committees will be dependant on Members undertaking the mandatory training. Should a Member fail to undertake any mandatory training their membership will automatically cease. The twice council term training requirement will be made up of two 2½ hour training modules for each committee.

As the above mandatory training subjects are considered essential, feedback about the quality and usefulness of the training will be reported to the Democratic Services Committee.

In addition members who refuse to attend the mandatory training or do not have good reason for being unable to attend mandatory training will be reported to the Standards Committee and will be required to attend a meeting of the Standards Committee to explain their absence to the Committee. The Head of Democratic Services will refer a member to the Standards Committee. It will be a matter for the Standards Committee to consider what course of action it considers appropriate but could result in a Member being censured.

B Recommended Training

1) Induction Training

This element of Induction Training will be delivered within the first month of a new Council and will focus on key Councillor roles. The recommended Induction Training may be delivered as a single 1 day module, held on a weekday and repeated on a weekend to ensure all Members can attend regardless of other responsibilities. It will assist Members understand their role as a local representative, effective committee member and political leader.

The Councillor Role

Local Leadership – Role of the ward councillor, being an advocate for stakeholders and providing effective political leadership in the community.

Partnership working – Understanding the councillor role and being an effective Member on partnerships and outside bodies.

Communication Skills – Dealing constructively with the public and press, portraying a positive self image and skills for public speaking and social media.

Political Understanding – Creating and maintaining positive Member/Officer relationships. Exploring councillors' unique roles - political activist, open minded decision maker and unbiased scrutineer.

Scrutiny and Challenge – The benefits of scrutiny and keys skills for successful scrutiny and policy development.

Regulating and Monitoring – Members responsibilities in the Council's governance framework to include: standards committee, monitoring performance of Council services, risk management and budget monitoring.

2) Additional Recommended Training

Recommended training will support Councillors in their various committee roles. The amount of training any Member should attend will depend on an individual's specific committee roles. The training will focus on the skills, knowledge and competencies required for each committee role. For instance, serving as a Cabinet Member may require a different skill set from being Chair of the Audit Committee. Similarly, a Scrutiny Member role may differ considerably from a Planning Committee Member role. Each of the Committee Role Skills training requirements can be delivered in a half day. A full list of identified committee roles are given below:

Recommended Training Frequency	Position	Proposed
Chairing Skills	-Chairs of Scrutiny, Audit, Planning, Licensing, Democratic Services and SDAP Committees. Chairs of Town Centre Management Groups -etc	Twice per Council term
Role and Responsibilities of Cabinet Members	Cabinet Members	Twice per Council term
Performance Reviews	All Senior Salary Holders responsible for undertaking annual Performance Reviews	Twice per Council term

Scrutiny Skills	Scrutiny Committee Members	Twice per Council term
Committee skills, knowledge and competencies	All Members of each Council Committee/Panel etc	Annually. To be delivered before the first meeting of each Committee or Panel immediately after the Council's Annual General Meeting. Likely to last approximately half an hour
Update to legislation, case Law, national policies and Funding etc	Members of Committees and Panels etc listed in Appendix 1 below	Twice per annum. To be delivered before the start of a committee meeting. Likely to last approx half an hour

C Requested Training

There is a well established process in place for identifying Members individual training needs. A training needs questionnaire is circulated to each member every two years which is designed to identify personal skills and knowledge training and development opportunities. A planned training programme is developed based on the outcome of the returned questionnaires. This process will continue to run concurrently with the proposed Training and Development Protocol outlined above.

Responsibilities and Publication

Democratic Services will manage the members training programme and in partnership with the Democratic Services Committee, Committee Chairs, the relevant Director and Heads of Service.

The training programme will be presented to Democratic Services Committee and published in May each year. The training offered and Members attendance will be published annually as part of each Members' Annual Report.

Appendix 1

Education for Life Scrutiny Committee
Health Social Care and Well Being Scrutiny Committee
Policy and Resources Scrutiny Committee
Crime and Disorder Scrutiny Committee
Regeneration and Environment Scrutiny Committee
Appeals Panel (Disciplinary/Grievance)
Appointments Committee (Chief Officer Related Posts/Heads of Service)
Audit Committee
Democratic Services Committee
Investigation and Disciplinary Committee
Licensing Committee
Planning Committee
Standards Committee
Sustainable Development Advisory Panel
Rights of Way Cabinet Committee



Caerphilly County Borough Council

Social Media Protocol For Members

1. Introduction

1.1 Definition Of Social Media

- 1.1.1 Social media is a collective term used to describe online media, which offer easy ways to publish content online and also to facilitate and participate in online conversations, which may invite the posting of comments or contributions or otherwise invite discussion.
- 1.1.2 Social media can involve social networks (e.g. facebook); professional networks (e.g. LinkedIn); content communities sites (e.g. Flickr and Youtube); blogs (e.g. via sites such as Wordpress and Blogger); micro-blogging sites (e.g. Twitter). Social media can be accessed by a variety of digital equipment, such as laptops, smart-phones and tablets, which can also be used to capture audio-visual information.

1.2 Scope

- 1.2.1 This protocol is intended to set out clearly how Elected Members ought to interact with social media, both as County Councillors and private individuals. The Protocol provides guidance concerning the permissible use of social media by Elected Members during meetings.
- 1.2.2 The protocol does not relate to Officers of the Council who are covered by separate ICT policies.
- 1.2.3 The use of social media by Elected Members is covered by part 2.1 of the Protocol.
- 1.2.4 The use of social media by Elected Members during meetings is discussed in 2.1.5.

1.3 Background

- 1.3.1 Social media can play an important part in the operation of a democratic society by offering positive opportunities for the Council and its Elected Members to engage with the citizens of Caerphilly. For example, social media can be an efficient and cost effective way for the Council to keep in touch with residents and businesses. Elected Members can also effectively use social media to interact with constituents and support local democracy. It has been demonstrated that, when used effectively, social media can engage those who would not otherwise participate in local politics or interact with their Elected Members.
- 1.3.2 It is apparent that the use of social media also presents the Council and its Elected Members with certain risks and challenges. In particular, the use of social media by Elected Members can potentially result in breaches of the Code of conduct. Therefore, it is important that Elected Members recognise the risks associated with social media and ensure that they do not use social media in a way which breaches the Code of Conduct.
- 1.3.3 It is intended that the Council's Standards Committee will have regard to the Protocol when determining allegations of breach of the Code of Conduct involving the use of social media.

2. Social Media & The Council

2.1 Use Of Social Media By Elected Members

- 2.1.1 It is likely that the use of social media by Elected members may include participation in Council sponsored media, such as blogs, use made in a private or seemingly private, capacity through a private account, anonymous participation with, or contribution to blogs, forums or other social media sites.
- 2.1.2 Members are bound by the terms and conditions of the individual social media sites. In addition, Members should recognise that their use of social media could be covered by the Code of Conduct, and it is likely that any failure to comply with the law and user agreements of the sites could constitute a breach of the Code of Conduct. In particular, Members should also avoid using social media in a way, which suggests bias and predetermination.
- 2.1.3 In addition to issues covered by the Code of Conduct, Members are reminded that their use of Social Media can have implications in general law, which for an Elected Member may have serious consequences.
- 2.1.4 It is suggested that the potential difficulties arising from the use of social media can be avoided if the information published by members is objective, balanced, informative and accurate. The effects of publishing information online can be long lasting, as access to online published content is pervasive and effectively published in perpetuity.

- 2.1.5 Members should not use social media during meetings. The restriction extends both to making contemporaneous comments on other individuals or issues and accessing social media during meetings.
- 2.1.6 In addition, Members should seek to avoid giving others the impression that they are not fully attentive to the proceedings of a meeting. This can be done by ensuring that mobile devices are used sparingly and discreetly during meetings.
- 2.1.7 Members should avoid using mobile devices to send or receive information which is not connected with the matters under consideration in the meeting. Use made of mobile devices to send or receive private messages or email during meetings ought to be reasonable and discreet. Chairs should reprimand any Member whose use of mobile devices during meetings is deemed to be excessive.
- 2.1.8 The following paragraphs of the Code of Conduct will apply to the use of social media and other online behaviour. The rights of Members under Articles 8 and 10 (Schedule 1) of the Human Rights Act 1998 have been considered.

- 2.1.8.1 Paragraph 5.4(a) "carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion".

Members should ensure that their use of social media does not breach the Council's principles of equality. Discriminatory statements are also likely to be unlawful.

- 2.1.8.2 Paragraphs 5.4(b) "*show respect and consideration for others*".

Members should be aware that whilst political comments and the expression of political opinions and arguments are not stifled by the Code of Conduct, it is likely that personal remarks aimed at an individual could be seen as disrespectful and could constitute a breach of the Code.

Members are reminded that their use of social media could result in the libel of another individual. This also applies if a Member with a personal social media site allows any individual to publish libellous content on it.

- 2.1.8.3 Paragraph 5.4(c) "*not use bullying behaviour or harass any person*"

Members should be cautious when making personal comments about individuals and social media should never be used to review and discuss the performance of Council staff. The Council will not tolerate any anonymous use by members of social media,

which is deemed to bully or harass any person.

Members who maintain a blog or networking site (such as Twitter) should be aware that the comments of others on those sites could be attributed to the member by association. Members should ensure that defamatory or obscene comments are removed from their personal sites.

- 2.1.8.4 Paragraph 5.5(a) *"disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so".*

Members should always be certain that information they discuss or disclose on social media sites is not confidential and that it is proper to do so. Members should remember that information placed on a website, whether anonymously or not, which could only have been obtained by a member is likely to fall under the Code.

Members should never publish the personal data of individuals on social media sites in breach of the Data Protection Act 1998.

Members should avoid breaching copyright by publishing images or text on a social media site, which is the intellectual property of another person.

- 2.1.8.5 Paragraph 10(2)(c)(1) *Personal interests "or any person with whom you have a close personal association".*

Various terms are used to define online contacts and associations on various social media sites. These terms include "friends" (Facebook) and "followers" (Twitter). Members should be aware that any person they include as a contact on social media site should be regarded, for the purposes of the Code of Conduct, as a close personal associate. Members should be cautious that their use of social media sites does not give the perception that a conflict of interests exists. It is advisable that Members, when creating their own content on social media sites, seek to emphasise the distinction between business content and pages containing personal content.

- 2.1.8.6 Paragraph 12(1) *Prejudicial interests "...a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interests".*

Members should be cautious that their use of social media sites does not give the perception that they have a prejudicial interest in any matter.

- 2.1.9 Elected Members are bound by the code of conduct if they use social media to conduct Council business or are representing the Council. However, an Elected Member could be open to allegations that he/she acted in breach the Code of Conduct if the use made of social media was inappropriate and that he/she was not conducting official business, but merely claiming or giving the impression that he/she was acting in an official capacity.
- 2.1.10 Anonymous use of social media by Members can also lead to a breach of the code where it can be demonstrated that a Member uploaded the site content and that they were acting in their capacity as a Member.
- 2.1.11 In order to determine whether a Member was acting in an official capacity, it would be necessary to consider the context of a Member's use of social media, taking into account such factors as:
- The public profile of a Member, which can result in a reasonable assumption being made that the Member was acting as a County Councillor
 - The privacy settings on her social media site or blog. It is a member's responsibility to ensure that appropriate privacy settings are in place. If constituents can access a Member's post they may make the reasonable assumption that the Member is acting in an official capacity;
 - Members should seek to enable other users of social media to avoid any misunderstanding over the official status, or otherwise; of the Member's contributions.
- 2.1.12 Members should avoid discussing council business on a personal social media site, or make remarks about others. It is not adequate for Members to subsequently claim that any disputed posts were made in a private capacity.



PROTOCOL FOR THE WEBCASTING OF COUNCIL MEETINGS

INTRODUCTION

Purpose

This protocol provides guidance for those attending full Council meetings (including members, officers and members of the public) and associated procedures which will be included in the Council's constitution.

In addition, the protocol aims to ensure that the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

Webcasting

The Council has agreed it will webcast meetings of full Council held in the Council Chamber, Penallta House.

A webcast is an unedited audio and visual recording of a meeting which is available via the Council's website to view either live or in an archive format.

The main purpose of webcasting is to give members of the public the chance to view meetings as they happen without having to attend in person

The webcast recordings of council meetings will be available in date order on the Council's website for 18 months.

Webcasting Notices and Signage

It is important to ensure that those attending a meeting of full Council are aware that the meeting is being recorded and webcast. A notice will appear on the relevant meeting agenda and a sign will be displayed inside and outside of the Council Chamber to ensure those attending understand the meeting is being webcast.

The following notice will appear on the relevant agenda:

This meeting will be filmed and made available to view in live and archive form via the Council's website. The whole of the meeting will be filmed, except for discussions involving confidential or exempt items. The webcast will be available for 18 months from the date of the meeting at www.caerphilly.gov.uk

It is possible that the public seating areas could be filmed and by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting purposes.

If you have any queries please contact the Democratic Services Manager by email ionesj16@caerphilly.gov.uk or telephone 01443 864242.

The following sign will be displayed inside and outside of the Council Chamber:

Webcasting Notice

Please note that Caerphilly County Borough Council will film this meeting and it will be made

available to view in live and archive form via the Council's website.

It is possible that the public seating areas could be filmed and by entering the Chamber you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting purposes.

If you have any queries please contact the Democratic Services Manager by email jonesj16@caerphilly.gov.uk or telephone 01443 864242.

Members and Officers Consent

There is a presumption that Members and officers give their consent to being filmed and for their images to be webcast.

Public Speakers

Representatives from other organisations or members of the public being presented or speaking at a meeting of full Council will be informed in advance that the meeting will be filmed and made available for viewing in live or archive format via the Council's website.

Announcement at Start of Meeting

At the start of each meeting to be filmed, an announcement will be made by the Mayor or Chair to the effect that the meeting is being webcast. The suggested announcement is as follows:

I would like to remind everyone present that this meeting is being filmed and made available to view in live and archive form via the Council's website. If you are seated in the public gallery it is possible that the cameras may capture your image and you are deemed to be consenting to being filmed and your image and sound recordings webcast.

Use of Microphones

Microphones must be turned on before speaking to ensure their voice is recorded and can be heard on the webcast recording.

Suspension of Recording

All parts of a Council meeting will be recorded with the exception of discussions of 'exempt' reports which contain confidential information as defined by Schedule 12A of the Local Government Act 1972.

The Mayor or Chair of the meeting has the discretion to request the termination or suspension of the webcast if in the opinion of the Mayor or Chair continuing to webcast would prejudice the proceedings of the meeting or, if the Mayor or Chair, on advice, considers that continued filming might infringe the rights of any individual. This would include:

- (i) Public disturbance or other suspension of the meeting;
- (ii) Exclusion of public and press being moved and supported under relevant legislation;
- (iii) Any other reason moved and seconded and supported by full Council.

Removal of Archive Recordings

Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory or common law provision, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

If the Monitoring Officer has decided to take such action the officer will notify all Councillors in writing as soon as possible to explain the reason(s) for the decision. It is anticipated, however, that meetings will be conducted lawfully and that the need to exercise this power will occur only on an exceptional basis.

Language

Webcast recordings will be broadcast in the language used in the Council chamber. Any requests for simultaneous translation will be considered by the Monitoring Officer if made at least 3 working days prior to the meeting date.

Minutes of Council Meetings

The Council produces minutes of full council meetings and they are the formal record of Council meetings. Minutes of webcast meetings will still be signed as a correct record in accordance with, Paragraph 16 of the Council's Procedure Rules which are in Part 4 of the Council's constitution.

Copyright

The webcasts and archived material and its copyright therein, remain the property of the Council, and the right to copy, issue, rent, perform, communicate or adapt any of the webcast or archived material is restricted as follows:

- (i) Subject to (ii) and (iii) below, any person may copy and use webcast material or part thereof providing that the facility is not used in a way that otherwise breaks the law.
- (ii) The use of any webcast involving the alteration or editing of the material which results in changing the message or context without the prior written approval of the Monitoring Officer is not permitted.
- (iii) The use of webcast for commercial purposes involving re-use of the material is not permitted without the prior written approval of the Monitoring Officer.

Other Recording of Meetings

This protocol only applies to meetings of full Council and does not affect the Council's existing restrictions on photography, filing or recording of other Council meetings. No other form of photography, filing or recording of full Council meetings is permitted.

Code of Conduct

Members and officers are reminded that their code of conduct applies in meetings of full Council.

Managing Technical Faults

If a technical fault develops with the webcasting equipment, the Mayor or Chair will agree a short recess to enable the problem to be resolved. If after 15 minutes the problem still exists, the meeting can continue irrespective of it not being recorded.

Multi-Location Meeting Policy

1. What are Multi-Location Meetings?

1.1 Multi-Location Meetings (MLM's) originate from s47 of the Local Government & Elections (Wales) Act 2021 ("the Act"). They are often referred to as Hybrid Meetings.

1.2 This Policy has been drafted having regard to the interim statutory guidance issued by Welsh Ministers which can be accessed via the following link



Interim Statutory
Guidance May 2021.

1.3 This Policy is intended to outline the arrangements for multi-location meetings for

- Participants of council meetings
- Officers supporting, attending, and/or advising at council meetings
- Any person, body or organisation with an interest in the way the business of the Council is conducted

1.4 A Multi-Location Meeting is a meeting of the Council, Cabinet or its Committees whose participants are not all in the same physical place. Some of the participants may be physically located in the meeting venue whilst others join from their home or other remote location.

Examples may include

- All participants in the same physical location except one individual who joins from another location with a physical gallery being provided
- A roughly equal number of members are present in a physical space with those joining through remote means
- All members joining remotely but a physical public gallery being made available in a Council venue
- A wholly remote meeting with no physical arrangements having been made

1.5 A "participant" at a meeting is a person who takes an active part in that meeting. They might be an elected councillor, a person giving evidence to a committee as a witness, an appellant or claimant on a regulatory matter, someone presenting a petition, or taking part formally in another way.

An "observer" at a meeting is a member of an audience, or otherwise spectating, a multi-location meeting. They might be in the same room that a meeting is taking place or they might be observing by remote means.

1.6 In conjunction with the requirement to hold multi location meetings, certain meetings must also be broadcast by virtue of s 46(2)(b) of the Act. Attendance at such prescribed meetings must provide that any participant attending the meeting remotely

must when they are speaking, be able to be seen and heard by the participants who are in actual attendance. Similarly those in actual attendance must be able to be seen and heard by those attending remotely.

[Section 46(2)(b) applies to proceedings at a meeting, or any part of a meeting, which is open to the public of—

(a) a principal council;

(b) any of the following specified bodies—

(i) the executive of a principal council;

(ii) a committee or sub-committee of an executive of a principal council;

(iii) a committee or sub-committee of a principal council;

(iv) a joint committee, or a sub-committee of a joint committee, of two or more principal councils.

Welsh Government may by Regulations issue further guidance on the broadcasting requirements.]

2. Broadcasting and Filming of Meetings

- 2.1 Notwithstanding the meetings prescribed by Welsh Ministers which must be broadcast live, the Council shall ensure that all of its formal meetings (excluding exempt items) are broadcast live and subsequently made available to view on the Council's website. Where there is a systems failure or other event which prevents a live broadcast, this will not affect the business transacted at that meeting. Where possible a recording of that meeting will be made available on the Council's website within 3 clear working days of the meeting.
- 2.2 Members of the press and/or public are permitted to film or record participants at council meetings that are open to the press and public where some or all participants attend physically. A person/body exercising this right must do so in such a way as not to create a disturbance disruption or distraction to the good order and conduct of the meeting. The recording will take place at a set location in the room, there will be no recording of exempt matters and the person making the recording or transmission shall be solely responsible for complying with all legal obligations arising from their actions. Appropriate guidance will be issued to any person wishing to exercise this facility.

3. Notice of a Meeting

- 3.1 The Council will ensure that the relevant information required under the Act shall be included on the Notice of the Meeting (Agenda) setting out how the Committee Members, Officers and the Public may attend the meeting.

The arrangements can be summarised as follows:

Notice of meetings

- Public notice of all meetings must be published on the authority's website three clear working days before the meeting (at the time it is convened, if it is convened at shorter notice);
- Notice must include details of how to access the meeting if it is being held by remote means only, and the place in which the meeting is held if it is partly or wholly taking place physically;
- Notice requirements also apply where a formal meeting is taking place which is not open to the public. Here, notification is required of the time of the meeting, the fact that it is being held by remote means, and that it is not open to the public.

- 3.2 The Act requires that notices of meetings and electronic information relating to meetings must remain available in an electronic format and be available for a minimum of six years following the date of the meeting.

4. Agendas, Reports, Minutes & Background Papers

- 4.1 Agendas and Reports of formal meetings are published on the Authority's website and will be available at least three clear working days prior to the meeting. A small number of hard copies shall be available to members of the public physically attending. Where an agenda contains exempt information, this is not made publicly available but relevant officers and councillors will have access to this information via a secure access system.
- 4.2 A decision notice of any Meeting will be published on the Council's website within 7 working days of the meeting taking place and shall show the following:-
- The decisions made;
 - The names of those present;
 - Apologies and
 - Declarations of interest.
- 4.3 Background papers shall be published on the Authority's website.
- 4.4 There is an obligation that formal information be retained for a period of six years although it is considered good practice to do so in perpetuity.

5. How exempt matters will be dealt with?

- 5.1 Where a formal meeting decides that an item on the Agenda or under discussion shall be considered in an exempt session, the Chair shall inform the press and public that the meeting is moving into private session and that they must either hang up if attending remotely or leave the meeting if attending physically. The recording will also be stopped before any discussion on the exempt item commences. .

6. Attendance at meetings

Note

Subject to any covid regulations or guidance in place at any time, physical attendance by participants and/or observers may be limited. Where this is the case, this will be managed by the Head of Democratic Services in consultation with the relevant Chair and participants and observers notified accordingly. Priority will be given to those participants with connectivity issues and staff required to service the meeting.

- 6.1 Whilst some formal meetings may lend themselves more to being held with a higher physical attendance, the Act requires that participants are able to join meetings through remote means for all meetings. As such the Council cannot preclude a participant from attending remotely if they wish; neither can a Council decide that all meetings will be held entirely physically.
- 6.2 Having regard to the guidance and the practicalities surrounding meeting arrangements all meetings of Council, Cabinet and Committees will operate as multi location meetings to ensure that all or any participants are able to attend remotely or physically. In practice this means that a participant may either attend remotely or at Penallta House (or other venue as may be prescribed from time to time on the Agenda).

Physical attendance at Penallta House

- 6.3 The Council Chamber and/or the Sirhowy meeting room will be used for all of the formal council meetings, both of which are capable of supporting a live broadcast multi location meeting. These rooms will facilitate participants and also provide a space for the press and/or public who wish to observe proceedings and/or to participate as may be the case. If necessary observers may be accommodated in a separate room but will still be able to view the meeting proceedings
- 6.4 Systems will provide camera and audio facilities for in room use which will integrate with participants and observers attending remotely. Voting will be undertaken in room and at any remote location on the same platform
- 6.5 If attending a meeting physically participants will need to bring into Penallta House their laptop and charging lead to connect to the mains so as to maintain the battery life. The laptop or any other device identified from time to time will be utilised as a “paperless agenda” and for voting.
- 6.6 Participants joining physically should arrive at the meeting room at least 15 minutes before the start time to ensure that they can access the “green” network and have the necessary internet connection on their laptop.
- 6.7 Professional support in the form of IT/governance and clerking will be made available for both physical and remote participants.

- 6.8 A guide on the use of the meeting platform will be issued and attached to this policy when it is available. Participants will also receive training and support on the use of the meeting platform. General guidance for participants is attached at Appendix A of this policy.

Remote attendance/other multi locations

- 6.9 Participants at home or at another multi location will also need to use their laptop and charging lead in order to connect to the meeting platform and to utilise the functionality such as the microphone and camera individually together with the voting system.
- 6.10 When attending remotely or Multi-Location, any participants must ensure that the room from which they are accessing the meeting is secure and that no disturbance occurs during the course of the meeting as it is important to ensure a degree of formality in the proceedings.
- 6.11 Councillors and officers are encouraged to use a suitable 'corporate' background. Remember that as proceedings will be live, viewers will effectively be able to view you working in your home.
- 6.12 Councillors are reminded of their responsibilities under the Code of Conduct when considering exempt items during a meeting. Councillors should ensure that they cannot be overheard during discussions around confidential information. Councillors should consider the use of headphones for such meetings and make sure that they plan ahead.

7. Officer support at meetings

Officer support will be provided at meetings to participants (including councillors and or the public) who may wish to access and participate in a meeting. Support from the Democratic Services team will be in the form of a clerk who will circulate the meeting invitation via email to include a link to enable participants to join the meeting and will also minute the meeting. Additional technical support will also be provided to manage the voting records and to assist participants should they have connectivity issues. Support will also be provided to participants and observers who may be attending the meeting physically at Penallta House.

Technical support may also be provided by IT officers to ensure that the technology used during meetings operates effectively.

8. Quorum

8.1 The quorum of a meeting is one quarter of the voting Members unless specified otherwise within the terms of reference of each Committee or the Council Procedure Rules. The quorum shall include those attending Remotely, at a Multi-Location or Physically.

8.2 If the numbers present, fall below the quorum required, the meeting will be paused and where possible officers will attempt to reconnect those members who may have lost connection. Where this is not possible after a reasonable period of time, the meeting will stand adjourned.

9. Multi-Location / Remote Attendance – Is a member “present”?

9.1 As outlined in section 8 above, multi-location & remote meetings provide additional challenges in terms of meeting attendance. There are a variety of circumstances in which this might become an issue e.g. Taking of Votes, Loss of Connection (WiFi or Mobile).

9.2 To be considered present, the Member must be able to speak and be heard and where required to see and be seen by others. The Monitoring Officer, or officer attending the meeting will provide advice having regard to the circumstances prevailing at that time and will consider issues such as temporary interruptions associated with connection issues. Participants may need to disable the video function to stabilise their connection and such temporary interruptions shall not breach the requirement to be seen and heard.

9.3 Any failure in technology / connectivity which results in members loss of contact during the meeting shall not invalidate any part of the deliberations or any vote taken providing the meeting remains quorate. The Chair may adjourn the meeting if they consider appropriate whilst any technical issues are resolved.

10. Withdrawal from Meeting due to Prejudicial Interest

10.1 Where a participant declares a prejudicial interest on an item on an Agenda at a Multi-Location or Remote meeting, that person must withdraw from the meeting while that item is being discussed. This may either be by physically leaving the meeting room, being placed in a virtual “waiting room” or hanging up and reconnecting when the item has concluded.

10.2 That person will be invited back into the meeting, once the item relating to the prejudicial item has concluded. Should that person not respond to the call to re-join, the meeting will continue without them providing it is quorate.

11 Chairing

- 11.1 Chairing a multi location meeting is very different to chairing a face to face meeting. A balance will need to be struck between individuals in a room and those joining remotely. The Chair will be supported by officers to carry out their role and guidance is provided which is attached at Appendix B to this Policy.

12. Voting

- 12.1 Voting shall be electronic, unless there is a request for a recorded vote or there are technical issues in which case a roll call may be held.
- 12.2 All voting results will be announced by the relevant officer or Chair before moving to the next item on the Agenda and will be published on the Council's website as part of the Decision Notice.

13. Formality and Privacy at Meetings

General principles

- 13.1 The following general principles should be observed
- All participants will be required to use their IT device (laptop) in order to access all formal meetings.
 - Voting will be undertaken on the device unless otherwise prescribed.
 - Participants of meetings which must be broadcast must be able to speak to and be heard by each other and to see and be seen by each other. This is important when a participant is speaking however it is recognised that there are times when connection issues arise and a participant may need to disable their camera. If this happens then the participant should use the chat function to advise the Chair and the Committee Services Officer.

14. Etiquette at Remote / Multi-Location Meetings

- 14.1 Participants should:
- i) Dress appropriately for the Meeting.
 - ii) Ensure that their microphone is muted if not speaking.
 - iii) Respect the Chair and others present.
 - iv) Behave appropriately and be mindful of the Code of Conduct.
 - v) Use the chat facility appropriately

Appendix A Guidance for Participants

If you are attending at Penallta House, please arrive at least 15 minutes before the start of the meeting, you will be required to sit in a prescribed seat, allocated to you as part of the meeting room plan, this will allow you to be identified by those attending from a remote location, those viewing the live webcast and later for those viewing the recording and is also

required to correctly register your vote. Democratic Services staff will be available to assist you.

Ensure that your device is fully charged and that you are connected to the mains. Long meetings can drain the battery.

Check that you have sufficient internet connection or that you are connected to “green” if you are participating in Penallta House.

Know how to join the meeting and that you are able to access the meeting with ample time before the start of the meeting.

Check your microphone is working and the settings are correct. Know how to adjust your settings such as microphone sensitivity and volume levels. Know how to announce your presence and to mute/unmute your equipment.

Know what to do if your equipment fails, have a phone number to hand to call in case of technical difficulties – this will be sent to you on the initial meeting request.

Prepare thoroughly. The chair will assume that everyone has read any reports being considered and be looking for observations and focussed debate.

Call in from a noiseless location where possible. Even if you can mute your equipment, while you are speaking, everyone participating can hear every noise that you, your children, your pets and the birds in the garden are making.

Turn off any noisy gadgets such as mobile phones which may be distracting to yourself or other participants.

Make sure that you can view papers. If you are using printed copies, try not to shuffle them too much when you are unmuted. Remember that you can view papers by using two devices or splitting your screen.

Call from a comfortable position, as the meeting may take some time, have some water handy.

When joining the meeting and before speaking, introduce yourself with your full name so participants and minute takers are in no doubt who is speaking.

Focus on the business at hand. Make sure that your contributions are necessary and helpful for securing the outcomes that the committee is seeking.

Don't put the meeting on hold to make another call as there may be unwanted sound.

Remember that you should be the only person able to hear any confidential and exempt items being discussed.

Appendix B – Guidance for Chairs

Pre meeting checks

Arrange any necessary pre meetings with officers and members so that

- The running order of the agenda is clarified
- Any information essential for meeting participants is made available
- Identify where participants may wish to contribute to the meeting (including members of the public)
- Obtain clarification that all participants fully understand their role and how they can contribute to the meeting
- Gain an understanding of how the participants and observers intend to attend the meeting.

At the meeting

If attending at Penallta House, arrive at least 30 minutes before the meeting start time, Democratic Service Staff will assist you with the meeting room plan and prescribed seating arrangements, familiarise yourself with the room set up, where public will be accommodated and if there has been a request for a public recording, where this will be set-up in the room. Although you do not need your laptop to connect to the meeting, ensure that you have it with you in order to view papers and vote (if the meeting is located in the Sirhowy Room)

If attending from another location Join the meeting early to ensure there are no connection issues.

Introduce themselves and officers and welcome observers and/or external participants to the meeting.

Check at the beginning that everyone is able to participate and has no problems accessing papers,

Announce the house keeping rules of the meeting. This will include the name of the committee, confirmation as to how the meeting is being held, advice should there be connection issues, on muting equipment when not speaking, to keep the camera on during the meeting so that members can be seen and heard, how to indicate if they wish to speak, to introduce themselves before speaking and how the vote will be taken etc.

Ensure that the business of the meeting is explained for the benefit of the audience visible and those watching the live broadcast

Where appropriate, hold a roll call at the start of the meeting for the benefit of officers taking minutes.

Liaise with democratic services support from time to time to ensure that no one has been “lost” due to technical issues

Avoid people speaking over each other or long silences and ensure appropriate breaks are taken as required.

Pay more attention than usual to framing the meeting with reminders of the purpose of each agenda item and summarising decisions and actions for each item and again at the end of

the meeting.

Check at the end of each agenda item that all members are content that they have been able to contribute.

Be more rigorous than usual in insisting that members stay focussed on the issue under discussion and do not waste time with irrelevant contributions or agreement with previous contributions.

CAERPHILLY COUNTY BOROUGH COUNCIL

PETITION SCHEME

Introduction

Creating or taking part in a petition is one way that individuals, community groups and organisations can get involved in what the Council does. It allows people to raise issues of concern, giving Councillors the opportunity to consider the need for change. The Council is currently developing an e-petition facility, details of which will be added to this document.

Before submitting a petition, you should first check with your local Councillor to see if the Council is already acting on your concerns and that the Council is the most appropriate body to receive your petition.

Details of Caerphilly County Borough Councillors can be accessed by the following link: <https://www.caerphilly.gov.uk/My-Council/Councillors-and-committees/Find-your-councillor>

Who can raise a petition?

Anyone who lives, works, owns a business or studies in the county borough can sign or submit a petition, including those under the age of 18. Anyone who lives in the area of a neighbouring Council may also sign a petition IF they could reasonably be expected to be affected by the subject matter of the petition. An individual can only sign a petition once.

If you create a petition you will become the 'lead' petitioner and you will be required to provide the Council with basic personal information so that we can contact you. Basic personal information will be:

Full Name
Contact Telephone Number
Email address
Postal Address or Name of Organisation/Company
Post Code

The requirements of a valid petition

The Council will consider all petitions with more than **10** signatories that fall within the scope of this Scheme. The petition must:

- a. Contain a clear short statement covering the subject matter of the petition.
- b. Call for the Council to take some specific action which must be repeated on every page of a paper petition
- c. Provide the names and postal addresses of those signing the petition including post codes.
- d. Contain the planning application reference for petitions submitted in relation to a planning application.

- e. Be relevant to an issue that the Council has powers or duties or on which it has shared delivery responsibilities. It should also be submitted in good faith and be decent, honest and respectful.

Your petition may be rejected if the Council's Monitoring Officer or Deputy Monitoring Officer considers that it includes any of the following:

- f. intemperate, inflammatory, abusive or provocative language,
- g. is defamatory, frivolous, vexatious, discriminatory or otherwise offensive, or contains false statements,
- h. is too similar in nature to another petition submitted within the past six months,
- i. discloses confidential or exempt information, including information protected by a court order or government department,
- j. discloses material, which is otherwise commercially sensitive,
- k. names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies,
- l. makes criminal accusations,
- m. contains advertising statements,
- n. refers to an issue which is currently the subject of a formal Council complaint, Public Services Ombudsman for Wales complaint or any legal proceedings,
- o. where a petition is submitted in response to a public consultation being run by the Council, the petition will be acknowledged as part of that process and will be considered along with other consultation responses. The Council will not necessarily respond to the petition separately in this case,
- p. relates to statutory petitions, or petitions relating to Local Authority Referendums which falls under the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001,
- q. relates to the Council's planning or licensing functions as there are separate statutory processes in place for dealing with these matters, these petitions will be referred to the appropriate department,
- r. does not relate to an issue upon which the Council has powers or duties or on which it has shared delivery responsibilities.
- s. contains issues which are essentially freedom of information requests which will be passed to the appropriate department for a suitable response.

What happens when the petition is complete and how is it submitted?

A petition may be submitted in any of the following ways either on paper or electronically with the general requirements of the Scheme applying to both paper and e-petitions.

- (a) presented to an ordinary meeting of Council to the Chair of the Council by the local ward member(s) or by any member authorised by the ward member(s)

- (b) At the request of the Lead Petitioner handed directly to the Chief Executive at Penallta House Tredomen Business Park Ystrad Mynach Hengoed CF82 7PG or posted to the Chief Executive or via email www.chiefsec.gov.uk
- (c) presented to a Committee, to the Chair of that Committee by the local ward member(s) or by any member authorised by the ward member and shall upon receipt stand referred without discussion to the appropriate Director for action and report as necessary unless the Chair exercises his/her discretion to discuss the matter at that meeting

Where a petition is presented to the Council or a Committee a member may speak to outline the petition request only.

Alternatively, you can send completed petitions electronically via email:
WWW: Committee Services <COMMITTEE@CAERPHILLY.GOV.UK>

Or to the following postal address:
Democratic Services
Caerphilly County Borough Council
Penallta House
Tredomen Business Park
Ystrad Mynach
Hengoed CF82 7PG

Or contact the Democratic Services on 01443 863152 to make arrangements to hand in a petition.

How will the Council respond to a petition?

Following the presentation of any of the means outlined above the Petition will be entered into a Register of Petitions which will be divided into admissible and inadmissible petitions.

If we decide that a petition is not acceptable then we will let the petition organiser know our reasons. This will be in writing or via email. The title and text of the petition will be published online as part of the list in the Register of inadmissible petitions, along with an explanation about why it was not admissible. During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

Where a petition is admissible the Director responsible for the service area will ensure that

- (i) There will be appropriate consultation with the public, ward members and the appropriate Cabinet member about any proposed action
- (ii) There is appropriate and timely feedback to the lead petitioner and the member who presented the petition about
 - (a) The progress in dealing with the petition and
 - (b) The decision made by the Council about the petition

It may be appropriate to refer a petition for formal consideration at a meeting of Council, Cabinet or by a committee if the topic of the petition relates to the specific role of that committee (for example an application which is to be considered by the Planning Committee)

Confirmation that a response has been provided to the Lead Petitioner will also be published on the Council's Petitions web page.

Alternatives to Petitions

If after reading the Petition Scheme an individual or organisation considers that a petition is not the most appropriate avenue to achieve a desired outcome they may wish to consider the following alternative options

Write to the relevant Cabinet member or appropriate officer
Contact your local councillor
Respond to a consultation
Raise your concern with the Council's Scrutiny Manager
Make a suggestion through the Council's website.

This petition scheme will be reviewed as and when it becomes necessary with any revisions published on the Council's website as appropriate. NB. The scheme is published having regard to the provisions of the Local Government and Elections (Wales) Act 2021.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, then please send your concerns to the Council via the Council's Corporate Complaints Process which can be accessed via the Council's website.

Privacy Notice

All personal data will be handled in compliance with data protection laws and our committee systems privacy notice.

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