

Pecyn Dogfennau Cyhoeddus

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Tredomen Park,
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Hengoed CF82 7PG

Ty Penallta,
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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Sharon Hughes
(Rhif Ffôn: 01443 864281 Ebst: hughesj@caerphilly.gov.uk)

Dyddiad: 4ydd Mai 2023

Bydd y cyfarfod hwn yn cael ei ffrydio'n fyw ac yn cael ei recordio a bydd ar gael i'w weld ar wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n siarad ar gael yn gyhoeddus i bawb trwy'r recordiad ar wefan y Cyngor: www.caerffili.gov.uk

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I bwy bynnag a fynno wybod,

Fe'ch gwahoddir i fynychu Cyfarfod Blynyddol aml-leoliad y Cyngor a fydd yn cael ei gynnal yn y Siambr, Tŷ Penallta a thrwy Microsoft Teams ar **Ddydd Iau 11 Mai 2023** am **5.30pm** i ystyried y materion a sydd wedi'u cynnwys yn yr agenda a ganlyn. Gall aelodau'r Cyhoedd neu'r Wasg fynychu'n bersonol yn Nhŷ Penallta neu gallant weld y cyfarfod yn fyw drwy'r ddolen ganlynol: <https://civico.net/caerphilly>.

Yr eiddoch yn gywir,

Christina Harrhy
PRIF WEITHREDWR

AGENDA

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb.
- 2 Datganiadau o Ddiddordeb.

A greener place Man gwyrddach



Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

- 3 Sylwadau'r Maer sy'n Ymddeol.
- 4 Ethol Maer y Cyngor hyd at y Cyfarfod Blynyddol ym mis Mai 2024.
- 5 Ethol Dirprwy Faer y Cyngor tan y Cyfarfod Blynyddol ym mis Mai 2024.
- 6 Cyhoeddiadau'r Maer.
- 7 Nodi penodiad Arweinydd y Cyngor.
- 8 Nodi penodiad Dirprwy Arweinydd.
- 9 Nodi nifer yr Aelodau i gael eu penodi i'r Cabinet, yr enwau mae'r Arweinydd wedi'u dewis i ddod yn Aelodau o'r Cabinet.
- 10 Nodi penodiad Arweinydd prif grwp yr wrthblaid.
- 11 Datganiad yr Arweinydd - ar lafar.

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

- 12 Adolygiad o Gydbwysedd Gwleidyddol. 1 - 6
- 13 Newidiadau i'r Cyfansoddiad. 7 - 68
- 14 Adroddiad Blynyddol Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol 2023/24 - Cyflogau a Lwfansau. 69 - 86
- 15 Adroddiad Blynyddol y Pwyllgor Safonau. 87 - 94
- 16 Penodi Cadeirydd, Is-gadeirydd ac Aelodau y Pwyllgorau Trosolwg a Chraffu canlynol ar gyfer y flwyddyn nesaf yn unol â'r cydbwysedd gwleidyddol.
- 17 Penodi Cadeirydd ac/neu Is-gadeirydd ac Aelodau i'r Pwyllgorau canlynol ar gyfer y flwyddyn nesaf (yn unol â'r cydbwysedd gwleidyddol).
Panel Apeliadau
Pwyllgor Penodiadau

*Pwyllgor Llywodraethu ac Archwilio (*Bydd y Cadeirydd yn Aelod Lleyg ac yn cael ei benodi yn y cyfarfod cyntaf yn dilyn Cyfarfod Blynyddol y Cyngor)
Pwyllgor Gwasanaethau Democraataidd
Pwyllgor Ymchwilio a Disgyblu
Pwyllgor Trwyddedu a Gamblo/Pwyllgor Taccis a Chyffredinol
Pwyllgor Cynllunio
*Pwyllgor Safonau (*Bydd y Cadeirydd a'r Is-gadeirydd yn Aelodau Lleyg)

- 18 Cyfansoddi Is-bwyllgorau/Gweithgorau/Paneli/Byrddau a phenodi Aelodau i wasanaethu arnynt ar gyfer y flwyddyn nesaf yn unol â'r cydbwysedd gwleidyddol. 97 - 98
- 19 Penodi/enwebu cynrychiolwyr i wasanaethu ar gyrrff allanol lle bo angen. 99 - 104

Cylchrediad:

Pob Aelod a Swyddog Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk, ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio griffd2@caerffili.gov.uk neu ffoniwch 01443 863028.

Gadewir y dudalen hon yn wag yn fwriadol



ANNUAL MEETING OF COUNCIL – 11TH MAY 2023

SUBJECT: REVIEW OF POLITICAL BALANCE

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

--

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 as 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	2	1	0
Appointments	9	6	2	1
Licensing	15	10	4	1
Planning	16	11	4	1
Democratic Services	16	11	4	1
Governance & Audit** **(4 lay members)	8	6	2	0
Investigating & Disciplinary	7	5	2	0
<u>Scrutiny Committees</u>				
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: Christina Harray Chief Executive
Dave Street Corporate Director Social Services and Housing
Richard (Ed) Edmunds Corporate Director Education and Corporate Services
Mark S Williams Corporate Director Economy and Environment
Robert Tranter Head of Legal Services and Monitoring Officer

Appendix 1 Political Balance

Gadewir y dudalen hon yn wag yn fwriadol

Caerphilly County Borough Council
Political balance as at May 2023

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:



ANNUAL MEETING OF COUNCIL – 11TH MAY 2023

SUBJECT: REFINEMENTS TO THE COUNCILS CONSTITUTION

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

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1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend to Council to approve a number of changes to the Constitution.

2. SUMMARY

- 2.1 The Council's Constitution sets out how the organisation operates, how decisions are made and the procedures that are followed to ensure that these decisions are efficient, transparent and accountable to local people.
- 2.2 Although the law requires some of these procedures to be in place, Council does have the ability to amend and refine elements of the Constitution in the interests of efficiency and effectiveness.
- 2.3 This report seeks to amend some of the procedures that underpin the Council's decision-making process with a view to further improving the process.

3. RECOMMENDATIONS

- 3.1 That Council agree to:

- 1) Reduce the number of Scrutiny Committees from 5 to 3 in accordance with the naming conventions set out in para 5.3 with the new arrangements coming in to being in September 2023

And, beyond the Annual General Meeting 2023, agree to:

- 2) Scrutiny Committees only receiving a single Notice of Motion per meeting
- 3) Notices of Motion requiring support from the relevant Scrutiny Committee for onwards consideration by Cabinet or Council
- 4) Limit the number of questions that can be asked verbally at Council to three.

- 5) The introduction of a protocol for Members who are asked to represent residents outside of their own elected Wards as set out in Appendix 2
- 6) Decommission the Partnerships Scrutiny Committee and allocate local delivery matters to the relevant Scrutiny Committees.
- 7) Remove the ABUHB Co-opted Member Position on the relevant Scrutiny Committee with social services responsibility.
- 8) Remove one User and Carer Co-opted position on the relevant Scrutiny Committee with social services responsibility.
- 9) Remove the Requirement for Task and Finish Groups to Operate as Formal Sub Committees
- 10) Disband the Grants to the Voluntary Sector Advisory Panel and transfer its remaining functions to the Voluntary Sector Liaison Committee sitting as the Voluntary Section Liaison Sub Committee comprising Caerphilly County Borough Councillors only
- 11) Note that a new set of terms of reference will be agreed at the next available Voluntary Sector Liaison Sub Committee to bring the new functions into effect.
- 12) Replace the Health and Safety Committee with a Health and Safety Working Group
- 13) Endorse the changes to the Scheme of Delegation set out in Appendix 3 to this report
- 14) Authorise the Head of Legal Services and Monitoring Officer to amend the Constitution accordingly

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 A number of amendments are being proposed to the processes that underpin the Council's Scrutiny and decision-making arrangements. The refinements are intended to make the Council's decision-making processes more efficient and effective.

5. THE REPORT

- 5.1 The following sections set out a number of proposed changes to the Constitution that are intended to ensure that the democratic process becomes more efficient and effective.
- 5.2 The proposals set out in sections 5.3 through 5.6 are supported by the analysis of the composition of the Council and Scrutiny Agendas since the AGM 2021 which is attached at Appendix 1.
- 5.3 **Reduce the Number of Scrutiny Committees from 5 to 3**

This proposal seeks to reduce the number of Scrutiny Committees to three and these are as follows:

- Education And Social Services Scrutiny
- Housing and Environment Scrutiny
- Corporate and Regeneration Scrutiny

It is also proposed that the Council continue the process of convening a meeting of all Scrutiny Committees meeting when considering cross-cutting matters such as Finance, Performance, Transformation or other matters of significance. This meeting would be chaired by one of the three Chairs of Scrutiny and determined by the nature of the items under consideration.

The proposal does not seek to adjust the frequency of Scrutiny Meetings, which would remain at six weekly. Committee Membership will, however, need to be adjusted upwards to 18 members.

The new Education and Social Services Scrutiny Committee would retain the existing three statutory co-opted members. In addition, there are two additional non-statutory Education co-opted members representing the Caerphilly Governors Association and the National Education Union and it is proposed that these are retained. There are also currently three non-statutory co-opted member positions on social services representing User and Carer Groups that are nominated through co-operation with GAVO. However, these positions have been vacant since May 2022 and despite two attempts to seek nominations and a current third effort underway there has been limited interest (one expression of interest). It is suggested therefore, that the user and carer positions are reduced to two places. This would give an overall membership of 18 councillors and 7 co-opted members for Education and Social Services Scrutiny Committee.

At present, there are currently 80 scrutiny committee places (available to 59 non-executive Councillors). These positions are, however, occupied by 53 members with 27 Councillors sitting on 2 scrutiny committees. The new model would enable 54 seats to be available, reducing the burden on non executive members.

The political balance for a scrutiny committee of 18 based on current arrangements would provide 12 seats for Labour, 5 for Plaid Cymru and 1 for the Independents Group.

Any reduction in the number of Scrutiny Committee meetings would provide members with the opportunity for members to have a broader view of the organisation, raise the strategic nature of the items being considered as well as providing much needed additional capacity within the Democratic Services Team.

Should Council be minded to support the recommendation to reduce the number of Scrutiny Committees from five to three, both the Labour and Plaid Cymru Groups would need to forgo one Scrutiny Chair each.

5.4 **Scrutiny Committees to Receive a Single Notice of Motion per Meeting**

There is currently no limit on the number of Notices of Motion proposed for consideration by Scrutiny Committees.

Notices of Motion, when proposed, typically include the need for one or more stakeholders to speak to the Notice with each speech running to a maximum of five minutes.

The time spent discussing Notices of Motion can adversely impact the time available to debate the main items selected for review by Scrutiny Members, i.e. those agreed by the Committee as part of their Forward Work Programme.

This proposal, specifically combined with the proposal to reduce the number of Scrutiny Committees from five to three, seeks to place a limit of one Notice of Motion being considered by each Scrutiny Committee per ordinary meeting.

It is proposed that any combined meetings of the Scrutiny Committees would not receive Notices of Motion and nor would special Scrutiny Committee meetings.

5.5 **Scrutiny Committee Support for Notices of Motion will be required for onwards consideration by Cabinet or Council**

At present, Notices of Motion go on for consideration by either Cabinet or Council whether they are supported at the relevant Scrutiny Committee or not.

When this occurs, the wider membership considers, debates and hears from typically the same contributors that made representations to the Scrutiny Committee, even when the Notice of Motion was not initially supported by the Committee.

This proposal seeks to limit Notices of Motion from proceeding to Cabinet or Council for consideration, without first having received the support of the relevant Scrutiny Committee.

5.6 **Limit the number of questions that can be asked at Full Council.**

The Rules of Procedure in relation to asking questions at full Council were updated in May 2022. Currently, at each such meeting, all 3 political groups can ask the Leader one question and one supplementary question as well as asking one question to a member of the Cabinet.

This has the potential for 9 questions to be asked in total at every meeting of Council which can significantly impact the amount of time dedicated to the main agenda items.

The proposal seeks to reduce the maximum number of questions that can be asked verbally at any full Council to one question of the Leader plus a supplementary and one question of a Cabinet Member.

Questions will be managed according to the order in which they have been received, with any subsequent questions listed within the agenda in accordance with current practice but responded to in writing following the meeting.

Members can, of course, continue to seek information and responses to questions from officers as part of the ordinary operation of the Council.

5.7 **The introduction of a protocol for members who are asked to represent residents outside of their own elected wards**

Members are democratically elected to represent a particular electoral ward. There may be occasions where a resident wishes an elected member from another ward to represent them on a particular matter.

This should of course be by exception, but does have the potential to cause conflict, particularly among elected members and, as such, a revised protocol has been developed that clarifies the roles and responsibilities in such cases and sets out the clear steps that should be followed.

The revised protocol is attached at Appendix 2.

5.8 **Decommission the Partnerships Scrutiny Committee and allocate local delivery matters to the relevant Scrutiny Committee**

In May 2016 Council agreed that Policy and Resources Scrutiny Committee (when sitting as Crime and Disorder Scrutiny Committee) would be re-designated as the Partnerships Scrutiny Committee.

This change was made to comply with the requirements of the Wellbeing of Future Generations Act (Wales) 2015, which required the Council to designate a scrutiny committee to scrutinise the work of the Caerphilly Public Services Board.

Council noted the creation of the Gwent PSB at the meeting on the 27th July 2021 and the requirement to establish Regional Scrutiny. This report explained that a Local Delivery Group will be set up to continue the delivery of the existing Caerphilly well-being plan, until 2023. Thereafter, the Local Delivery Group will be responsible for any local activity and actions under the Gwent well-being plan and any contribution to regional PSB activity.

The Partnerships Scrutiny Committee were informed of the development of a regional scrutiny committee for the Gwent Public Services Board at the meeting held on the 1st November 2022. The regional scrutiny committee is hosted by Blaenau Gwent County Borough Council and there are ten Councillors with each of the five Gwent local authorities nominating two Members, in accordance with its own political balance.

The Gwent PSB Scrutiny Committee has now been established with Members receiving training on 3rd February 2023 and the first formal meeting was held on 29th March 2023.

Therefore, Council is asked to consider whether there is a need to continue to hold meetings of the Partnerships Scrutiny Committee, when its purpose to hold the Caerphilly PSB is no longer required.

It should be noted that there will be some local activity projects undertaken by the Local Delivery Group that will require local scrutiny but the proposal suggests that this work is referred to the most relevant Scrutiny Committee.

Partnerships Scrutiny Committee did not make a recommendation on the options but noted its reduced role. Members discussed how Policy and Resources Scrutiny Committee could be kept informed (should Partnerships Scrutiny Committee be decommissioned) by receiving the minutes of the Regional PSB Scrutiny Committee as an Information item. The scrutiny committee also noted that reports on local delivery projects could be reported to each respective scrutiny committee dependent on the subject matter.

The former Crime and Disorder Scrutiny Committee was previously responsible for the scrutiny of the Caerphilly Community Safety Partnership as required under the Police and Justice Act 2006. This is currently the responsibility of Partnerships

Scrutiny Committee and if Partnerships Scrutiny Committee is de-commissioned, scrutiny of the Community Safety Partnership could become the responsibility of Environment and Sustainability Scrutiny Committee

5.9 Remove the ABUHB Co-opted Member Position on Social Services Scrutiny Committee

This position was created on the former Health Social Care and Wellbeing Scrutiny Committee which was named to align it to the former Community Strategy. In May 2017 Council agreed to retain the ABUHB co-opted position and allow for flexibility to take in account for changes on personnel from ABUHB who would sit on the committee.

Council agreed in April 2019 to change the scrutiny committee structure and agreed to re-name the Health Social Care and Wellbeing Scrutiny Committee as Social Services Scrutiny Committee.

However, although there is a nominated ABUHB representative, they have not attended for several years. Members are therefore asked if they wish to recommend to Council that this position is terminated. The ABUHB representative has been contacted to seek views and no objection has been given to the position being removed.

This suggestion was considered by Social Services Scrutiny Committee at their meeting on 22nd November 2022 and the Committee resolved by the majority present to recommend to Council AGM that the ABUHB Co-opted position on Social Services Scrutiny Committee is removed.

5.10 Remove the Requirement for Task and Finish Groups to Operate as Formal Sub Committees

Scrutiny Chairs and Vice Chairs attended a feedback session on 8th December 2022 to consider the findings of the Member scrutiny self-evaluation survey. The Member survey was carried out in March 2022.

The self-evaluation included statements on the effectiveness of task and finish reviews and the survey showed that there is some room for improvement in the way that task and finish groups are run.

The results for 2022 were compared with the previous survey in 2018 showed there were 17% who disagreed that task and finish groups incorporated a wide range of evidence and perspectives, compared to 10% who disagreed in 2018. The results were:

Statement	Agree/Disagree	Disagree/Strongly Disagree
Scrutiny inquiries (Task & Finish Group) are non- political	89% strongly agree or agreed	11% strongly disagree or disagree
Scrutiny inquiries (Task & Finish Group) are methodologically sound	94% strongly agree or agreed	6% disagreed.
Scrutiny inquiries (Task & Finish Group) incorporate a wide range of evidence and perspectives	83% strongly agree or agreed	17% disagreed

The Scrutiny Chairs and Vice Chairs discussed how to improve the range of evidence and perspectives to task and finish groups and agreed that a more informal approach would probably encourage more participation from external contributors and a recommendation should be made to Council.

Scrutiny Committees run a small number of Task and Finish groups every year, these are run as formal sub-committees staffed by members who volunteer, with some informal elements such as workshops and site visits. A review can take several months to complete and will result in a report to the Scrutiny Committee with its findings and any recommendations.

The Centre for Governance and Scrutiny (CfGS) in its publication “The Good Scrutiny Guide” describes these reviews as: “more informal approaches to scrutiny, which involve a small group of councillors being commissioned by a formal committee to go and investigate a topic in detail, before reporting back with recommendations.”

The CfGS methodology on how to run a task and finish group inquiry shows the Members of a Task and Finish Group will meet once at the beginning to establish its terms of reference and then at the end to settle the report findings and recommendations. In between there will then be a number of evidence gathering sessions using a number of methods, which may include:

- Public Meetings
- Surveys and Focus Groups
- Round table discussions involving a range of experts
- Site Visits
- Publicising reviews and inviting public comment
- Desktop research carried out by officers
- Desktop (or other) research carried out by individual councillors, who can investigate smaller elements of an issue and report back to the larger group with their findings

It is therefore suggested that Council agrees that Scrutiny Committee Task and Finish Groups change the way they are run to adopt this more informal approach going forward.

5.11 Disbanding of the Grants to the Voluntary Sector Committee

In response to calls from the voluntary sector to review the operation of grants provided from the Council under the Welsh Church Act Fund, and through the small grants scheme known as the Grants to the Voluntary Sector, a review was undertaken by the Grants to the Voluntary Sector Advisory Panel in conjunction with representatives from the sector. A number of positive changes were agreed that will be reported through the Councils Cabinet under the guidance of the Section 151 Officer. These changes will streamline processes and make it easier for the sector to make applications.

An opportunity was taken to consider the respective roles of the Grants to the Voluntary Sector Advisory Panel and the Voluntary Sector Liaison Committee, and further to consider the interrelationship between the Council and the sector. Both the Panel and Committee have been in place since local government reorganisation in 1996, and, over time, their roles have become overlapped. Both the Panel and Committee have comprised 15 cross-party elected members, however the Voluntary Sector Liaison Committee is a committee that sits with members of the voluntary sector alongside Caerphilly Council elected members. The role of the Grants to the

Voluntary Sector Panel has become limited, over the years, to receiving retrospective reports on grants agreed under delegated powers, considering a relatively few applications that fall outside criteria and, in addition, considering applications from 'exceptional' individuals for financial support.

The review has concluded that it would be an opportune time to disband the Grants to the Voluntary Sector Advisory Panel and transfer its activities to the Voluntary Sector Liaison Committee. The primary reasons are that the sector will be more closely sighted on the process of grants and awards by the Council under the two schemes. In order to ensure that the functions of the Panel were restricted to democratically elected members of Caerphilly Council it is proposed that a meeting, of elected members only (a Voluntary Sector Liaison Sub Committee) which would sit immediately after the Voluntary Sector Liaison Committee) and, would consider exceptional individuals and grants awarded outside criteria after each Voluntary Sector Liaison Committee, as required. All reports on grants awarded would be reported to the main meeting. Caerphilly County Borough Council would retain the governance over grant processes.

As such Council is asked to endorse the recommendations set out at 3.1 (10) and (11) to bring into effect the above proposals.

5.12 Create a Health and Safety Working Group to replace the Health and Safety Committee

Members of the Health and Safety Committee have indicated in recent meetings their desire to review the terms of reference for the Committee as they did not believe it is capable of fulfilling its core role in its current guise.

This proposal recommends that A Health and Safety Working Group is established in place of the existing Committee.

The Working Group will be established under Section 2(7) of the Health and Safety at Work Act 1974 and is not a statutory committee under the Local Government Act 1972.

The Group will consist of the Head of People Services, the Health & Safety Manager, relevant Health & Safety Officers, Senior Managers from each Directorate, Trade Unions and Elected Members. The terms of reference will be agreed by the Group.

5.13 Changes to Part 3 of the Constitution – Scheme of Delegation

Council is asked to note and endorse the changes highlighted in Appendix 3 of this report which identifies updated in legislation in terms of functions undertaken within the Scheme of Delegation.

5.14 **Conclusion**

The proposals set out within paragraphs 5.3-5.13 are intended to make a number of proposed amendments to the Council's Constitution and the underlying decision-making processes with a view to making them more efficient and effective.

Should Members be minded to agree the recommendations, either in full or in part, the Monitoring Officer will make the necessary amendments as soon as is practically possible.

6. ASSUMPTIONS

6.1 Not Applicable.

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 Should Council be minded to reduce the number of Scrutiny Chairs by two and not reuse the senior salaries there will be a modest saving of £17,600.

9. PERSONNEL IMPLICATIONS

9.1 None.

10. CONSULTATIONS

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

11. STATUTORY POWER

11.1 Local Government Act (2000)

Author: Richard Edmunds, Corporate Director Education and Corporate Services

Consultees: Christina Harrhy, Chief Executive
Dave Street, Corporate Director Social Services and Housing
Mark S Williams, Corporate Director Economy and Environment
Robert Tranter, Head of Legal Services and Monitoring Officer
Lynne Donovan, Head of People Services
Steve Harris, Head of Corporate Finance/s.151 officer
Councillor S. Morgan, Leader of Council

Appendices:

Appendix 1 Analysis of Agenda Composition since AGM 2021

Appendix 2 Member Protocol on Involvement in Other Wards

Appendix 3 Constitution Part 3

Appendix 1 – Analysis of Agenda Composition since AGM 2021

The Council's current Scrutiny Committee make up is as follows:

- Education Scrutiny Committee
- Environment and Sustainability Scrutiny Committee
- Housing and Regeneration Scrutiny Committee
- Policy and Resources Scrutiny Committee (also sits as Partnership Scrutiny Committee)
- Social Services Scrutiny Committee

The Constitution requires Scrutiny Committees to have no more than four substantive items on their Agendas.

A review of Scrutiny Committee business since 2021 AGM shows the following averages for substantive items on their respective Agendas:

Education Scrutiny	– Average 2.72 Items per Agenda
Social Services Scrutiny	– Average 3.00 Items per Agenda
Policy and Resources Scrutiny	– Average 2.41 Items per Agenda
Environment and Sustainability Scrutiny	– Average 1.84 Items per Agenda
Housing and Regeneration Scrutiny	– Average 2.33 Items per Agenda

Removing cross cutting performance and financial reporting from this analysis reduces the numbers further:

Education Scrutiny	– Average 2.54 Items per Agenda
Social Services Scrutiny	– Average 2.41 Items per Agenda
Policy and Resources Scrutiny	– Average 1.91 Items per Agenda
Environment and Sustainability Scrutiny	– Average 1.53 Items per Agenda
Housing and Regeneration Scrutiny	– Average 1.58 Items per Agenda

Notices of Motion Received by Scrutiny Committees since 2021 AGM are as follows:

Education Scrutiny	– 0 NoMs
Social Services Scrutiny	– 2 NoMs
Policy and Resources Scrutiny	– 2 NoMs
Environment and Sustainability Scrutiny	– 8 NoMs
Housing and Regeneration Scrutiny	– 0 NoMs

Questions received by Full Council During the 2022/23 Civic Year across 5 ordinary meetings:

Questions to Leader	– 2 (+1 supplementary)
Questions to Cabinet Members	– 6

Appendix 2 – Member Protocol on Involvement in Other Wards

MEMBER PROTOCOL ON INVOLVEMENT IN OTHER WARDS

1. Introduction

- 1.1 Sometimes as a Member, you might become involved in a ward other than your own. If this is at the invitation of the local Member, this shouldn't be an issue, for example, you could be approached to act by the local member because they have a conflict of interest, and there is no other member in the ward.
- 1.2 However, if the involvement in another ward is because of a direct approach by a resident, this is potentially contentious. This protocol has been written to help you. "Local Member" means the Councillor(s) who represent the ward. "Local issue" means within a ward and not wider.

2. Exceptions to the protocol

- 2.1. The following are not seen as local issues for the ward member(s) alone:-
 - a) Pursuing something as a prospective Senedd or Parliamentary candidate.
 - b) Involvement because of a role you have on other public bodies or organisations rather than as a member of Caerphilly CBC.
 - c) Acting because of your role as a Cabinet Member or as Mayor or as Deputy Mayor.
 - d) Canvassing at election times.
 - e) Pursuing a county borough-wide issue or a council-wide policy.
 - f) Where you have been contacted because of an item to be considered at a meeting of the County Council or of a Committee which you sit on.

3. Procedure to be followed:-

- 3.1 Where you have been approached by a resident about a local issue not in your ward, you should:-
 - a) Explain that you are not the local Member and refer them to the local Member(s) to deal with the issue.
 - b) If the resident still wants you to pursue the matter, you should inform the local Member(s) as a matter of courtesy of the approach that has been received and your intended involvement. If an officer will be involved with the issue, you must provide a signed authority from the resident to the relevant Director or Head of Service that they wish you to act on their behalf.
- 3.2 Particular care should be taken when commenting on issues on social media relating to other Member's wards.

4. Monitoring

- 4.1. If you do need to act outside your own ward, please notify the Monitoring Officer of the local issue so that a record is kept of all such occasions. Where Members are acting contrary to this protocol, the issue will be flagged up with their Group Leader for discussion. Repeated breaches of the protocol may lead to a complaint to the Standards Committee.

4.2 Breaches of the protocol will be reported annually to the Standards Committee as part of a report monitoring compliance.

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.

<i>Function*</i> *The detail of each function is set out in the next Table.	Decision making body	<i>Delegation of functions</i>
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 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</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>

	<p>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>(d) In relation to all other staff the Head of Paid Service or his/her nominee.</p>	<p>(d) The Chief Executive and any person nominated by the Chief Executive.</p>
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.
<p>Those functions specified by law as being the responsibility of the Council including:</p> <p>(a) the setting of the Budget;</p> <p>(b) the setting of the policy framework;</p> <p>(c) any housing land transfers.</p>	The Council (receiving recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.
<p>The functions of –</p> <p>(a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted –</p> <p>(i) in the exercise of a function specified in column (1) of Schedule 1; or</p> <p>(ii) otherwise than by an executive of the authority, in the</p>	The Council (receiving Recommendations from the Executive)	The Council, or the Chief Executive or any Director or the relevant Head of Service.

<p>exercise of any function under a local Act; or</p> <p>(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.</p>		
<p>The functions of determining whether, and in what manner, to enforce –</p> <p>(a) any failure to comply with an approval, consent, 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 is not to be the responsibility of the 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 –</p> <p>(a) amending, modifying or varying any such approval, consent,</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>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, is not to be the responsibility of an executive of the authority.</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 of amending, revoking or replacing any such scheme, is not to be the responsibility of an executive of the authority.</p> <p>Section 101 of the Local Government Act 1972 (Powers to Delegate Functions) does not apply in relation to this provision.</p>	<p>The Council (receiving recommendations from the Executive)</p>	
<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</p>	<p>The Council (receiving recommendations from the Executive)</p>	

<p>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 made;</p> <p>(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</p> <p>(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.</p> <p>* Section 101 of the Local Government Act 1972 (Powers to Delegate) does not apply in relation to (a) to (c) above.</p>		
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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 planning permission.	Sections 70(1)(a) and (b) and 72 of the 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.

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	<p>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);</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
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 issue licences for the supply of fireworks	Explosives Act 1875 and the Fireworks Regulations 2004
19B. Power to issue 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- dog boarding and other animal establishments- activities 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 Enclosure 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 street collection.	Police, Factories etc (Miscellaneous 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 the Welsh Ministers for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).
18. Miscellaneous electoral functions under Part II, S.I. 2003/284.	The 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).
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G. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.
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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.
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I. Miscellaneous functions	
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005.
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:
<u>Governance & Audit Committee</u>	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

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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 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 Act 2011](#)
 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~~

[European Union \(Withdrawal\) Act 2018](#)
~~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 Act 1984](#)
 * Food Safety Act 1990
 Forgery and Counterfeiting Act 1981
 Fraud Act 2006
 Freedom of Information Act 2000
 Gambling Act 2005
 Hallmarking Act 1973

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Part 3 – Responsibilities for Functions

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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
Leasehold Reform (Ground Rent) Act 2022
 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
Medicine and Medical Devices Act 2021
 Mines & Quarries (Tips) Act 1969
 Mobile Homes (Wales) Act 2013
~~Mock Auctions Act 1964~~
 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
Offensive Weapons Act 2019
 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

Proceeds of Crime Act 2002

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

Public Health (Minimum Price for Alcohol Wales) Act 2018

Refuse Disposal (Amenity) Act 1978

Registration Service Act 1953

Regulation and Inspection of Social Care (Wales) Act 2016

Renting Homes (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

The Children and Families Wales Measure 2010

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~~

Trade Descriptions Act 1968

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 and 2010

Water Industry Act 1991

Water Act 1989

Weights and Measures Act 1985

Wellbeing of Future Generations Act 2015

Wildlife and Countryside Act 1981

Zoo Licensing 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"

Function	Decision making body	Membership	Delegation of Functions
<p>1. Any function under a local Act other than a function specified or referred to in Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)</p>	The Executive	The Executive as defined in Article 7 of Part 2 of this Constitution.	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.</p>
<p>2. The determination of an appeal against any decision made by or on behalf of the authority.</p>	<p>(a) The Council in relation to matters of disciplinary appeals a committee designated "the Appeals Panel " whose terms of reference are to hear and determine appeals from decisions connected with officer dismissal;</p> <p>(b) In relation to other appeals or applications as may fall to be considered by the Council in a quasi judicial manner, the Licensing Committee described in Article 8;</p>	<p>(a) 3 members</p> <p>(b) 15 members</p>	<p>(a) All those matters within the Panels Committee's Terms of Reference.</p> <p>(b) All those matters within the Committee's Terms of Reference.</p>
<p>3. Functions in relation to the revision of decisions made in</p>	The Executive	The Executive as defined in Article 7 of	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a</p>

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Function	Decision making body	Membership	Delegation of Functions
connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000.		Part 2 of this Constitution.	Director or the relevant Head of Service after consultation with the Leader or the appropriate Cabinet member.
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.

Function	Decision making body	Membership	Delegation of Functions
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; Senior Environmental Health Officer; Environmental Health Officer; Enforcement Officer

Function	Decision making body	Membership	Delegation of Functions
			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

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Function	Decision making body	Membership	Delegation of Functions
			<p>relevant Head of Service or any of the following:-</p> <p>Environmental Health Manager;</p> <p>Senior Environmental Health Officer;</p> <p>Environmental Health Officer;</p> <p>Enforcement Officer</p>
<p>12. The investigation of any complaint as to the existence of a statutory nuisance.</p>	<p>The Executive</p>	<p>The Executive as defined in Article 7 of Part 2 of this Constitution.</p>	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of Service or any of the following:-</p> <p>Environmental Health Manager;</p> <p>Senior Environmental Health Officer;</p> <p>Housing Services Manager;</p> <p>Private Sector Housing Manager</p> <p>Environmental Health Officer;</p> <p>Enforcement Officer</p>
<p>13. The obtaining of information under section 330 of the Town and Country Planning Act 1990</p>	<p>The Executive</p>	<p>The Executive as defined in Article 7 of Part 2 of this Constitution.</p>	<p>(a) The Cabinet</p> <p>(b) The Chief Executive or a Director or the relevant Head of</p>

Function	Decision making body	Membership	Delegation of Functions
as to interests in land			Service or the Development Control Manager <u>Planning Services Manager</u> 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 authority; (b) to any body other than:-	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

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

Function	Decision making body	Membership	Delegation of Functions
<p>48(4) of the Local Government Finance Act 1992;</p> <p>(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.</p>			
<p>19. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.</p>	<p>Council (through the Licensing & Gambling Committee)</p>	<p>As in Article 8.</p>	<p>Licensing & Gambling Committee. As set out in Article 8.</p>
<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)</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>	<p>As in Article 8.</p>	<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>

Function	Decision making body	Membership	Delegation of Functions
<p>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; three-year licensing policy in accordance with Gambling Act 2005.</p>			
<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)).</p>	<p>The Executive</p>	<p>The Executive as defined in Article 7 of Part 2 of this Constitution</p>	<p>The Cabinet</p>

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 — (a) is the responsibility of the executive; and	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 —

<p>(b) is concerned with the authority's budget, or their borrowing or capital expenditure.</p>	<p>(a) is minded to determine the matter contrary to, or not wholly in accordance with —</p> <p>(i) the authority's budget; or</p> <p>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(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.</p>
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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
<p>(a) The Finance and Resources function</p> <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
<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 	The Cabinet	The Cabinet, or the Chief Executive, or any Director or the relevant Head of Service or any of the following: Housing Repair Operations Manager (in relation to Housing Repair Operations) Chief Housing Officer Housing Services Manager Housing Technical Manager Private Sector Housing Manager

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<ul style="list-style-type: none"> • 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) 		<p>Housing Solutions Manager Principal Housing Officer 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 legislation, regulation and statutory guidance • Commissioning and contracting for Social Services 	<p>The Cabinet</p>	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.</p>
<p>(e) The Education & Lifelong Learning function</p> <ul style="list-style-type: none"> • 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 	<p>The Cabinet</p>	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.</p>

<p>strategic plans and best value performance plans</p> <ul style="list-style-type: none"> • 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 		
<p>(f) The Environment function</p> <ul style="list-style-type: none"> • 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 Centres, Building Cleaning • Countryside and Landscape Services • Public Rights of Way • Rural Development Programme Functions • Planning and Biodiversity duties • Land Management 	<p>The Cabinet</p> <p>The Cabinet</p>	<p>The Cabinet or the Chief Executive or any Director or relevant Head of Service</p> <p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service or any of the following:</p> <p>Waste Strategy & Operations Manager</p> <p>Green Spaces and Transport Services Manager,</p> <p>Parks and Countryside Operations Manager,</p> <p>Green Space Strategy and Cemeteries Manager, Fleet Manager</p> <p>Sports and Leisure Facilities Manager,</p> <p>Sports & Leisure Development Manager</p>

<ul style="list-style-type: none"> • 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>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.</p> <p>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 Animals Officer Pest Control/Animal Trespass/Dog Warden</p> <p>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</p>
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<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>Rights of Way Cabinet Committee</p>	<p>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 • Planning Economic Development & Rural functions • Planning Economic Development including European functions 	<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>

<ul style="list-style-type: none"> • 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>
<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</p>	The Cabinet	<p>The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.</p>

(j) The power to enter into joint or delegated function arrangements with one or more other authorities or bodies as permitted by law from time to time and to delegate executive functions.	The Cabinet	The Cabinet, or the Chief Executive or any Director or the relevant Head of Service.
(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

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Part 3 – Responsibilities for Functions

Updated May 2022

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 Act 2011
 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~~
European Union (Withdrawal) Act 2018
~~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 Act 1984
 * 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
Leasehold Reform (Ground Rent) Act 2022
 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
Medicine and Medical Devices Act 2021
 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
Offensive Weapons Act 2019
 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
Proceeds of Crime Act 2002
 Prices Acts 1974 and 1975
 Psychoactive Substances Act 2016
 Public Health (Control of Disease) Act 1984
 Public Health (Recurring Nuisances) Act 1969

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Part 3 – Responsibilities for Functions

Updated May 2022

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
Renting Homes (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
The Children and Families Wales Measure 2010

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~~
Trade Descriptions Act 1968
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 & 2010
Water Industry Act 1991
Water Act 1989
Weights and Measures Act 1985
Wellbeing of Future Generations Act 2015
Wildlife & Countryside Act 1981
Zoo Licensing 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

<p>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.</p>	<p>POWER DELEGATED TO</p>
<p>(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.</p>	<p>The Chief Executive or any Director or the relevant Head of Service.</p>
<p>(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.</p>	<p>Chief Executive or in his/her absence any Director.</p>
<p>(c) To serve requisitions for information under Local Government (Miscellaneous Provisions) Act 1976 or any other enabling legislation.</p>	<p>Any Director or the relevant Head of Service.</p>
<p>(d) The approval of tenders or award of contracts within the terms of the Council's Financial Standing Orders or Financial Regulations</p>	<p>As set out in the Council's Standing Orders for Contracts or Financial Regulations as set out in Part 4 of the Constitution</p>
<p>(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</p>	<p>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</p>
<p>(f) To act as proper officer –</p> <p>(i) for the issue of determinations consents licences or notices within the Terms of Reference of the Planning Committee</p>	<p>The Director of the Environment or the Head of Regeneration & Planning or the Planning Services Manager</p>

<p>(ii) for the issue of determinations consents licences or notices on behalf of the Council</p>	<p>Chief Executive or the appropriate Director or the relevant Head of Service</p>
<p>(iii) for all matters arising out of Part VA of the Local Government Act 1972 (Access to Information) or the Local Government Act 2000</p>	<p>Chief Executive or Director of Corporate Services or Monitoring Officer</p>
<p>(iv) for the signing of any documents on behalf of the Council relating to land</p>	<p>Chief Executive or Head of Legal Services or any Principal Solicitor</p>
<p>(v) for the attestation of the Council's Seal as the officer authorised under the Council's Standing Orders</p>	<p>Chief Executive or Head of Legal Services or any Principal Solicitor</p>
<p>(vi) for the signing of any contractual documents on behalf of the Council relating to any other matter</p>	<p>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</p>
<p>(vii) to act as Registrar of Local Land Charges and Commons Registration Officer</p>	<p>Head of Regeneration & Planning or Development Control Manager or relevant Director or Head of Legal Services</p>
<p>(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</p>	<p>Chief Executive or the appropriate Director or the relevant Head of Service</p>
<p>(ix) Power to set all fees and charges in accordance with the Council's policies</p>	<p>The Chief Executive or any Director or relevant Head of Service in consultation with the Head of Corporate Finance and the appropriate Cabinet Member</p>
<p>(x) To provide a certificate under Local Government (Contracts) Act 1997</p>	<p>S.151 Officer or Head of Corporate Finance</p>

(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.

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
- Gwent PSB

Gadewir y dudalen hon yn wag yn fwriadol



ANNUAL MEETING OF COUNCIL – 11TH MAY 2023

SUBJECT: INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2023/24 – SALARIES AND ALLOWANCES

REPORT BY: CORPORATE DIRECTOR OF EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 To inform Council of the publication of the 2023/24 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 recommendations of the Independent Remuneration Panel for Wales Report for 2023/24 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 2023/24.
- 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 continue with the cap on payments to co-opted members of 12 full days a year for each committee to which an individual may be co-opted and eligible to attend and
 - b) To 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 5.10 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 2023/24.

5. THE REPORT

- 5.1 The Independent Remuneration Panel for Wales is currently the body tasked with setting the remuneration levels for members in Wales and publishes an Annual Report setting out their determinations for that coming financial year. The Annual Report for 2023/24 is attached at Appendix 1 and a summary of the determinations are as follows:-

Determination 1

The basic level of salary for elected members of principal councils will set at £17,600.

Determination 2

The salary of a leader of the largest (Group A) council will be £66,000. All other payments have been decided in reference to this and are set out in Table 1 which for this Council sets the remuneration payable as follows:-

Basic salary (payable to all elected members) £17,600

Band 1: leader £59,400

Band 1: deputy leader £41,580

Band 2: executive members £35,640

Band 3: committee chairs, civic head and presiding officer (if remunerated) £26,400

Band 4: leader of the largest opposition group £26,400.

Band 5: leader of other political groups and deputy civic head £21,340

Determination 3

The salary of a chair of a Joint Overview and Scrutiny Committee will be £8,800. The salary of vice-chair will be £4,400.

Determination 4

Members of Community and Town Councils will be paid £156 a year (equivalent to £3 a week) towards the extra household expenses (including heating, lighting, power and broadband) of working from home. And councils must either pay their members £52 a year for the cost of office consumables required to carry out their role, or alternatively councils must enable members to claim full reimbursement for the cost of their office consumables.

Determination 5

The basic pay of members of National Park Authorities and Fire and Rescue Authorities has been increased by 4.76%. All payments are set out in Table 3.

Determination 6

All other Determinations set out in the 2022/23 [Annual Report](#) of the Panel remain valid and should be applied.

- 5.2 Council is asked to note the IRP report and consider the recommendations 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 is attached at Appendix 2 and published in accordance with the requirements of the Panel's report.

5.4 **Salaries**

Basic Salary

The Basic Salary in 2023/24 for members of the Council will be £17,600.

5.5 **Senior salaries**

Senior salaries are payments to members who are executive, chairs of committees the leader of the largest opposition group [i.e. a political group other than the controlling group which has a greater number of members than any other political group in the authority] and leaders of other political groups [i.e. which must comprise not less than 10% of the members of council]

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 2023/24.

In terms of the current municipal year the senior salaries paid are as follows:-

Leader
Deputy Leader
Cabinet Members x 8
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

Council will be aware that the Chair of the Governance and Audit Committee must be a lay member as required by the Local Government and Elections Wales Act 2021, therefore a senior salary is not 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.

5.6 **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 £26,400 and deputy mayor at Band 5 £21,340. These posts are not included in the cap of 18 (subject to not exceeding 50% of the Council membership).

5.7 **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 £26,400.** The post of deputy Presiding member is not remunerated.

5.8 The Panel's report stipulates the following:-

- 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.
- 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.

5.9 Co-opted Members

There has been no change to the determinations relating to Co-opted members (who have voting rights) and the Council can continue to 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.

Council previously endorsed a maximum number of 12 days per year to which an individual may be co-opted and eligible to attend and it is recommended that Council continues to maintain this cap.

5.10 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.

5.11 Conclusion

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

Whilst not a matter for consideration under this report, members will note that the Schedule of Remuneration refers to the provision of home broadband lines or secure keys to members to access council emails. A review of this provision is required in order to ensure any support offered is consistent and reasonable and remains fit for purpose and as such a report will be taken to the Democratic Services Committee for discussion in the coming months.

6. ASSUMPTIONS

- 6.1 The report proposes that the cap on the number of meetings a co-opted member can attend remains at 12 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 ancillary 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 budget for the 2023/2024 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 and 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 - February 2023](#)

Appendix 2

Schedule of Remuneration Proforma

**CAERPHILLY COUNTY BOROUGH COUNCIL
MEMBERS' SCHEDULE OF REMUNERATION
2023/2024**

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

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).

- 4.1 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 (as amended) 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 **12** 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 Governance 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 SALARY ENTITLEMENT (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)		
Deputy Civic Head (Deputy Mayor / Chair)		

ENTITLEMENT AS STATUTORY CO-OPTTEES		ANNUAL AMOUNT OF CIVIC SALARY
ROLE	MEMBER	ANNUAL
Chairperson Of Standards Committee	Mr. P. Brunt	£268 Daily Fee £134½ Day Fee
Chair of Governance & Audit Committee	Mr. N. Yates	£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 (Town & Community Council)	Community Councillor Ann Gray	£210 Full Day £105 ½ Day (up to 4 hours)
Co-Opted Member, Standards Committee	V. Yadh	£210 Full Day £105 ½ Day (up to 4 hours)
Co-Opted Member, Standards Committee	Mr. J. Card	£210 Full Day £105 ½ Day (up to 4 hours)
Co-Opted Member, Standards Committee	Mrs. L Davies	£210 Full Day £105 ½ Day (up to 4 hours)
Co-Opted Member, Standards Committee	L. Jay	£210 Full Day £105 ½ Day (up to 4 hours)
Co-opted Member Governance and Audit Committee	M. Rees	£210 Full Day £105 ½ Day (up to 4 hours)

Co-opted Member Governance and Audit Committee	V. Pearson	£210 Full Day £105 ½ Day (up to 4 hours)
Co-opted Member Governance and Audit Committee	J. Williams	£210 Full Day £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 hourly rates as defined by the Living Wage Foundation 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.

Gadewir y dudalen hon yn wag yn fwriadol

ANNUAL REPORT

OF

**CAERPHILLY COUNTY
BOROUGH COUNCIL**

STANDARDS COMMITTEE

2022-23

Introduction

1. Period Covered by the Report
2. Terms of Reference
3. Membership of the Committee
4. Code of Conduct Complaints
5. Applications for Dispensation
6. Code of Conduct Training
7. Whistleblowing Policy
8. Code Compliance by Town and Community Councils
9. Other Activities
10. Group Leaders Duties
11. Conclusion

1. **Introduction**

- 1.1 The law requires every County and County Borough Council in Wales to establish and maintain a Standards Committee. Such committees are responsible for overseeing standards of conduct for elected members of both the principal council (Caerphilly CBC) and the constituent community and town councils within the principal council's area. The Committee receives and determines applications for dispensation from elected members in relation to the Code of Conduct and adjudicates upon code complaints referred to the Council by the Public Services Ombudsman for Wales ("the Ombudsman"). However, only rarely has the Committee been requested to undertake this latter function. The Committee also receives reports in relation to the operation of the Council's whistleblowing policy.

2 **Period Covered By The Report**

- 2.1 This report covers the activities of the Standards Committee during the period of the 2022/23 civic year from the local government election to the annual meeting of council.

3 **Terms of Reference**

- 3.1 To promote and maintain high standards of conduct by the members and co-opted members of the authority.
- 3.2 To assist members and co-opted members of the authority to observe the authority's code of conduct.
- 3.3 To advise the Council on the adoption or revision of a code of conduct.
- 3.4 To monitor the operation of the Council's adopted Code of Conduct throughout the Authority.
- 3.5 To train councillors and advise on conduct matters generally.
- 3.6 To arrange dispensation to speak and/or vote where a councillor has an interest.
- 3.7 To receive and implement advice from the Public Services Ombudsman For Wales or recommendation from the Adjudication Panel or case tribunals.
- 3.8 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.
- 3.9 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.
- 3.10 To receive reports on the outcome of disciplinary matters.
- 3.11 To oversee the whistleblowing régime.
- 3.12 (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.
- 3.13 To exercise such powers or duties as may be given to or imposed on Standards Committees from time to time by legislation.
- 3.14 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.
- 3.15 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 s 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.

4. **Membership of the Committee**

4.1 The Panel consists of 8 members: 2 county councillors, 1 community councillor and 5 independent, lay members.

4.2 During the period covered by this report, there were two changes to the independent lay members of the Committee.

- One member had served two consecutive terms, so was required to resign from the post of Chair, (Mr. David Lewis); the other member (Mr. C. Finn), formally resigned. The Standards Committee and the Council thanked both members for their hard work and commitment during their tenure.
- In November an interview panel of the Standards Committee was established and 7 candidates were interviewed for the 2 vacant positions. The interview panel made a recommendation to the Council, which was accepted in January 2023, that Ms Lisa Jay and Mr Vik Yak be appointed as independent, lay members on the Standards Committee.

- The independent, lay members are Mr. Peter Brunt (Chair), Mrs. Linda Davies, Mr. Jon Card, Ms. Lisa Jay and Mr. Vik Yadh.
- There was also a change to the community council representative of the committee. The previous member Community Councillor Gill Lewis had served two full terms and following an appointment exercise with the town/community councils, Community Councillor Anne Gray was nominated and accepted by the Council at its meeting in January 2023. .
- There was one change to the county borough councillor membership of the committee during this year, Councillor John Taylor replaced Councillor Colin Mann, who had to stand down from the committee having served two full terms. The county borough councillors on the committee are Councillors John Taylor and Diane Price.

5. **CODE OF CONDUCT COMPLAINTS**

- 5.1 The Committee was not required to adjudicate upon any Code of Conduct complaints during the period of this report.
- 5.2 Formal complaints about councillors who are suspected of breaching the Code of Conduct are referred directly to the Ombudsman for investigation without the initial involvement of the Standards Committee.
- 5.3 Most complaints are resolved by the Ombudsman, but occasionally the Ombudsman may require the Standards Committee to investigate and adjudicate on a complaint. During the period of the report, the Ombudsman did not refer any complaints to the Committee, nor were any matters referred to the Adjudication Panel for Wales in respect of councillors from Caerphilly. More serious allegations of alleged breaches of the code of conduct are referred to the Adjudication Panel of Wales.
- 5.4 During the period covered by this report the Ombudsman considered 6 code of conduct complaints against councillors from Caerphilly County Borough Council. Four complaints were considered to not require investigation whilst 2 complaints remain the subject of ongoing investigation.
- 5.5 The Standards Committee did not have to adjudicate on any complaints made under the Council's Protocol on Member/Officer Relations or Local Resolution Protocol.

6. **Applications For Dispensation**

- 6.1 The grounds upon which the Committee may grant a dispensation are set out in the Standards Committees (Grant of Dispensations) (Wales) Regulations 2001.
- 6.2 The Committee continues to approach each application with a presumption in favour of granting a dispensation wherever practicable, particularly in relation to granting a dispensation to speak only.

- 6.3 The Committee has not received any applications for dispensation from county borough, community or town councillors during this year.
- 6.4 The grounds on which the Standards Committee can grant a dispensation are:-
- (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.

7. **Code Of Conduct Training**

- 7.1 Code of conduct training was undertaken following the local government elections in May 2022. The training was conducted in person and online. It is pleasing to note that all 69 members have received training on the code of conduct from the Monitoring Officer.

8. **Whistleblowing Policy**

- 8.1 The Committee has oversight of the authority's Whistleblowing Policy. The process is regulated by the Public Interest Disclosure Act 1998, which protects against dismissal and other detriment for employees who disclose wrongdoing.. There have been no whistleblowing complaints recorded during the period of this report.

9. **Code Of Conduct Compliance By Town & Community Councils**

- 9.1 The Standards Committee did not have to adjudicate on any investigations of the Ombudsman into allegations of breaches of the code of conduct by town or community councillors within the county borough.
- 9.2 The Monitoring Officer gave 2 training sessions on the Code of Conduct to town and community councils following the elections in May 2022.

10. **Other Activities**

- 10.1 The Chair of the Standards Committee attended remotely the first meeting of the National Standards Committee Forum in January, the purpose of which is to share experiences and best practice with other Standards Committee chairs from across Wales. The Forum received a presentation from the Public Services Ombudsman for Wales, Ms Michelle Morris.

11. **Duties On Group Leaders**

- 11.1 The Local Democracy and Elections Act 2021 introduced 2 duties on the leaders of political groups within councils. The first duty on group leaders is to take reasonable steps to promote and maintain high standards by the members of the group, however the duty does not make leaders of a political group accountable for the behaviour of their members as conduct must be a matter of individual responsibility. Welsh Government guidance says that group leaders do have a role in taking reasonable steps in maintaining standards, setting an example, using their influence to promote a positive culture, being proactive in promoting high standards of conduct in their group and addressing issues as soon as they arise.
- 11.2 The guidance says that reasonable steps the group leader can undertake include:
- demonstrating personal commitment to and attending relevant development or training around equalities and standards;
 - encouraging group members to attend relevant development or training around equalities and standards;
 - ensuring nominees to a committee have received the recommended training for that committee;
 - promoting civility and respect within group communications and meetings and in formal council meetings;

- promoting informal resolution procedures in the council, and working with the standards committee and monitoring officers to achieve local resolution;
- promoting a culture within the group which supports high standards of conduct and integrity;
- attend a meeting of the council's standards committee if requested to discuss Code of Conduct issues;
- work to implement any recommendations from the Standards Committee about improving standards;
- work together with other group leaders, within reason, to collectively support high standards of conduct within the council.

11.3 The second duty requires that a leader of a political group consisting of members of a county council or county borough council in Wales, must co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

11.4 The group leaders have endorsed the steps listed in paragraph 10.02 and have ensured all of their respective members have received training on the code of conduct. It is hoped moving forward that the group leaders will continue to promote civility and respect in formal meetings of the council and communications with each other, in particular on social media.

12. **Conclusion**

12.1 We have been much encouraged by the good levels of compliance with the Code of Conduct exhibited by councillors across the county borough and very much hope this will continue .

MEMBERSHIP OF COMMITTEES

Appeals Panel (Disciplinary/Grievance) (3 members) 2-1

Councillors B. Miles, W. Williams, G. Enright

Nominated substitutes M. Adams, T. Parry, D.W.R. Preece

Chair: B. Miles

Vice-Chair: W. Williams

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

Councillors N. George, A. Whitcombe, E. Stenner, C. Mann, J. Taylor, K. Etheridge and relevant Cabinet Member

Chair: E.M. Aldworth

Vice-Chair: J. Sadler

Substitute Councillors A. McConnell, P. Cook, J. Scriven

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

Councillors D. T. Davies, G. Ead, A. Farina-Childs, C. Forehead, A. Hussey, L. Jeremiah, C. Mann, A. McConnell, D. Price, J. A. Pritchard, J. Sadler, C. Thomas, A. Whitcombe, J. Winslade

Chair: M. James

Vice-Chair: L. Phipps

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

Councillors M. Adams, E.M. Aldworth, A. Broughton-Pettit, M. Chacon-Dawson, P. Cook, G. Enright, J. Taylor

Lay Members: Mr N. Yates, Mr L. M Rees, Mrs V. Pearson, Mrs J. Williams

Chair: **Lay Member**

Vice-Chair: C. Wright

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

Councillors A. Adams, E. M. Aldworth, A. Angel, D.T. Davies, Colin Gordon, J. Taylor, A. Whitcombe

Substitutes Councillors G. Enright, D. Harse, W. Williams

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

Councillors E.M. Aldworth, D. Cushing, P. Cook, G. Ead, C. Gordon, D. Harse, T. Heron, J. Jones, D. Price, D.W.R. Preece, J. Scriven, J. Roberts, S. Williams

Chair: W. Williams

Vice-Chair: M. Adams

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

Councillors M. Adams, A. Angel, R. Chapman, N. Dix, G. Ead, J. Fussell, A. Hussey, D. Ingram-Jones, B. Miles, M. Powell, J. Taylor, S. Williams, A. Whitcombe, K. Woodland

Chair: R. Saralis

Vice-Chair: E.M. Aldworth

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

Councillor D. Price (Substitute Councillor P. Cook), J. Taylor (Substitute Councillor J. Scriven)

Rights of Way Cabinet Committee

Councillors J. Simmonds, P. Leonard, C. Morgan, E. Stenner, J. Pritchard

SUB-COMMITTEES/WORKING PARTIES/PANELS/BOARDS

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

Councillors M. Adams, C. Andrews (Cabinet Member) M. Chacon-Dawson, B. Miles, M. James, J. Roberts, A. Whitcombe

Nominated Substitutes: T. Parry, J. Taylor, C. Wright, A. Gair

2. Caerphilly Community Safety Delivery Group (1 member)

Councillor P. Leonard

3. Caerphilly Local Access Forum

Councillor C. Morgan

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

Councillors A. Angel, P. Cook, A. Gair, T. Heron, A. Hussey, D. Ingram-Jones, N. George, C. Gordon, L. Jeremiah, A. McConnell, T. Parry, J.A. Pritchard, C. Thomas, L. Whittle, J. Winslade, Vacant (Independent)

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

Councillors M. Adams, M. Chacon-Dawson, R. Chapman, G. Enright. S. Kent, J. Sadler, W. Williams

6. Corporate Joint Consultative Committee (Cabinet and Leader)

Councillors S. Morgan, J. Pritchard, C. Andrews, S. Cook, E. Forehead, P. Leonard, J. Simmonds, C. Morgan, E. Stenner, N. George

7. Education Achievement Service Board (EAS)

Councillor E. Stenner Substitute Councillor E. Forehead

8. Education Achievement Service Audit and Risk Assurance Committee

Councillors B. Miles, A. Whitcombe

9. Grants to the Voluntary Sector Panel - 15 members (10 - 4 - 1) – (To Be Disbanded)

Councillors A. Broughton-Pettit, M. Chacon-Dawson, P. Cook, G. Enright, A. Gair, T. Heron, D. Ingram-Jones, L. Jeremiah, D.W.R. Preece, J.A. Pritchard, J. Rao, J. Reed, J. Roberts, J. Taylor, W. Williams

10. **Monmouthshire and Brecon Canal - Crumlin Arm Working Group (adjoining ward members (Abercarn/Crosskeys/Crumlin/Newbridge/Risca East/Risca West) and Cabinet Member**
- Councillors: D.W.R. Preece and A. Whitcombe (Abercarn), J. Simmonds (Crosskeys), K. Woodland (Crumlin), N. George, P. Leonard, A. Leonard (Risca East), Bob Owen, Ceri Wright (Risca West) plus Cabinet Member C. Morgan (Cabinet Member for Waste, Leisure and Open Spaces)
- Nominated Reserve: Councillor C. Thomas (Crumlin)
- By Invitation: Councillors A. Hussey, L. Jeremiah and G. Johnston (Newbridge Ward Related Matters)
11. **Pensions/Compensation Committee - 8 members (6-2) (plus relevant Cabinet Member)**
- Councillors P. Cook, G. Enright, C. Gordon, B. Miles, M. Powell, D.W.R. Preece, J. Scriven, W. Williams plus appropriate Cabinet Member
- Substitutes M. Adams, E.M. Aldworth
12. **Prosiect Gwyrd Joint Scrutiny Panel - 2 members (1 – 1)**
- Councillors C. Elsbury, A. Hussey
13. **Rights of Way Cabinet Committee (5 Cabinet Members)**
- Councillors J. Simmonds, P. Leonard, C. Morgan, E. Stenner, J. Pritchard
14. **River Rhymney Task Group - 3 members (2-1)**
- Councillors C. Morgan, D. Harse, S. Kent
15. **Scrutiny Leadership Group**
- Chairs and Vice Chairs of Scrutiny Committees, Democratic Services Committee and Governance and Audit Committee (Lay Member)
16. **Standing Advisory Council on Religious Education - 6 members (4-2)**
- Councillors E.M. Aldworth, M. Chacon-Dawson, B. Miles, T. Parry, J. Taylor (Chair), A. Whitcombe
17. **View Point Panel**
- | | | |
|-----------------------------------|---|--------------------------|
| Education | } | |
| Environment and Sustainability | } | |
| Housing and Regeneration | } | relevant Cabinet Members |
| Policy and Resources/Partnerships | } | |
| Social Services | } | |
18. **Voluntary Sector Liaison Committee/Voluntary Sector Liaison Sub Committee - 15 members (10-4-1)**
- Councillors P. Cook, R. Chapman, C. Gordon, J. Fussell, T. Parry, D.W.R. Preece, D. Price, H. Pritchard, J. Sadler, E. Stenner, S. Williams, W. Williams, M. Chacon-Dawson, L. Whittle, J. Jones

REPRESENTATION ON ASSOCIATIONS/OUTSIDE BODIES
1 YEAR UNLESS OTHERWISE INDICATED

CAERPHILLY COUNTY BOROUGH COUNCIL CHAMPIONS

1. **Anti-Poverty Champion**
Councillor P. Cook
2. **Armed Forces Community Covenant Champion**
Councillor T. Heron
3. **Child Poverty Champion**
Councillor E. Forehead
4. **Dementia Friend Champion**
Councillor C. Andrews
5. **Domestic Abuse Champions**
Councillors E. Forehead and P. Leonard
6. **Equalities/Unity Over Division Champion**
Councillor P. Leonard
7. **Future Generations Champion**
Councillor J. Prichard
8. **Homeless Persons Champion**
Councillor S. Cook
9. **Inclusion Champion**
Councillor C. Andrews
10. **LGBTQ Champion**
Councillor C. Andrews
11. **Mental Health Champion**
Councillor E. Forehead
12. **Age Friendly Champion (Formerly Older Persons Champion)**
Councillor C. Andrews
13. **White Ribbon Campaign Champion**
Councillor E. Forehead
14. **Youth Champion (appointed by Youth Forum)**
To Be Appointed

OUTSIDE BODIES AND ASSOCIATION

1. **Army Benevolent Fund - Gwent**
Councillor T. Heron

2. **Association of Public Services Excellence (APSE) Welsh Regional Committee**
Councillors S. Cook, N. George and C. Morgan
3. **Caerphilly Foster Panel**
Councillor B. Miles
4. **Carbon Reduction Group**
Councillor J. Pritchard
5. **Cardiff Capital Region Joint Committee (Regional Cabinet)**
Leader of Council and Deputy Leader of Council - Councillor S. Morgan and
Councillor J. Pritchard
6. **Cardiff Capital Region Joint Scrutiny Committee**
Councillor (Chair of Housing Regeneration) and Councillor C. Elsbury
7. **Care and Repair - Caerphilly**
Councillor S. Cook and Private Sector Housing Manager
8. **Citizens Advice Bureau Trustee Board**
Councillor N. George
9. **Coleg Gwent Further Education Corporation (Crosskeys Community Partnership)**
Councillor C. Andrews
10. **Coleg Harlech WEA North**
Councillor C. Andrews
11. **Coleg Y Cymoedd Corporation (formerly Ystrad Mynach College Board of Governors)**
Sian Farquharson, Challenge Advisor EAS
12. **Corporate Parenting Group**
Councillors E. Forehead, C. Andrews, Councillors D. Cushing, C. Bishop, B. Miles
(Foster Panel Member)
13. **Corporate Safeguarding Group**
Councillors C. Andrews and E. Forehead, D. Cushing and C. Bishop, T. Heron,
Vacant (Independent)
14. **Fields in Trust (formerly National Playing Fields Association)**
Councillor C. Morgan
15. **Glamorgan Archives Joint Committee**
Councillor C. Andrews and J. Simmonds
16. **Greater Gwent Cremation Joint Committee – 2 Members**
Councillors J. Simmonds and J. Taylor
17. **Groundwork Wales**
S. Williams
18. **Gwent Association of Voluntary Organisations**
Relevant Officer and Councillor C. Andrews

19. **Gwent Regional Partnership Board**
Councillor E. Forehead
20. **Gwent Archives Joint Committee – 2 Members**
Councillors C. Andrews and J. Simmonds
21. **Gwent Police and Crime Panel - politically balanced across Gwent**
Councillors C. Forehead, M. Chacon-Dawson, C. Mann
22. **Gwent Public Services Board Joint Scrutiny Committee – Added 2023**
Councillors A. Angel and S. Williams
23. **Industrial Communities Alliance (formerly Coalfield Communities Campaign)**
Councillor E. Stenner
24. **Islwyn Indoor Bowls Club Management Board**
Councillors M. Adams and C. Morgan
25. **Joint Council for Wales**
Councillors N. George and E. Stenner
26. **The Learning Centre (Pupil Referral Unit)**
Councillor M. Evans
27. **Local Authority Action for Southern Africa (LAACTSA)**
Councillor N. George
28. **Local Government Association**
Leader of the Council, Councillor S. Morgan and J. Pritchard + 2 Cabinet Member
29. **Monmouthshire and Brecon Canal Joint Steering Group** (Formally Monmouthshire and Brecon Canal Regeneration Partnership)
Councillors J. Simmonds, C. Morgan (Councillor A. Whitcombe)
30. **Monmouthshire Farm School Endowment Trust**
Councillor C. Andrews
31. **PATROL** (Parking and Traffic Regulations Outside London) Adjudication Joint Committee – Councillor N. George
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 – Councillor C. Andrews
34. **Prosiect Gwyrdd Joint Committee**
Councillors C. Morgan and J. Pritchard
35. **Regional Technical Statement (Aggregates)**
Councillor N. George
36. **Regional Transport Authority**
Councillor S. Morgan

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

Leader of the Council, Councillor S. Morgan and Councillors J. Pritchard + 2 Cabinet Members

55. **Welsh Local Government Association - Executive Board**
Leader of the Council – S. Morgan
56. **WJEC**
Councillor C. Andrews
57. **Workers Education Association - South Wales District Committee**
Councillor C. Forehead

Gadewir y dudalen hon yn wag yn fwriadol