

# **The Vale of Glamorgan Council**

## **COUNCIL CONSTITUTION**

**VALE of GLAMORGAN**



**BRO MORGANNWG**

**January 2007**

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# INTRODUCTION

## NEW FORMS OF GOVERNANCE

Major changes are taking place in the governance of county and county borough councils in Wales. The committee model of member decision - making is being replaced by new constitutions as a result of the Local Government Act 2000. Part II of the Act gives local people a real say in how they are governed and introduces arrangements which will deliver visible accountable Leadership for the Council and the community it serves and provide transparent and efficient decision - making. These changes are part of a wider policy to strengthen local authorities' ability to deliver effective community Leadership, democratic renewal and continuous improvement in services.

The Council has undertaken a major consultation exercise in order to ascertain the views of our electorate and other stakeholders. The response to the consultation was a majority in favour of the Council's "preferred option" - a Leader and Cabinet system. Under the new system :

- the council meeting will set the overall budget and policy framework and will be a focus for debate about the performance of the Executive;
- Scrutiny Committees will advise on policy formulation and hold the Executive to account in relation to specific matters. They may also review areas of council activity which are not the responsibility of the Executive or matters of wider local concern;
- the Cabinet (the "Executive") will make decisions within this framework. Decisions may be delegated to individuals in the Executive, committees of the Executive (if the Executive is large enough to form committees), officers, area committees, joint arrangements or other authorities, or contracted out;
- most regulatory decisions will continue to be made by committees of the council;
- there is a Standards Committee to promote high standards of conduct and support members' observation of their Code of Conduct.

Except for the ethical framework, these new governance arrangements do not apply to Town and Community Councils. However, such councils will be involved in the Standards Committee arrangements.

## **THE FORM OF THE CONSTITUTION**

The constitution provides an important means of enabling councillors, officers, citizens and stakeholders to understand how the council makes decisions and who is responsible for those decisions. Section 37 of the Act requires each local authority to prepare, keep up to date and publicise the constitution.

The constitution is at the heart of the council's business. It allocates power and responsibility within the local authority, and between it and others. It also regulates the behaviour of individuals and groups through codes of conduct, protocols and standing orders.

The constitution represents, for the first time, a coherent single document which can be used as a comprehensive point of reference by individuals and organisations inside and outside the council. It comprises Articles and Rules of Procedure and associated material. Articles are intended to set the overall framework and in general will not be subject to frequent change. They are about what is to be done and by whom. Procedure Rules, codes of conduct and the other material located after the articles are broadly about how the Articles will be put into effect. They may be subject to more frequent change, especially as the council learns from the experience of operating new constitutions.

Whilst the constitution is not a statutory document, the Council is satisfied that the constitution is consistent with statute, regulations and guidance.

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# Summary and Explanation

## **The Council's Constitution**

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

The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

## **What's in the Constitution?**

Article 1 of the Constitution commits the Council to :

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

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

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).

- The Executive (Article 7).
- Regulatory committees (Article 8).
- The Standards Committee (Article 9).
- Area committees and forums (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

## **HOW THE COUNCIL OPERATES**

The Council is composed of 47 councillors elected every four years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

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

All councillors meet together as the Full Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year.

## **HOW DECISIONS ARE MADE**

The Executive is the part of the Council which is responsible for taking most of the major decisions. The Executive is made up of the Leader, plus up to 9 other members appointed by the Leader. The business to be considered by the Executive, Scrutiny Committees and the Council as a whole is published in the forward work programme. Meetings of the Executive, Scrutiny Committees, the Council and other committees are open for the public to attend except where personal or confidential matters are being discussed, as defined by the law. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole.

## OVERVIEW AND SCRUTINY

There are 4 Scrutiny Committees who support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Scrutiny Committees also monitor the decisions of the Executive. They can 'call-in' a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

## THE COUNCIL'S STAFF

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

## CITIZENS' RIGHTS

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

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

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution at a cost to be determined on an annual basis by the Monitoring Officer; The issuing of copies by e-mail to be encouraged;
- a summary to be available free of charge;
- attend meetings of the Executive, the Council and its committees except where personal or confidential matters are being discussed;



- petition to request a referendum on a mayoral form of Executive;
- contribute to investigations by the Scrutiny Committees
- find out, from the forward work programme, (published on the Intranet and available at the Civic Offices and libraries) what business is to be considered by the Executive, and Scrutiny Committees or the Council as a whole;
- see reports and background papers considered by the Executive, the Council and any of its committees and the record of any decisions made by the Council, its committees and the Executive, except where they contain personal or confidential information;
- complain to the Council about dissatisfaction with the standard of service provided by the Council. A complaint may be about an action or lack of action by the Council or its staff, affecting the user as an individual or as one of a group of people receiving a service from the Council. A complaint may also be made about a Council policy or about the attitude or behaviour of a member of staff.
- complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged only to do this after using the Council's own complaints process;
- complain to the Ombudsman if they have evidence which they think shows that a councillor or co-opted member of the council has not followed the Members' Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Legal and Regulatory Services, Civic Offices, Holton Road, Barry, CF63 4RU.

The rights of citizens to inspect agendas and reports and attend meetings are set out in the Access to Information Procedure Rules contained in **Part 4** of the Constitution.

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# Article 1 – The Constitution

## 1.01 Powers of the Council

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

## 1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Vale of Glamorgan Council.

## 1.03 Purpose of the Constitution

The purpose of the Constitution is to:

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

## 1.04 Interpretation and Review of the Constitution

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

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

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## Article 2 – Members of The Council

### 2.01 Composition and eligibility

- (a) **Composition.** The Council will comprise 47 members, otherwise called councillors. 47 councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Boundary Commission in Wales and approved by the National Assembly.
- (b) **Eligibility.** Only registered voters of the county borough council or those living or working in the area will be eligible to hold the office of councillor.

### 2.02 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2004. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.03 Roles and functions of all councillors

- (a) Key roles. All councillors will:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (ii) represent, and bring the views of their communities into the Council's decision-making process, i.e. become the advocate of, and for, their communities;
  - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
  - (iv) balance different interests identified within the electoral division and represent the electoral division as a whole;
  - (v) contribute to the continual improvement of council services through the Best Value process
  - (vi) be involved in decision-making;
  - (vii) participate in the governance and management of the Council; and
  - (viii) be available to represent the Council on other bodies;

(ix) maintain the highest standards of conduct and ethics.

**(b) Rights and duties**

(i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

(ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

(iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in **Part 4** of this Constitution.

**2.04 Conduct**

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

**2.05 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in **Part 6** of this Constitution.

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## Article 3 – Citizens and The Council

### 3.01 Citizens' rights

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

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

(b) **Information.** Citizens have the right to:

(i) attend meetings of the Council, the Executive and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

(ii) find out from the forward work programme what decisions will be taken by the Executive or Council and which issues the overview and Scrutiny Committees will be considering, and when these matters will be discussed;

(iii) see reports and background papers, and any records of decisions made by the Council and the Executive,

(iv) inspect the Council's accounts and make their views known to the external auditor.

**(c) Participation.** Citizens have the right to contribute to investigations by Scrutiny Committees.

(d) **Complaints.** Citizens have the right to complain to :

(i) the Council itself under its Corporate Complaints Procedure,

(ii) the Local Government Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own complaints scheme first;

(iii) to the Local Government Ombudsman where they believe a member or co-opted member of the council has breached the Member's Code of Conduct.

### 3.02 Citizens' responsibilities

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

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## Article 4 – The Full Council

### 4.01 Meanings

(a) **Policy Framework.** The policy framework means the following plans and strategies:-

i) those required by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales ) Regulations 2001 and The Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 to be adopted by the Council:]

- Behaviour Support Plans;
- Children and Young Persons Plan;
- Children’s Services Plan;
- Community Care Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Early Years Development Plan;
- Education Strategic Plan;
- Improvement Plan
- Local Transport Plan;
- School Organisation Plan;
- Unitary Development Plan / Local Development Plan;
- Welsh Language Scheme;
- Youth Justice Plan.

(ii) those other plans and strategies which Chapter 3 of the Assembly Guidance recommends should be adopted by the Council as part of the Policy Framework:

- Children First Management Act Plan;
- Corporate Plan;
- Housing Operational Action Plan;
- Local Housing Strategy
- Policy Agreements;

iii) plans and strategies other than those listed above will be the responsibility of the Executive

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

(c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

#### 4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Council procedure Rules in **Part 4** of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the Leader (in accordance with Standing Orders)
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- (g) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area or granting freedom of the county borough
- (i) making or confirming the appointment of the Head of Paid Service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in **Article 4.01** of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and

(l) all other matters which, by law, must be reserved to Council.

#### **4.03 Council meetings**

There are three types of Council meeting:

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

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

#### **4.04 Responsibility for functions**

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



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## **Article 5 – Chairing The Council Meeting**

### **5.01 Role and function of the Chairman of the Council**

The Chairman and Vice-Chairman will be elected by the Council annually. The Chairman of the Council and in his/her absence, the Vice-Chairman will have the following roles and functions:

- (a) when chairing the Council meeting, to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive to account;
- (d) the Chairman and/or the Leader to attend such civic and ceremonial functions as the Council, or the Chairman or the Leader determines appropriate

## Article 6 – Overview and Scrutiny Committees

### 6.01 Terms of reference

The Council will appoint the Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table :

<b>Scrutiny Committee</b>	<b>Scope</b>
Community Wellbeing and Safety	Housing Community Safety Social Services
Corporate Resources	Corporate Policy and Communications Finance, ICT and Property Legal and Regulatory Human Resources Key Projects, including Surplus Land and Property, Capital Schemes and Revenue Proposals over £50,000
Economy and Environment	Economic Development, Leisure and Tourism Services, Countryside and Environmental Projects Visible Services (Waste Management and Cleansing, Highway Maintenance, Engineering Design and Procurement, Parks and Ground Maintenance) Public Works and Highways Planning and Transportation Building and Visible Services
Lifelong Learning	Schools (Pupil Support, School Improvement and School Support Post 16 Education and Training Libraries Community Education and Youth Service

### 6.02 General role

Within their terms of reference, Scrutiny Committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions, but with the exception of any matter which is specifically identified in the terms of reference of any other Scrutiny Committee
- ii) make reports and/or recommendations to the full Council and/or the Executive in connection with the

discharge of any functions;

iii) consider any matter affecting the area or its inhabitants; and

iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive

In undertaking the above, Scrutiny Committees shall, in particular, include and have regard to :

- Compliance with Council policy
- Consideration of the need for changes to policy and/or practice
- Best Value

### **6.03 Specific functions**

#### **(a) Policy development and review.**

Scrutiny Committees may:

i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;

ii) conduct research, community and other consultation in the analysis of policy issues and possible options;

iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

iv) question members of the Executive and/or committees and Chief Officers about their views on issues and proposals affecting the area; and

v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### **(b) Scrutiny.**

Scrutiny Committees may:

i) review and scrutinise the decisions made by, and performance of, the Executive and/or committees and council officers, both in relation to individual decisions and over time;

ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

iii) question members of the Executive and/or committees

and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;

v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and

vi) question and gather evidence from any person (with their consent).

**(c) Finance**

Scrutiny Committees may exercise overall responsibility for the finances made available to them.

**(d) Annual report.**

Scrutiny Committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

**(e) Officers.**

Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work.; it being noted that officers supporting the scrutiny function also undertake non-scrutiny related duties.

**6.04 Proceedings of Scrutiny Committees**

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

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## **Article 7 – The Executive**

### **THE ROLE OF THE EXECUTIVE**

#### **7.01 Role**

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

#### **7.02 Form and composition**

The Executive will consist of the Executive Leader together with at least 2, but not more than 9, councillors appointed to the Executive by the Executive Leader.

#### **7.03 Leader**

In accordance with Standing Orders, the Leader of the Council will be a councillor elected to the position of Leader of the Council. The Leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor;
- (d) the next local government election save that the Council may remove the Leader from office at an earlier date, but only in the event of a vote of no confidence in the Leader or a change in political control of the Council.

#### **7.04 Deputy Leader**

The Leader may, if he/she considers it appropriate to do so, appoint one of the other Executive members to the position of Deputy Leader. The Deputy Leader, where such an appointment has been made, will hold office on the terms listed in Article **7.03** in respect of the Leader.

#### **7.05 Other Executive members**

Other Executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

(c) they are no longer councillors; or

(d) they are removed from office by the Leader who must give written notice of any removal to the Proper Officer (i.e. Chief Executive). The removal will take effect two working days after receipt of the notice by the Proper Officer (i.e. Chief Executive).

#### **7.06 Proceedings of the Executive**

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

#### **7.07 Responsibility for functions**

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

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## **Article 8 – Regulatory and Other Committees**

### **8.01 Regulatory and other committees**

The Council will appoint the committees, sub-committees etc, shown in **Table 2 in Part 3** of this Constitution to discharge the functions described therein:

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## **Article 9 – The Standards Committee**

### **9.01 Standards Committee**

The Council will establish a Standards Committee.

### **9.02 Composition**

**(a) Membership.** The Standards Committee will be composed of 8 members. Its membership will include:

- (i) 4 'independent' members, who are not either a councillor or an officer or the spouse of a councillor or an officer of this council or any other relevant authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001;
- (ii) 3 councillors other than the Leader and not more than one member of the Executive
- (iii) 1 member of a town or community council wholly or mainly in the Council's area (a 'community committee member').

**(b) Term of Office.**

- (i) Independent members are appointed for a period of no more than five years and may not be reappointed.
- (ii) Members of the local authority who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed.

**(c) Quorum. A meeting of the Standards Committee shall only be quorate when:**

- (i) At least three members, including the Chairman, are present, and
- (ii) At least half the members present (including the Chairman) are independent members

**(d) Voting**

Independent members and community committee members will be entitled to vote at meetings;

**(e) Community Committee Members.**

A community committee member shall not take part in the proceedings of the Standards Committee when any matter relating to their community council is being considered;



**(f) Chairing the Committee.**

- (i) Only an independent member of the Standards Committee may be the Chairman.
- (ii) The Chairman will be elected by the members of the Standards Committee for a period not exceeding one year. The Chairman is eligible for re-election.
- (iii) The election of a Chairman will be the first item of business for the Standards Committee at the commencement of each municipal year.

**9.03 Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) assisting councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Local Commissioner in Wales.
- (h) the exercise of (a) to (g) above in relation to the community councils wholly or mainly in its area and the members of those community councils.
- (i) overview of the whistle blowing policy;
- (j) overview of complaints handling and Ombudsman investigations.

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## Article 10 – Area Committees and Forums

*(Note: the Council has yet to decide to appoint any area committees. The provisions in this Article will only have practical effect if and when area committees are appointed)*

### 10.01 Area committees

(a) The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.

(b) The Council will consult with relevant community and town councils and the Chairmen of relevant community meetings when considering whether and how to establish area committees.

### 10.02 Form, composition and function

(a) **Table of area committees.** Should the Council decide to appoint area committees, they will be set out in the first column of the table below, composed as set out in the second column of that table and with the terms of reference set out in the third column :

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(b) **Delegations.** The Council and the Executive will include details of the delegations to area committees which may be appointed in **Part 3** of this Constitution, including the functions delegated [showing which are the responsibility of the Executive and which are not], the composition and membership of the committees, budgets and any limitations on delegation.

### 10.03 Area committees – access to information

Area committees, if appointed, will comply with the Access to Information Rules in **Part 4** of this Constitution.

Agendas and notices for area committee meetings which deal with both functions of the Executive and functions which are not the responsibility of the Executive will state clearly which items are which.

### 10.04 Executive members on area committees

A member of the Executive may serve on an area committee if otherwise eligible to do so as a councillor.

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## Article 11– Joint Arrangements

### 11.01 Arrangements to promote well-being

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

### 11.02 Joint arrangements

(a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

(b) The Executive may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

(c) Except as set out below, the Executive may only appoint Executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.

(d) The Executive may appoint members to a joint committee from outside the Executive where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

(e) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in **Part 3** of this Constitution.

### 11.03 Access to information

- (a) The Access to Information Rules in **Part 4** of this Constitution apply.
- (b) If all the members of a joint committee are members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### 11.04 Delegation to and from other local authorities

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

### 11.05 Contracting out

The Council and the Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

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## Article 12– Officers

### 12.01 Management structure

(a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated chief officers:

<b>Post</b>	<b>Functions and areas of responsibility</b>
<b>Chief Executive Officer</b>	<p>Overall corporate management and operational responsibility (including overall management responsibility for officers);</p> <p>The provision of professional and impartial advice to all parties in the decision making process (the Executive Scrutiny Committees, the full Council and other committees);</p> <p>Together with the Monitoring Officer, responsibility for a system of record-keeping for all the Authority's decisions (Executive or otherwise);</p> <p>Representing the Authority on partnership and external bodies (as required by statute or the council); and</p> <p>Service to the whole Council, on a politically neutral basis.</p> <p>To act as the Returning Officer for elections.</p>
<b>Director of Finance, ICT and Property (Section 151 Officer)</b>	<p>Chief Finance Officer under Section 151 of the Local Government Act 1972 responsible for the proper administration of the Council's financial affairs</p> <p>Chief Finance Officer under Section 114 of the Local Government Finance Act 1988 with statutory responsibility to make reports in respect of unlawful expenditure (114(2)) and where expenditure is likely to exceed the resources available (114(3)).</p> <p>Advising on corporate risk profiling and management including safeguarding assets risk avoidance and insurance.</p> <p>Advising on effective systems of internal control.</p> <p>Ensuring there is an effective system of internal control.</p> <p>Advising on anti-fraud and anti-corruption strategies and measures.</p> <p>Preparing statutory and other accounts and associated grant claims.</p> <p>Ensuring there is an effective internal audit function</p>

and  
 assisting management in providing effective arrangements for financial scrutiny.  
 Securing effective systems of financial administration.  
 Securing effective arrangements for treasury management.  
 Ensuring a prudent financial framework is in place.  
 Ensuring that financial management arrangements are in line with broad policy objectives and the authority's overall management.  
 Receiver of revenues and paymaster in respect of local taxation, grants and other income, payments to employees and suppliers etc.  
 Administration of housing and council tax benefits and student awards.  
 Ensuring the provision of Information and Communications Technology for the authority.  
 Management of the authority's land and properties.

**Director of Legal and Regulatory Services (Monitoring Officer)**

Legal Services  
 Democratic Services  
 Committee Services, Support Services, Print Room, Land Charges, Electoral and Member Services, Corporate Complaints, Ombudsman, Births, Deaths and Marriages  
 Environmental Health, Trading Standards, Emergency Planning, Licensing

**Directorate of Community Services**

Housing & Community Safety

Housing Renovations Grants, Renewal Areas, Private Housing (HMO's etc). Management of Council owned Housing, Homelessness service, Community Safety, Community Alarm Service, CCTV.

Community Care & Health

Community Health Care, Mental Health, Services for the Elderly, Residential Care, Day Care, Home Care, Domiciliary Care, Adult Learning Difficulties, Physical Disability Services, Adult Placement Services, Joint provision with Health Agencies, Catering (Council wide)

Children & Family Services

Child Protection, Fostering, Adoption & Day Care, Looked After Children, Family Centres, EDT, Unified Service, Youth Offending Team  
 Joint Inspection Services  
 Strategy and Support (Directorate wide).

**Director of**

## **Environmental & Economic Regeneration**

Planning & Transportation

UDP, Conservation, Research (Council wide)

Building Control (Applications, Enforcement, Dangerous Structures)  
Transportation: Local Transport Plan, Public Transport Infrastructure and Support, Concessionary Fares, School Transport, Transport Grant  
Development Control (Applications, Appeals, Enforcement)

Visible Services

Waste Management and Cleansing: Domestic & Commercial Waste Collection and Disposal, Street/Beach Cleansing, Abandoned Vehicles, Recycling, Civic Amenity Sites, Cesspit Emptying, Public Conveniences, Cleansing DSO  
Parks, Recreation Grounds and Open Spaces, Dyffryn (Grounds Maintenance), Grounds Maintenance DSO

Highway Maintenance including Highways DSO  
Engineering Design and procurement, Traffic Management, Structures, Drainage (Council-wide; public and private sewers, land and highways drainage)Coastal Protection

Building Services

Building Maintenance (incl DSO), Office Accommodation & Other Buildings, Building Cleaning, Caretaking/Security, Fleet Management/Garage, Stores

Economic Development & Leisure

Economic strategy, Development and Major Projects, Town Centre and Resort Management (Barry and Penarth), Town Centre Management (Cowbridge and Llantwit Major), Barry Action, Business Support  
Leisure Management and Tourism; Leisure facilities, Marketing and Promotion (Tourism and Council wide), TICs, Sports, Community and Arts Development  
Countryside Strategy, Country Parks, Heritage Coast, Commons, Landscape Architects, Coastal Facilities Management, Coed Cymru, Rights of Way Strategy and Support (Directorate wide).

## **Director of Learning & Development**

Human Resources and Equalities

Recruitment & Selection, Employee Relations, Occupational Health, Welsh Language, Health & Safety, Equalities

Schools

School Improvement and Support (curriculum advice and target-setting), Strategic Planning & Development (admissions and access) Training & Development, Post 16 Education, Adult and Community Education, Community Enterprise, Jon Shop Extra, New Deal, Libraries, Vale CCET.

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council will designate the following posts as shown:

<b>Postholder</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Legal and Regulatory Services	Monitoring Officer
Director of Finance, ICT and Property	Chief Finance Officer

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

(d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at **Part 7** of this Constitution.

#### **12.02 Functions of the Head of Paid Service**

(a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

#### **12.03 Functions of the Monitoring Officer**

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

(b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise



to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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

(d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.

(e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

(f) **Proper Officer for access to information.** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(g) **Advising whether decisions of the Executive are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

(i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

#### 12.04 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

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

(d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

#### **12.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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

#### **12.06 Conduct**

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

#### **12.07 Employment**

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

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## Article 13– Decision-Making

### 13.01 Responsibility for decision-making

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

### 13.02 Principles of decision-making

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (see below for further details);
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.
- (f) an explanation of the reasons for the decision, a record of any personal interest declared and any dispensation to speak granted by the authority's Standards Committee and details of consultation needs

### 13.03 Decisions reserved to full Council

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

### 13.04 Decision-making by the full Council

Subject to Article **13.08**, the Council meeting will follow the Council Procedures Rules set out in **Part 4** of this Constitution when considering any matter.

### 13.05 Decision-making by the Executive

Subject to Article 13.08, the Executive will follow the Executive Procedures Rules set out in **Part 4** of this Constitution when considering any matter.

### 13.06 Decision-making by Scrutiny Committees

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

### **13.07 Decision-making by other committees and sub-committees established by the Council**

Subject to **Article 13.08**, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in **Part 4** of this Constitution as apply to them.

### **13.08 Decision making by Council bodies acting as tribunals**

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

### **13.09 Urgent Decision Procedure**

- (a) A decision may only be treated as urgent:
- i) if it is not practical to convene a meeting of the full Council (for matters that contravene or amend the budget and policy framework); and
  - ii) body making the decision obtains the agreement of the Chairman of the relevant Scrutiny Committee that the decision is a matter of urgency and cannot be reasonably deferred. If there is no Chairman of a relevant Scrutiny Committee, or if the Chairman of each relevant Scrutiny Committee is unable to act, then the agreement of the Vice Chairman of the Scrutiny Committee or in his/her absence the Chairman of the Council, or in his/her absence the Vice Chairman will suffice.
- (b) Any decisions taken under this urgency procedure will be recorded as such in the decision record. The Chairman of the relevant Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. The record of the decision should state if it is a forward work programme item (re: an item on which the Cabinet intends to consult on) whether the decision has been taken in the absence of consultation if it is a forward work programme. In the cases only of decisions that contravene or amend the budget and policy framework, the reasons why it is not practical to convene a quorate meeting of full Council should be recorded.
- (c) Where decisions contravene or amend the budget and policy framework the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency. All other instances will be reported to Cabinet.

This procedure is separate from the Chief Executive's powers set out in Section 2 of the Financial Regulations

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## **Article 14– Finance, Contracts and Legal Matters**

### **14.01 Financial management**

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

### **14.02 Contracts**

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

### **14.03 Legal proceedings**

The Director of Legal and Regulatory Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Director of Legal and Regulatory Services considers that such action is necessary to protect the Council's interests.

### **14.04 Authentication of documents**

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

Any contract with a value exceeding £50,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.

### **14.05 Common Seal of the Council**

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

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## **Article 15 – Review and Revision of the Constitution**

### **15.01 Duty to monitor and review the constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. In undertaking this task the Monitoring Officer may:

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

### **15.02 Changes to the Constitution**

#### **(a) Approval.**

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

#### **(b) Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa.**

The Council will take reasonable steps to consult with local electors and other interested persons in the area if there are any proposals for change.

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# Article 16 – Suspension, Interpretation and Publication of the Constitution

## 16.01 Suspension of the Constitution

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

(b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

(c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01 and in compliance with any restrictions contained within them :

4A - Council Procedure Rules

4F - Financial Procedure Rules

4G - Contract Procedure Rules

## 16.02 Interpretation

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

## 16.03 Publication

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

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

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

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## **Schedule 1: Description of Executive Arrangements**

The following parts of this Constitution constitute the Executive Arrangements for the purpose of the Local Government Act 2000:

1. Article 6 (Overview and Scrutiny Committees); and the Overview and Scrutiny Procedures (Part 4E);
2. Article 7 (The Executive) and the Executive Procedure Rules (Part 4D);
3. Article 10 (Area committees and forums);
4. Article 11 (Joint arrangements);
5. Article 13 (Decision-making) and the Access to Information Procedure Rules (Part 4B);
6. Part 3 (Responsibility for Functions); and
7. Part 9 (Delegation to officers).



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## **PART 3 - RESPONSIBILITY FOR FUNCTIONS**

*The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive, which may (but need not) be the responsibility of the Executive (the 'local choice functions') and which are to some extent the responsibility of the Executive. All other functions not so specified are to be the responsibility of the Executive.*

*The tables below provide a means of meeting this requirement. Table 1 covers local choice functions. Table 2 covers functions which are not the responsibility of the Executive. Table 3 covers Executive responsibilities.*

### **1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS**

**Table 1: Responsibility for Local Choice Functions**

#### **LOCAL CHOICE EXECUTIVE FUNCTIONS**

The following functions or actions are to be the responsibility of the Executive Cabinet

##### Functions and Actions

- Any function under a local Act other than a function specified or referred to in Schedule 1.
- The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1988.
- The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.
- Any functions relating to contaminated land.
- The discharge of any function relating to the control of pollution or the management of air quality.
- The service of an abatement notice in respect of a statutory nuisance.

- The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.
- The inspection of the authority's area to detect any statutory nuisance.
- The investigation of any complaint as to the existence of a statutory nuisance.
- The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
- The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- The making of agreements for the execution of highways works.
- 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 –
    - (i) the authority;
    - (ii) a joint committee or two or more authorities; or
  - c. to any committee or sub-committee of such a body;
 and the revocation of any such appointment.
- Power to make payments or provide other benefits in cases of maladministration etc.

## **COUNCIL FUNCTIONS: PLANS AND STRATEGIES**

Council functions with regard to the plans and strategies listed below will be:

- Adoption of the plan or strategy with or without modification.
- Giving the Executive instructions requiring it to reconsider any draft plan or strategy submitted for Council consideration.
- The amendment of any plan or strategy.

## PLANS AND STRATEGIES

- i) those required by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 and The Local Authorities (Alternative Arrangements) (Wales) Regulations 2001 to be adopted by the Council:
- Behaviour Support Plans;
  - Best Value Performance Plan;
  - Children and Young Persons Plan;
  - Children's Services Plan;
  - Community Care Plan;
  - Community Strategy;
  - Crime and Disorder Reduction Strategy;
  - Early Years Development Plan;
  - Food Law Enforcement Service Plan;
  - Local Transport Plan;
  - School Organisation Plans;
  - Unitary Development Plan;
  - Welsh Language Plan;
  - Welsh Language Scheme;
  - Youth Justice Plan.
- ii) those other plans and strategies which Chapter 3 of the Assembly Guidance recommends should be adopted by the Council as part of the Policy Framework:
- Children First Plan;
  - Corporate Plan;
  - Housing Strategy and Operational Plan;
  - Lifelong Learning Development Plan;
  - Policy Agreements;
- iii) plans and strategies other than those listed above will be the responsibility of the Executive.

## **LOCAL CHOICE COUNCIL FUNCTIONS**

The following functions or actions are to be the responsibility of the Council:

- The determination of an appeal against any decision made by or on behalf of the authority.
- The making of arrangements pursuant to subsection (2) of section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (appeals against exclusion of pupils).
- The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards Framework Act 1998 (admission appeals).
- The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).
- The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.
- The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act.

## **MANDATORY EXECUTIVE FUNCTIONS**

### **Plans, Strategies and Finance**

1. The **formulation or preparation** of the plans and strategies listed in Appendix 3 to these proposals, and any plan or strategy for the control of the council's borrowing or capital expenditure.
2. The amending, modification, variation or revocation of any such plan or strategy where required to give effect to requirements of the National Assembly for Wales in relation to a plan or strategy submitted for its approval, or to any part so submitted or where authorised by a determination made by the Council when approving or adopting the plan or strategy.

### **Disposal of Housing**

3. Making an application **pursuant to an authorisation** by the Council –

- (a) under subsection (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993; or
- (b) under section 32 (power to dispose of land held for the purposes of part II) or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985,

### **Preparing Estimates for the Budget and Rate**

- 4. The preparation, for submission to the authority for their consideration of estimates in accordance with the provisions of the Local Government Finance Act 1992 or subsequent legislation replacing that Act.
- 5. The reconsideration of those estimates and amounts in accordance with the Council's requirements.
- 6. The submission for the Council's consideration of revised estimates and amounts.

### **Any Other Functions**

- 7. All other functions not designated as council functions under these proposals and not by law required to be exercised by the council shall be executive functions.

## **MANDATORY COUNCIL FUNCTIONS**

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Council procedure Rules in **Part 4** of the Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the Leader (in accordance with Standing Orders);
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;

- (g) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area or granting freedom of the County Borough;
- (i) making or confirming the appointment of the Head of Paid Service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of legal legislation or personal Bills;
- (k) all regulatory, licensing and miscellaneous functions as set out in Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001.
- (l) all other matters which, by law, must be reserved to Council.

## 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS

**Table 2: Responsibility for Council Functions**

**(a) Planning Committee (19 Members)**

Terms of Reference:

- (1) With delegated powers to deal with all matters relating to development control, including planning applications.
- (2) Delegated powers to deal with all matters relating to building control, including dangerous and dilapidated buildings and structures, and trees.
- (3) To consider and determine applications made under Section 53 of the Wildlife and Countryside Act 1981 for modification of the Definitive Map.
- (4) To determine Traffic Orders.

**(b) Licensing Committee (15 Members)**

Terms of Reference:

To determine all matters regulated by the Licensing Act 2003, in accordance with the provisions of and the scheme of delegation set out in the Council's Statement of Licensing Policy.

To determine all other licensing matters, including applications for Hackney Carriage, Private Hire Vehicles, Dangerous Wild Animals, Street Trading Licences, Charitable Collections and any other matters of a licensing nature. (All non Licensing Act 2003 matters will be considered by the full Licensing Committee exercising plenary powers meeting on such specific occasions as necessary).

The Licensing Committee shall be empowered to adopt or modify any such rules of procedure as may be required in order to facilitate the determination of any matters considered by them.

With delegated powers:

- (1) To set up Sub-Committees to determine licences under the Licensing Act 2003 and
- (2) To make arrangements for the discharge of the statutory registration and licensing functions of the Council, except where such matters fall within the purview of another Committee.

**(c) Appeals Committee (7 Members)**

Terms of Reference:

With delegated powers :

- (1) To determine appeals against decisions on disciplinary proceedings instituted against employees (excluding the Head of Paid Service, Monitoring Officer and Chief Finance Officer).
- (2) To determine matters relating to employees' grievances appeals.
- (3) To determine appeals arising from local government reorganisation.
- (4) To consider and make recommendations to Cabinet on all matters relating to re-grading appeals by all Chief Officers.

N.B. Where in the case of the dismissal of

- the Head of Paid Service
- a Chief Officer
- a deputy Chief Officer

a committee or sub-committee is discharging the function of the dismissal, at least one member and not more than half of the members of that committee or sub-committee are to be members of the Executive.

(The Council will be responsible for a decision to dismiss the Head of Paid Service.)

**(d) Investigating Committee (7 Members)**

Terms of Reference:

With delegated powers :

- (1) To act in accordance with the procedures laid down by the JNC Conditions of Service for Chief Officers and in accordance with the Local Authorities (Standing Orders) (Wales) Regulations 2006 in all matters of discipline and capability.
- (2) To determine such matters as appropriate with delegated powers on behalf of the Council in relation to non-statutory Chief Officers and statutory Chief Officers, with the exception of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
- (3) The "second hearing" as referred to within the Chief Officers' Hand Book in respect of non-statutory Chief Officers and statutory Chief Officers, with the exception of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, shall be a referral to the Appeals Committee in accordance with ACAS guidelines.



- (4) In the case of the Head of Paid Service, Monitoring Officer and Chief Finance Officer, to recommend, where considered appropriate, referral of the issue to an independent person in accordance with the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006.

**(e) Social Services Appeals Committee (7 Members)**

Terms of Reference:

With delegated powers

- (1) To hear and determine requests for consents to abortions for children in care.
- (2) To hear and determine unresolved complaints from parents, guardians or custodians for children in care on questions of access other than cases where access was refused altogether which will be dealt with by way of application by the parent to the Juvenile Court.
- (3) To hear and determine appeals on grounds of hardship and requirement of special consideration against financial assessments made under the NHS and the Community Care Act 1990.
- (4) To hear and determine appeals against proposals to cancel registrations or refuse registrations under the Registered Homes Act 1984 as recommended.
- (5) To hear and determine appeals against proposals to cancel registrations or refuse registrations or re-registrations of nurseries, play groups and childminders under the Children Act 1989.
- (6) To hear and determine appeals against decisions relating to the level of service provided to individuals.

**(f) Redundancy Appeals Committee (7 Members, none of whom should be members of the Early Retirement/Redundancy Committee)**

Terms of Reference:

With delegated powers to:

- (1) hear and determine appeals against the redundancy of Council employees issued with redundancy notification.
- (2) hear and determine appeals against the redundancy of "school based" employees following notice of school closure.

**(g) Standards Committee (8 Members including 4 independent members; 3 councillors other than the Leader and not more than 1 member of the Executive; and 1 member of a town/community council wholly or mainly in the Council's area)**

Terms of Reference:

- (1) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives.
- (2) Assisting councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct.
- (3) Advising the Council on the adoption or revision of the Members' Code of Conduct.
- (4) Monitoring the operation of the Members' Code of Conduct.
- (5) Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct.
- (6) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
- (7) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Local Commissioner in Wales.
- (8) The exercise of (1) to (7) above in relation to the community councils wholly or mainly in its area and the members of those community councils.
- (9) Overview of the Whistle Blowing Policy.
- (10) Overview of complaints handling and Ombudsman investigations.

**(h) Discretionary Housing Payments Review Committee (7 Members)**

Terms of Reference:

With delegated powers to determine reviews made under Regulation 8 of the Discretionary Financial Assistance Regulations 2001 in the light of guidance on the operation of Discretionary Housing Payments issued by the Department of Social Security under the new scheme from 2<sup>nd</sup> July, 2001.

**COMMITTEES/SUB-COMMITTEES/PANELS**

**(i) Audit Committee (7 Members)**

(The meeting of the Audit Committee on 2<sup>nd</sup> May, 2006 recommended that no Member of the Executive be appointed to the Audit Committee).

Terms of Reference:

- (1) To consider the head of internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of

assurance it can give over the Council's corporate governance arrangements.

- (2) to consider summaries of special internal audit reports as requested.
- (3) To consider reports dealing with the management and performance of the providers of internal audit services.
- (4) To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- (5) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- (6) To consider specific reports as agreed with the external auditor.
- (7) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (8) To commission work from internal and external audit.
- (9) To maintain an overview of contract procedure rules, financial regulations and officers' codes of conduct and behaviour.
- (10) To review any issue referred to it by the Chief Executive, or a Director, or any Council body.
- (11) To monitor the effective development and operation of risk management and corporate governance in the Council.
- (12) To monitor Council policies on "Raising Concerns at Work" and the anti-fraud and anti-corruption strategy and the Council's complaints procedure.
- (13) To oversee the production of the Council's Statement on Internal Control and to recommend its adoption.
- (14) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- (15) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (16) To consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.

**(j) Community Liaison Committee (13 Members)**

Terms of Reference:

One representative, or nominated substitute, from each Town/Community Council, and from any other organisation considered appropriate, to attend to discuss local government matters of mutual concern.

**(k) Early Retirement/Redundancy Committee (7 Members)**

Terms of Reference:

With delegated powers to:

- (1) determine individual applications for Early Retirement/Voluntary Redundancy;
- (2) determine compulsory redundancies from schools and other areas of the Council where statutory payments are prescribed.

**(l) Joint Consultative Forum (7 Members)**

Terms of Reference:

- (1) To consider any relevant matter referred to it by a Committee, Elected Member or the Chief Executive of the Council or by the Employees' Group.
- (2) To make recommendations to the Cabinet on the above and on the application of the terms and conditions of service and the education, training and welfare of employees of the Council.
- (3) To discharge any other functions specifically assigned to the Forum.

**(m) Senior Management Appointment Panel (7 Members)**

Terms of Reference:

With delegated powers to select for and to interview and appoint to the Management Structure.

**(n) Trust Committee (7 Members)**

Terms of Reference:

With delegated powers to consider and deal with matters in which the Council acts as Trustee, except those matters within the terms of reference of the Welsh Church Act Estate Committee.

**(o) Voluntary Sector Joint Liaison Committee (11 plus 10 voluntary sector representatives)**

**Terms of Reference:**

- (1) To advise the Council of the needs of views and concerns of the Voluntary Sector.
- (2) To report on the work of those organisations grant aided by the Council, either in full or in part.
- (3) To act as a consultative forum where the Voluntary Sector and the Council may, in partnership, put forward policy proposals for discussion and decision.
- (4) To facilitate and promote joint working between the Council and the Voluntary Sector.
- (5) To assist the Council in developing a strategy for the voluntary sector; to participate in the monitoring and valuation of that strategy.
- (6) To refer, as appropriate, reports to the Cabinet.
- (7) The Chairman and Vice-Chairman to be appointed by the Committee from amongst the eleven members of the Council; an honorary Vice-Chairman to be appointed by the committee from amongst the ten representatives from the Voluntary Sector.
- (8) In accordance with the statutory provisions, only members of the Council will have voting rights. However, where there is no consensus this will be reported in the minutes and placed before the Council prior to a decision being taken.
- (9) To review the Partnership Agreement and Action Plan and to monitor and report on progress made towards achieving the targets contained within the Agreement and the Plan.
- (10) To consider reports of the Cabinet and other Committees of the Council which have a bearing and impact on the Voluntary Sector.
- (11) To consider and recommend grant awards under the Council's Voluntary Action Scheme and other appropriate funding schemes.

**(p) Welsh Church Act Estate Committee (7 Members)**

**Terms of Reference:**

- (1) Delegated authority to administer and manage the Welsh Church Act Estate as vested in the Council.
- (2) Authority to negotiate with other authorities and the National Assembly for Wales to rationalise the ownership of Welsh Church Act properties administered by other authorities but actually located within the Vale of Glamorgan.
- (3) To ensure that Best Value is obtained in all areas of the Committee's responsibility.

**(q) Appointment of LEA Governors Advisory Panel (7 Members)**

**Terms of Reference:**

The Advisory Panel for the Appointment of LEA Governors will comprise 3

Conservative (including the Cabinet Member for Education and Training who will Chair the Panel), 3 Labour and 1 Plaid Cymru Elected Members. A representative of the Vale Governors' Association (AVAGO), as determined by the management committee of that Association, will be invited to attend the Panel in an advisory capacity (i.e. without voting rights). In the event of any of the seven members or the AVAGO representative being unable to attend, named substitutes will be eligible to take their place to ensure that all these groups are adequately represented when the Panel meets.

The Advisory Panel for the Appointment of LEA Governors will be responsible for making recommendations to the Cabinet regarding the appointment and removal of LEA governors in line with the approved criteria contained within this policy. If the Cabinet do not endorse any recommendations of the Panel regarding any LEA governor appointments they will refer them back to the Panel in the first instance stating appropriate reasons for doing so. In the event of failure by the Panel to recommend an appointment, that appointment will then be made by the Cabinet, so as to ensure that the Council meets its obligation to fill vacancies within 6 months of their notification.

## **OTHER BODIES (INCLUDING JOINT BODIES)**

### **(r) Adoption Panel (3 Members)**

#### Terms of Reference:

With delegated powers

Part of the process of functioning as an Adoption Agency involves the establishment of an Adoption Panel. The issues that the Adoption Panel are asked to consider include approval of applicants as adoptive parents, the appropriateness of adoption for particular children and matching children who need placement with approved adopters.

### **(s) Residential Special Schools Panel (7 Members)**

#### Terms of Reference:

To carry out inspections and facilitate reports as required by the Care Standards Inspectorate in accordance with the CSIW National Minimum Standards for Residential Special Schools: Standard 33.

### **(t) Glamorgan Heritage Coast Advisory Group (9 Members)**

One representative from each of the following: Countryside Council for Wales; Friends of the Glamorgan Heritage Coast; One Voice Wales; Bridgend County Borough Council; National Farmers Union/Farmers Union of Wales/Farming and Wildlife Advisory Group; Glamorgan Wildlife Trust; Dunraven Estates; Country Landowners Association; Merthyr Mawr Estates and Crown Estates Commissioners.

Terms of Reference:

- (1) to act as a forum for discussion twice yearly with major interest groups and appropriate organisations;
- (2) to promote awareness and interest in the Heritage Coast; and
- (3) to report discussions to the Cabinet and to advise on relevant matters.

**(u) Vale of Glamorgan Local Health Board Advisory Group (7 Members)**

Terms of Reference:

With delegated powers to facilitate member level input into the Vale of Glamorgan Local Health Board.

**(v) Vale of Glamorgan Conservation Area Advisory Group (2 elected Members)**

One member each from the Royal Town Planning Institute, Royal Society of Architects in Wales, Penarth Society, Bonvilston Civic Trust, St. Nicholas Society, Cowbridge and District Local History Society, Llantwit Major History Society, Llancarfan Society, Victorian Society, Barry Preservation Society, Pride in Barry, Campaign for the Protection of Rural Wales and Wenvoe History Group.

One member each from the Barry Chamber of Trade, Cowbridge Chamber of Trade, Llantwit Major Chamber of Trade and Penarth Chamber of Trade.

One voting representative from relevant Town/Community Councils to be invited to meetings when an application affected, or might affect that particular area; with Town/Community Council representatives permitted to speak and vote only on applications relevant to their area.

Terms of Reference:

- (1) To consider applications for planning approval in respect of development which, in the opinion of the Local Planning Authority, would affect the character or appearance of the conservation area and to make recommendations to the Planning Committee.
- (2) At the request of the Council, to suggest proposals for the preservation and enhancement of the conservation area.

**(w) Equalities Consultative Forum (7 Members)**

Plus 1 representative from each of the undermentioned organisations:

Vale Council for Voluntary Services  
Vale Youth Forum  
Wales Assembly of Women (Vale Branch)

Muslim Welfare Association  
Permanent Waves  
Cardiff and Vale Coalition of Disabled People  
Race Equality First  
Cardiff Gypsy Sites Group  
Cardiff and the Vale Parents Federation  
South Wales Police  
Vale Gay and Lesbian Community.

Terms of Reference:

- (1) To act as a consultative forum in relation to the Best Value process adopted by the Council and service departments.
- (2) To advise the Council on (and review as appropriate), a policy framework to ensure equality of opportunity in service delivery and employment.
- (3) To act as a consultative forum and to facilitate the promotion of best practice in equal opportunities and the elimination of discrimination both within the Council and the wider community.
- (4) To consider reports from Departments and representative organisations on equalities related subjects and new initiatives; and to advise the Cabinet on changes to policies and procedures in order to eliminate discrimination.
- (5) To advise the Cabinet of the issues, views and concerns of equality organisations and the people whose views they represent.
- (6) To facilitate and promote joint working between the Cabinet and equality organisations.



### 3. RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

<u>Who is Responsible?</u>	<u>Membership</u>	<u>Functions</u>	<u>Onward Limits on Delegations</u>
The Cabinet	10 Members: Councillors Ms. M.E. Alexander, R.F. Curtis, S.C. Egan, C.P. Franks, N.J. Gibbs, G. John, N. Moore, Mrs. M. Randall, Mrs. M.R. Wilkinson and C.J. Williams	Scrutiny (Community Wellbeing and Safety) - Housing; Community Safety; and Social Services.	
The Cabinet	Ditto	Scrutiny (Economy and Environment) - Economic Development, Leisure and Tourism Services; Visible Services (Waste Management and Cleansing, Highway Maintenance, Engineering Design and Procurement, Parks and Ground Maintenance); Public Works and Highways; Planning and Transportation; and Building and Vehicle Services.	
The Cabinet	Ditto	Scrutiny (Lifelong Learning) - Schools (Pupil Support, School Improvement and School Support); the Lifelong Learning Service; Libraries; and Community Education and Youth Service.	

The Cabinet

Ditto

Scrutiny (Corporate Resources) - Corporate Policy and Communication; Finance, ICT and Property; Legal and Regulatory; Human Resources; Key Projects including Surplus Land and Property, Capital Schemes and Revenue Proposals/Projects over £50,000.

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# Council Procedure Rules

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## **1. ANNUAL MEETING OF THE COUNCIL**

### **1.1 Timing and business**

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

The annual meeting will:

- (i) elect a person to preside if the Chairman of Council is not present;
- (ii) elect the Chairman of Council;
- (iii) elect the Vice-Chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Chairman and/or Head of Paid Service;
- (vi) elect the Leader;
- (vii) be told by the Leader of the name of the councillor he/she has chosen to be Deputy Leader;
- (viii) be told by the Leader of the names of councillors he/she has chosen to be member of the Cabinet;
- (ix) appoint at least one Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, Table 1 of this Constitution);
- (x) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);
- (xi) approve a programme of ordinary meetings of the Council for the year; unless the Council has previously agreed a programme at an earlier meeting; and
- (xii) consider any business set out in the notice convening the meeting.

### **1.2 Selection of Councillors on Committees and Outside Bodies**

At the Annual Meeting, the Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;

- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting unless the Council has previously agreed a programme at an earlier meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Chairman, Leader, members of the Cabinet or the Head of Paid Service;
- (v) deal with any business from the last Council meeting;
- (vi) receive reports from the Executive and the Council's committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and
- (ix) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the overview and Scrutiny Committees for debate.

## **3. EXTRAORDINARY MEETINGS**

### **3.1 Calling extraordinary meetings.**

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

- i) the Council by resolution;
- ii) the Chairman of the Council
- iii) the Monitoring Officer; and

v) any five members of the Council if they have signed a requisition presented to the Chairman of the council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **4. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Proper Officer (i.e. Chief Executive) and notified in the summons.

#### **5. NOTICE OF AND SUMMONS TO MEETINGS**

The Proper Officer (i.e. Chief Executive) will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least three clear days before a meeting, the Proper Officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **6(1) CHAIR OF MEETING**

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

#### **6(2) LEADER AND DEPUTY LEADER OF THE COUNCIL**

The Leader shall be the person elected to that position by the Full Council (see Article 7.03).

The Deputy Leader of the Council shall be the person appointed as determined by the Leader of the Council (see Article 7.04).

#### **7. QUORUM**

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

## **8. QUESTIONS BY MEMBERS**

### **8.1 On reports of the Executive or committees**

A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.

### **8.2 Questions on notice at full Council**

Subject to Rule 8.4, a member of the Council may ask:

- the Chairman of the council
- a member of the Executive
- the Chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the Vale of Glamorgan

### **8.3 Questions on notice at committees and sub-committees**

Subject to Rule 8.4, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the Vale of Glamorgan and which falls within the terms of reference of that committee or sub-committee.

### **8.4 Notice of questions**

A member may only ask a question under Rule 8.2 or 8.3 if either:

(a) they have given notice in writing of the question to the Proper Officer (i.e. Chief Executive) by no later than 12.00 noon on the Monday prior to the day of the meeting at which the question is to be asked; or

(b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Proper Officer (i.e. Chief Executive) by 12 noon on the day of the meeting.

### **8.5 Response**

An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication;  
or



(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

## **8.6 Supplementary question**

A member asking a question under Rule 8.2 or 8.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

## **9. MOTIONS ON NOTICE**

### **9.1 Notice**

Except for motions which can be moved without notice under Rule 10, written notice of every motion, signed by at least 2 members, must be delivered to the Proper Officer (i.e. Chief Executive) not later than 10 clear days before the date of the meeting. These will be entered in a book open to public inspection.

### **9.2 Motion set out in agenda**

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

### **9.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the vale of Glamorgan area.

## **10. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;

- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

## **11. RULES OF DEBATE**

### **11.1 No speeches until motion seconded**

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

### **11.2 Right to require motion in writing**

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

### **11.3 Secunder's speech**

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

### **11.4 Content and length of speeches**

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

### **11.5 When a member may speak again**

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

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;

- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

### **11.6 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **11.7 Alteration of motion**

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

### **11.8 Withdrawal of motion**

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

### **11.9 Right of reply**

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

### **11.10 Motions which may be moved during debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

### **11.11 Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or

she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **11.12 Point of order**

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

#### **11.13 Personal explanation**

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

### **12. STATE OF THE AREA DEBATE**

#### **12.1 Calling of debate**

The Leader will call a state of the area debate annually on a date and in a form agreed by the Full Council and in agreement with the Chairman of the Council.

#### **12.2 Form of debate**

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

### **12.3 Chairing of debate**

The debate will be chaired by the Chairman of the council.

### **12.4 Results of debate**

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

## **13. PREVIOUS DECISIONS AND MOTIONS**

### **13.1 Motion to rescind a previous decision**

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless a preliminary notice in writing of such motion or amendment signed by the member proposing the same is delivered to the Chief Executive at the Civic Offices before the expiration of twenty-four hours from the time of commencement of the meeting of the Council at which such resolution was passed and a confirmatory written notice signed by at least twelve members of the Council and setting out the proposed motion or amendment is delivered to the Chief Executive at the Civic Offices before the expiration of five days from the date of the meeting at which the resolution was passed.

### **13.2 Motion similar to one previously rejected**

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

## **14. VOTING**

### **14.1 Majority**

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

### **14.2 Chairman's casting vote**

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

vote.

### **14.3 Show of hands**

Unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **14.4 Ballots**

The vote will take place by ballot if at least half the members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

### **14.5 Recorded vote**

If six members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

### **14.6 Right to require individual vote to be recorded**

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

### **14.7 Voting on appointments**

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

## **15. MINUTES**

### **15.1 Signing the minutes**

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

### **15.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

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

minutes.

### **15.3 Form of minutes**

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

## **16. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **17. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in **Part 4** of this Constitution or Rule 22 (Disturbance by Public).

## **18. ATTENDANCE OF MEMBERS AT COMMITTEES**

A member of the Council shall be entitled to attend any meeting of any committee of the Council but shall not be entitled to take part in proceedings of a committee of which they are not a member without the consent of that committee, and shall not in any case be entitled to vote on the proceedings of such a committee.

## **19. MEMBERS' CONDUCT**

### **19.1 Standing to speak**

When a member speaks at full Council they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **19.2 Chairman standing**

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **19.3 Member not to be heard further**

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

### **19.4 Member to leave the meeting**



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

#### **19.5 General disturbance**

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

### **20. DISTURBANCE BY PUBLIC**

#### **20.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

#### **20.2 Clearance of part of meeting room**

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

### **21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **21.1 Suspension**

All of these Council Rules of Procedure except Rule 14.6 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

#### **21.2 Amendment**

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

### **22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of Full Council. None of the Rules apply to meetings of the Executive. Only Rules 5–11 (but not Rule 6.2), 13–15 and 17-22 (but not Rule 19.1) apply to meetings of committees and sub-committees.

## **Access to Information Procedure Rules**

### **1. SCOPE**

These rules apply to all meetings of the Council, the Executive, Scrutiny Committees, area committees (if any), the Standards Committee and regulatory and other committees.

### **2. ADDITIONAL RIGHTS TO INFORMATION**

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

### **3. RIGHTS TO ATTEND MEETINGS**

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

### **4. NOTICE OF MEETINGS**

The council will give at least three clear days notice of any meeting by posting details of the meeting at the Civic Offices, Holton Road, Barry.

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

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

### **6. SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer (i.e. Director of Legal and Regulatory

Services) thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

## **7. ACCESS TO MINUTES ETC AFTER THE MEETING**

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

- (a) the minutes of the meeting or record of decisions taken by the Executive excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

### **8.2 Public inspection of background papers**

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

## **9. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents is kept at, and available to the public at the Civic Offices, Holton Road, Barry.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **10.1 Public and private meetings of the Executive**

The Executive may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with **Article 13** and these Procedure Rules. This does not prevent the Executive from holding informal deliberations in private, with or without officers present, but these meetings shall not take decisions.

### **10.2 Confidential information – requirement to exclude public**

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

### **10.3 Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely - in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **10.4 Meaning of confidential information**

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

### **10.5 Meaning of exempt information**

Exempt information means information falling within the following 16 categories (subject to any qualification):

N.B. The category numbers relate to the relevant paragraphs in Part 4 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

<b>Category</b>	<b>Qualification</b>
12. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
13. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular officer, former officer or applicant to become an officer appointed by - (a) a magistrates' court committee; (b) a probation committee within the meaning of the Probation Service Act 1993; (c) a local probation board within the meaning of the Criminal Justice and Court Services Act 2000	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
14. Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.	
15. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
16. Information relating to any particular applicant for, or recipient or former recipient of any service provided by the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
17. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
18. Information relating to the adoption, care, fostering or education of any particular child	Child means a person under 18 and anyone who is 18 and is still registered as a school pupil, or is the subject of a care order, within the meaning of section 31 of the Children Act 1989

19. Information relating to the financial or business affairs of any particular person (other than the authority)	Information falling within paragraph 19 is not exempt information by virtue of that paragraph if it is required to be registered under - (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Industrial and Provident Societies Acts 1965 to 1978; (d) the Building Societies Act 1986; (e) the Charities Act 1960
20. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services	Information within paragraph 20 is exempt information if, and for so long as, disclosure to the public of the amount there referred to would be likely to give an advantage to a person entering into, or seeking to enter into, a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against other such persons.
21. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services	Information within paragraph 21 is exempt information if, and for so long as, disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning that property or those goods or services. (The disposal of property includes granting an interest in or right over it)
22. The identity of the authority (as well as of any other person, by virtue of paragraph 19 above) as the person offering any particular tender for a contract for the supply of goods or services	For the purposes of this paragraph "tender" includes a DLO/DSO written bid
23. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority	Information within paragraph 11 is exempt information if, and for so long as, disclosure to the public of the information would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter arising as mentioned in that paragraph "Labour relations matters" are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute

<p>24. Any Instructions to counsel and any opinion of council (whether or not in connection with any proceedings), and any advice received, information obtained or action to be taken in connection with:</p> <p>(a) any legal proceedings by or against the authority; or</p> <p>(b) the determination of any matter affecting the authority;</p> <p>(whether, in either case, proceedings have been commenced or are in contemplation)</p>	
<p>25. Information which, if disclosed to the public, would reveal that the authority proposes–</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Information within paragraph 25 is exempt information if, and so long as, disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made</p>
<p>26. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	
<p>27. The identity of a protected informant</p>	<p>A “protected informant” means a person giving the authority information which tends to show that</p> <p>(a) a criminal offence;</p> <p>(b) a breach of statutory duty;</p> <p>(c) a breach of planning control as defined in Section 171A of the Town and Country Planning Act 1990;</p> <p>(d) a nuisance, has been, or is being, or is about to be committed</p>

Information falling within any of paragraphs 12-27 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

### 11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer (i.e. Director of Legal and Regulatory Services) thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

## **12. THE FORWARD WORK PROGRAMME**

### **12.1 Period of forward work programme**

The forward work programme will be prepared by the Proper Officer (i.e. Chief Executive) to cover a period of four months. It will be updated monthly; on a rolling basis to maximise the opportunity for consultation and dialogue.

### **12.2 Contents of forward work programme**

The forward work programme will contain matters which the Executive and Scrutiny Committees and full Council are likely to consider. It will contain information on:

- (a) the timetable for considering the budget and any plans forming part of the policy framework and requiring council approval, and which body is to consider them;
- (b) the timetable for considering any plans which are the responsibility of the Executive;
- (c) any individual matters on which the Executive intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- (d) the work programme of the Scrutiny Committees, to the extent that it is known.

The forward work programme will be published at least 14 days before the start of the period covered. The Proper Officer will publish a notice in at least one newspaper circulating in the area, stating that the forward work programme has been published and giving details of where it may be consulted or obtained.

## **13. CONSULTATION ON PROPOSALS TO BE CONSIDERED BY THE EXECUTIVE**

At least 2 weeks should be permitted in the forward work programme timetable for consultation with relevant Scrutiny Committees and ward members where a matter is to be considered by the Executive and is not urgent (see procedure set out in Article 13.09) or confidential or exempt (as defined in paragraph 10).

## **14. RECORD OF DECISIONS OF THE EXECUTIVE**

### **14.1 The decision record**

- (a) A written record will be made of every Executive decision made by the Executive and its committees (if any) and individual



members, and joint committees and joint sub-committees whose members are all members of a local authority Executive.

(b) This decision record will include a statement, for each decision, of:

1. the decision made
2. the date the decision was made
3. the reasons for that decision;
4. any personal interest declared;
5. any dispensation to speak granted by the authority's standards committee;
6. the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

#### **14.2 Preparing the decision record**

(a) The Proper Officer (i.e. Director of Legal and Regulatory Services) or his or her representative shall attend any meeting of the Executive, a committee of the Executive or a joint committee or joint sub-committee where all its members are members of a local authority Executive, and shall as soon as reasonably practicable after the meeting produce a decision record.

(b) Where an individual member has made any Executive decision,

- i. that member shall as soon as reasonably practicable instruct the Proper Officer to produce a decision record; and
- ii. the decision shall not be implemented until that decision record has been produced, subject to (c) below.

(c) Where the date by which an Executive decision made by an individual member must be implemented makes compliance with (b) ii above impracticable, the decision may be implemented if the decision maker has the agreement of

- i. the Chairman of the relevant Scrutiny Committee, or
- ii. if there is no such person or that person is unable to act, the Chairman of the local authority, or
- iii. if there is no Chairman of the relevant Scrutiny Committee or the local authority, the Vice-Chairman of the local authority that the making of the decision is urgent and cannot reasonably be deferred.

## **15. DECISIONS BY AN INDIVIDUAL MEMBER OF THE EXECUTIVE**

### **15.1 Reports intended to be taken into account**

Where an individual member of the Executive receives a report which he/she intends to take into account in making any decision, then he/she will not make the decision until at least 3 clear days after receipt of that report.

### **15.2 Provision of copies of reports to Scrutiny Committees**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

### **15.3 Record of individual decision**

The decision recording rules in para. 14 will apply.

## **16. SCRUTINY COMMITTEE MEMBERS' ACCESS TO DOCUMENTS**

### **16.1 Rights of access**

Subject to Rule 16.2 below, a Scrutiny Committee (including its sub-committees) will be entitled to access to any document which is in the possession or control of the Executive or its committees and which contains material relating to

- (a) any business transacted at a meeting of the Executive or its committees ; or
- (b) any decision taken by an individual member of the Executive.

### **16.2 Limit on rights**

A Scrutiny Committee or sub-committee will not be entitled to any part of a document that contains:

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

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

## **17. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **17.1 Rights of access**

All members will be entitled to inspect any document which is in

the possession or under the control of the Executive or its committees and contains material relating to any business transacted at a meeting of a decision making body of that authority or by an individual member of the Executive.

### **17.2 Limitation on rights**

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

- (a) it would disclose exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of Part 4 of Schedule 12A of the Local Government Act 1972, or
- (b) it would disclose advice of a political advisor or assistant.

### **17.3 Nature of rights**

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

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## **Budget and Policy Framework Procedure Rules**

### **1. The framework for Executive decisions**

The Council will be responsible for the adoption of its policy framework and budget as set out in Article 4. The policy framework and budget adopted by the Council will be based on that proposed by the Executive. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

### **2. Process for developing the framework**

The process by which the policy framework and budget shall be developed is:

(a) The Executive will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairmen of Scrutiny Committees will also be notified. The consultation period shall in each instance be not less than 3 weeks.

(b) At the end of that period, the Executive will then draw up firm proposals having regard to the responses to that consultation. If a relevant Scrutiny Committee wishes to respond to the Executive in that consultation process then it may do so. As the Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Executive will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.

(c) Once the Executive has approved the firm proposals, the Proper Officer (i.e. Chief Executive) will refer them at the earliest opportunity to the Council for decision.

(d) In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or in principle, substitute its own proposals in their place.

(e) If it accepts the recommendation of the Executive without amendment, the Council may make a decision which has

immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

(f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.

(g) An in-principle decision will automatically become effective 5 days from the date of the Council's decision, unless the Leader informs the Proper Officer (i.e. Chief Executive) in writing within 5 days that he/she objects to the decision becoming effective and provides reasons why.

(h) In that case, the Proper Officer (i.e. Chief Executive) will call a Council meeting within a further 10 days. The Council will be required to re-consider its decision and the Leader's written submission at that meeting. The Council may

- i) approve the Executive's recommendation by a simple majority of votes cast at the meeting; or
- ii) approve a different decision which does not accord with the recommendation of the Executive by a simple majority

(i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;

(j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

### **3. Decisions outside the budget or policy framework**

(a) Subject to the provisions of paragraph 5 (virement) the Executive, an individual member of the Executive and any officers, area committees or joint arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.

(b) If the Executive, an individual member of the Executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing

budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

#### **4. Urgent decisions contrary to the budget or policy framework**

The Executive, an individual member of the Executive, area committees or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. In this case the procedure to be followed is set out in Article 13.09.

#### **5. Virement**

The rules for virement are set out in Section 5 of the Council's Financial Procedure Rules (included in **Part 4** of this Constitution) and reference should be made to this. A summary of the virement rules is as follows:

Capital -

(a) Steps taken by the Executive, an individual member of the Executive or officers, area committees or joint arrangements discharging Executive functions to implement Council policy, shall not incur greater expenditure on a scheme than the amount included in the Capital programme (unless the Executive, an individual member of the Executive with delegated powers to make decisions or an officer is so authorised by financial regulations or other delegations). However, in the following circumstances the Cabinet may:

- transfer resources between schemes, including to a new scheme, up to a limit of £100,000 per scheme
- transfer resources from revenue to schemes, including to a new scheme, up to a limit of £100,000 per scheme
- incur capital expenditure where it is being wholly funded by grant or supplementary credit approval and amend the capital programme accordingly
- incur capital expenditure that is funded from a provision or earmarked reserve for the specific purposes that the provision or earmarked reserve was set aside.

Provided (in all of the above circumstances):

- that the expenditure is not contrary to any policy as set out in the Policy Framework, and the revenue costs falling on the Council of any new capital scheme does not exceed £50,000 per annum (excluding capital financing costs)

Revenue -

(b) Steps taken by the Executive, an individual member of the Executive or officers, area committees or joint arrangements discharging Executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, Chief Officers in consultation with the Chief Finance Officer, shall be entitled to vire across budget heads within the same service up to a maximum of £35,000 (£50,000 with the express permission of the relevant Cabinet Member and Leader) budget head per year in aggregate provided the transfer will not result in the adoption of a new policy and will not result in future additional revenue commitment. Beyond that limit, approval to any virement across budget heads can be made by the Cabinet.

## **6. In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, an individual member of the Executive or officers, area committees or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy which makes up the policy framework may be made by those bodies or individuals except those changes:

*A number of possibilities are presented below:*

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

## **7. Call-in of decisions outside the budget or policy framework**

(a) Where a Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and Chief Financial Officer.

(b) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and Chief Financial Officer's report shall be to the Executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 21 days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:

i) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

*Or*

ii) amend the council's budget or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

*Or*

iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.



## **Executive Procedure Rules**

### **1. HOW DOES THE EXECUTIVE OPERATE?**

#### **1.1 Who may make Executive decisions?**

The arrangements for the discharge of Executive functions may be set out in the Executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by:

- i) the Executive as a whole;
- ii) a committee of the Executive;
- iii) an individual member of the Executive;
- iv) an officer;
- v) an area committee;
- vi) joint arrangements; or
- vii) another local authority.

#### **1.2 Delegation by the Leader**

At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- i) the names, addresses and electoral divisions of the people appointed to the Executive by the Leader;
- ii) the extent of any authority delegated to Executive members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of such Executive committees as the Leader appoints and the names of Executive members appointed to them;
- iv) the nature and extent of any delegation of Executive functions to area committees, any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming

year; and

vi) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

### **1.3 Sub-delegation of Executive functions**

(a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an Executive function, they may delegate further to an area committee, joint arrangements or an officer.

(b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.

(c) Unless the Leader directs otherwise, a committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.

(d) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **1.4 The Council's scheme of delegation and Executive functions**

(a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

(b) If the Leader is able to decide whether to delegate Executive functions, he/she may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Proper Officer (i.e. Chief Executive) and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Executive as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

### **1.5 Conflicts of Interest**

(a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

(b) If every member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

(c) If the exercise of an Executive function has been delegated to a committee of the Executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

### **1.6 Executive meetings – when and where?**

The Executive will meet at least 10 times per year at times to be agreed by the Leader. The Executive shall meet at the Council's main offices or another location to be agreed by the Leader.

### **1.7 Public or private meetings of the Executive?**

The Access to Information Rules in Part 4 of this Constitution set out the legal requirements covering public and private meetings. There is no specific requirement in relation to frequency or place, though schedule 1 to the Local Government Act 2000 allows authorities to make provision about the conduct of Executive meetings. Any such provision should be set out in this part of the constitution.

### **1.8 Quorum**

The quorum for a meeting of the Executive, or a committee of it, shall be 3.

### **1.9 How are decisions to be taken by the Executive?**

(a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

(b) Where Executive decisions are delegated to a committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

## **2. HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?**

### **2.1 Who presides?**

The Leader will preside at my meeting of the Executive or its committees at which he/she is present and may appoint another person to do so in his absence.

The Leader may appoint the Chairmen of any sub-committees of

the Executive and other persons to preside in the absence of that Chairman.

## **2.2 Who may attend?**

***These details are set out in the Access to Information Rules in Part 4 of this Constitution.***

## **2.3 What business?**

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

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the Executive (whether by an overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) consideration of reports from overview and Scrutiny Committees; and
- v) matters set out in the agenda for the meeting, indicating which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution;

## **2.4 Consultation**

All reports to the Executive from any member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **2.5 Who can put items on the Executive agenda?**

The Leader will decide upon the schedule of the meetings of the Executive. The Leader may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The Proper Officer (i.e. Chief Executive) will comply with the Leader's requests in this respect.

Any member of the Executive may require the Proper Officer (i.e. Chief Executive) to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.

There will be a standing item on the agenda of each meeting of the Executive for matters referred to it by Council or Scrutiny Committees.

Any member of the Council may ask the Leader to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered and this individual will be invited to attend the meeting, whether or not it is a public meeting, and will be allowed to address the meeting in relation to that item. However, there may only be up to 3 such items per Executive meeting.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an Executive meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

## Overview and Scrutiny Procedure Rules

### PART 1: EXECUTIVE CONSTITUTIONS

#### 1. What will be the number and arrangements for Scrutiny Committees?

The Council will have the four Scrutiny Committees set out in **Article 6** and will appoint to them as it considers appropriate from time to time and their titles and scope are set out in the table below for reference. Such committees may appoint sub-committees and/or task and finish groups. Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

<b>Scrutiny Committee</b>	<b>Scope</b>
Community Wellbeing and Safety	Housing Community Safety Social Services
Corporate Resources	Corporate Policy and Communications Finance, ICT and Property Legal and Regulatory Human Resources Key Projects, including Surplus Land and Property, Capital Schemes and Revenue Proposals over £50,000
Economy and Environment	Economic Development, Leisure and Tourism Services, Countryside and Environmental Projects, Visible Services (Waste Management and Cleansing, Highway Maintenance, Engineering Design and Procurement, Parks and Ground Maintenance) Public Works and Highways Planning and Transportation Building and Visible Services
Lifelong Learning	Schools (Pupil Support, School Improvement and School Support) Post 16 Education and Training Libraries Community Education and Youth Service

## **2. Who may sit on Scrutiny Committees?**

All councillors except members of the Executive may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved.

## **3. Co-optees**

Each Scrutiny Committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people/organisations as non-voting co-optees (including on a task and finish group).

## **4. Education representatives**

The relevant Scrutiny Committee/sub-committee dealing with education matters shall include in accordance with the appropriate legislation and Assembly guidance in its membership, the following voting representatives:

- (a) One Church in Wales representative;
- (b) One Roman Catholic Church representative;
- (c) Two parent governor representatives (One from each sector - Primary and Secondary); and
- (d) 1 representative from other faiths or denominations.

**Note:** The Scrutiny Committee/sub-committee in this paragraph is the Scrutiny Committee or sub-committee of the authority, where the committee or sub-committee's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If the Scrutiny Committee/sub-committee deals with other matters, these representatives shall not vote on those other matters and may only attend as co-opted members of the committee for discussion of those other matters if invited to do so.

## **5. Meetings of Scrutiny Committees**

Ordinary meetings of Scrutiny Committees shall be convened in accordance with the Councils' timetable of meetings, set at the time of its Annual Meeting unless the Council has previously agreed a programme at an earlier meeting. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chairman of the relevant Scrutiny Committee, by any four members of the committee or by the Proper Officer (i.e. Chief Executive) if he/she considers it necessary or appropriate.

## **6. Quorum**

The quorum for a Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in **Part 4** of this Constitution.

## **7. Who chairs Scrutiny Committee meetings?**

Chairmen of Scrutiny Committees/sub-committees / task and finish groups will be drawn from among the councillors sitting on the relevant committee/sub-committee / task and finish group, and subject to this requirement the committee/sub-committee / task and finish group may appoint such a person as it considers appropriate.

In the case of Scrutiny Committees, the appointment of the Chairman of each Committee will take place directly after the Annual Meeting of the Council, when only those members of that Scrutiny Committee may take part and vote. In the case of any Scrutiny Sub Committees / task and finish groups which are established, the Chairman will be appointed at the first meeting of that Sub Committee / task and finish group.

## **8. Work programme**

The Scrutiny Committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

## **9. Agenda items**

Any member of a Scrutiny Committee or sub committee shall be entitled to give notice to the Proper Officer (i.e. Chief Executive) that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for, and be discussed at, a meeting of the committee or sub-committee.

On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

Any member of the Council may give written notice to the Proper Officer that he/she wishes an item to be included on the agenda of that Scrutiny Committee (subject to the committee's terms of reference). If the Proper Officer receives such a notification, then he/she will include the item on the first available agenda of the relevant Scrutiny Committee for consideration by the committee.

The Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and, if it considers it appropriate, the Executive to review particular areas



of Council activity. Where they do so, the Scrutiny Committees shall report their findings and any recommendations back to the Council and / or the Executive.

#### **10. Policy review and development**

(a) The role of the Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committee or sub committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.

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

#### **11. Reports from Scrutiny Committee**

(a) Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it to the Proper Officer (i.e. Chief Executive) for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). If the Scrutiny Committee report to the Council a copy of the report shall be sent to the Executive

(b) If a Scrutiny Committee cannot agree on one single final report to the Council or Executive as appropriate, then a minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.

#### **12. Making sure that scrutiny reports are considered by the Executive**

(a) The agenda for Executive meetings shall include an item entitled 'Issues arising from scrutiny'. The reports of Scrutiny Committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive's deliberations on a substantive item on

the agenda) within six weeks of the Scrutiny Committee completing its report/recommendations.

(b) Where a Scrutiny Committee or sub-committee prepares a report for consideration by the Executive in relation to a matter where the Leader or Council has delegated decision making power to another individual member of the Executive, then the Scrutiny Committee will submit a copy of their report to him/her for consideration. At the time of doing so, the Scrutiny Committee shall serve a copy on the Proper Officer (i.e. Chief Executive). The member with delegated decision making power must consider the report and respond in writing to the Scrutiny Committee within 6 weeks of receiving it. A copy of his/her written response to it shall be sent to the Proper Officer and the Leader. The member will also attend a future meeting of the Scrutiny Committee to present their response.

(c) Where a Scrutiny Committee or sub-committee prepares a report for consideration by the Executive in relation to a matter where the Leader or Council has delegated decision making power to another individual member of the Executive, then the Scrutiny Committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Scrutiny Committee shall serve a copy on the Proper Officer (i.e. Chief Executive) and the Leader. If the member with delegated decision making power does not accept the recommendations of the Scrutiny Committee then he/she must then refer the matter to the next available meeting of the Executive for debate before exercising his/her decision making power and responding to the report in writing to the Scrutiny Committee. The Executive member to whom the decision making power has been delegated will respond to the Scrutiny Committee within 6 weeks of receiving it. A copy of his/her written response to it shall be sent to the Proper Officer and he/she will attend a future meeting to respond.

(d) Scrutiny Committees will in any event have access to the Executive's forward work programme for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from a Scrutiny Committee following a consideration of possible policy/service developments, the committee will at least be able to respond in the course of the Executive's consultation process.

### **13. Rights of Scrutiny Committee members to documents**

(a) In addition to their rights as councillors, members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

(b) Nothing in this paragraph prevents more detailed liaison

between the Executive and Scrutiny Committee as appropriate depending on the particular matter under consideration.

#### **14. Members and officers giving account**

(a) Any Scrutiny Committee or sub-committee / task and finish group may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require the Leader and any (other) member of the Executive, the Head of Paid Service and/or any manager to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions; and/or
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) their performance.

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

(b) Where any member or officer is required to attend a Scrutiny Committee / sub committee / task and finish group under this provision, the Chairman of that committee / sub committee / task and finish group will inform the Proper Officer (i.e. Chief Executive). The Proper Officer shall inform the member or officer in writing giving at least 7 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then, in consultation with the member or officer, an alternative date for attendance will be arranged.

#### **15. Attendance by others**

A Scrutiny Committee / sub committee / task and finish group or the respective Chairman may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

#### **16. Call-in**

(a) When a decision is made by the Executive or an individual

member of the Executive, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

(b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the Chairman of the Scrutiny Committee or any member of the Council call-in the item.

(c) During that period, the Proper Officer (i.e. Chief Executive) shall call-in a decision for scrutiny by the committee if so authorised by the Chairman and shall then notify the decision-taker of the call-in. The Proper Officer shall call a meeting of the Committee after consultation with the Chairman of the Committee ; the meeting of the relevant Scrutiny Committee to take place within 20 working days of receipt of the call-in request.

(d) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider at the next scheduled Cabinet meeting, amending the decision or not, before adopting a final decision.

(e) If following an objection to the decision, the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the scrutiny meeting, or the expiry of that further 7 working day period, whichever is the earlier.

(f) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

(g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

### **CALL-IN AND URGENCY**

(h) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. In this case the procedure to be followed is set out in Article 13.09.

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

### **17. The party whip**

(a) When considering any matter in respect of which a member of a Scrutiny Committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

### **18. Procedure at Scrutiny Committee meetings**

(a) Scrutiny Committees and sub-committees shall consider the following business:

- i) minutes of the last meeting (for confirmation in respect of accuracy and for signature);
- ii) declarations of interest (including whipping declarations);
- iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
- iv) responses of the Executive to reports of the Scrutiny Committee; and
- v) the business otherwise set out on the agenda for the meeting.

(b) Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;

ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and

iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

#### **19. Matters within the remit of more than one Scrutiny Committee**

Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, before submitting its findings to the Executive and / or the Council for consideration, the report of the Scrutiny Committee shall be considered by the other committee for comment. These comments shall be incorporated into the report, which is then sent to the Executive or Council for consideration.

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## **FINANCIAL REGULATIONS**

### **1. GENERAL**

- 1.1 The Council collects and spends large sums of public money. Sound financial control is, therefore, essential in order to maintain accountability at all levels of management.
- 1.2 An effective system of financial control must be supported by a written code which sets out a clear framework of financial administration. Financial Regulations provide such control and govern the way in which the Council manages its finances and safeguards its assets.
- 1.3 These Regulations are intended to be read in conjunction with the Council's Contract Standing Orders and will be supported, where necessary, by Financial Procedure Notes which give instructions on specific areas of financial control. These Regulations shall not be applied to schools except for areas not specifically covered in the schools' own Financial Regulations.
- 1.4 Compliance with Contract Standing Orders, Financial Regulations and any associated policies, strategies or procedure notes is mandatory for all members and employees of the Council. Where a Chief Officer has been issued with delegated powers the application of those powers will still be subject to such compliance.
- 1.5 The Cabinet is responsible for regulating and controlling the finances of the Authority within the policies laid down from time to time by the Council.

### **2. OFFICERS' ROLES AND RESPONSIBILITIES**

#### **2.1 CHIEF EXECUTIVE**

- 2.1.1 The Chief Executive is the Head of Paid Service appointed under Section 4 of the Local Government and Housing Act 1989.
- 2.1.2 The Chief Executive has delegated powers to act, after consulting with the appropriate Cabinet Member and, in the case only of matters involving the Council in additional financial commitments, the Leader, the Director of Finance, ICT and Property and appropriate Chief Officer(s) in respect of any matter which, in his opinion:
  - (i) requires immediate action; and,
  - (ii) does not justify holding a special meeting of the body which would usually consider the matter, or, it is of such urgency as not to allow time for such a meeting; the use of such delegated powers to be subsequently reported back to the next available Cabinet.



## 2.2 DIRECTOR OF FINANCE, ICT AND PROPERTY

2.2.1 The Director of Finance, ICT and Property has specific responsibilities for the overall finances of the Council, under the general direction of the Cabinet, including:

- (i) establishing a clear framework for the financial management of the Council's affairs and for ensuring that arrangements for their proper administration are made under Section 151 of the Local Government Act 1972;
- (ii) acting as the Proper Officer to whom all other officers must account to for all money and property committed to their charge under Section 115 of the Local Government Act 1972;
- (iii) determining the accounting records including the form of accounts and supporting accounting records to be adopted by the Authority under Section 5 of the Accounts and Audit (Wales) Regulations 2005;
- (iv) reporting to the Council any potential overspend of the overall budget, recommending corrective action where necessary and ensuring generally, under Section 114 of the Local Government Finance Act 1988, that the Council takes no unlawful financial actions;
- (v) having delegated authority under Section 6 of the Accounts and Audit (Wales) Regulations 2005 to maintain an adequate and effective system of internal audit.

2.2.2 The Director of Finance, ICT and Property will agree departmental financial management arrangements with Chief Officers which ensure that the role defined in 2.2.1 above is properly carried out and is in accordance with the best accounting practices. To this end

- (i) no changes to agreed procedures should be implemented without the prior approval of the Director of Finance, ICT and Property;
- (ii) the Director of Finance, ICT and Property must be given access to any information necessary in order to comply with his / her statutory duties and the requirements and instructions of the Cabinet and Council;
- (iii) no departures from any of the requirements of these Financial Regulations may be made without the express written permission of the Director of Finance, ICT and Property.

2.2.3 All references to the Director of Finance, ICT and Property in these Regulations shall allow for delegation to the Head of Financial Services in accordance with the Council's official policy on delegation.

## 2.3 THE DIRECTOR OF LEGAL AND REGULATORY SERVICES

2.3.1 The Director of Legal and Regulatory Services is the Monitoring Officer appointed under Section 5 of the Local Government and Housing Act 1989.

## 2.4 CHIEF OFFICERS

2.4.1 In these Regulations, references to Chief Officers shall relate to the Chief Executive, Directors and Service Heads.

2.4.2 Chief Officers are fully accountable for the financial management of those services, which form their areas of responsibility.

2.4.3 Chief Officers are responsible for ensuring that the arrangements, guidelines and procedures for the proper administration of their Services' financial affairs are agreed with the Director of Finance, ICT and Property and operated in accordance with the Council's framework of approved regulations.

2.4.4 Chief Officers shall make proper arrangements within their Departments for securing economy, efficiency and effectiveness in the use of resources, taking into account the policies and objectives of the Council.

2.4.5 Before any commitment is made and before reporting the matter to Cabinet, a Chief Officer must consult the Director of Finance, ICT and Property in respect of:

- (i) the incurring of expenditure in excess of the approved budget;
- (ii) the incurring of expenditure which the Council has no statutory power to incur;
- (iii) any failure to comply with the financially related provisions of any UK or European legislation;
- (iv) any failure to comply with the financially related provisions of any Code of Practice adopted by the Council.

2.4.6 Chief Officers are responsible for the management and administration of Grant Funding within the areas of their responsibility. This should be undertaken in accordance with the relevant Financial Procedure Note.

### **3. BUDGET**

- 3.1 Every Chief Officer will prepare, for their areas of responsibility, revenue and capital budgets, the detailed form of which, including procedures and the timetable to be followed, shall be determined by the Director of Finance, ICT and Property, consistent with the general direction of the Cabinet.
- 3.2 Each capital scheme shall include such details as shall be determined by the Director of Finance, ICT and Property.
- 3.3 The Director of Finance, ICT and Property will report to the Cabinet and Council on:
- (i) the aggregate of the revenue estimates and their financing and compliance with Government regulations;
  - (ii) the aggregate of the capital estimates and their financing and compliance with Government regulations;
  - (iii) the options available to the Council in the light of the resources available and the Council's corporate objectives and policies.
- 3.4 The Cabinet shall consider the aggregate effect of the report on the Council's financial resources and shall submit a recommendation to the Council on the final capital programme and revenue budget and the Council Tax to be levied for the ensuing financial year.
- 3.5 Any Cabinet report which involves capital or revenue expenditure shall include a reference to the finance provision in the budget.

### **4. AUTHORITY TO INCUR AND CONTROL CAPITAL EXPENDITURE**

- 4.1 Any proposal to incur expenditure on a new capital scheme, not included in the approved capital programme, shall initially be the subject of a report by the appropriate Chief Officer, in consultation with the Director of Finance, ICT and Property, to the Cabinet.
- 4.2 The inclusion of any scheme in the first year of the approved capital programme shall confer the necessary authority to incur expenditure, provided that:
- (i) all necessary statutory or other approvals have first been obtained; and
  - (ii) Standing Orders with respect to contracts, including these Regulations and any relevant policies, strategies and Financial Procedure Notes have been complied with; and

- (iii) the total amount of the tender or quotation does not exceed the total approved sum for the contract for that scheme in the capital programme by 10% or £100,000, whichever is the lesser (subject to a de minimis variation of £10,000); and
  - (iv) in the case of grants to an outside organisation or individual, specific approval of the Cabinet must also be obtained to sanction the payment (except where the Scheme of Officer Delegations provides otherwise); and
  - (v) Chief Officers can authorise grants to an outside organisation, with agreement from the Director of Finance, ICT and Property up to the value of £5,000 in any one Financial Year. Any such grant awarded must be reported at the next available Cabinet meeting. All grants in excess of this amount must receive prior approval from Cabinet (except where the scheme of Officer Delegations provides otherwise); and
  - (vi) no reservation has been placed on the expenditure by the Cabinet or Council.
- 4.3 Subject to the above, inclusion of a scheme in the approved capital programme shall also confer authority on the Cabinet to incur expenditure on the acquisition of any necessary land to enable the scheme to be progressed, providing that provision for the cost of acquisition is also included in the capital programme.
- 4.4 Chief Officers shall monitor the capital budget with a view to avoiding delays in the progress of schemes under their control and to avoid overspending against the approved capital estimate. Overall monitoring of the capital programme will be carried out by the Director of Finance, ICT and Property who will report to the Cabinet and Council.
- 4.5 Except as provided for in Financial Regulation No.21, Chief Officers must not incur greater expenditure on a scheme than the amount included in the capital programme. If it appears that any such overspending may be incurred, a written report must be submitted to the Cabinet.
- 4.6 Resources shall not be transferred between schemes unless Cabinet has given prior approval.
- 4.7 Chief Officers may incur expenditure on a capital scheme previously notified in writing to be carried out on behalf of a third party, provided that:
- (i) the terms and conditions of the third party have been complied with;
  - (ii) the cost of the scheme will be fully reimbursed by the third party;

- (iii) prior written approval has been obtained from the Director of Finance, ICT and Property.

4.8 At the end of the financial year, each Chief Officer, in consultation with the Director of Finance, ICT and Property, shall report to the Cabinet on the actual capital expenditure incurred compared to the budget. The Director of Finance, ICT and Property will also report to the Cabinet and the Council on the aggregate position for the Council.

## **5. AUTHORITY TO INCUR AND CONTROL REVENUE EXPENDITURE**

5.1 Any proposal to incur expenditure which will result in a new or change of existing policy will be the subject of a report by the appropriate Chief Officer to Cabinet.

5.2 A Chief Officer may incur revenue expenditure for a purpose included in the revenue budget unless the Cabinet or Council has placed a reservation on such expenditure. In the case of grants to outside organisations or individuals, specific approval of the Cabinet must also be obtained to sanction the payment (except where the Scheme of Officer Delegations provides otherwise).

5.3 Unless otherwise determined by the Council:

- (i) all services' budgets will be cash limited and not augmented during the year to meet pay and price increases;
- (ii) overspending at the financial year end will be carried forward to be offset against the following year's budget for that head of expenditure.

5.4 Chief Officers are responsible for monitoring their budgets to ensure that the cash limited expenditure for each budget head under their control does not exceed the budget estimate. For the purpose of these Regulations, the term "budget head" refers to the objective analysis detailed in the approved estimates reported to Council.

5.5 A Chief Officer may, in consultation with the Director of Finance, ICT and Property, transfer budgetary provision from one budget head to another (virement) provided that:

- (i) the budget heads are within the same Service and are the responsibility of the same Chief Officer;
- (ii) the accumulated variation to an approved budget head does not exceed £50,000 (£75,000 with the express permission of the relevant Cabinet member and Leader);

- (iii) the transfer will not result in the adoption of a new policy or change to an existing policy;
  - (iv) the transfer will not result in additional revenue commitments in future years..
- 5.6 Any transfer of budgetary provision which does not meet the criteria set out in 5.5 shall be subject to approval by the Cabinet.
- 5.7 Chief Officers will be expected to contain expenditure within their approved budgets by the exercise of budgetary control and virement. If unforeseen changes in expenditure arise during the year which cannot be contained within a Chief Officer's overall budget, the matter should be reported immediately to the Director of Finance, ICT and Property who shall determine the appropriate action to be taken.
- 5.8 A Chief Officer, without abrogating responsibility, may delegate to a budget holder the control of all or part of his budget, together with the relevant authority to incur and control expenditure, including powers of virement. In each case, the Chief Officer will maintain a record of such delegation and the limits imposed.
- 5.9 Chief Officers may incur expenditure on a revenue scheme previously notified in writing to be carried out on behalf of a third party, provided that:
  - (i) the terms and conditions of the third party have been complied with;
  - (ii) the cost of the scheme will be fully reimbursed by the third party;
  - (iii) prior approval has been obtained from the Director of Finance, ICT and Property.
- 5.10 At the end of the financial year, each Chief Officer, in consultation with the Director of Finance, ICT and Property, shall report to the Cabinet on the outturn of expenditure and income and the performance against the approved budget for each budget head. The Director of Finance, ICT and Property will also report to the Cabinet and the Council on the aggregate outturn position for the Authority.
- 5.11 The Director of Finance, ICT and Property shall have authority to:
  - (i) incur expenditure that can be funded from monies set aside in a contingency sum, other provision or earmarked reserve, as appropriate;
  - (ii) approve supplementary estimates, provided such expenditure may be met within the overall revenue budget and the total of such approvals do not exceed £75,000 in any one financial year;

- (iii) set aside monies and utilise monies previously set aside as a contingency sum, provision or earmarked reserve as appropriate.

## **6. ACCOUNTING**

- 6.1 The Director of Finance, ICT and Property, shall be responsible for determining all accounting systems, form of accounts, supporting accounting records and accounting control systems of the Council and its officers in accordance with Section 5 of the Accounts and Audit (Wales) Regulations 2005.
- 6.2 The Director of Finance ICT and Property shall make appropriate decisions in accordance with his/her professional judgement, best and proper practices in line with Section 5 of the Accounts and Audit (Wales) Regulations 2005.
- 6.3 The accounting control systems to be determined by the Director of Finance, ICT and Property shall include:
  - (i) measures to ensure that all financial transactions of the Council are recorded as soon as is reasonably practicable and as accurately as possible; and
  - (ii) measures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstitute any lost records; and
  - (iii) identification of the duties of officers dealing with financial transactions and the division of responsibilities of those officers in relation to significant transactions; and
  - (iv) procedures for uncollectable amounts, including bad debts, not to be written off, except with the approval of the Director of Finance, ICT and Property, Director of Community Services (as provided for under delegated powers) or Cabinet, as appropriate; and
  - (v) measures to ensure that all accounting records and control systems accommodate any legal requirements of the Council.

## **7. AUDIT**

- 7.1 In accordance with Section 6 of the Accounts and Audit (Wales) Regulations 2005 the Director of Finance, ICT and Property has the delegated responsibility for maintaining an adequate and effective system of internal audit of the Council's accounting records and control systems.
- 7.2 The internal audit function shall comply with the current CIPFA guidelines as detailed in the Code of Practice for Internal Audit in Local Government in the United Kingdom ; and will review, appraise and report upon:

- (i) the soundness, adequacy and application of internal controls; and
- (ii) the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
  - ◇ fraud and other offences;
  - ◇ waste, extravagance, inefficient administration, poor value for money or other cause; and
- (iii) the suitability and reliability of financial and other management information and data developed within the Council.

7.3 The Director of Finance, ICT and Property, or her authorised representative shall have authority to:

- (i) enter at all reasonable times on any Council premises or land; and
- (ii) have access to and removal, if necessary, into her custody of all records, documents and correspondence, including data held on electronic media, relating to any financial or other transactions of the Council; and
- (iii) require and receive such explanations as are necessary concerning any matter under examination; and
- (iv) require any officer or member of the Council to produce cash, stores or any other Council property under his/her control.

7.4 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council, or any suspected irregularity in the exercise of the functions of the Council, the Chief Officer, or any other officer, concerned shall forthwith notify the Director of Finance, ICT and Property.

## **8. ASSETS & LAND DEALINGS**

8.1 The Director of Finance ICT & Property shall maintain a register of all land and buildings owned by the Council and the Director of Legal and Regulatory Services shall notify her on the required form, of all land and buildings acquired, sold or disposed of.

8.2 For the purpose of these Regulations the term "land" shall mean any interest in land (including buildings), or any right in, on, over or under land.

8.3 All dealings with land (including acquisitions, disposals, grant and acquisition of leases) will be conducted by the Director of Finance ICT & Property in conjunction with the Director of Legal and Regulatory Services and relevant Chief Officer(s), and in accordance with the instructions of Cabinet or Council or in exercise of Delegated Powers.



- 8.4 The written instruction of the Director of Finance ICT & Property will be necessary to instruct the Director of Legal and Regulatory Services to proceed with an acquisition or disposal of land, including for the avoidance of doubt the utilisation of Compulsory Purchase Powers.
- 8.5 All transactions dealing with the purchase, sale or disposal or improvement of land must be undertaken in accordance with Contract Standing Orders (CSO) and the Financial Procedure Note – Dealings with Land: Procedure Rules (“Rules”).
- 8.6 The Director of Finance ICT & Property has delegated powers in relation to the provision of valuation services and other matters relating to land.
- 8.7 Notification of all other assets bought, sold or disposed of and valued at over £20,000 shall be made on the required form to the Director of Finance ICT & Property.
- 8.8 The Director of Legal & Regulatory Services shall have custody of all deeds, documents, contracts and agreements relating to assets owned by the Council.

## **9. BANKING ARRANGEMENTS AND CHEQUES**

- 9.1 All arrangements with the Council’s bankers and the operation of bank accounts shall be made by or under arrangements approved by the Director of Finance, ICT and Property.
- 9.2 All cheques (excluding cheques drawn on authorised imprest accounts) and all Bank/Post Office Stationery relating to income, shall be ordered only on the authority of the Director of Finance, ICT and Property, who shall make proper arrangements for their safe custody.
- 9.3 All Council bank accounts shall bear an official title and, under no circumstances, shall an account be opened in the name of an individual.
- 9.4 Cheques on the Council’s main bank accounts shall bear the facsimile signature of the Director of Finance, ICT and Property or be signed by him/her or such other officer sanctioned by her.

The Director of Finance, ICT and Property shall be responsible for the operation and control of the scheme for Purchasing Cards.

- 9.6 A copy of all Direct Debit Mandates/Standing Orders must be furnished to the Director of Finance ICT and Property, together with the relevant debit reference. All direct debits and standing orders payable by the Council shall be authorised by the Director of Finance, ICT and Property or such other officer sanctioned by her.
- 9.7 No Direct Debits or Standing Orders are to be set-up on imprest Bank Accounts without prior agreement from the Director of Finance, ICT and Property .

- 9.8 Under no circumstances shall personal cheques, other than those drawn on the Council's own bank account, be cashed out of monies held on behalf of the Council.
- 9.9 The Director of Finance, ICT and Property shall review, at regular intervals, the banking arrangements made with the Council's bankers, particularly in relation to overdraft facilities.
- 9.10 The policies and administration of all other accounts, such as Suspense Accounts and Vulnerable Persons Accounts, administered by Community Services staff are undertaken in accordance with procedures agreed by the relevant Chief Officer and the Director of Finance, ICT and Property.

## **10. INCOME**

- 10.1 The collection of all income due to the Council and the form of records maintained shall be under the supervision of the Director of Finance, ICT and Property.
- 10.2 Each Chief Officer shall furnish the Director of Finance, ICT and Property with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by her to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.
- 10.3 The Director of Finance, ICT and Property shall be notified promptly in writing of all income due to the Council including contracts, leases, tenancy agreements, grants, sales of property and all other instances which involve the receipt of monies by the Authority and shall have the right to inspect any records or other documentation in this respect.
- 10.4 All official receipt books, tickets, invoices, account books and other related items shall be in a form prescribed by the Director of Finance, ICT and Property who shall satisfy herself as to the arrangements for their control.
- 10.5 All income received by the Council must be recorded using such official documentation.
- 10.6 All monies received by an officer on behalf of the Council shall be paid without delay to the Council's bank or Post Office Account or transmitted directly to any other body or person entitled thereto. No deduction shall be made from such income save to the extent that the Director of Finance, ICT and Property may authorise.
- 10.7 Each officer who banks monies on behalf of the Council shall enter on the paying in slip or any other relevant documentation a reference to the related debt (such as the receipt number or the name of the debtor, together with the appropriate VAT suffix) or otherwise indicate the origin of the income or other relevant information as may be required by the Director of Finance, ICT and Property.

- 10.8 Personal cheques, other than those drawn on the Council's own bank account, shall not be cashed out of income held on behalf of the Council, nor payments made out of income received.
- 10.9 Every transfer of official income from one member of staff to another shall be evidenced in the records of the departments concerned by the date, amount and signature of the receiving officer.
- 10.10 Any debt due to the Council, once established, shall not be discharged, other than by payment in full or by such other means approved by the Council. An irrecoverable debt may be written off, provided it does not exceed £5,000 with the express written permission of the Director of Finance, ICT and Property, unless provided for under separate delegated authority.
- 10.11 Chief Officers, in consultation with the Director of Finance, ICT and Property, shall undertake a review of fees and charges on, at least, an annual basis.

## **11. INSURANCES**

- 11.1 The Director of Finance, ICT and Property shall administer all of the Council's insurance cover, including own fund insurance, and shall negotiate all claims, in consultation with other Chief Officers where necessary, and keep a register of all insurances effected.
- 11.2 Chief Officers shall give prompt notification to the Director of Finance, ICT and Property of all new risks, indemnities, liabilities, properties, events or vehicles which require to be insured, including the amount of cover required, and any changes affecting existing insurances.
- 11.3 Chief Officers shall promptly notify the Director of Finance, ICT and Property in writing of any loss, liability, damage, or event likely to lead to a claim, giving full details of the particular occurrence, and inform the police where criminal activities are suspected or it is a requirement to inform the Police.
- 11.4 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.
- 11.5 The Director of Finance, ICT and Property shall, from time to time, review all insurances in consultation with other Chief Officers, where appropriate.

## **12. INVENTORIES**

- 12.1 Each Chief Officer shall maintain up to date and adequate inventories recording all furniture, fittings, equipment, plant and machinery under their control, the extent and format of such inventories to be first agreed with Director of Finance, ICT and Property.

- 12.2 Each Chief Officer shall be responsible for maintaining an annual check of all items on the inventory and for taking action in relation to any surpluses or deficiencies, including noting the inventory accordingly and notifying the Director of Finance, ICT and Property of any suspected irregularities.
- 12.3 Property of the Council shall not be removed other than in the ordinary course of the Council's business, neither shall it be used for anything other than for official Council purposes, except with the specific approval of the Chief Officer concerned.
- 12.4 Chief Officers shall have authority to dispose of unserviceable inventory items up to £10,000 in value providing such disposal is in accordance with the approved Financial Procedure Note relating to Inventories/Disposal of Surplus/Obsolete Items.

### **13. STOCKS AND STORES**

- 13.1 Chief Officers shall be responsible for the care and custody of all stocks and stores under their control and the management of these stores should be in line with the relevant Financial Procedures Notes.

### **14. SECURITY**

- 14.1 Chief Officers shall be responsible for maintaining proper security at all times for all buildings, vehicles, stocks, stores, furniture, equipment, cash etc. under their control and shall consult the Director of Environmental and Economic Regeneration and the Director of Finance, ICT and Property where security is thought to be defective or where special security arrangements are required.
- 14.2 Maximum limits for cash holdings shall be agreed with the Director of Finance, ICT and Property and should not be exceeded without her express permission.

### **15. DATA PROTECTION, FREEDOM OF INFORMATION AND REGULATION OF INVESTIGATORY POWERS ACTS**

#### *Data Protection*

- 15.1 Chief Officers shall be responsible for ensuring that the requirements of the Data Protection Act 1998 are met in relation to all computerised and certain manual personal data which they hold or access, including adherence to the eight Data Protection principles that:
- (i) personal data shall be processed, fairly and lawfully;
  - (ii) permission from the data subject must be obtained for each purpose or purposes for which personal data is used;
  - (iii) personal data held for any purpose or purposes shall be adequate, relevant and not excessive;
  - (iv) personal data shall be accurate and kept up to date within reason;

- (v) personal data shall not be kept for longer than is necessary for the purpose or purposes for which it was intended;
- (vi) data subjects have the right to access their personal data. They also have the right to prevent processing that is likely to cause damage or distress.
- (vii) appropriate technical and organisational security measures shall be taken against unauthorised access or unlawful processing of personal data and against accidental loss, damage or destruction to personal data;
- (viii) personal data shall not be transferred outside of the European Economic Area unless adequate protection exists in that country in relation to the processing of such data.

15.2 The Director of Legal and Regulatory Services shall be responsible for maintaining the Council's Data Protection notification. Chief Officers shall promptly notify the Director of Legal and Regulatory Services any additions, amendments or deletions to the Council's Data Protection notification for all computerised and relevant manual personal data held in their areas of responsibility.

15.3 All requests by individuals for access to personal data under Data Protection principle (vi) and the Freedom of Information Act 2000 shall be dealt with under the Council's procedure for responding to information requests.

15.4 The Director of Legal and Regulatory Services shall be responsible for the monitoring and adherence to the requirements of the Regulation of Investigatory Powers Act 2000.

## **16. RISK MANAGEMENT**

16.1 The Chief Executive shall be responsible for putting into place and ensuring that there are effective arrangements for risk management in accordance with Section 4 of the Accounts and Audit (Wales) Regulations 2005.

16.2 It is the duty of all Chief Officers to ensure that risk management is brought to the attention of relevant staff in their service areas

The Chief Executive shall ensure that arrangements are in place for measuring the effectiveness of the risk management process, and that all findings from monitoring arrangements are fed back into the risk management cycle.

16.4 Chief Officers shall ensure that there are regular reviews of risk within their service areas. These shall take into account any implications arising from the Freedom of Information Act and the Human Rights Act.

## **17. SALARIES AND WAGES**

17.1 The payment of all salaries, wages, compensation and other emoluments to all employees or former employees of the Council shall be made by the Director of Finance, ICT and Property or under arrangements approved and controlled by her.

- 17.2 Each Chief Officer shall notify the Director of Learning and Development and / or the Director of Finance, ICT and Property as soon as possible, and in the form prescribed by her, of all matters affecting the payment of such emoluments and, in particular:
- (i) appointments, resignations, dismissals, secondments and transfers;
  - (ii) absences from duty for sickness or other reasons, other than approved leave;
  - (iii) changes in remuneration, other than normal increments and pay awards and agreements of general application;
  - (iv) information necessary to maintain records of service for superannuation, income tax, national insurance etc.
- 17.3 Appointments of employees shall be made in accordance with the regulations of the Council, within the authorised establishment and in accordance with approved grades and rates of pay.
- 17.4 All time records or other pay documents shall be in a form prescribed or approved by the Director of Learning and Development in consultation with the Director of Finance, ICT and Property and shall be certified by the relevant Chief Officer or his/her authorised representative.

## **18. TRAVELLING AND SUBSISTENCE ALLOWANCES**

- 18.1 All claims for payment of car allowance, subsistence allowance, travelling and incidental expenses shall be certified by the relevant Chief Officer or his/her authorised representative for submission to the Director of Finance, ICT and Property in a form approved by him/her. All claims, accompanied by receipts where required, shall be made up to a specified day of each month and submitted within the time frame approved by the Director of Finance and ICT.
- 18.2 Payments to members, including co-opted members of the Council who are entitled to claim travelling or other allowances, will be made by the Director of Finance, ICT and Property upon the receipt of the prescribed form, duly completed. All claims are to be submitted on a monthly basis. The accuracy of the information contained in a claim shall be the responsibility of the member concerned.
- 18.3 The certification of an officer's claim by, or on behalf of a Chief Officer shall be taken to mean that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 18.4 Officers' claims submitted more than three months after the expenses were incurred shall only be paid following the written approval of the relevant Chief Officer and approved by the Director of Finance, ICT and Property.

18.5 Members claims submitted more than three months after the expenses were incurred shall only be paid following written approval from the Monitoring Officer.

## **19. TREASURY MANAGEMENT AND TRUST FUNDS**

19.1 The Council adopts the key recommendations of CIPFA'S Treasury Management in the Public Services: Code of Practice (the Code), as described in Section 4 of that Code.

19.2 Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:

- \* a treasury management policy statement, stating the policies and objectives of its treasury management activities.
- \* suitable treasury management practices (TMPS), setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

The content of the policy statement and TMPS will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key recommendations.

19.3 The Council will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year (which incorporates the annual investment strategy and the prudential indicators for the forthcoming three years), and an annual report after it's close, in the form prescribed in it's TMPS.

19.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to Cabinet, and for the execution and administration of treasury management decisions to The Director of Finance, ICT and Property, who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's "Standard of Professional Practice on Treasury Management".

19.5 The Council's Treasury Management Prudential Indicators will be determined each year for the forthcoming three years.

19.6 An annual Treasury Management Policy Statement shall be adopted by the Council and thereafter, its implementation and monitoring shall be delegated to the Cabinet.

19.7 All money in the hands of the Council, shall be aggregated for the purposes of treasury management and shall be under the control of the Director of Finance, ICT and Property.

19.8 All investments of money by the Council shall be under the control of The Director of Finance, ICT and Property and be made in the name of the

Council or in the name of nominees approved by the Council. Bearer securities shall be excluded from this Regulation but any purchase of such securities shall be reported to Council.

- 19.9 All borrowings shall be effected in the name of the Council and must be authorised by the Director of Finance, ICT and Property who shall be the Council's Registrar of stocks, bonds and mortgages.
- 19.10 All trust funds shall, wherever possible, be in the name of the Council. Officers acting as trustees by virtue of their official position shall deposit all securities etc. relating to the trust with the Director of Legal and Regulatory Services unless otherwise provided for in the deed.
- 19.11 The Director of Finance, ICT and Property shall report to Cabinet and where appropriate to Council not less than twice in each financial year on the activities of the Council's Treasury Management operation and on the exercise of the Treasury Management powers delegated to her.

## **20. PROCUREMENT**

- 20.1 Chief Officers shall ensure that all procurement arrangements within their service areas must comply where appropriate with these Regulations and where appropriate Contract Standing Orders and the relevant Financial Procedure Note.
- 20.2 Official orders, in a form approved by the Director of Finance, ICT and Property, shall be issued for all work, goods or services, to be supplied to the Council except for public utility services, periodical payments such as rent or rates, petty cash purchases or such other exceptions as the Director of Finance, ICT and Property may approve.
- 20.3 Each Chief Officer shall be responsible for ensuring that adequate controls exist to ensure the validity of official orders, including prior authorisation, budgetary provision and compliance with Contract Standing Orders and Financial Regulations.
- 20.4 Orders for the supply of work, goods or services under £15,000 in value do not require any special procedures to be adopted by Chief Officers other than reasonable care to obtain best value for money and compliance with any central purchasing arrangements.
- 20.5 Orders for the supply of work, goods or services of over £15,000 and up to £100,000 shall only be issued if at least three written quotations have first been invited.
- 20.6 Chief Officers shall have authority to accept the most economically advantageous quotation for expenditure, provided that the amount is within the approved budget and any central purchasing arrangements have been complied with.



20.7 The acceptance of a quotation that is not the most economically advantageous may only be carried out with the approval of the Director of Finance, ICT and Property.

## **21. CONTRACTS**

- 21.1 For the purpose of these Regulations a contract shall be an agreement for the supply of works, goods or services with a contract value in excess of £100,000. These Regulations should be read in conjunction with the Council's Standing Orders relating to contracts and the relevant Financial Procedure Note.
- 21.2 Every contract shall be in writing, sealed and signed by through the Director of Legal and Regulatory Services. Where such contracts provide for payment to be made by instalments, the Director of Finance, ICT and Property shall arrange for a contracts register to be maintained detailing the state of account for each contract.
- 21.3 Payments to contractors shall only be made on a certificate issued by the officer nominated in the contract to certify such payments. First certificates for contracts with a value in excess of £300,000 shall indicate the appropriate Cabinet minute authorising acceptance of the tender.
- 21.4 Subject to the provisions of the contract, in each case, every extra or variation to the contract shall be authorised in writing by the officer nominated under the terms of the contract, such variation orders, to record the estimated costs of that variation.
- 21.5 Where the original contract sum is exceeded by 10% or £100,000 (but excluding price reviews provided for in the original contract), whichever is the lesser, and subject to a de minimus variation of £10,000, the approval of the Cabinet shall be obtained. Contracts where the cost of the work is fully reimbursed to the Council, shall be excluded from this Regulation.
- 21.6 The final payment for any contract shall not be authorised until the nominated officer has produced to the Director of Finance, ICT and Property a detailed final account, together with all relevant documents if required. Nothing in this Regulation shall affect any duty of the nominated officer to issue a certificate within a specified period.
- 21.7 The Director of Finance, ICT and Property shall be entitled to examine the final and any interim accounts for any contract, and shall make such enquiries and receive such information and explanations as may be required in order to satisfy him/ herself as to the accuracy of the accounts.
- 21.8 Invitations to tender for contracts, together with procedures to be adopted in respect of the receipt, custody and opening of tenders, tender error policy and acceptance of tenders shall be made in the manner prescribed by the Council's Standing Orders relating to contracts.

- 21.9 Contracts with a value of more than £15,000 and less than £100,000 can be terminated by the Chief Officer (subject to legal consideration where terms and conditions apply unless pursuant to call off or framework contracts.)
- 21.10 Any contracts valued below £100,000 may be signed by an officer with appropriate delegated authority

## **22. PAYMENT OF ACCOUNTS**

- 22.1 Apart from the payment from petty cash and other imprest accounts and purchasing cards, the normal method of payment of money due from the Council shall be by cheque or by an approved electronic instrument such as BACS or CHAPS drawn on the Council's bank account by the Director of Finance, ICT and Property.
- 22.2 A Chief Officer or other authorised officer issuing an official order shall be responsible for arranging for the examination, verification and certification of the related invoice(s) and payment vouchers or accounts in line with the relevant Financial Procedure Note.

## **23. LEASING ARRANGEMENTS**

- 23.1 The leasing of goods and vehicles can only be made following consultation with the Director of Finance, ICT and Property.
- 23.2 The Director of Legal and Regulatory Services shall sign and seal every lease agreement entered into by the Council,

## **24. IMPREST ACCOUNTS (PETTY CASH ETC.)**

- 24.1 The Director of Finance, ICT and Property shall provide such imprest accounts as he/she considers appropriate for such officers of the Council as may need them to meet petty disbursements which shall be supported by receipted vouchers, to the extent that he/she may require.
- 24.2 The Director of Finance, ICT and Property shall open an account with the Council's bankers or Post Office Account for use by the imprest holder, who shall not cause such account to be overdrawn.
- 24.3 No income received on behalf of the Council shall be paid into an imprest account, but instead banked or paid to the Council as provided for elsewhere in these Regulations.
- 24.4 An officer responsible for an imprest account shall, as at 31st March each year, and at any other time if so required, provide to the Director of Finance, ICT and Property, a certificate as to the state of the imprest account.

- 24.5 Whenever an officer, who is an imprest holder, leaves the employment of the Council or otherwise ceases to be entitled to hold an imprest advance, the Chief Officer concerned shall ensure that the relevant officer accounts to the Director of Finance, ICT and Property for the amount advanced to that officer, including, where appropriate, the repayment of any unexpended balance of the account.

## **25. VALUE ADDED TAX**

- 25.1 Chief Officers are responsible for providing or securing the provision of information to the Director of Finance, ICT and Property to ensure VAT records are maintained in accordance with the VAT Act 1994 and regulations and interpretations issued by HM Revenue and Customs.
- 25.2 It is the responsibility of Chief Officers to make arrangements to ensure the following:

### **Input Tax**

- (i) That appropriate VAT documentation is obtained to maximize the recovery of VAT;
- (ii) That documentation evidencing the recovery of VAT satisfies Revenue and Customs regulations;
- (iii) That VAT included on invoices is coded correctly;
- (iv) That VAT invoices are processed expeditiously and are not unduly delayed.

### **Output Tax**

- (i) That invoices are raised and cash income processed to ensure that VAT is correctly categorized and declared in accordance with Revenue and Customs regulations.
- (ii) That tax invoices are raised and cash income deposited expeditiously and are not unduly delayed.

### **Retention of Documents**

- (i) That original documentation evidencing VAT is retained for six years in accordance with the VAT Act 1994, unless the Director of Finance, ICT and Property has indicated in writing that a shorter period has been agreed with Revenue and Customs.

### **VAT Advice**

- (i) That appropriate VAT advice is sought from the Director of Finance, ICT & Property.

## **26. UNOFFICIAL FUNDS**

- 26.1 An 'unofficial fund' shall mean any fund, the management of which involves an employee of the Council, and which may affect any person or property for which the Council has a responsibility, irrespective of the fact that no contributions towards such a fund shall have been made by the Council.
- 26.2 All accounts must be held in the name of the fund and not an individual(s). A minimum of two countersigned signatories, of appropriate seniority is required for each account.
- 26.3 The Chief Officer concerned shall be responsible for the financial management and independent audit of unofficial funds and shall consult the Director of Finance, ICT and Property before formulating regulations which shall apply to such funds.
- 26.4 The Director of Finance, ICT and Property or her representative shall have the right of access to any unofficial fund including access to all cash and relevant documentation.

## **27. FINANCIAL PROCEDURE NOTES**

- 27.1 To enable Chief Officers and the Director of Finance, ICT and Property to carry out the responsibilities referred to in these Regulations, the Director of Finance, ICT and Property shall issue supplementary instructions on financial arrangements and procedures as he/she considers appropriate in the form of Financial Procedure Notes.
- 27.2 Compliance with such Financial Procedures Notes shall be mandatory for all Members Chief Officers and Officers of the Council, and Chief Officers shall ensure that the required management arrangements and procedures are applied to the services under their control.

## Contracts Procedure Rules

*Councils should insert their contract standing orders appropriate to the form of constitution they are operating.*



### Contract Standing Orders

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## **CONTRACT STANDING ORDERS**

### **1. INTRODUCTION**

- 1.1 These Contract Standing Orders shall apply to all areas of Council activity and are made in accordance with the provisions of Section 135 of the Local Government Act 1972. They prescribe the minimum standards to be applied to contracts for the supply of goods or materials, provision of services or execution of works.
- 1.2 These CSO's have three main purposes :-
- (a) To ensure that the Council obtains best value in the way it spends money so that in turn it may offer best value services to the public.
  - (b) To comply with the laws that govern the spending of public money.
  - (c) To protect individuals from undue criticism or allegation of wrongdoing.
- 1.3 These CSO's shall only apply to contracts with an estimated value of £100,000 or higher.
- 1.4 For the purpose of these CSO's:
- (a) the term 'contract' shall apply to all agreements entered into by the Council and one or more parties for the supply of goods, provision of services, execution of works or 'mixed' contracts with a contract value in excess of £100,000 (exclusive of VAT but inclusive of expenses);
  - (b) reference to 'contract value' shall mean the total value over the entire term of the contract. If the contract is not for a fixed price, the contract value shall be based upon anticipated expenditure during the relevant financial year, unless a specific contract term has been determined. If a specific contract term has been determined anticipated expenditure during the relevant financial year shall be multiplied by the number of years of the contract term;
  - (c) No work or contract may be artificially split to avoid compliance with these Contract Standing Orders, Financial Regulations, UK or EU Procurement Law;
  - (d) The expression 'the Council' refers to the Vale of Glamorgan Council and shall include the Cabinet, Cabinet members and officers acting in accordance with delegated authority;
  - (e) Reference to the term 'persons' or 'bodies' shall include sole traders, partnerships, firms and companies;

- (f) The provisions of these CSO's shall apply equally where a subcontractor or supplier is to be nominated to a main contractor;
- (g) The term 'Chief Officers' relates to Directors and Heads of Service only;
- (h) The approval, full disclosure of information to and involvement of the Director of Finance, ICT and Property constitutes referral to the Corporate Procurement Unit

1.5 All procurement in excess of £100,000 must be referred to the Director of Finance, ICT and Property to determine in consultation with the relevant Chief Officer the most appropriate procurement process.

## **2. COMPLIANCE**

- 2.1 Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and shall comply with:
- (a) all relevant statutory provisions;
  - (b) the relevant European procurement rules (i.e. the EU Treaty, the general principles of EU law and the EU public procurement directives implemented by the UK Regulations);
  - (c) the Council's constitution including these CSO's, the Councils Financial Regulations and scheme of delegation; and the Council's strategic objectives, Procurement Strategy and policies.
- 2.2 No exception from the provisions of these Contract Standing Orders, other than those contained in Standing Order 6, shall be made without the resolution of the Cabinet, or, in an emergency, by the Chief Executive acting in accordance with delegated powers, such resolution to be reported on to the Cabinet, specifying the emergency by which the exception was justified.
- 2.3 In applying these Contract Standing Orders, compliance with the relevant Council Financial Regulations and Procurement Strategy must be ensured. Supplementary instructions, in the form of Financial Procedure Notes, shall also be issued by the Director of Finance, ICT and Property detailing the financial arrangements and procedures to be followed by Chief Officers to enable them to carry out their responsibilities under these Contract Standing Orders.

## **3. INVITATION OF TENDERS**

- 3.1 In accordance with Standing Order 1.3, where the estimated value or amount of a proposed contract exceeds £100,000, and in any other case where the Cabinet so determines, tenders shall be invited in

accordance with Standing Order Nos.4 and 5.

#### **4. OPEN TENDERING PROCEDURES**

4.1 This Standing Order shall apply where it has been decided that tenders for a contract are to be obtained by open competition.

4.2 For the purpose of this Standing Order, procedures should be in accordance with Standing Order No.5.1

#### **5. SELECT TENDERING PROCEDURES**

##### **5.1 AD HOC (OR SELECT) LIST**

5.1.1 This Standing Order shall apply where it has been decided that invitations to tender for a contract are to be made to some or all of those persons or bodies who have replied to a public notice.

5.1.2 For the purpose of this Standing Order, public notice shall be given:

- (a) in at least one newspaper circulating throughout the County Borough and in at least one newspaper or trade journal circulating among persons who undertake such contracts; and
- (b) in the Official Journal of the European Union (OJEU), if EU thresholds are exceeded in value.

5.1.3 The public notice shall:

- (a) specify the details of the contract; and
- (b) invite persons or bodies to apply for permission to tender; and
- (c) specify a time limit within which written responses are to be made; and
- (d) be in accordance with the specified requirements and timescales of both EU and UK legislation, where applicable.

5.1.4 After expiry of the period specified in the public notice, invitations to tender shall be sent to:

- (a) not less than four persons (which must include the Council's relevant in-house services where capable of carrying out the work) who have applied for permission to tender and who satisfy the prerequisite criteria.
- (b) where fewer than four person apply for permission to tender, invitations to tender may only be despatched following prior consultation with the Director of Finance, ICT and Property.



## 5.2 STANDING APPROVED LIST

5.2.1 This Standing Order shall apply where it has been decided that invitations to tender for a contract are to be limited to those persons or bodies whose names shall be included in a list compiled and maintained for that purpose.

5.2.2 The list shall:

- (a) be compiled and maintained by the appropriate Chief Officer;
- (b) include the names of all persons and bodies who wish to be included and who are approved (following evaluation) by the Council; and
- (c) indicate in respect of a person or body, the categories of contract and the values in respect of those categories for which approval has been given.

5.2.3 For the purpose of this Standing Order, the Standing Approved List may be compiled from:

- (a) public notice in at least one newspaper circulating throughout the County Borough and in at least one newspaper or trade journal circulating among persons who undertake such contracts;
- (b) using persons or bodies registered with Construction line, Value Wales, OGC (including associated bodies) or any other consortium, collaboration or similar body, of which the Council is a member or which is approved by the Council, provided that the requirements of the consortium or body and all relevant legislation have been complied with.

5.2.4 Invitations to tender shall be sent to:

- (a) not less than four persons (which must include the Council's relevant in-house services where capable of carrying out the work) from among those approved for a contract of the relevant category and value; or
- (b) where fewer than four persons are identified as to be able to undertake such work, invitations to tender may only be despatched following prior consultation with the Director of Finance, ICT and Property

## 6. **EXEMPTIONS**

6.1 Subject to Standing Order 2.3 and compliance with Financial Regulations, Financial Procedure Notes and the Council's Procurement Strategy, and subject to written agreement by the Chief Executive and Director of Finance, ICT and Property, these Contract Standing Orders shall not be applied where any one or more of the following circumstances relate:

- 6.1.1 In the case of contracts for the supply of goods or materials, either directly or by nominated suppliers, the Chief Officer certifies that:
- (a) the goods or materials are proprietary articles and are of such a nature that there is only one supplier or the Council is held contractually or practically to dealing with one supplier;
  - (b) the prices of the goods or materials are fixed or are wholly controlled by trade organisations or Government Order and no reasonably satisfactory alternative is available;
  - (c) for other reasons, there would be no genuine competition.
- 6.1.2 The work to be executed or the goods, materials or services to be supplied constitute an extension of an existing contract at existing or lower rates, provided that the Chief Officer concerned reports such an extension to the Cabinet and the value of the extension to the existing contract does not exceed £100,000 or 10% of the original contract sum, whichever is the lower (subject to a de minimis variation of £10,000).
- 6.1.3 The contract is for the execution of work or the supply of goods, materials or services certified by the Chief Officer concerned as being required so urgently as not to permit the invitation of tenders, such certification to be reported to the next meeting of the Cabinet.
- 6.1.4 Other tendering procedures have been used and resulted in unacceptable or irregular tenders or no tender being received. NB In the event that 6.1.4 is the justification for exemption, and it is decided not to negotiate with all qualified tenderers, public notice shall be made in accordance with EU specified requirements and timescales, where thresholds are exceeded in value.
- 6.2 In the following circumstances, an exception to Contract Standing Orders may be claimed with the prior approval of the Director of Finance, ICT and Property:
- 6.2.1 Purchases are made from the Welsh Purchasing Consortium, Value Wales, OGC (including associated bodies) or any other consortium, collaboration or similar body, of which the Council is a member or which is approved by the Council, provided that the requirements of the consortium or body and all relevant legislation have been complied with.
- 6.3 In the following circumstances, an exception to Contract Standing Orders may be claimed without the prior approval of the Director of Finance, ICT and Property:

- 6.3.1 In the case of contracts for services entered into in pursuance of powers under the National Health Service and Community Care Act 1990 or the Children Act 1989, for the benefit of an individual client or clients.
- 6.3.2 The contract is one previously notified in writing to be carried out on behalf of a third party provided that:
- (a) the terms and conditions of the third party have been approved by the Legal Department and complied with; and
  - (b) the cost of the contract will be fully reimbursed by the third party.
- 6.3.3 In the case of instructions made by the Director of Legal and Regulatory Services to counsel when an independent legal opinion is required.

## **7. OPENING OF TENDERS**

- 7.1 The Director of Legal and Regulatory Services shall make arrangements for tenders to be opened, as soon as is practicable after the closing date for their receipt, in the presence of the Director of Legal and Regulatory (or nominated representative) and Chief Officer (or nominated representative). A register of all tenders opened shall be maintained. (Minute 901, 2002/03).
- 7.2 The Council shall have power to disqualify from submitting further tenders to the Authority, those tenderers who, in their opinion, have withdrawn tenders unreasonably, who have been in breach of any contract with the Council, or for any reason properly considered as being justifiable and reasonable.

## **8. CONTRACTOR SELECTION**

- 8.1 The Council shall require a contractor to give sufficient security and demonstrate suitability for the performance of a contract and as may be determined by the Director of Finance ICT and Property in consultation with the Director of Legal and Regulatory Services.

## **9. ACCEPTANCE OF TENDERS**

- 9.1 Chief Officers have been granted delegated authority to accept tenders for the supply of goods or materials and for the execution of works up to £300,000 subject to:
- (a) the expenditure being contained within the approved budget
  - (b) compliance with the Council's Procurement Strategy
  - (c) for amounts greater than £100,000, the prior approval of the relevant Cabinet member being obtained.

- 9.2 A record should be maintained of such acceptance. For contracts estimated above these amounts, the power to accept tenders lies with the Cabinet. (Minute 901, 2002/03)

## **10. POST CONTRACT PROCEDURES**

- 10.1 Every contract in excess of £100,000 shall be in writing being executed as a deed under the seal of the Council and signed by the Director of Legal and Regulatory Services.

Where a contract is not made under the seal of the Council, it should be signed by two officers of the Council with the delegated powers to do so.

- 10.2 Letters of intent shall only be used in exceptional circumstances as follows:
- (a) Where a Supplier is required to provide services, supplies or works prior to formal written acceptance by the Council; or
  - (b) Where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Authority's written acceptance of a tender shall bind the parties into a contractual relationship

## **11. TERMINATION OF CONTRACT**

- 11.1 Terminations of contracts with the following values must be approved subject to legal advice in the following manner :-
- (a) Below £300,000 shall be approved by the Chief Officer and the Cabinet Member
  - (b) Over £300,000 shall be approved by Cabinet.

## **Officer Employment Procedure Rules**

### **1. Recruitment and appointment**

#### (a) Declarations

i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, co-habitee, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

ii) No candidate so related to a councillor will be appointed without the authority of the relevant Chief Officer or an officer nominated by him / her. No candidate so related to an officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by him / her and also after consultation with the Group Leaders.

#### (b) Seeking support for appointment.

i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.

iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

### **2. Recruitment of Head of Paid Service and Chief Officers**

#### (1) The Council will:

##### (a) draw up a statement specifying:

i) the duties of the officer concerned; and

ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

- (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request.
- (2) (i) Where a post has been advertised as provided for in (1)(b), the authority must
- (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.
- (ii) Where no qualified person has applied, or if the relevant authority decides to re-advertise the appointment, further arrangements for advertisement may be made in accordance with (1)(b) above.

### **3. Appointment of Head of Paid Service**

The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the Executive

### **4. Appointment of Chief Officers and Deputy Chief Officers**

A committee or sub-committee of the Council will appoint chief officers and deputy chief officers. That committee or sub-committee must include at least one member of the Executive and not more than half of the members of that committee or sub-committee are to be members of the Executive.

### **5. Other appointments**

(a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups ) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.

(b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group. Any appointment in pursuance of Section 9 (assistance for political groups) of the 1989 Act may be excluded from the requirements set out in 2(2)(i) and (ii) above.

### **6. Disciplinary action**

(a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.

(b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance

with a recommendation in a report made by a designated independent person.

(c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

## **7. Dismissal**

Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of dismissals.

Where in the case of the dismissal of:

- the Head of Paid Service
- a Chief Officer
- a deputy Chief Officer

a committee or sub-committee is discharging the function of the dismissal, at least one member and not more than half of the members of that committee or sub-committee are to be members of the Executive.

The Council will be responsible for a decision to dismiss the Head of Paid Service.

## **8. Procedure for Dealing With Allegations of Misconduct Which May Lead to Disciplinary Action Against the Head of Paid Service, Monitoring Officer or Chief Finance Officer**

(1) An investigation committee be appointed to consider the alleged misconduct which must:

- consist of a minimum of 3 members of the authority
- be politically balanced

and which must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

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

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

- (b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit.
  - (c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.
- (3) Where it appears to the investigation committee that an allegation of misconduct should be further investigated, it must appoint an independent person by agreement with the relevant officer within one month of the date on which the requirement to appoint the designated independent person arose; or, where there is no such agreement, must be such person as is nominated for the purpose by the National Assembly for Wales.
- (4) The designated independent person
- (a) may direct:
    - (i) that the authority terminate any suspension of the relevant officer;
    - (ii) that any such suspension is to continue after the expiry of the period referred to provided such suspension terminates no later than the expiry of two months beginning on the day on which the suspension takes effect;
    - (iii) that the terms on which the suspension has taken place are to be varied in accordance with the direction ; or
    - (iv) that no steps by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made to the authority under (d) below;
  - (b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the authority, or which the authority has power to authorise the designated person to inspect.
  - (c) may require any member or member of staff of the authority to answer questions concerning the conduct of the relevant officer.
  - (d) must make a report to the authority
    - stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
    - recommending any disciplinary action which appears appropriate for the authority to take against the officer.



- (e) must no later than the time at which the report is made under (d) above send a copy of the report to the relevant officer.
- (5) The officer subject to the disciplinary proceedings and the authority must, after consulting the designated independent person, attempt to agree a timetable within which the independent person is to undertake the investigation. Where no such agreement is made, the independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
- (6) The authority must consider the report of the independent person within one month of receipt of that report.

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## Members' Code of Conduct

### THE VALE OF GLAMORGAN COUNCIL CODE OF CONDUCT FOR MEMBERS

#### PART I

##### Interpretation

In this code -

“co-opted member”, in relation to a relevant authority, means a person who is not a member of the authority but who -

- (a) is a member of any committee or sub committee of the authority,  
or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” means any meeting -

- (a) of the relevant authority;
- (b) of any Executive or board of the authority;
- (c) of any committee, sub-committee, joint committee, joint sub-committee or area committee of the relevant authority or of any such committee or sub-committee of any Executive or board of the authority; or
- (d) where members or officers of the authority are present.

“member” includes a co-opted member.

## PART II

### General Provisions

#### *Scope*

1. Members must observe this code of conduct whenever they:
  - (a) conduct the business of the authority;
  - (b) undertake the role of member to which they were elected or appointed; or
  - (c) act as representative of the authority.
2. This code of conduct shall, unless otherwise indicated, only apply to those activities which a member undertakes in an official capacity.
3. Where a member acts as a representative of the authority on another body, that member must, when acting in that capacity, comply with this code of conduct, unless it conflicts with any legal obligations arising as a consequence of service on that body. Where a member's appointment to another body does not arise from the member's position as a member of the authority, this code shall not apply to the member, who shall instead be subject to the code of the other body. Such a member will, however, be expected to have regard to the general principles of conduct and the requirement not to bring the office of member or the authority into disrepute.

#### *Promotion of Equality and Respect for Others*

4. Members of the authority:
  - (a) must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others,
  - (b) must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees.

#### *Accountability and Openness*

5. Members:
  - (a) must not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so;
  - (b) must not prevent any person from gaining access to information to which that person is entitled by law.

### *Duty to uphold the law*

#### 6. (1) Members:

- (a) must not in their official capacity or otherwise commit a criminal offence or cause one to be committed;
- (b) must not in their official capacity or otherwise behave in a manner which could be reasonably regarded as bringing the office of member or the authority into disrepute;
- (c) must report to the Local Commissioner for Local Administration in Wales and to the authority's Monitoring Officer any conduct by another member which they believe involves or is likely to involve a failure to comply with this code of conduct;
- (d) must report, whether through the authority's confidential reporting procedure or direct to the proper authority, any conduct by another person which they believe involves or is likely to involve criminal behaviour;
- (e) must not in relation to (c) above make vexatious or malicious complaints against other persons.

(2) A member of the authority (other than a member who is the subject of an investigation by a Monitoring Officer in accordance with regulations made under section 73(1) of the Local Government Act 2000) must comply with any requirement made by the Monitoring Officer of that authority in connection with such an investigation.

### *Selflessness and stewardship*

#### 7. Members:

- (a) must not, in their official capacity or otherwise, use their position improperly to confer on or secure for any person and in particular their family, friends or those with whom they have a close personal association an advantage or disadvantage or to secure an advantage for themselves;
- (b) must, when using or authorising the use by another member of the resources of the authority, do so prudently and in accordance with the law and the authority's requirements; and
- (c) must ensure that the resources of the authority are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.

### *Objectivity and Propriety*

8. A member when reaching decisions:
- (a) must reach decisions on the basis of the merits of the circumstances involved and in the public interest;
  - (b) must reach decisions having regard to any relevant advice provided by the authority's officers - in particular by:
    - (i) the authority's Chief Finance Officer acting in pursuance of that officer's duties under section 114 of the Local Government Finance Act 1988 ;
    - (ii) the authority's Monitoring Officer acting in pursuance of that officer's duties under section 5 of the Local Government and Housing Act 1989;
    - (iii) the authority's Chief Legal Officer who should be consulted when there is any doubt as to the authority's power to act, or as to whether the action proposed lies within the policy framework agreed by the authority; where the legal consequences of action or failure to act by the authority might have important repercussions.
  - (c) must give reasons for decisions in accordance with the authority's requirements and, in the case of county and county borough councils operating Executive arrangements, regulations made by the National Assembly for Wales.

### *Integrity*

9. Members:
- (a) must observe the law and the authority's rules governing the claiming of expenses and allowances in connection with their duties as members;
  - (b) must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the authority) material benefits or services for themselves or any person with whom the member is living that would, or might reasonably appear to, place them under an improper obligation.

## **PART III**

### **DISCLOSURE AND REGISTRATION OF INTERESTS**

10. Members must in all matters consider whether they have a personal interest, and whether this code of conduct requires them to disclose that interest.

11. A member has a personal interest in a matter if that member anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage:

- (a) the member, one of the member's family or a friend, or any person with whom the member has a close personal association, or
- (b) a body which employs those persons, or for which those persons have any degree of ownership, control or management,

to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area.

12. Members must regard themselves as having a personal interest in a matter to the extent that it relates to:

- (a) another relevant authority of which they are a member;
- (b) a body in which they hold a position of general control or management;
- (c) a body to which they have been appointed or nominated by the authority as a representative.

13. Members must regard themselves as having a personal interest in a matter to the extent that it relates to:

- (a) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain;
- (b) any person who employs or has appointed them, any firm in which they are a partner, or any company of which they are a remunerated director;
- (c) any person, other than a relevant authority, who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;
- (d) any corporate body which has a place of business or land in the authority's area, where the member has a beneficial interest in a class of securities of that body which exceeds £25,000 in value or one hundredth of the total issued share capital of that body (whichever is the lower);
- (e) any contract for goods, services or works made between the authority and the member, a firm in which the member is a partner, a company of which the member is a director, or a body falling within sub-paragraph (d);

- (f) any land in which the member or a member of the member's family has a beneficial interest and which is in the area of the authority;
- (g) any land of which the landlord is the authority and the tenant is a firm in which the member is a partner, a company of which the member is a director, or a body falling within sub-paragraph (d);
- (h) any land in the authority's area in which the member has a licence (alone or jointly with others) to occupy for a month or longer; and
- (i) any visit outside the United Kingdom for which the authority has paid or will pay.

14. Members must regard themselves as having a personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any:

- (a) private club or society, such as the Freemasons, a recreational club, working men's club, or private investment club;
- (b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;
- (c) trade union or professional association;
- (d) company, industrial and provident society or other organisation which has charitable objects.

15. Members can regard themselves as not having a personal interest in a matter to the extent that it relates to:

- (a) the housing functions of the authority where the member may hold a tenancy or lease with the authority, provided -
  - (i) that they do not have arrears of rent of more than two months, and
  - (ii) there are in respect of the matter a significant number of tenants who are not members who would be affected in the same or a similar manner to the member in question;
- (b) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a parent with a child in full-time education, unless -

- (i) the matter relates specifically to the school which the child attends, or
  - (ii) the matter relates solely to the member's own particular circumstances;
- (c) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 , where -
- (i) the member is in receipt of, or is entitled to, such pay from a relevant authority, and
  - (ii) the matter does not relate solely to the member's own particular circumstances; and
- (d) the functions of the authority in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 or Section 18 of the Local Government and Housing Act 1989.

16. (1) A member who has a personal interest in a matter specified in paragraph 12 and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that member may speak but must not vote on the matter.

(2) A member who has a personal interests in a matter specified in paragraphs 13 or 14 above and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case, that member must withdraw from consideration of the matter unless granted a dispensation by the relevant standards committee.

(3) A member who has a personal interest in a matter which is not specified in paragraphs 12, 13 or 14 above and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. If that personal interest is such that a member of the public might reasonably conclude that it would significantly affect the member's ability to act purely on the merits of the case and in the public interest if that member were to take part in the discussion of that matter, the member must also withdraw from consideration of the matter at that meeting unless granted a dispensation by the authority's standards committee.

17.(1) In relation to a matter in which a member has delegated authority to decide, the member will have a personal interest if a member of the public might reasonably perceive a conflict between the member's role in taking that decision on behalf of the authority as a whole and the member's role in representing the interests of constituents in the member's ward.

(2) A member with a personal interest in a matter which that member has



delegated authority to decide must disclose the existence and nature of the interest, and withdraw from involvement in the decision, and refer it to a member or committee having power to take the decision. In the case of a county or county borough council operating Executive arrangements, the fact that such a declaration has been made must be included in the record of the decision.

18. For the purposes of paragraph 16(2) and (3), the standards committee shall not consider granting a dispensation unless the member has previously notified the Monitoring Officer of that interest, together with relevant details.

19. Any disclosed interests must be registered in the register maintained by the Monitoring Officer under Section 81(1) of the Local Government Act 2000.

20. Members must exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it. They may seek advice from the authority's Monitoring Officer and must have regard to any advice from the relevant standards committee in doing so.

21. Members must notify the Monitoring Officer of any change to the interests registered under paragraph 19 within one month of their occurrence.

### **The registration of gifts and hospitality**

22. (1) Subject to sub-paragraph (2) below, a member must notify the authority's Monitoring Officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the member, or to the member's knowledge any person with whom the member is living, from any company, organisation or person and relating to or arising out of their position as a member, where the value of the item or benefit exceeds such amount as the authority shall from time to time determine.

(2) Any gift accepted by a member on behalf of that member's relevant authority need not be notified to that authority's Monitoring Officer.

# PRINCIPLES WHICH ARE TO GOVERN THE CONDUCT OF MEMBERS OF THE COUNCIL

## THE PRINCIPLES

### *Selflessness*

1. Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

### *Honesty*

2. Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

### *Integrity and Propriety*

3. Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

### *Duty to Uphold the Law*

4. Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

### *Stewardship*

5. In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

### *Objectivity in Decision-making*

6. In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issues.

### *Equality and Respect*

7. Members must carry out their duties and responsibilities with due

regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

#### *Openness*

8. Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

#### *Accountability*

9. Members are accountable to the electorate and the public generally for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

#### *Leadership*

10. Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

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## CODE OF CONDUCT FOR QUALIFYING EMPLOYEES OF THE COUNCIL

### *General Principles*

1. The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivery services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

### *Accountability*

2. Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

### *Political Neutrality*

3. Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of that authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

### *Relations with members, the public and other employees*

4. Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.
5. Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.

### *Equality*

6. Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

### *Stewardship*

7. Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

### *Personal Interests*

8. Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:
  - (1) any rules of their relevant authority on the registration and declaration by employees of financial and non-financial interests,
  - (2) any rules of their relevant authority on the registration and declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

### *Whistleblowing*

9. In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.

### *Treatment of Information*

10. Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

### *Appointment of Staff*

11. Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

### *Investigations by Monitoring Officers*

12. Where a Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 a qualifying employee must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

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## **PROTOCOL ON OFFICER/MEMBER RELATIONS**

### **Introduction**

1. The purpose of this protocol is to provide a set of principles to guide members and officers of the Council in their dealings with one another. It has been drawn up as part of the proposals for new political management arrangements.
2. The protocol will be supplemented with practical guidance on member/officer relations on a range of issues relating to the new political management arrangements, eg. support to the Executive and the Scrutiny process, in the light of operational experience.
3. The protocol has been drawn up in the light of the Nolan Committee's report on conduct in local government and the Government's paper "a new ethical framework for local government in England."

### **Principles**

Both Councillors and officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the council. Their job is to give advice to councillors and the council, and to carry out the council's work under the direction and control of the council, its committees and sub-committees.

The following general principles will govern relationships between councillors and officers:

### **Mutual respect**

Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and Councillors that transcends the normal employer/employee relationship can potentially damage that relationship, and therefore should be avoided.

### **Standards**

In carrying out their duties, Members should always have regard to the Members Code of Conduct and to the Council's Standing orders.

In carrying out their duties, Officers should always have regard to the Staff Code of Conduct.

### **Informed Decision Making**

In making decisions, Members need to be provided with, and have regard to, proper professional advice from officers. A decision may be open to challenge if relevant considerations have been ignored, or if irrelevant considerations have been taken into account, or where a decision is one that no reasonable authority could have made.

### **Officer Accountability**

Officers are employed by and are accountable to the whole Council and are required to act accordingly. Officers will be expected to discharge their responsibilities without political bias or favour. The only exceptions are Political Assistants appointed by the Council, to whom separate legal provisions apply. The Council may, from time to time, determine other exceptions to these arrangements, subject to legal provision.

The roles of certain officers of the Council are defined in law. These include the Head of the Paid Service, the Monitoring Officer, the Chief Finance Officer. These roles and their attendant responsibilities will continue to exist under the new arrangements and should be respected by Members.

### **Recruitment**

Members must not seek to influence the appointment of Council staff. It is unlawful to make an appointment based on anything other than the ability to undertake the duties of the post.

### **Scrutiny**

The roles and tasks of Scrutiny Committees will be determined by Council and should be discharged by Members in a manner befitting their purpose. The Scrutiny process is intended to be an effective tool for improving the authority's performance and ensuring public accountability.

Officers below the level of Chief Officer will not be required to attend scrutiny meetings to give advice and information except in a supporting role to a Chief Officer.



Certain staff below the level of Chief Officer will however have roles that require them to provide support services to both the Executive and to the management and operation of scrutiny bodies. Chief Officers will be required to provide support and advice to officers in managing this “dual” role effectively.

### **Information for Members**

Members will be provided with appropriate information to support them in carrying out their Executive, scrutiny or representative roles. It shall be the responsibility of Chief Officers to ensure that adequate systems are in place to provide such information.

Members should channel specific requests for information, advice and other support through the relevant Chief Officer, or through such other arrangements as might be approved.

### **Members as Customers**

As customers of the Council’s services, members should expect to be treated no more or less favourably than other citizens. They should not use their position to try to obtain advantage for themselves, their families or friends.

## **MEMBERS' ALLOWANCES SCHEME**

The Council on 5<sup>th</sup> December 2001 resolved:

- (1) T H A T the existing scheme of Members' Allowances be revoked with effect from 1<sup>st</sup> April, 2002.
- (2) T H A T the following draft scheme of Members' Allowances be introduced with effect from 1<sup>st</sup> April, 2002, subject to any amendments necessary as a result of the scheme being linked to Assembly Member salaries:

The Council on 30<sup>th</sup> September 2002 resolved:

- (1) THAT the final regulations be noted.
- (2) THAT the final guidelines be noted
- (3) THAT the scheme be amended to follow the Regulations and Guidance as set out below.

The Council on 8<sup>th</sup> December 2004 resolved:

- (1) THAT the revised guidance be noted
- (2) THAT the scheme be amended with effect from 1<sup>st</sup> April 2004 in respect of the basic allowance as set out below :

Note – the scheme as set out below reflects the original scheme agreed on 5<sup>th</sup> December 2001 as amended by Council on 30<sup>th</sup> December 2002 and 8<sup>th</sup> December 2004. The allowances shown are those payable as at 1<sup>st</sup> April 2006, as uplifted in accordance with the provisions of the scheme.

### **BASIC ALLOWANCE**

All members of the Council will receive a basic allowance of £12,312 p.a. for 2006-07. The Basic Allowance covers all members' telephone, ICT and office costs. In future years the basic allowance will be uplifted with effect from the 1<sup>st</sup> April each year in line with the annual change in the Wales All Persons Average Wage as published in the Annual Survey of Hours and Earnings, or such other index as may be determined by the Minister.

## Special Responsibility Allowances (SRA)

The following Special Responsibility Allowances will be paid for 2005-06 to recognise the additional responsibility of members by virtue of their office

Office	<i>Basic Allowance</i>	SRA	Total Allowance
	£	£	£
Leader	12,312	33,549	45,861
Deputy Leader	12,312	18,450	30,762
Cabinet Member	12,312	16,773	29,085
Scrutiny Committee Chairman	12,312	10,065	22,377
Leader of Principal Opposition Group	12,312	10,065	22,377
Other Committee Chairmen*	12,312	6,708	19,020
Scrutiny Committee Vice Chairman	12,312	6,708	19,020
Other Committee Vice Chairmen*	12,312	3,354	15,666
Leaders of Minority Opposition Groups	12,312	3,354	15,666

- \*'Other' Committees are Planning Committee; Licensing Committee; Community Liaison Committee and such other committees as may be specified by Council;
- No more than 50% of members will be paid a special responsibility allowance;
- No member can receive more than one special responsibility allowance;
- All payments of members allowances will be made monthly by direct bank credit;
- Special Responsibility Allowances will be increased in line with the percentage increase for Welsh Assembly Members from the effective date;
- Special Responsibility Allowance are payable to leaders of opposition groups where they have at least 10% of the seats on the Council;

## Travel and Subsistence Allowances

Travel and subsistence allowances will be payable where expenditure on travel or subsistence is necessarily incurred by a member in the performance of and approved duty as a member of the authority. The national rates for travel and subsistence will be applied each year as the maximum amounts claimable. Travel and subsistence claims (except for claims relating to travel by private motor vehicle) are to be made on an 'actual' expenditure basis up to the maximum. Claims must be accompanied by relevant receipts for all actual expenditure incurred.

## Chairman and Vice Chairman of Council

Allowances are paid to the Chairman and Vice Chairman of the Council under Section 22(5) and 24(4) of the Local Government Act 1972. The allowances for the Chairman and Vice Chairman of the Council are linked to the Special Responsibility Allowances for Chairman and Vice Chairman of 'Other Committees'.

Office	Basic Allowance £	Chairman's/ Vice Chairman's allowance £	Total Allowance £
Chairman of Council	12,312	6,708	19,020
Vice Chairman of Council	12,312	3,354	15,666

The Chairman and Vice chairman will receive the higher of the Chairman's/Vice Chairman's allowance **or** Special Responsibility Allowance by virtue of another office.

## **Part 7 MANAGEMENT STRUCTURE**

**REVISED PAGE TO BE ISSUED ONCE ONGOING  
DEPARTMENTAL STRUCTURE CHANGES HAVE BEEN  
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**OFFICER DELEGATIONS**

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## **OFFICER DELEGATIONS**

### **GENERAL**

1. In order to provide a practical method of financial and operational management throughout the Authority, Chief Officers have been given certain powers in the form of Officer Delegations.
2. These delegated powers may from time to time be amended, added to or reduced in the interests of operational efficiency as determined by the Cabinet.
3. In exercising their powers under Officer Delegations, Chief Officers should be mindful of the over-riding need to comply with Procedural and Contract Standing Orders, Financial Regulations (and any associated Financial Procedure Notes) and the Council's overall policy framework.

### **CHIEF EXECUTIVE, OR IN HIS ABSENCE, THE MONITORING OFFICER**

1. Power to act, after consulting the appropriate Cabinet Member and, in the case only of matters involving the Council in financial commitments, the Leader, Director of Finance, ICT and Property and the appropriate Chief Officer, in respect of any matter which, in his opinion:
  - (i) requires immediate action; and
  - (ii) does not justify holding a special meeting of the body which would ordinarily consider the matter or is of such urgency or emergency as not to allow time for such a meeting; use of such delegated powers to be subsequently reported back to the Cabinet.
2. Authority to increase annually the scale of fees, charges and expenses at elections, linked to the inflation rates supplied by the Director of Finance, ICT and Property in July of each year.
3. Authority to approve, after discussion with the Leader, attendance at all conferences, including annual conferences, in accordance with agreed procedures.
4. Authority to make interim payments to outside organisations where he is satisfied that such action is appropriate and necessary to safeguard the continued existence of the organisation (notwithstanding the requirements of Financial Regulation Nos. 4.2 and 5.2).
5. Authority to negotiate all relevant matters relating to the transfer of CBDC assets, liabilities and responsibilities to successor authorities following consultation with the Leader.
6. Authority to enter into all appropriate legal agreements on behalf of the Council relating to the Wales Transport Experience Heritage Skills Training

Centre subject to the availability of WDA funding.

7. To write to the Heritage Lottery Fund confirming capital and revenue commitments to the Victoria Park project (Minute No. C17), 2002/03).
8. After consultation with the Cabinet Member for Town Twinning (the Leader) to establish a Twinning Association and to report back to the Cabinet on progress made (Minute No. C205(2), 2002/03).
9. In consultation with the Leader of the Council, to award the contract for the Cultural Survey, having regard to the Management Team's recommendations regarding staff coverage, frequency and nature of questions to be asked (Minute No. C352 (2), 2002/03).
10. To finalise the Corporate Improvement Diagnostic and Service Improvement Diagnostics with the District Auditor, following consideration by Scrutiny Committees (Minute No. C436 (2), 2002/03).
11. In consultation with the Cabinet Member for Improvement, to amend the Council's Five Year Programme of Improvement Reviews where necessary to take into account the views of the Council's external regulators (Minute No. C670 (2), 2002/03).

## **ALL DIRECTORS**

1. To delegate authority and powers to officers within their Directorate to undertake statutory functions.

## **ALL CHIEF OFFICERS OR SERVICE HEADS**

1. Authority to accept contracts for the supply of goods or materials and for the execution of works to £300,000, subject to
  - (i) the Council or the Cabinet having given specific or general approval for the expenditure and that the appropriate provision has been made in the estimate of expenditure for the year in question.
  - (ii) compliance with the Council's Procurement Strategy.
  - (iii) for amounts greater than £100,000, the prior approval of the relevant Cabinet Member having been obtained.
2. Authority to accept offers for the disposal of surplus or unserviceable goods or materials up to £10,000 providing that the appropriate Financial Procedure Note relating to Inventories/Disposal of Surplus/Obsolete Items is adhered to.
3. To appoint employees below Service Head level within authorised establishments and in accordance with approved procedures. To approve applications for relocation expenses in accordance with the agreed schemes.
4. To appoint temporary employees for periods of up to 12 months providing costs are contained within approved estimates subject to compliance with any vacancy control arrangements.
5. To approve transfer to a permanent post on completion of probationary service and to terminate the employment of staff not considered suitable for such transfers.
6. To grant long service awards in accordance with the scheme approved by the Council.
7. To authorise the dismissal of all employees on salaries up to and including the PO7 range or equivalent in accordance with agreed procedures.

8. To approve payments in accordance with the National and local Scheme of Conditions of Service for additional duties undertaken following consultation with the Director of Learning and Development.  
(N.B. Delegation to be deleted).
9. To approve visits of staff to other authorities, or undertakings for the purposes of the work of their areas of responsibility.
10. To grant leave entitlement prior to completion of six months service subject to staff repaying any overpayment of salary should they terminate their employment or have their employment terminated prior to completion of six months service.
11. To agree acceleration of increments within scales based on qualification and performance in accordance with agreed schemes and subject to consultation with the Director of Learning and Development.  
(N.B. Delegation not previously included).
12. To authorise overtime, flexible working arrangements, mileage, subsistence claims and other expenses. To grant compassionate leave in accordance with the Council's agreed scheme.
13. To grant special leave in accordance with the Council's agreed schemes and to authorise the carrying over of annual leave in exceptional circumstances.
14. To authorise paid and unpaid time off to employees' representatives in accordance with the Council's agreed scheme.
15. To approve Post Entry Training applications, within approved budgets.
16. To remove contractors from the approved lists, where there has been a failure to meet Council criteria.
17. To approve officers attendance at courses, seminars, training sessions, conferences etc. within the approved departmental training budget.
18. To grant special paid leave to employees not having the benefit of the flexitime system to attend hospital, the dentist etc.
19. To submit Regulation 3 planning applications under the Town and Country Planning (General) Regulations 1992.
20. To designate authorised officers to authorise and oversee requests for authorisation, reviews, cancellations and referrals of authorisations.



**DIRECTOR OF LEARNING AND DEVELOPMENT**  
**OR HEAD OF HUMAN RESOURCES**

**HUMAN RESOURCES**

1. To determine, in consultation with the appropriate Chief Officer, all matters contained in and prescribed by the various schemes of Conditions of Service for local authority employees, except those matters delegated to the Cabinet or Cabinet Member for Human Resources and Equalities or the Appeals Committee.
2. To amend practices and procedures in relation to employment arrangements within the Council to accord with statutory requirements.
3. To approve in consultation with the relevant Chief Officer, and authorise employees below Grade SO1 to undertake secondary employment within or outside the Council.
4. In consultation with the relevant Chief Officer, to authorise employees to take special leave of absence for Trades Union activities.
5. To give instructions and directions requiring the suspension of operations executed by, or involving employees of the Council where operations are judged to be dangerous or in breach of any statutory involvement.
6. To consider and determine the grading of posts at or below PO6 or equivalent in consultation with the appropriate Chief Officer.
7. In consultation with the relevant Chief Officer, to approve sickness payments to employees absent from duty because of injury sustained in accidents outside the working environment.
8. In consultation with the relevant Chief Officer, to authorise the early retirement of employees on grounds of ill-health, in accordance with the agreed procedures.
9. In consultation with Chief Officers and the relevant Cabinet Member, authority to develop alternative arrangements for certain categories of employees in order to support the implementation of the Warner Committee recommendations.  
(N.B. This delegation to be deleted.)
10. Authority, in consultation with Chief Officers and recognised Trades Unions, to finalise the flexible working arrangements scheme documentation and implementation arrangements.

11. Authority, in consultation with the Leader, to respond on behalf of the Council to enquiries or consultations on pay and single status issues received from the National Employers.
12. Authority, with regard to sickness absence and capability procedures, to undertake all necessary consultations with the recognised Trades Unions in relation to the matters outlined in the report (Minute 1580 96/97) and following such consultation to implement the procedures in consultation with the Leader.
13. Authority, in consultation with the Leader, to take appropriate action in relation to employees where their duties require them to incur exceptional additional telephone costs over and above the provisions contained in the report (Minute 554 (iv) 97/98).
14. Authority, to agree and approve appropriate facilities and paid time off for representatives from the recognised Trades Unions engaged in single status issues.
15. Authority in consultation with the relevant Cabinet Member to determine urgent applications under the Child Care Scheme that do not necessarily fall within the priority areas identified.
16. Authority to enter into consultation with recognised Trades Unions regarding the implementation of a scheme for parental leave based on the report (Minute 1038 99/00) following consultation with the relevant Cabinet Member.
17. Authority in consultation with the Leader to decide individual cases on the merits where it has proved impossible to recruit an individual to replace an employee aged over 65.
18. To determine the grades of all posts in consultation with the Cabinet Member for Human Resources and Equalities, the Director of Finance, ICT and Property and the Chief Executive.  
(N.B. This delegation to be deleted).
19. Authority in consultation with the Leader, the appropriate Cabinet Member and Chief Officer to create new posts to the Council's establishment including all benefits necessary to support the appointment.
20. To approve payments in accordance with the National and Local Scheme of Conditions of Service for additional duties undertaken following consultation with the employing Director or Head of Service.

21. To agree acceleration of increments within scales based on qualification and performance in accordance with agreed schemes and subject to consultation with the employing Director or Head of Service.

## DIRECTOR OF LEARNING AND DEVELOPMENT

### **SCHOOLS**

1. To determine allocations of pupils to county primary and secondary schools in accordance with the Council's policy and subject to parental right of appeal.
2. To determine applications for admission to schools where it is subsequently discovered places exist excepting those cases where refusal has been based on ability or aptitude under Section 6(3)(C) of the Education Act 1980.
3. To allow appeals in those cases where appeals against the allocation of pupils to particular schools are complementary (e.g. where a pupil allocated to school A wishes to attend school B, and a pupil allocated to school B wishes to attend school A), and where places exist in schools, this delegation to be exercised only when, at the relevant time, there are no other appeals outstanding for admission to the school in question.
4. To authorise persons at educational establishments to exercise the power of removal of persons from such premises contained in Section 40(3) of the Local Government (Miscellaneous Provisions) Act 1982.
5. To approve arrangements for training youth and community workers up to a maximum of £350 and in accordance with any scheme for the time being approved by the Council providing that expenditure is contained within approved estimates.
6. To reimburse travelling expenses necessarily incurred by teaching staff in the youth service and adult education in "special hardship" cases where there are no adequate transport facilities and where qualified staff are not obtainable within a reasonable travelling distance.
7. To approve arrangements relating to the assessment, statementing and placement of pupils with special educational needs.
8. Responsibility for determining administrative issues associated with the appraisal of teachers.
9. Authority to review all cases of permanent exclusion from school and to determine whether the pupil is to be reinstated or the exclusion to be upheld.
10. Authority to approve implementation of pay awards for part time staff in the Community Education Service in line with pay awards.
11. To allocate any place(s) that become vacant at secondary or primary schools for the September admission, and later applications that may occur within the year to the next most eligible pupil(s) as defined by the admission criteria.

12. To grant voluntary premature retirement of teachers in accordance with the Council's scheme for the time being in force.
13. In consultation with the relevant Cabinet Member, authority to appoint parent governors to the Governing Body of the New Welsh Medium School. (N.B. This delegation to be deleted)
14. Authority, in consultation with the relevant Cabinet Member, to determine whether or not routes are to be regarded, or continue to be regarded, as safe walking routes to school for school transport purposes.
15. Authority, in consultation with the relevant Cabinet Member, to introduce a weighting system for appropriate courses (Minute 594(2) 97/98).
16. To make and issue a statement of Special Educational needs where appropriate and following a statutory assessment of an individual pupils Special Educational needs in accordance with the Education Act 1993 and the "Code of Practice on the identification and Assessment of Special Educational Needs."
17. Authority, in consultation with the relevant Cabinet Member to determine individual applications for school admissions.
18. To determine the amount of money to be allocated to the schools' delegated budgets after consultation with the Schools' Budget Forum (Minute No. C571 (5), 2002/03).
19. To negotiate the secondment arrangements with the Headteacher of Barry Comprehensive School with regard to the Vale Consortium for Education and Training (Minute No. C729 (3), 2002/03).

DIRECTOR OF FINANCE, ICT AND PROPERTY AND HEAD OF FINANCIAL SERVICES.

**A. FINANCE**

1. The Local Government Finance Act 1988 and subordinate legislation

Authority to administer the collection of National Non-Domestic Rates from April, 1996, and the recovery of unpaid Community Charge levied by the former constituent borough councils, in accordance with the undermentioned powers:

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|--|--|
| (a) The collection and recovery of the National Non Domestic Rate and the Community Charge, together with any penalties and costs incurred.                  | Schedule 4   |
| (b) The service of Notices on the chargeable persons stating the chargeable amounts, or estimated amounts, and what payments are required.                   | Schedule 2(1)(a)<br>Schedule 2(2)(m)<br>Schedule 2(2)(b) |
| (c) The imposition and quashing of penalties (in relation to payment of collective charge).  | Schedule 3(1)(8)   |
| (d) Applications for Liability Orders and requests for any relevant information relating to an outstanding debt for which a Liability Order has been issued. | Schedule 4(4)  |
| (e) The making of Attachment of Earnings Orders and the service of same on employers.  | Schedule 4(5)  |
| (f) Applications to the Secretary of State for deductions from income support.   | Schedule 4(6)  |
| (g) Applications for Charging Orders.  | Schedule 4(11)   |
| (h) Levying distress on a Liability Order.   | Schedule 4(7)  |
| (i) Determining if there are insufficient goods on which to levy distress, and applications for Committal Warrants.  | Schedule 4(8)  |
| (j) Requests to chargeable persons to supply information for the purpose of an estimate in connection with collective Community Charge.                      | Schedule 2(2)(e)   |

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| (k) Requests for the inspection of, or receipt of copies of, records in connection with the collective Community Charge.               | Schedule 2(2)(1)(h) and (i)                            |
| (l) The provision of written acknowledgements in relation to appeals.  | Section 24(4)(a)                                       |
| (m) The consideration and determination of appeals.  | Section 24(5)(a)                                       |
| (n) The provision of written details of such decisions to appellants.  | Section 24(4)(a) and (5)(b)                            |
| (o) The provision of details of any and steps taken as a result of such an appeal.   | Section 24(4)(b) (5)(c)                                |
| (p) Determining requests for appeals to be dealt with by the written Charge representations procedure.                                 | The Valuation and Community Tribunals Regulations 1988 |
| (q) Requests for the inspection of, or receipt of copies of, records in connection with an appeal.                                     | " "  |
| (r) The provision of copies or granting permission for the inspection of documents etc. for use as evidence at such an appeal hearing. | " "  |
| (s) The approval of discretionary rate relief applications by charity shops for a period of up to 28 days.                             |  |
| (t) The service of Completion Notices on new buildings.  |  |
| (u) The signing of three party Agreements.   |  |

2. The Local Government Finance Act 1992 and subordinate legislation

Administer council tax legislation in accordance with the undermentioned powers:

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| (a) The collection of the Council Tax. | Section 1    |
| (b) Determining liability for the Tax. | Section 6, 7 |

(c) Determining the liability of owners.	Section 8(3)
(d) Determining joint and several liability.	Section 8, 9
(e) Determining and allowing discounts.	Section 11
(f) Determining reductions for disabled persons.	Section 13
(g) Considering and responding to notices from aggrieved persons (regarding liability and any calculations).	Section 16
(h) Maintaining the Valuation List on deposit for public inspection and the provision of information on the contents of past lists.	Section 22, 28
(i) The provision of information required by the Listing Officer (Valuation Officer ) for the purpose of maintaining the Valuation List.	Section 27
(j) The imposition of penalties on persons who fail to supply information or who knowingly supply false information.	Schedule 3
(k) The quashing of penalties.	Schedule 3
(l) The requisitioning of information from individuals and public bodies. and Enforcement) Regulations 1992	Council Tax (Administration
(m) Notifying persons concerned of the valuation band of the relevant property.	"
(n) Ascertaining and determining Exempt Dwellings and notifying the relevant persons.	"
(o) The service of demand notices.	"
(p) The service of reminder notices.	"
(q) The service of adjustment notices.	"
(r) The collection of penalties.	"
(s) Applications for Liability Orders.	"



- (t) The making of Attachment of Earnings Orders. "
- (u) The making of Attachment of Allowances Orders. "
- (v) Levying of distress on a Liability Order. "
- (w) Determining if distress cannot be levied, and applications for Committal Warrants. "
- (x) Applications for charging orders. "
- (y) Making proposals for the alteration of the Valuation List. "
- (z) Applications to the Secretary of State for Deductions from Income Support. "

3. Authority to deal with the following:

- (a) The instigation of appropriate legal proceedings for the recovery of Rates, Community Charge, Council Tax, Non Domestic Rates and other monies due to the Council.
  - (b) To negotiate on disputed debts to achieve settlement in liaison with relevant departments.
  - (c) The writing off of irrecoverable Council Tax, Community Charge and Non Domestic Rates.
  - (d) The writing off of irrecoverable debts in relation to bankruptcy, receivership and liquidation.
  - (e) The writing off other irrecoverable debts up to £2,500 in each case.
4. Authority to permit departures from the requirements of Financial Regulations in accordance with Financial Regulation 2.2.2 (iii).
  5. Authority to implement the provisions of the Housing Benefit and Council Tax Benefit schemes, including the backdating of claims and the acceptance of late claims in appropriate cases.
  6. Authority to write off any Housing Benefit and/or Council Tax Benefit overpayments which are irrecoverable.
  7. To waive recovery of overpayment of cases above whose balance does not exceed £5,000.

8. Write back unrefundable credits up to a maximum of £5,000 in each case.
9. Issue Concessionary Travel Passes.
10. Administer the car loan scheme and all matters related to it, including the approval and issue of loans to officers.
11. Approve the hire of contract and leased vehicles.
12. Administer the officers' car leasing scheme and all matters relating to it.
13. Effect adequate insurance to cover all foreseeable risks (except as otherwise agreed by the Council) and negotiate all claims in consultation with other officers where necessary.
14. Manage the Insurance Fund and all matters relating to it, including risks to be covered and payments made from and to the fund.
15. Refer claims for damage caused to members' cars while on official business to the Council's insurers or grant ex-gratia payments depending on the circumstances.
16. Arrange leasing facilities for items contained within the revenue and capital budget.
17. Take all executive decisions on borrowing, investment or financing in accordance with the Council's Treasury Management policy.
18. Borrow and lend money to maintain the Council's bank balance within the overdraft limit agreed with the Council's bankers.
19. Pay all approved sums due and payable to the Council.
20. Determine the following matters under the Local Government and Housing Act 1989, relating to the Government's control of capital expenditure which may be so delegated:
  - 20.1 The amount of overspending (if any) on capital expenditure.
  - 20.2 The amount of capital receipts to be used to repay debt rather than used for further capital projects.
  - 20.3 How money provided by "any other person" is to be used (e.g. grants, but not grants from the E.C.).
  - 20.4 The use of credit approvals.
  - 20.5 If credit approvals should be transferred to another local authority.

- 20.6 The use of credit approvals when entering into credit arrangements (e.g. leases).
- 20.7 The amount of money to be charged to revenue, above the minimum required, relating to the repayment of debt, and to finance capital expenditure.
21. Approve additional estimates not exceeding £75,000 in total in any one financial year, provided such expenditure can be met from within the Council's overall budget.
  22. Utilise sums from contingency, provisions or earmarked balances as appropriate.
  23. Reduce banding of the Council Tax by one band following an authorised application for disabled relief.
  24. Approve advances/mortgage applications that meet the required criteria, in consultation with the Director of Legal and Regulatory Services.
  25. Approve an assisted car purchase loan where the insurance conditions relating to the granting of such a loan cannot be met, and that any uninsured losses that arise from the default in the repayment of the loan by the employee (or his/her personal representative where death has occurred) be met from the Council's insurance fund.
  26. To negotiate and enter into agreements with external agencies in relation to the establishment of consortium and other finance-raising or cost-saving initiatives, subject to any expenditure being contained within the Council's approved estimates.
  27. Following consultation with the Leader, authority to approve the legal agreement and agree the level of charges to be paid by the Council in respect of the Council's membership of the Secretariat established to administer European funding programmes for Wales and the European Social Fund in Wales.
  28. Authority to further discuss the transfer of loans from the Authority to other financial bodies and, if appropriate, to assist borrowers to re-mortgage their properties to building societies or other financial organisations.
  29. Authority, in consultation with the Leader, to determine the nature of advertisers and products on pay slips.
  30. To determine applications for awards and student grants/loans in accordance with Council policy.

31. Authority to approve specific projects for CASH funding (including Christmas CASH) on receipt of the same from the Town/Community Councils in consultation with the relevant Cabinet Member.
32. Authority to purchase and finance school I.T. equipment via the internal leasing mechanism.
33. Authority, in consultation with the Leader, to approve changes to both the revenue and capital contributions to the South Wales Magistrates' Courts Committee up to a limit of £10,000 each per financial year.
34. Authority to agree the disaggregation of balances from the former local authorities to the Council following consultation with the Leader.
35. To implement a negotiated tender procedure for the procurement of schemes of a similar nature to be added to the existing building programme during the financial year when it is appropriate to do so (Minute No. C26, 2002/03).
36. To allocate such funds as are necessary at that stage, should the Director determine that additional funding is required in respect of the Salisbury Road site (Minute No. C58 2002/03).
37. To accept the tender for network improvements and Broadband in relation to the Council's telecommunication strategy in consultation with the Leader (Minute No. C577 (2), 2002/03).
38. To appoint external agents to market 121 High Street, Barry and to provide the relevant Certificates of Value as required (Minute No. C659 (2), 2002/03).
39. In consultation with the Cabinet Member for Finance and Policy, to vary or implement changes to the Asset Renewal Building Programme when appropriate (Minute No. C717 (2), 2002/03).
40. In consultation with the Leader, to commission external advice and support where necessary in relation to the review of base budgets (Minute No. C746 (2), 2002/03).

**B. PROPERTY**

1. The day to day management of the Smallholdings Estate and Welsh Church Acts Estates.
2. To consider and decide upon terms for sales or acquisition of land and/or buildings which the Council has agreed or is required to sell or buy on which it is necessary to sell or buy to implement proposals approved by Council, such disposals to include "options" and building Agreements.

3. To negotiate and agree terms to take or grant a lease of property which the Council has agreed shall be leased by or to them, and to negotiate and agree subsequent rent reviews, together with attendant landlord and tenants issues.
4. To agree payment of compensation necessitated by a proposal approved by Council, which will include all statutory claims emanating from Compulsory Purchase Orders, and acquisitions of land by agreement.
5. To agree the assignment and sub-letting of property held on lease from Council.
6. To grant ground landlord's consent for alteration to property held on lease from the Council, subject to the agreement of the appropriate Chief Officers.
7. To grant wayleaves, easements and leases etc. to statutory undertakers for operational purposes of the undertakings.
8. To let property acquired by the Council in advance of requirement.
9. To grant and renew grazing licences and short term tenancies or licences for use of land or buildings for temporary periods.
10. To authorise expenditure on works or repairs to properties for which the Council is liable.
11. To settle valuations of property upon appropriation from one function to another.
12. To implement the provisions of the Housing and Building Control Act 1984 relating to "Tenants' Right to Buy".
13. Powers to deal with minor property transactions not covered by the foregoing, up to a capital value of £35,000 and an annual rental value of £3,000 after consultation with the Leader.
14. The power to incur expense to protect persons and property at risk subject to seeking retrospective approval.
15. To authorise expenditure within available budgets on works or repairs to properties for which the Council is liable.
16. To accept offers for disposal of land up to £100,000, provided the highest offer is accepted and after consultation with the Leader.
17. To maintain the Council's asset register for lands and buildings.
18. After consultation with the relevant Cabinet Member, to determine,

negotiate and agree terms and conditions for the acquisition of the interest of an applicant entitled to assistance by way of re-purchase under Part XVI of the Housing Act 1985 and to serve such notice as may be required in connection therewith.

19. In respect of proposed changes of use of shops, industrial and warehouse premises, after consultation with ward members for the area in which the premises are situate and the relevant Cabinet Member, to grant ground landlord consent in respect of property held on lease from the Council (except dwellings held under the Housing Revenue Account) for:
  - (i) Alterations to property,
  - (ii) Change of use, subject to such terms and conditions as the Director of Finance, ICT and Property deems appropriate. This delegation shall not be exercised where planning permission is required and has not first been obtained.
20. To undertake professional valuation and estate management duties as agent for, or in pursuance of any agreement for services with, any public body or organisation for whom the Authority is authorised to carry out such services provided that all costs and expenses are met by the recipient of such services.
21. After consultation with the Director of Legal and Regulatory Services, to do all such things that are necessary to secure the removal of unauthorised occupiers of land and premises (excluding dwellings under the Housing Revenue Account).
22. To authorise action for the repossession of commercial properties if rental is 21 days or more in arrears after consultation with the Director of Legal and Regulatory Services.
23. To grant consent to the inclusion of clauses permitting assignment of building agreements.
24. In relation to the disposal of public open space by way of a lease to statutory undertakers for operational purposes or for the purpose of granting wayleaves or easements, to authorise the Director of Legal and Regulatory Services to advertise pursuant to the statutory requirements and to authorise such disposals after consultation with the Director of Environmental and Economic Regeneration.
25. To determine, following property condition surveys, and after consultation with the relevant Cabinet Member, priorities for urgently needed building work within the resources allocated from building maintenance funds.

26. To carry out handover surveys on all acquired buildings, new buildings, extensions and adaptations and to report the maintenance and budgetary implications to the Cabinet.
27. Authority to institute a regular programme of inspection and testing of all electrical installations, heating plant and building equipment either owned by the Council, or leased or hired to the Council, and to maintain appropriate records as required by the Electricity at Work Regulations.
28. Authority to inspect and test all portable equipment and appliances on behalf of user departments, if so requested, on a rechargeable basis, it being noted that the inspection and testing of such equipment was the responsibility of the department concerned.
29. Authority, after consultation with the relevant Service Director, to vary the programme of asset maintenance, to reflect any change in service requirements.
30. Authority to raise invoices for rent due and to authorise payments of rent to the Council for all Council properties and interests (excluding housing) where monies are payable to, or receivable by, the Council.
31. Authority to dispose of surplus properties in the most advantageous ways on terms to be agreed following consultation with the Leader.
32. Approve minor works of adaptation or improvement to buildings, land and facilities up to £2,500, subject to the costs being met from the existing revenue budget of the appropriate Service Director and after consultation with budget holders.
33. Authority to seek appropriate deemed planning consent under Regulation 4 of the Town and Country Planning (General) Regulations 1992 for land/buildings declared surplus by the Council; it being noted that such action would expedite the disposal of such properties.
34. Authority, in consultation with the Director of Environmental and Economic Regeneration, to dispose of surplus land and properties in the most advantageous way on terms to be agreed in consultation with the Leader and relevant Cabinet Member.
35. Authority, to manage the portfolio of council-owned shops, kiosks, concessions and cafes (not internally managed) viz.:
  - (i) all budgets;
  - (ii) day to day estate management;
  - (iii) to negotiate and agree terms to grant leases, and subsequent rent reviews (with attendant landlord and tenant issues), up to an annual rental value which is considered to be the market level for

- that particular type of property;
  - (iv) where appropriate, to agree the assignment and sub-letting of shops;
  - (v) to grant consent for alterations (subject to any required planning approval first being sought);
  - (vi) to agree changes of use of shops, after consultation with ward members for the area in which the premises are situated (subject to any required planning approval first being sought);
  - (vii) all rental collection and payment;
  - (viii) to authorise action for forfeiture, if the tenant is in breach of agreed lease terms, in consultation with the Director of Legal and Regulatory Services.
36. Authority, in consultation with the Director of Community Services to authorise discretionary payments to residential leaseholders at Winston Square in accordance with statutory requirements, in order to conclude negotiations.
37. Authority, in consultation with the Director of Community Services, to negotiate the sale of land at the Gibbonsdown development to Lovell Partnerships Limited and Newydd Housing Association and at Winston Square, Barry to Newydd Housing Association.
38. Authority, following consultation with the relevant Cabinet Member, to add or delete categories of work in the Approved List.
39. In consultation with the Director of Legal and Regulatory Services to appoint external agents to commence negotiations for the acquisition of the whole or lease (1<sup>st</sup> and 2<sup>nd</sup> floors only) of 82 Holton Road, Barry (Minute No. C11, 2002/03).
40. In consultation with the Director of Legal and Regulatory Services, to appoint external agents to commence negotiations for the acquisition or lease (first and second floors only) of 78 Holton Road, Barry (Minute No. C44 (1), 2002/03).
41. To commission an urgent condition survey of the Dock Office to assess the future maintenance requirements and any possible liabilities resulting from the purchase (Minute No. C112 2002/03).
42. To appoint external valuers to negotiate a value for and purchase if necessary, the identified parcel of land at Cardiff Road, Dinas Powys required for the proposed bus prioritisation measures, in consultation with the Director of Legal and Regulatory Services (Minute No. C195 2002/03).
43. To extend the contract with Allen Construction Consultancy to complete all of the surveys of the Council's Corporate Building Stock when additional funds become available (Minute No. C258 (2) 2002/03).



44. In consultation with the Leader, to add/omit or change projects within the Asset Renewal Programme (Minute No. C276 (2) 2002/03).
45. To appoint external agents to value the land adjacent to 8 Glaslyn Close, Barry and to dispose of it in consultation with the Director of Legal and Regulatory Services to the owner (Minute No. C284 (3) 2002/03).
46. To appoint external agents to value the land adjacent to 15 Blyth Close, Barry and to dispose of it in consultation with the Director of Legal and Regulatory Services to the owner (Minute No. C285 (3) 2002/03).
47. To appoint external agents to value the land adjacent to 56 St. Paul's Avenue, Penarth and to dispose of it in consultation with the Director of Legal and Regulatory Services to the owner (Minute No. C311 (3) 2002/03).
48. To accept the highest tender for the disposal of 22 Amherst Crescent, Barry Island and to instruct the Director of Legal and Regulatory Services accordingly (Minute No. C312 2002/03).
49. To determine the phasing of the budget in respect of the Penarth Heights: Harbour View/Royal Close Regeneration project over the appropriate years (Minute No. C394 (2) 2002/03).

**DIRECTOR OF LEGAL AND REGULATORY SERVICES**  
**AND HEAD OF LEGAL SERVICES**

Authority to:

1. Take legal proceedings to recover possession of any Council land occupied by unauthorised occupiers at the request of the Chief Officer responsible for the day to day management of the land in question.
2. Take legal proceedings to recover any monies due to the Council and to take on behalf of the Council any preliminary steps necessary to secure such recover, including the serving of Notices, statutory demands or other documents required under any statutory provisions.
3. Commence and conduct legal proceedings on behalf of the Council under any enactments, regulations orders or bye-laws which the Council is permitted to prosecute or enforce at the request of the Chief Officer within the scope of his responsibilities.
4. Defend any actions, claims or legal proceedings instituted against the Council and to do all things necessary to protect the Council's interest in such cases.
5. Institute legal proceedings on behalf of any employee of the Council assaulted during the course of his employment, or any Member assaulted while engaged on Council business at the request of the Chief Officer of the Service area concerned.
6. Issue and serve Notices to Treat, Notices of Entry, Warrants for Possession, and any such other Notices as may be necessary to give effect to a confirmed Compulsory Purchase Order and to refer compensation payable on compulsory acquisition to the Lands Tribunal, and to defend proceedings brought by a Claimant in such Tribunal.
7. Give any certificate or notice required where it is necessary to register a statutory charge at H.M. Land Registry in order to protect the Council's interest in any premises or in relation to any expenses or costs incurred by the Council in carrying out works pursuant to its statutory powers.
8. Make entries in the Register of Local Land Charges and the Commons Register and to answer Searches in the Registers and supplementary enquiries, and to issue any certificate required at law.
9. In respect of works in default debts, in cases of tenanted properties, to make orders declaring the expenses and interest to be payable by instalments and to make rent orders requiring tenants to pay their rent directly to the Council in payment of the outstanding amount after consultation with the Director of Finance, ICT and Property.

10. Take all such actions as may be necessary as a result of appeals or applications to ministers, Courts, Tribunals or any other body in respect of anything done by the Council or a Committee or officer acting in pursuance of delegated powers or against any decision, Order, Notice, requirement or Direction of the Council or Against any decision or Order in legal proceedings to which the Council was a Party.
11. Lodge and proceed with any appeal from an order or decision of a Court, Tribunal, Inspector or other person of competence within any time limit set therefore, the matter to be reported to the next meeting of the Cabinet.
12. Institute legal proceedings to recover possession and or arrears of rent from Council tenants upon the recommendation of the Director of Community Services in respect of rent arrears, breaches of tenancy agreements, nuisances and abandoned premises and possession and arrears of repayments from mortgagors of the Council.
13. Enforce statutory charges upon premises arising as a result of anything done by the Council or Cabinet or Cabinet Member or officer acting in pursuance of delegated powers.
14. After consultation with the Director of Finance, ICT and Property to issue and serve Notices terminating business tenancies under the Landlord and Tenant Act 1954, Notices to remedy breaches of covenants and to review rents.
15. Issue and serve appropriate Notices and Counter-Notices and to take such other steps as may be required to protect the Council's interest as lessee in consultation with the Director of Finance, ICT and Property.
16. Make and publish Traffic Regulation Orders and Notices under the Town Police Clauses Act 1847 after consultation with the Police and Director of Environmental and Economic Regeneration or any appointed officer.
17. Exercise the functions of the Council upon receipt of Purchase Notices under any enactment including the service of Notices and Counter-Notices and the acceptance of such Notices (this delegation relates to any provision of any enactment, rule or regulation enabling owners of land or an interest in land to require the Council to purchase the relevant interest).
18. Authorise:
  - (i) Trainee Solicitors and
  - (ii) Other staff of the Council who have been trained and are adequately supervised to appear on behalf of the Council in proceedings under Section 60 of the County Courts Act 1984; in Magistrates' Court under Section 223 of the Local Government Act 1972 and in Valuation Tribunals

under the Valuation Tribunals (Wales) Regulations 1995 (SI 1995 No. 3056) in respect of Council Tax and the Valuation and Community Charge Tribunals Regulations 1989 (SI 1989 No. 439) in respect of NNDR (Minute No. C56A (3), 2002/03).

19. In relation to children in care:
  - (i) in proceedings before the Court to engage Counsel or outside solicitors if appropriate and to apply for legal aid;
  - (ii) to approve apprenticeship deeds.
20. Issue authorisations and obtain warrants to enter upon land or premises or to seize anything pursuant to any statutory power or function of the Council and to prepare warrants of authorisation for officers of the Authority.
21. After consultation with the appropriate Cabinet Member:
  - (i) To issue and serve Notices under any contract to which the Council is a party.
  - (ii) To take legal proceedings for the enforcement of or in respect of the breach of any contract to which the Council is a party.
  - (iii) In respect of all contracts to which the Council is a party and which contains clauses for determination or forfeiture, to exercise the powers vested in the Council by virtue of those provisions.
22. Take legal proceedings, including seeking an injunction, where that action is necessary to protect the Council, its land or property, or Council Members or staff or where it is expedient to do so in connection with any function power or duty of the Council.
23. Serve statutory Notices requiring the provision of particulars of the nature of an interest in and use of land with which the Council is statutorily concerned.
24. Issue and serve any Notices, Orders, directions or statements under any statutory provision in order to give effect to any decision of the Council or a Committee, or officer acting in pursuance of delegated powers.
25. Issue enforcement notices and stop notices under the Town and Country Planning Act 1990 after consultation with the relevant Cabinet Member and the circumstances warrant the immediate issue of such notices.
26. To make:
  - (i) Doctor Parking Place Orders and for that purpose to determine their location and periods of operation after consultation with the Director of Environmental and Economic Regeneration.
  - (ii) Disabled Person Parking Places Orders after consultation with the Director of Environmental and Economic Regeneration and the Director of Community Services.

- (iii) Consolidation Orders pursuant to Road Traffic Regulations after consultation with the Director of Environmental and Economic Regeneration.
  - (iv) Tree Preservation Orders where it is considered that immediate action should be taken to protect a tree or trees.
27. Make and publish Traffic Orders and Notices under the provisions of the Road Traffic Regulations Act 1984, following any necessary statutory consultations and consultations with the Director of Environmental and Economic Regeneration or any appointed officer.
  28. After consultation with the Leader of the Cabinet to decline to allow a member or officer of the Council to inspect or call for a copy of any document which is or in the event of legal proceedings, would be protected by legal privilege arising from the relationship of solicitor and client.
  29. Lodge objections to applications for operators licences under the provision of the Transport Act 1968.
  30. Carry out the procedure for the listing of buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990.
  31. Determine applications for the use of the Committee Rooms and Foyer of the Civic Offices, by outside organisations (subject to the necessary insurance) and to waive charges for non-profit making organisations where appropriate.
  32. Act on behalf of Town and Community Councils when so requested subject to there being no conflict of interest with the Council and to the Town and Community Council's concerned reimbursing the costs incurred.
  33. Take such Counsel's opinions as are considered necessary in the interests of the Council.
  34. Determine applications for and the charges to be made for supplying copies of the Council minutes and copies of documents and review the same as and when deemed necessary.
  35. Determine applications for the transfer of interest in mortgaged properties.
  36. Determine legal fees payable to the Council and review the same as and when deemed necessary.
  37. Take all necessary steps after consultation with the Director of Community Services to safeguard the welfare of children including the institution of legal proceedings.

38. To execute and arrange for the sealing of documents on behalf of the Council.
39. To enter into Agreements and Bonds pursuant to Sections 38 and 278 of the Highways Act 1980 (Adoption of Road by Agreement and Improvements of Existing Highway) and seal on behalf of the Authority.
40. To enter into Agreements pursuant to Section 25 of the Highways Act 1980 and seal on behalf of the Authority (Creation of Footpath or Bridleway).
41. To make and seal such Orders as are necessary pursuant to Section 119 of the Highways Act 1980 (Diversion of Footpaths and Bridleways).
42. To enter into and seal Licences made pursuant to Section 142 of the Highways Act 1980 (Planting Trees/Shrubs etc. on Highway).
43. To serve Notices under all Sections of the Highways Act 1980 at the request of the Director of Environmental and Economic Regeneration.
44. Authority, to take all necessary legal proceedings to remedy neighbourhood nuisance.
45. Authority, with the Director of Community Services, to apply to a magistrate to cancel a registration of a private residential home by urgent procedure.
46. Authority to complete leases in respect of the Barry Community Enterprise Centre on terms and conditions to be determined by the Director of Environmental and Economic Regeneration.
47. Authority to serve Notices under Section 215 of the Town and Country Planning Act 1990 to effect the removal of graffiti.
48. Authority, once the Director of Community Services upon receipt of adequate notice that a Tied Accommodation employees' contract would be ending, has made three reasonable offers in respect of alternative accommodation based on housing need and in the case of failure to take up a negotiable offer, to take all appropriate legal action to terminate the Tied Accommodation tenancy as defined under Schedule 2 of 1985 Housing Act.
49. Authority, with the Director of Finance, ICT and Property, to negotiate the sale of land at Winston Square to Newydd Housing Association.
50. Authority, together with other nominated officers, to:
  - (a) take all necessary steps for the enforcement of all Environmental and Consumer Legislation currently in force, as specified in Appendix 1 (Minute 467, 1995/96 and Minute 836, 1997/98), and

such other legislation as may from time to time be enforced by the Council;

- (b) donate seized or forfeited goods to outside bodies as appropriate in consultation with the relevant Cabinet Member;
- (c) dispose of seized or forfeited goods as appropriate;
- (d) issue petroleum licences and explosive licences;
- (e) issue or renew registration certificates or licences under the provisions of the Gaming Act 1968, the Lotteries and Amusements Act 1976, House to House Collections Act 1939, and permits for Street Collections under the Police, Factories etc., (Miscellaneous Provisions) Act 1916;
- (f) issue or renew registration certificates, consents or licences, after appropriate consultations and where no objections have been received, for Street Trading - Schedule 4, of the Local Government (Miscellaneous Provisions) Act 1982; Theatre Licences - Theatres Act 1968; Cinema Licences - Cinemas Act 1985; Late Night Refreshment House Licences - Late Night Refreshment Houses Act 1969 and the Hypnotism Act 1952;
- (g) waive the fees in respect of Theatre and Cinema licences where deemed appropriate;
- (h) grant or refuse applications for Hackney Carriage, Private Hire Vehicles/Drivers/Operators licences;
- (i) approve Company insignia on licensed vehicles;
- (j) suspend or revoke Hackney Carriage/Private Hire Driver, Vehicle or Operator licences where it is considered that immediate action should be taken in the public interest;
- (k) exercise the powers under section 60 of the Local Government (Miscellaneous Provisions) Act 1976, to suspend the Hackney Carriage or Private Hire Vehicle licences on failure to produce to the authorised officer of the Council, details of insurance in respect of the vehicle;
- (l) determine applications to display advertisements on Hackney Carriages and Private Hire vehicles after consultation with the Chairman of the Licensing Committee;
- (m) deal with urgent matters and applications, and following consultation, issue the relevant licences or consents where there are no objections relating to Public Entertainment Licences under the Local Government (Miscellaneous Provisions) Act 1982; and in

relation to occasional licences, authority to waive the fee where the entertainment is of an educational or other like character, or given for a charitable or other like purpose;

- (n) grant temporary licences under the Licensing Act 1964;
  - (o) lodge objections to applications for licences/transfers under the Licensing Act 1964;
  - (p) allocate grave spaces and maintain the register of burials and register of graves at Rhoose Cemetery;
  - (q) determine applications for the use of King Square, Barry;
  - (r) issue or renew registration certificates or licenses under the provisions of the following legislation: Animal Boarding Establishments Act 1963, Pet Animals Act 1951, Breeding of Dogs Act 1973, Riding Establishments Act 1964 and 1970, Dangerous Wild Animals Act 1976, Zoo Licensing Act 1981, Local Government (Miscellaneous Provisions) Act 1982 (Acupuncture, Ear Piercing, Tattooing and Electrolysis), Slaughter of Poultry Act 1967, Food Safety Act 1990, Game Act 1831, Scrap Metal Dealers Act 1964 and Caravan Sites and Control of Development Act 1960;
  - (s) arrange for the burial of the dead under the Public Health (Control of Disease) Act 1984;
  - (t) process applications for the licensing of fresh meat premises under the provisions of the Food Safety Act 1990;
  - (u) issue the necessary authorisations for the various specified processes under Part I of the Environmental Protection Act 1990;
  - (v) determine applications for concessions for the payment of fees for impounded dogs in certain circumstances, on the grounds of special hardship.
51. Authority to grant rebates of fees in suitable cases where traders offered facilities on their own premises and where a Trading Standards Officer tested and stamped equipment in bulk.
52. Authority to carry out all statutory responsibilities on behalf of the Council under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sport Act 1987, including the issue of Prohibition Notices.
53. Authority to set up a working party to carry out the necessary consultation with other enforcement bodies before the issue of any relevant Safety Certificate or annual inspection under the Safety of Sports Grounds Act 1975.



54. Authority to determine applications for registration of premises under the Marriage Act 1994.
55. Authority, in consultation with the Director of Finance, ICT and Property, to give a discount on verification fees for weights and measures equipment used for trade purposes when the owner or agent arranges for suitable equipment to be made available on site.
56. Authority, with other nominated officers to carry out works in default and recover the costs in the event of non-compliance of notices issued under the following Acts:
  - (i) Environmental Protection Act 1990;
  - (ii) Local Government (Miscellaneous Provisions) Act 1982;
  - (iii) Public Health Act 1936.
57. Authority, in consultation with the Chairman of the Licensing Committee, to determine applications for waiving of the Council's Age Policy Guidelines regarding vehicles registered for Hackney Carriage and Private Hire use.
58. Authority to institute legal proceedings on behalf of the Council under Section 167 of the Criminal Justice and Public Order Act 1994 and Section 143 and Part VI of the Road Traffic Act 1988.
59. Authority, in consultation with the Chairman of the Licensing Committee, to determine applications for street collection permits subject to the following provisos:-
  - (i) all applications to be in writing;
  - (ii) all applications to be determined on a first come first served basis;
  - (iii) applications received for the same dates shall be determined by lot.
60. Authority, in consultation with the relevant Cabinet Member, to appoint temporary staff and spend additional monies on sampling as necessary during a major outbreak of food poisoning or infectious disease.
61. To manage the Registration Service as Proper Officer.
62. To authorise officers with the appropriate skills and competencies to carry out duties under the following legislation:

Abandonment of Animals Act 1960  
 Access to Health Records Act 1991  
 Accommodation Agencies Act 1953  
 Administration of Justice Act 1970 and 1985  
 Agriculture (Miscellaneous Provisions) Act 1968  
 Agriculture Act 1970  
 Airports Act 1986  
 Animal Boarding Establishments Act 1963

Animal Health Act 1981  
Animal Health and Welfare Act 1984  
Bankers' Books Evidence Act 1879  
Banking Act 1987  
Betting, Gaming & Lotteries Act 1963  
Breeding of Dogs Act 1973 and 1991  
Breeding and Sale of Dogs (Welfare) Act 1999  
Broadcasting Act 1990  
Building Act 1984  
Business Names Act 1985  
Cancer Act 1939  
Caravan Sites and Control of Developments Act 1960  
Charitable Collections (Transitional Provisions) Order 1974  
Charities Act 1992  
Cheques Act 1992  
Children and Young Persons (Protection from Tobacco) Act 1991  
Children and Young Persons Act 1933  
Cinemas Act 1985  
Civic Amenities Act 1967  
Clean Air Act 1968 and 1993  
Companies Act 1985  
Companies Consolidation (Consequential Provisions) Act 1985  
Consumer Arbitration Agreements Act 1988  
Consumer Credit Act 1974  
Consumer Protection Act 1987  
Control of Pollution Act 1974  
Copyright, Designs and Patents Act 1988  
Countryside Act 1968  
County Courts Act 1984  
Courts and Legal Services Act 1990  
Criminal Attempts Act 1981  
Criminal Justice Act 1982, 1988 and 1991  
Criminal Justice and Public Order Act 1994  
Criminal Law Act 1977  
Dangerous Wild Animals Act 1976  
Dangerous Dogs (Amendment) Act 1997  
Dangerous Dogs Act 1989 and 1991  
Deregulation and Contracting Out Act 1994  
Development of Tourism Act 1969  
Dogs (Amendment) Act 1928  
Dogs Act 1906  
Dogs (Fouling of Land) Act 1996  
Education Reform Act 1988  
Employment Act 1989  
Employment Agencies Act 1973  
Energy Act 1976  
Energy Conservation Act 1981  
Environment Act 1995  
Environmental Protection Act 1990  
Estate Agents Act 1979

European Communities Act 1972  
Explosives (Age of Purchase) Act 1976  
Explosives Act 1875 and 1923  
Factories Act 1961  
Fair Trading Act 1973  
Farm & Garden Chemicals Act 1967  
Finance Act 1974  
Fireworks Act 1951 and 1964  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Forgery and Counterfeiting Act 1981  
Game Act 1831  
Hallmarking Act 1973  
Health & Safety at Work etc Act 1974  
Heavy and Commercial Vehicles (Controls and Regulations) Act 1973  
Highways Act 1984  
Home Energy Conservation Act 1995  
House to House Collections Act 1939  
Housing Act 1985 and 1996  
Housing, Grants, Regeneration and Construction Act 1996  
Hypnotism Act 1952  
Indictable Offences Act 1848  
Insurance Brokers (Registration) Act 1977  
Insurance Companies Act 1982  
Interpretation Act 1978  
International Health Regulations 1969  
Intoxicating Substances (Supply) Act 1985  
Knives Act 1997  
Land Compensation Act 1961 & 1973  
Late Night Refreshment House Act 1969  
Law of Property (Miscellaneous Provisions) Act 1989  
Licensing Act 1964  
Limitation Act 1980  
Litter Act 1983  
Local Government (Miscellaneous Provisions) Act 1976 and 1982  
Local Government Act 1972 and 1987  
Local Government and Housing Act 1989  
Lotteries and Amusements Act 1976  
Magistrates Courts Act 1980  
Magistrates' Courts Procedure Act 1998  
Malicious Communications Act 1988  
Medicines Act 1968  
Merchant Shipping Act 1979  
Misrepresentation Act 1967  
Mock Auctions Act 1961  
Motor Cycle Noise Act 1987  
Motor Salvage Operators Regulations 2002  
Motor Vehicles (Safety Equipment for Children) Act 1991  
National Assistance Act 1948 (as amended 1957)  
National Lottery etc Act 1993

Noise and Statutory Nuisance Act 1993  
Nurses Agencies Act 1957  
Offices, Shops and Railway Premises Act 1963  
Offshore Safety Act 1992  
Olympic Symbol etc (Protection) Act 1995  
Open Spaces Act 1906  
Opticians Act 1958  
Patents, Designs and Marks Act 1986  
Pesticides (Fees and Enforcement) Act 1989  
Pet Animals (Amendment) Act 1983  
Pet Animals Act 1951  
Petroleum (Consolidation) Act 1928  
Petroleum (Transfer of Licences) Act 1936  
Poisons Act 1972  
Police and Criminal Evidence Act 1984  
Pollution Prevention and Control Act 1999  
Powers of Criminal Courts Act 1973  
Prevention of Damage by Pests Act 1949  
Prices Act 1974 and 1975  
Proceeds of Crime Act 1995  
Property Misdemeanors Act 1991  
Prosecution of Offences Act 1985  
Products of Animal Origin (Import and Export) Regulations 1992  
Protection against Cruel Tethering Act 1988  
Protection from Harassment Act 1997  
Protection of Animals (Amendment) Act 1954 and 1988  
Protection of Animals (Anaesthetics) Act 1954  
Protection of Animals (Penalties) Act 1987  
Protection of Animals Act 1911  
Protection of Children (Tobacco) Act 1986  
Public Health Acts Amendment Act 1907  
Public Health (Aircraft) Regulations 1979  
Public Health (Control of Disease) Act 1984  
Public Health (Ships) Regulations 1979  
Public Health Act 1875, 1936 and 1961  
Radioactive Substances Act 1993  
Refuse Disposal and Amenities Act 1978  
Registered Designs Act 1949  
Riding Establishments Act 1964 and 1970  
Road Traffic (Consequential Provisions) Act 1988  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Act 1988 and 1991  
Road Traffic Offenders Act 1988  
Sale of Goods Act 1979  
Sale and Supply of Goods Act 1994  
Sale of Goods (Amendment) Act 1994 and  
Scrap Metal Dealers Act 1964  
Scotch Whiskey Act 1988  
Shops (Early Closing Days) Act 1965  
Shops Act 1950

Shops (Airports) Act 1962  
 Slaughter of Poultry Act 1967  
 Slaughter Houses Act 1974  
 Social Security Administration Act 1992  
 Solicitors Act 1974  
 South Glamorgan Act 1976  
 Sunday Trading Act 1994  
 Supply of Goods and services Act 1982  
 Telecommunications Act 1984  
 The Gaming Act 1968  
 Theatres Act 1968  
 Theft Act 1968 and 1978  
 Timeshare Act 1992  
 Torts (interference with Goods) Act 1977  
 Town Police Clauses Act 1847  
 Trade Descriptions Act 1968  
 Trade Marks Act 1994  
 Trading Representations (Disabled Persons) Act 1958 and 1972  
 Trading Schemes Act 1996  
 Trading Stamps Act 1964  
 Transport Act 1980 and 1985  
 Unfair Contract Terms Act 1977  
 Unsolicited Goods and Services (Amendment) Act 1975  
 Unsolicited Goods and Services Act 1971  
 Vehicles (Excise) Act 1971  
 Video Recordings Act 1984 and 1993  
 Water Industry Act 1991  
 Water Consolidation Act 1991  
 Welfare of Animals at Slaughter Act 1991  
 Weights and Measures Act 1985  
 Weights and Measures etc Act 1976  
 Zoo Licensing Act 1981

63. To appoint Proper Officers for Weights and Measures, the Chief Weights and Measures Inspector and the Chief Port Health Officer. (New delegation)
64. To sign the necessary contract documentation on behalf of the Council in respect of the Council's telecommunications strategy (Minute No. C64 (7), 2002/03).
65. To seek all necessary consents from the Welsh Assembly government to effect the Controlled Whole Site Disposal for the Penarth Community Regeneration Project (Minute No. C70 (8), 2002/03).
66. To take all necessary action to recover arrears that accrue in accordance with the Licence Agreement in respect of Jenner Park (Minute No. C201 (6), 2002/03).

67. To confirm Definitive Map Modification Orders that have been made as a result of past legal decisions (Minute No. C236, 2002/03).
68. To undertake the necessary steps (including legal action) to enable the boundary of Council land at Peterswell Road, Barry to be reinstated (Minute No. C248 (2), 2002/03).
69. In conjunction with the Director of Finance, ICT and Property, to agree the terms and conditions of a licence or lease with Barry College for the IT Skills Centre, The Waterfront, Barry, in consultation with the relevant Cabinet Member (Minute No. C296 (2), 2002/03).
70. To submit a completed Publication Scheme as required under the Freedom of Information Act 2000 to the Information Commissioner by 31<sup>st</sup> December, 2002 (Minute No. C412 (2), 2002/03).
71. In liaison with the Director of Learning and Development, to facilitate licence supported by a Service Level Agreement between the Council and Barry College in respect of the IT Resource Centre, The Waterfront, Barry, subject to the consent of the Welsh Development Agency (Minute No. C527 (3), 2002/03).
72. To sign the necessary contract documentation on behalf of the Council with regard to the implementation of the Council's telecommunications strategy (Minute No. C577 (3), 2002/03).
73. Subject to consultation with the Director of Finance, ICT and Property, to purchase the land identified in the report and also land identified in Cabinet Minute C505 (11<sup>th</sup> December 2002) in respect of the Barry Central Station Project (Minute No. C602 (3), 2002/03).
74. To negotiate a variation to the Section 106 Agreement to facilitate the agreed scheme for affordable housing at Rhoose Point (Minute No. C623 (2), 2002/03).
75. In consultation with the Director of Environmental and Economic Regeneration, and subject to the inclusion of the clause referred to in Minute No. C741 (2), to execute a new Agency Agreement on the same terms as previously in respect of Porthkerry Cemetery (Minute No. C741 (3), 2002/03).
76. To prepare an appropriate lease and to execute the same on behalf of the Council in respect of the floodlit skateboard park at Gibbonsdown (Minute No. C745 (3), 2002/03).

**DIRECTOR OF LEGAL AND REGULATORY SERVICES AS MONITORING OFFICER OR, IN HIS ABSENCE, THE HEAD OF LEGAL SERVICES**

To perform the role of Monitoring Officer in accordance with the provisions of Section 5 of the Housing and Local Government Act 1989 and in particular to report to the Council on any proposal, decision or omission by the Council, Cabinet, Cabinet Member, its committees, sub-committees or any joint committee or officer on which it is represented which has given rise to, or is likely or would give rise to

1. a contravention of law or any code of practice made or approved by or under any enactment; or
2. such maladministration or injustice as would fall within the investigation remit of the Local Government Commissioner.

**DIRECTOR OF COMMUNITY SERVICES AND HEAD OF COMMUNITY CARE & HEALTH, HEAD OF CHILDREN & FAMILY SERVICES, HEAD OF HOUSING & COMMUNITY SAFETY**

**A. HOUSING**

Authority to:

1. Take all necessary action in cases relating to the disconnection of tenants' gas, water or electricity services in accordance with the statutory provisions.
2. Administer the Right to Buy provisions of the Housing Acts.
3. Determine applications from tenants that their husbands/wives or other members of their family be allowed to share their Right to Buy, even though they had not resided with them at the property for the twelve months immediately preceding service of the notice on the Council.
4. Determine applications under Part V, Section 123 of the Housing Act 1985 (family members sharing the right to buy with the tenant(s)).
5. Authorise the Director of Legal and Regulatory Services to commence legal action for possession of housing accommodation in connection with:
  - (i) rent arrears,
  - (ii) breaches of tenancy agreements,
  - (iii) where tenants permit occupiers of the dwelling to cause nuisance,
  - (iv) abandoned premises.
6. Determine applications under the terms of transfer for:
  - (i) permission to erect buildings on land within the curtilage of former Council dwellings and dwellings where the Council's written consent is required,
  - (ii) the waiving of a restrictive covenant after consultation with the Director of Legal and Regulatory Services and Director of Environmental and Economic Regeneration.  
(N.B. This applies only to consent as ground landlord, etc., and not to consent as local planning authority.)
7. Determine applications for the purchase of Council houses/private houses in consultation with the Director of Finance, ICT and Property.
8. Instruct the Director of Finance, ICT and Property to recommend terms for the release of restrictive covenants, etc.
9. Instruct the Director of Finance, ICT and Property to undertake valuations of house prices, in appropriate cases, for the purpose of assessing value for money in grant applications.
10. Authorise the service of notices at a future date upon the tenants of the shops at Winston Square, Barry, when proposals for the redevelopment



of the area are more definite, advising them whether or not the Council would object to their having a new tenancy upon expiry of the current term.

11. Negotiate, in conjunction with the Director of Finance, ICT and Property and the Director of Legal and Regulatory Services, with the consortium of developers and Tai Cymru in respect of the Estate Partnership redevelopment.
12. Allocate tenancies of dwellings and make nominations to Housing Associations.
13. Allocate tenancies of garages.
14. Approve transfers and exchanges of tenancies and enter into agreements with other social landlords with regard to transfers and exchanges including the National Mobility Scheme, the Tenants Exchange System and the H.O.M.E.S. Scheme.
15. Approve the redecoration of properties occupied by elderly or disabled tenants without charge.
16. Approve the cutting of grass/hedges in properties occupied by elderly or disabled tenants without charge.
17. Approve home loss payments and/or renewal expenses and other associated costs, as approved by Council, to tenants required by the Council to vacate their homes pending demolition or repair of the properties.
18. Fulfil the obligations of the Council under the Housing Act 1985, in respect of the homeless. To meet the costs incurred in using temporary private accommodation for homeless families.
19. Provide a dispersed alarm service to the public.
20. Arrange for the clearance of abandoned properties - Local Government (Miscellaneous Provisions) Act 1982, after consultation with the Director of Legal and Regulatory Services.
21. Approve grants for unforeseen works under the Local Government and Housing Act 1989.
22. Waive the requirement to obtain two estimates where specialist service/equipment are being provided by means for Disabled Facilities Grant under the Local Government and Housing Act 1989.
23. Determine applications for temporary personal licences to cross Council-owned communal hardstandings to gain access to the applicant's property. Cases considered by the Director to be controversial shall be

referred to the Cabinet for a decision.

24. Prepare and submit applications to the Welsh Office, European Commission, Housing Options Wales, etc., for funding.
25. Determine applications and stipulate any conditions considered necessary in accordance with existing powers in respect of temporary structures and adaptations.
26. Refer, after consultation with the Director of Legal and Regulatory Services, potential sites for social housing to Housing Associations prior to formal consideration by the Cabinet.
27. Authorise minor works of adaptation up to £1,500 in value for Council dwellings, which have been subject to a recommendation from Social Services.
28. Pay the annual levy to the Chartered Institute of Housing Welsh Training Unit, subject to a reasonable increase for inflation.
29. To temporarily transfer tenants to facilitate extensive or structural repairs and to make allowances in respect of the difference in rental where the higher rent of the accommodation temporarily occupied results in hardship to the tenant.
30. To approve (on behalf of the Council as ground landlord) and after consultation with the Director of Finance, ICT and Property applications by tenants for the erection of garages or other outbuildings attached to Council dwellings, subject to planning permission having first been obtained.
31. To agree the Council's response to any proposal to take over the management of the whole or any part of the Council's housing stock, after consultation with the Chief Executive, Director of Legal and Regulatory Services, Director of Finance, ICT and Property and any Tenant Liaison Panel.
32. To agree the inclusion of scattered properties in any block repair scheme approved by the Cabinet where repair costs do not exceed £5,000.
33. To provide temporary accommodation for the occupiers of premises where works are to be carried out in accordance with notices served by the Council under its statutory powers and where it would be impracticable for them to remain in occupation subject to an agreement being concluded with the owner and occupier of the premises, subject to consultation with the Director of Legal and Regulatory Services.
34. To make such arrangements as are necessary to enable the Council tenants who are likely to be substantially affected to be informed of the Council's proposals for housing management, to receive tenants views

thereon and to consider such representations.

35. To approve, after consultation with the relevant Cabinet Member, or reject applications and determine the level of grant for Disabled Facilities Grants, in respect of Council-owned dwellings including any elements relating to the employment of an agent, if so required in relation to the application and to agree extensions for the period allowed for completion of the works in connection therewith. Subject to:
  - (i) All refusals of extensions of time to be reported to Cabinet for consideration;
  - (ii) In accordance with the percentages with levels set from time to time by the Council;
  - (iii) The appropriate value of the grants not to exceed the allocation and to be eligible (where appropriate) for exchequer contributions;
  - (iv) the exercise of delegation to be undertaken in accordance with the appropriate criteria, which are to be taken into account on each occasion when this authority is exercised.
36. After consultation with the relevant Cabinet Member, to recover grant monies in cases of a breach of condition in accordance with the Council's guidelines approved in July 1990.
37. After consultation with the relevant Cabinet Member to prioritise the undertaking of repairs and improvements to Council dwellings and land, subject to expenditure being contained within the Council's approved estimates.
38. Authority, with the Director of Legal and Regulatory Services, to purchase the parcels of land detailed in relation to the Estate Partnership Bid for 1996/97 for a sum acceptable by joint valuation.
39. Authority to either rehouse tenants in an alternative Council dwelling, arrange suitable hotel accommodation or to compensate tenants for the inconvenience and/or disturbance involved in moving to a relative's or friend's home for a short period, any such compensation to be a one-off payment of £100 for an individual or family with less than three children, and a further £10 per additional child.
40. Authority to determine applications from tenants requesting that partners or other family members be allowed to share the "Right to Buy" without having resided in the property for the twelve months preceding the application.
41. Authority, in the case of neighbour nuisance and anti-social behaviour, to:
  - (i) develop a victim support strategy to support and help tenants/residents;
  - (ii) investigate the feasibility of a mediation service and to determine whether or not such a service would be appropriate for the Vale of

- Glamorgan; and
- (iii) appoint professional witnesses.
42. Authority to determine applications up to a maximum of £10,000 for disabled adaptations for Council tenants.
43. Authority to instruct the Director of Legal and Regulatory Services to serve notices of termination on commercial leaseholders at Winston Square, Barry.
44. After consultation with the relevant Cabinet Member and local members, authority to prioritise rehousing of tenants at the Gibbonsdown and Winston Square flats, either on a permanent or temporary basis, outside the Council's normal allocation policy.
45. After consultation with the relevant Cabinet Member and local members, authority to determine which tenants from the Gibbonsdown flats will be rehoused at the Gibbonsdown redevelopment on the following criteria:
- Housing need.
  - Property size/family size.
  - Permanent residency of dependants.
  - Length of residency within the Gibbonsdown electoral ward.
  - Length of residency at the Gibbonsdown flats.
  - Educational requirements for dependants.
  - Medical evidence/support.
  - Family/community support.
46. After consultation with the relevant Cabinet Member, authority to determine applications for garage transfer/exchanges (such garage transfers/exchanges only be allowed where there is good reason (e.g. for a disabled person to obtain a garage nearer to their home)).
47. After consultation with the Director of Legal and Regulatory Services and the relevant Cabinet Member, authority to negotiate and agree terms with those tenants of garages within the Estate Partnership sites, to ensure that the scheme can proceed within the proposed timetable.
48. Authority, in conjunction with the Director of Finance, ICT and Property and the Director of Legal and Regulatory Services, to purchase back the residential leases at Winston Square, Barry, and to make compensation payments to retail leaseholders and residential leaseholders at Winston Square, Barry.
49. Authority, in conjunction with the Director of Legal and Regulatory Services, to negotiate and agree the terms of conditions for the redevelopment of the Estate Partnership Scheme at Gibbonsdown with Lovell Partnerships and Newydd Housing Association.

50. Authority to make payments up to £3 per day to tenants using temporary heating supplied by the Council as a result of a repair not being completed within 48 hours.
51. Authority, in consultation with the Director of Finance, ICT and Property to authorise discretionary compensation payments to residential leaseholders at Winston Square in accordance with statutory requirements, in order to conclude negotiations.
52. Authority, in conjunction with the Director of Finance, ICT and Property, to negotiate the sale of land at the Gibbonsdown development to Lovell Partnerships Limited and Newydd Housing Association and at Winston Square, Barry to Newydd Housing Association.
53. Authority, in consultation with the relevant Cabinet Member, to authorise applicants' eligibility for the Housing Register, outside the general policies referred to.
54. Authority to waive the six months registration period in extreme cases of housing need.
55. Authority to determine all applications for succession/allocation of properties where people move into Council properties to care for sick relatives, outside of those allowed by statute.
56. Authority, in consultation with the relevant Cabinet Member, to assess individual cases for grass cutting, based on needs - based basis of those individuals affected, who are unable to undertake grass cutting by themselves and, where appropriate, authorise grass cutting to take place.
57. Authority, with the Director of Legal and Regulatory Services, to purchase back the leasehold properties on the Harbour View and Royal Close Estate and to offer the leaseholders alternative accommodation within the Council's Allocations Policy and Matrix.
58. Authority, with the Director of Legal and Regulatory Services, in consultation with the relevant Cabinet Member, to continue negotiations with the existing retailers at Winston Square on the basis of options (a) and (b) of the report to the Housing Committee on 28<sup>th</sup> May, 1998 and should negotiations not be resolved, in liaison with the Director of Legal and Regulatory Services, to continue with legal proceedings in order to achieve the Council's objectives and timetable as detailed in the report (Minute 51 (i) 98/99).
59. Authority, in consultation with the relevant Cabinet Member, to negotiate with the Welsh Office for an alternative retail proposal for the Winston Square site following the commencement of the residential development by Newydd Housing Association.

60. Authority, in consultation with the relevant Cabinet Member, to temporarily re-house tenants from Chichester Road and Highview Road to vacant accommodation at Royal Close, in instances where that particular tenant is the remaining tenant in a block of four maisonettes.
61. Authority, in conjunction with the Director of Legal and Regulatory Services, after consultation with the relevant Cabinet Member, temporarily to move any residents on the High View and Chichester Road element of the Harbour View and Royal Close Estate to other council or Housing Association accommodation, if they wish to be considered for rehousing on the redeveloped site at Harbour View and Royal Close Estate, and that in these cases the Council meet any reasonable costs relating to the temporary move.
62. Authority to evaluate OHMS system enhancements and the payment on an annual basis and authorise contributions in future financial years if it represents value for money to the Council.
63. Authority to write off debts of up to £75 in respect of council house rents, service charges and other income accounted for on the OHMS Housing Rent System.
64. Authority to:
  - (a) determine discretionary disabled facilities grants up to a maximum of £10,000; grant appropriate consent for alterations to Council property being carried out with the benefit of disabled facilities grants.
65. Authority to develop similar agreements under the Community Housing Agreement with other registered social landlords operating in the Vale of Glamorgan.
66. Authority, in consultation with the relevant Cabinet Member, to approve applications for the transferable discount scheme where the purchase price of a property exceeded £60,000 subject to the criteria set out in the report (Minute No. 203 99/00).
67. Authority in relation to asylum seekers as set out in Minute No. 881 99/00.
68. In consultation with the Director of Finance, ICT and Property, to approve requests for waiving conditions relating to the repayment of money in relation to house renovation grants and group repair schemes in accordance with the policy referred to in Minute No. C33 (1), (Minute No. C33 (2), 2002/03); the delegation subsequently amended to include consultation with Cabinet Member for Housing and Community Safety being a pre-requisite to the Director's exercise of delegated powers (Minute No. C193 (2), 2002/03).
69. To approach suitable agencies to assist in managing the energy efficiency schemes subject to the agreement of the providers (Minute

No. C34 (4), 2002/03).

70. To appoint staff subject to the limitations of the Section 180 funding available during 2002/03 to voluntary sector bodies providing homelessness services in the Vale of Glamorgan (Minute No. C218 (5)).
71. To enter into an agreement with Dwr Cymru for the billing and collection of Water and Sewerage Charges for Council tenants (Minute No. C250 (1), 2002/03).
72. To renew the contract with Dwr Cymru for the billing and collection of Water and Sewerage Charges for Council tenants in 2006, provided there was a continued benefit to the Council in terms of commission payments and that the majority of tenants expressing an opinion wished the agreement to continue (Minute No. C250 (2), 2002/03).
73. Consultation with the relevant Cabinet Member, to determine the application of Mrs. A. of 12 Southey Street for a Disabled Facilities Grant exceeding the delegated sum of £10,000 (Minute No. C251 (1), 2002/03).
74. To instruct the Director of Finance, ICT and Property to commission the necessary consultancy support to develop an Operational Requirement Statement, Technical Specification and to procure and project manager the installation to meet the Welsh Assembly Government timetable for expenditure of the Allocation (Minute No. C260 (2), 2002/03).
75. In conjunction with the Director of Legal and Regulatory Services, to enter into an agreement with Llamau Limited to provide support to 16/17 year olds, young people under 21 and former care leavers, eligible for assistance under the Housing Act 1996 and Homelessness Act 2002, placed in the SAFE House to enable the Council to meet its statutory homelessness duty (Minute No. C344 (3), 2002/03).
76. In consultation with the Cabinet Member for Housing and Community Safety, to write off all former tenant housing related debts in accordance with the policy set out in Minute No. C501 (1), once all reasonable attempts to recover the debt have been made (Minute No. C501 (1), 2002/03).
77. In consultation with the Director of Legal and Regulatory Services, to enter into an agreement with Npower and other partners agencies in relation to the Health Through Warmth Initiative (Minute No. C510 (1), 2002/03).
78. To appoint appropriately qualified consultants (in line with the Council's Standing Orders) to undertake the grant aid under Black, Minority Ethnic (BME) Housing Grant Programme 2003/04 (Minute No. C640 (2), 2002/03).

79. To undertake a detailed consultation exercise with the residents living at Caernarfon Gardens, Harlech Gardens, West Walk, North Walk, Pontalun Close and Monmouth Way, Barry on the proposals concerning a redesignation programme (Minute No. C739 (2), 2002/03).
80. To extend the existing projects funding for a further year with the allocation of Section 180 monies as indicated in the minute for 2003/04 of £36,891 (Minute No. C740 (2), 2002/03).

## **B. SOCIAL SERVICES**

1. Payments of residential and adoption allowances for children being looked after.
2. Financial and material aid under Section 17 of the Children Act 1989 as follows:
  - (i) grants and/or loans not exceeding £500 at any one time,
  - (ii) provision of essential furniture, household goods and equipment from the Service area's stock.
3. To decide whether a Social Worker should stand bail for a child or young person being looked after and that the officer be reimbursed for any payment made.
4. To decide the amount of the financial contribution by the child/young person being looked after by any alternative thereto where the Council pays a fine imposed by the Court.
5. Where parents or nearest relatives receive income support or any other welfare benefit, to approve payment of their fares in contacting children being looked after.
6. To approve the payment of fares and subscriptions to youth organisations for children being looked after.
7. To authorise payment of any premium in respect of any education and training for a child being looked after, after consultation with the Director of Legal and Regulatory Services.
8. To make a wedding gift to the value of £200 for any boy or girl being looked after, or who has recently been so, and to make a discretionary grant towards the wedding expenses of any such girl or boy.
9. In hardship cases to depart from the standard scale in assessing charges to be made for certain social services.
10. To determine eligibility in the event of any dispute over the issue of an "Orange" badge to disabled drivers.
11. To allow visits to out-County placements of children when necessary.



12. Authority to seek nomination for membership and to make suitable appointments to a panel under the Adoption Agencies Regulations 1983 and any amending or replacement Regulations.
13. To make such directions as necessary to prevent the exposure of children at nursery premises to infectious diseases and their medical supervision under the regulations relating to day nurseries and playgroups under the Children Act 1989.
14. To vary the effect of registrations of day nurseries, childminders and playgroups under regulations made under the Children Act 1989 and to impose such different conditions as are expedient and necessary by agreement with the person in charge of the nursery premises.
15. To consent, in appropriate cases (after medical counselling and when it is considered in the best interests of the child to do so) to the giving of contraceptive treatment to children being looked after.
16. To accommodate children and/or initiate Court proceedings under the Children Act 1989 on the advice of the Director of Legal and Regulatory Services.
17. To approve payments and financial support beyond 18th birthday for young people previously looked after by the Authority.
18. To decide on the reception of persons into the guardianship of the Council under Sections 7 and 37 of the Mental Health Act 1983 after consultation with the Director of Legal and Regulatory Services.
19. To make appointments and to terminate appointments to panels of Guardian ad Litem and Reporting Officers.  
(N.B. Delegation to be deleted as no longer a matter for the Local Authority).
20. To consent to medical treatment for children looked after by the Authority.
21. To undertake statutory reviews of children looked after by the Authority.
22. Under the Registered Homes Act 1984 (as amended) and Registered Homes (Amendment) Act 1991, to approve changes in manager and variations in numbers and categories of residents and voluntary applications for cancellation.
23. To decide requests for licence applications to sell alcohol in homes for the elderly in accordance with conditions approved by the Cabinet and after consultation with the Director of Legal and Regulatory Services.
24. To approve expenditure in emergencies arising during cold weather

spells, and subject to discussions with the Director of Finance, ICT and Property if it is not possible to meet such expenditure from within estimates after consultation with the relevant Cabinet Member.

25. To determine requests for heating when adaptations are being undertaken in houses for disabled people in accordance with criteria approved by the Cabinet.
26. The issue of minicom telecommunications equipment or any new equipment of a similar nature following assessment of need in accordance with criteria approved by the Cabinet.
27. To approve a panel of suitable and willing persons to act as Chairman of independent reviews on complaints, under procedures established under the Children Act 1989 and the National Health Service and Community Care Act 1990, after consultation with the relevant Cabinet Member.
28. Under the All Wales Strategy for Mental Handicap and Mental Health and Hospital Re-settlements Programmes to approve additional posts where such posts are fully funded (for the duration of the appointment) by the Welsh Office or Bro Taf Health Authority after consultation with the Director of Learning and Development and the relevant Cabinet Member.
29. In respect of sheltered workshop provision to approve new or replacement workers.
30. In respect of adoption of children:
  - (i) to determine membership of panels to consider questions relating to the adoption of specific children;
  - (ii) to decide placements for adoption in the context of the individual needs of children, acting in accordance with the advice of the panel.
31. In respect of people with a physical disability and after consultation with the Director of Finance, ICT and Property:
  - (i) to approve requests for assistance under the Community Care Aide Scheme in accordance with criteria and priorities approved by the Council;
  - (ii) to determine the cost threshold below which equipment will not be provided and to revise the threshold in line with the relevant movements in the Retail Price Index.
32. Under the Children Act 1989 (Section 63) approval of changes in manager and variations in numbers and categories of residents and voluntary applications for cancellation.
33. To determine the priority of applications for grant aid for child and family services when there is no appropriate meeting before the deadline for the submission of applications to the Welsh Office, after consultation

with the relevant Cabinet Member.

34. In respect of an application for registration as a day care provider, when appropriate, to advise the applicant that the Council is unable to proceed with the application.
35. To consider and approve applications for registration under the Registered Homes Act 1984 (as amended) and the Registered Homes (Amendment) Act 1991, after consultation with the relevant Cabinet Member.
36. To make payments in line with current income support rates to young persons aged between 18 and 21 years who meet the criteria for assistance detailed in Section 24 of the Children Act 1989.
37. To approve fee payments above the standard contracted level, in cases of emergency, for services under the National Health Service and Community Care Act 1990, after consultation with the relevant Cabinet Member.
38. In respect of applications for nurseries, playgroups and childminders, to consider and approve applications under the Children Act 1989 for registration, re-registration and amendments to registrations after consultation with the relevant Cabinet Member.
39. To approve a package of community care in excess of the gross cost of a residential placement for the registration category of the person concerned when the cost can be met by the budget holder after consultation with the relevant Cabinet Member.
40. The payment of weekly allowances not exceeding £30.00 per child in respect of children in need but not being looked after by the Council.
41. Where annual registration fees under the Registered Homes Act 1984 (as amended) and the Registered Homes (Amendment) Act 1991, are not paid within a reasonable period as determined by the Director, to initiate appropriate steps to cancel registration.
42. In respect of the NHS & Community Care Act 1990, where an appeal against an assessed charge for Domicillary Care Services on the grounds of hardship is upheld, authorisation to vary the assessed charge.
43. To authorise, on the advice of the Head of Inspection Unit and the Director of Legal and Regulatory Services, to apply to a Magistrate to cancel a registration by urgent procedure.
44. To authorise designated personnel specified by the Inspection Unit to visit residential care homes on its behalf. This to include employees of the Inspection Unit, the health authority, employees from other

Services and lay assessors.

45. To determine financial assistance for the provision of hardstandings for vehicles for disabled people in accordance with any criteria approved by the Cabinet (and in exceptional circumstances applications which fall outside the criteria).
46. Authority to determine applications for registration under the Children Act 1989 in relation to nurseries, playgroups and childminders, including applications for re-registration and amendments to registration - except in those instances when the Director considers that an application should not be granted or an existing registration should be revoked, such matters being referred to the Cabinet for consideration.
47. Authority to authorise specified personnel identified by the Inspection Unit for the regulation of private residential homes, including lay assessors, to visit residential care homes.
48. In respect of the Ely and Hensol Hospitals Resettlement Programmes, and after consultation with the relevant Cabinet Members, authority to approve the creation of additional support staff posts when necessary, the posts to be funded totally from the resettlement programme.
49. Authority, after consultation with the Director of Legal and Regulatory Services, to institute legal proceedings for offences under Part X of the Children Act 1989.
50. Authority, after consultation with the Director of Legal and Regulatory Services, to institute legal proceedings for offences under Part I and IV of the Registered Homes Act 1984.
51. Authority to act on behalf of the Vale Adoption Agency.
52. Authority, in consultation with the Director of Learning and Development, to create procedures for regularising the recruitment of temporary employee to meet the specialist needs of individual clients where such needs could not otherwise be met; such procedures and associated staffing changes to be the subject of consultation with the recognised Trades Unions.

53. Authority, subject to the safeguards outlined in the report, to refer individual cases of debt recovery to the Director of Finance, ICT and Property.
54. Authority to:
  - (i) give children who are the subject of Care Orders (Children Act 1989) permission to travel abroad for holiday periods;
  - (ii) authorise and sign the Declaration section of a passport application form in respect of a child who is the subject of a Care Order;
  - (iii) give permission for a child who is the subject of a Care Order to be placed in their parent/parents care under the Placement With Parents Regulations 1991.
55. Following consultation with the Cabinet Member for Social and Care Services, to appoint Approved Social Workers under Section 114 of the Mental Health Act 1983 (Minute No. C95 (2), 2002/03).
56. To enhance the duties and grade of the post of Child Protection and Looked After Children Co-ordinator (Minute No. C121, 2002/03).
57. To instruct the Director of Finance, ICT and Property to enter into negotiations for 1 St. John's View, St. Athan and to instruct the Director of Legal and Regulatory Services to complete the legal agreement based on agreed Heads of Terms (Minute No. C540 (2), 2002/03).
58. To draw on and set aside money in the Children's Services Management Fund, in consultation with the Director of Finance, ICT and Property and the Leader (Minute No. C571 (4), 2002/03).
59. To pilot recruitment of social workers from overseas (Minute No. C638 (1), 2002/03).
60. In consultation with the Director of Finance, ICT and Property and the Cabinet Members for Social and Care Services and Finance, Policy and IT, to vary fee levels in appropriate circumstances in respect of residential and nursing homes (Minute No. C654 (2), 2002/03).

**C. OTHER**

1. Authority, together with other nominated officers, to:
  - (a) accept undertakings that part of a house would not be used for human habitation, under section 368 of the Housing Act 1985 - means of escape from fire;
  - (b) take all necessary action under section 29 of the Local Government (Miscellaneous Provisions) Act 1982, including the carrying out of works to buildings for the purpose of preventing unauthorised entry or for preventing a danger to public health,

after the appropriate consultations;

- (c) invite, in consultation with the Director of Legal and Regulatory Services, consultants to tender for group repair work on a fixed percentage fee price in the Cadoxton Renewal Area where the work could not be provided in-house;
  - (d) obtain and allocate, in consultation with the relevant Cabinet Members, public and private funding for the Cadoxton Renewal Area;
  - (e) determine housing grant renovation applications in accordance with the required criteria in consultation with the Director of Finance, ICT and Property and report the same to the Cabinet for information;
  - (f) determine applications under the Assistance for Minor Works to Dwellings Regulations 1990, in conjunction with the Director of Legal and Regulatory Services and Director of Finance, ICT and Property;
  - (g) reduce or waive the fee in respect of the processing of grant applications, where it exceeds the applicants grant entitlement;
  - (h) approve grants for unforeseen works under the Local Government and Housing Act 1989;
  - (i) waive the requirement to obtain two estimates where specialist services/equipment are being provided by means for disabled facilities grant under the Local Government and Housing Act 1989.
2. Authority to approve emergency grant applications in situations to prevent an accident or remove a danger.
  3. Authority to waive the requirement for a landlord to provide a Letting Certificate to accompany a Tenants Disabled Facilities grant, and to approve applications for Discretionary Disabled Facilities grants in accordance with the criteria.
  - 4.. Authority, with other nominated officers to carry out works in default and recover the costs in the event of non-compliance of notices issued under the Housing Act 1985.
  5. Authority to enter into agreement with the person having control of any premises and carry out at his expense any works which he is required to carry out in respect of a notice served under the Housing Act 1985 Sections 189 or 190.
  6. Authority, following consultation with the relevant Cabinet Member, to

extend, where appropriate, the deadlines for the return of documents/information in respect of grants.

**DIRECTOR OF ENVIRONMENTAL AND ECONOMIC REGENERATION  
AND HEAD OF BUILDINGS & MAINTENANCE, HEAD OF VISIBLE  
SERVICES, HEAD OF PLANNING & TRANSPORTATION, HEAD OF  
ECONOMIC DEVELOPMENT & LEISURE**

**A. GENERAL**

1. To approve, after consultation with the relevant Cabinet Member, all requests for financial assistance towards the costs of:
  - (i) business and/or marketing plans,
  - (ii) feasibility studies,
  - (iii) regional selective assistance applications,
  - (iv) urban investment grant applications,
  - (v) small capital expenditure grants,
  - (vi) women's development initiatives,
  - (vii) quality assurance grants, up to a maximum assistance of £2,000.
2. In relation to land held for economic development purposes to instruct the Director of Finance, ICT and Property on the acquisition or disposal of such land, as and when required, in accordance with Council policies, after consultation with the relevant Cabinet Member and appropriate local member(s).
3. Authority to determine assistance to businesses under the Business Development Assistance Scheme.
4. Authority to determine grant applications under the Commercial Renewal Areas (CRAs) Scheme.
5. Authority to determine grant applications under the Enterprise Feasibility Grants Fund.
6. Authority to determine applications for lettings at Barry Community Enterprise Centre.
7. Authority to approve expenditure of up to £10,000 on background research in collaboration with other agencies on economic development issues identified in connection with the Rural Business Development Project.
8. Authority to approve any joint bids for funding for the development of the Regional Public Transport Strategy.
9. Authority to agree the final levels of grant to external organisations providing economic development services.
10. In consultation with the relevant Cabinet Member, authority to approve or reject the traffic orders following the statutory procedures in respect of the following:-



- (i) Cog Moors Sewage Treatment Works.
  - (ii) Dock View Road.
  - (iii) Llangan.
11. Authority to enter into agreements pursuant to Section 278 of the Highways Act 1980.
  12. In consultation with the Director of Finance, ICT and Property and the relevant Cabinet Member, authority to approve the legal agreement and agree the level of charges to be paid by the Council in respect of the Council's membership of the Secretariat established to administer European funding programmes for Wales and the European Social Fund in Wales.
  13. Authority, in consultation with the relevant Cabinet Member, to issue parking permits, for named vehicles, to businesses situated within residential streets in the Barry Central Parking Control Zone, with a maximum of two permits per business premises where appropriate, effective from 1<sup>st</sup> April, 1997.
  14. Authority, following consultation with the Director of Legal and Regulatory Services, to make such amendments to the C.C.T.V. Code of Conduct Code and/or the Confidentiality Agreement to ensure that compliance with the Code extends to police radio and storenet radio communications.
  15. Authority, subject to the availability of funding from the WDA towards any appointment, to appoint consultants when required to facilitate the setting up of a Trust and to assist with the implementation and funding of the Wales Transport Experience project.
  16. Authority, in consultation with the relevant Cabinet Member, to add any such streets as may be considered necessary, from time to time to the schedule of prohibited streets.
  17. Authority to negotiate and agree terms with the Trustees of the Dunraven Estates regarding the management of the Cimla Car Park.
  18. Authority, following consultation with the three elected member nominees, to arrange appropriate management of the Heritage Skills Centre and delivery of training and to apply for lottery or other funding for restoration activities.
  19. Determination of applications under the New Roads and Street Works Act 1991.
  20. Acceptance of agreements and deposits, issuing of licences and granting of consent under the Highways Act 1980.

21. Adoption of roads including highway structures, on completion to the Council's specifications.
22. Provision of road markings, rails, barriers and signs not requiring Welsh Office approval.
23. Determination of applications for the deposit of contractors' skips on the highway.
24. Determination of applications for consent under Section 1 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of the erection of flagpoles and the positioning of cut or tub trees in the highway.
25. To deal with applications under Section 20 of the Local Government (Miscellaneous Provisions) Act, i.e. in relation to activities in pedestrianised areas, after consultation with the relevant Cabinet Member.
26. To undertake statutory consultations with the Police whenever possible before proposed Traffic Orders are reported to the Cabinet.
27. To deal with applications for temporary exemptions from the normal prohibitions on driving and parking in pedestrianised streets after consultation with the relevant Cabinet Member.
28. Determination of applications for alternative use of County Council car parks, for individual events or for temporary purposes, after consultation with the relevant Cabinet Member.
29. Determination of applications for erection of temporary signs on the highway within the Vale.
30. Determination of applications for permission to erect street displays above or across the highway.
31. Objections in respect of applications for Goods Vehicles Operators' Licences to be reported subsequently to the Cabinet.
32. To approve the making, and where necessary the extension of, temporary traffic regulation orders relating to temporary road closures after consultation with the relevant Cabinet Member.
33. To determine applications for proposed public footpaths after consultation with the relevant Cabinet Member and to instruct the Director of Legal and Regulatory Services to undertake the necessary legal procedures.
34. To deal with applications under Part VIIA of the Highways Act 1980 and

- any adopted highway within the County, after consultation with the relevant Cabinet Member.
35. To deal with applications under Section 20 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to activities on areas of adopted highway after consultation with the relevant Cabinet Member.
  36. In respect of traffic orders, authority to advertise and process all proposals after consultation with the Director of Legal and Regulatory Services and the relevant Cabinet Member.
  37. To issue notices under:
    - (i) Sections 59, 62 and 63 of the Building Act 1984;
    - (ii) Section 35 of the Local Government (Miscellaneous Provisions) Act 1976;
    - (iii) Sections 45 and 50 of the Public Health Act 1936;and in connection therewith to execute works in default.
  38. To apply for an order under Section 22 of the Building Act 1984 and to execute works in default thereof after consultation with the Director of Legal and Regulatory Services.
  39. To carry out works under Sections 25 and 26 of the Local government (Miscellaneous Provisions) Act 1976 (dealing with dangerous excavations), the cost not to exceed £5,000.
  40. To instruct the Director of Legal and Regulatory Services to enter into agreements and serve notices under the Highways Act 1980.
  41. To approve or reject Traffic Orders, following statutory consultation, after consultation with the relevant Cabinet Member.
  42. To instruct the Director of Legal and Regulatory Services as to the publication of all Notices in relation to Traffic Regulations and/or Orders under the Road Traffic Regulations Act 1984.
  43. Authority, in consultation with the relevant Cabinet Member, to make "Disabled Persons Parking Place" Orders subject to statutory consultation.
  44. Authority, after consultation with the relevant Cabinet Member, to determine applications to erect site notices in accordance with Schedule 14 of the Wildlife and Countryside Act 1981.
  45. Authority, in consultation with the relevant Cabinet Member, to revoke "Disabled Persons Parking Place" Orders, subject to statutory consultation notices.
  46. To take whatever action is necessary to manage the financial affairs of the Council's in-house services subject to compliance with Standing Orders,

Financial Regulations (and any associated Financial Procedure Notes) and the Council's overall policy framework.

47. To administer the central stores on behalf of the Council, and particularly to deal with all matters regarding materials, protective clothing, etc., used in connection with the Council's in-house services.
48. To purchase, maintain and manage the Council's vehicles and plant.
49. To sell or otherwise dispose of vehicles which appear to be abandoned after the requisite period of custody has expired, after consultation with the Director of Legal and Regulatory Services, and in accordance with the Refuse Disposal (Amenity) Act 1987.
50. Authority to undertake building maintenance works up to a value of £100,000 in accordance with the appropriate schedule of rates.
51. Authority to include vehicles of a similar category from other manufactures on the list of approved vehicles.
52. Authority, with other nominated officers:
  - (i) to carry out works in default and recover the costs in the event of non-compliance of notices issued under the Building Act 1984;
  - (ii) to enter into agreement with the owner or occupier of any premises and carry out at his expense any work he is required to carry out by the Local Authority under the Building Act 1984, or any work in connection with the construction, lay, alteration or repair of a sewer or drain that he is entitled to carry out.
53. Authority, in consultation with the relevant Cabinet Member, to vary fees and charge in respect of Porthkerry Cemetery.
54. Authority to review and set level of charges relating to general building control matters in accordance with the Building (Local Authority Charges) Regulations 1998 on an annual or more frequent basis should market trends dictate and to issue the required notice and financial statements at the end of each financial year in consultation with the relevant Cabinet Member.
55. Authority under an amendment of the Age Policy Guidelines to add or remove vehicles from the Prestige Classes lists subject to an update list being submitted to the Cabinet for approval on a yearly basis.
56. Authority to determine whether any application for planning permission or other matter requires an Environmental Impact Assessment.
57. Authority to make decisions associated with the public local inquiry resulting from the Vale of Glamorgan Unitary Development Plan (UDP) Deposit Draft following consultation with the relevant Cabinet Member.

58. Authority to vire funds if available from any appropriate financial code within the Directorate's budgets in order to provide grant aid as specified in the report to the Vale of Glamorgan Railway Company (Minute No. 1008 99/00) subject to consultation with the relevant Cabinet Member and Director of Finance, ICT and Property.
59. Authority to approve the redistribution of any underspend in the Commercial Renewal Area Grant Initiative allocations to any commercial renewal area which required additional resources, following consultation with the relevant Cabinet Member and Director of Finance, ICT and Property.
60. Authority to finalise the draft Rural Rate Relief list following the consultations outlined in the report (Minute No. 834 99/00).
61. Authority to approve the draft annual Local Transport Plan for consultation purposes and, subject to the results of that consultation, to submit the Local Transport Plan to the national Assembly for Wales in support of the annual Transport Grant bid, and any other funding arrangements.
62. Authority to make representations of objections to the Traffic Commissioners on short period road service licence applications and other urgent matters, after consultation with the relevant Cabinet Member.
63. Authority, following consultation with the relevant Cabinet Member and subject to adherence with Standing Orders, Financial Regulations (and any associated Financial Procedure Notes) and the Council's overall policy framework, to:
  - (i) approve the acquisition of bus services, in accordance with the Transport Act 1985, and for school transport provision under the Education Act 1996, and to terminate or amend contracts, subject to expenditure being contained within estimates; and
  - (ii) invite tenders for bus services where existing contracts are due for renewal or where changes in the commercial services require the Council to consider providing a service under its transportation policies;
  - (iii) to approve the acquisition of bus services in accordance with the 'de minimus' arrangements of the Transport Act 1985, and to terminate or amend contracts subject to expenditure being contained within estimates, and after consultation with the relevant Cabinet Member.
64. Authority, in consultation with the Chairman of the Planning Committee, to name streets, unless there is any dispute, in which case the matter be referred to the Planning Committee for final consideration.
65. In consultation with the Director of Finance, ICT and Property, to settle future certified payments relating to the Refurbishment of Penarth Pier Scheme up to the limit of the projected out-turn costs of £2,680,000

(Minute No. C36 (2), 2002/03).

66. To extend the consultants' commission to finalise a Development Brief in respect of the Knap Pool and Project Plan for the site (Minute No. C39 (1), 2002/03).
67. To appoint the most suitable specialist consultant to undertake a detailed assessment of the public transport corridors identified at Plan 1 (Minute No. C63, 2002/03).
68. After consultation with the appropriate Cabinet Member, to accept the lowest tender within budget for emergency highway reinstatement works (Minute No. C109 (2), 2002/03).
69. After consultation with the appropriate Cabinet Member, to accept the lowest tender within budget for the carriageway pavement renewal contract (Minute No. C141 (2), 2002/03).
70. To determine applications for lettings and management at Palmerston, Priority and Vale Enterprise Centre Workshops (Minute No. C170, 2002/03).
71. In consultation with the Cabinet Member for Planning and Transportation, to approve the award of the contract(s) based on Best Value for supported bus service 345 (Minute No. C171 (3), 2002/03).
72. With the Director of Finance, ICT and Property, to determine the most cost effective means of procurement for the Vehicle Replacement Programme (Minute No. C252 (3), 2002/03).
73. In consultation with the relevant Cabinet Member, to award the contracts detailed in Minute No. C309, 2002/03 subject to expenditure being contained within existing Bus Service Support budgets (Minute No. C309 (4), 2002/03).
74. To bid for project funding and to implement the Rural Recovery Project (Minute No. C424, 2002/03).
75. To enter into detailed discussions with Cardiff City Council, the GWS Society, the GWS Heritage Trust and other interested societies with the intention of formulating a business plan and detailed programme for the restoration of part of the Barry Ten Connection and resolving ownership issues (Minute No. C470 (1), 2002/03).

76. In consultation with the Cabinet Member for Economic Development and Leisure, to continue discussions with Ryder Cup Wales Limited regarding the Solheim Cup 2007 (Minute No. C518 (1), 2002/03).
77. In consultation with the Leader, Cabinet Member (Economic Development and Leisure) and Director of Finance, ICT and Property, to accept the tender of the preferred contractor in respect of the IT Resource Centre, The Waterfront, Barry and to let the contract prior to Cabinet and Full Council as an exception to paragraph 8.4 of Contract Standing Orders (Minute No. C527 (1), 2002/03).
78. In liaison with the Director of Finance, ICT and Property, to negotiate with the landowner regarding the acquisition of the piece of land to the rear of the Dock Office in Barry (Minute No. C602 (2), 2002/03).
79. To let contracts for 2003/04 - 2005/06 Education Transport Services with the results to be reported to Cabinet for approval prior to the commencement of the 2003/04 academic year (Minute No. 643 (3), 2002/03).
80. With the Director of Finance, ICT and Property, to agree terms with the Welsh Development Agency to secure the site at Atlantic Trading Estate for the Waste Resource Park (Minute No. C644 (3), 2002/03).
81. To negotiate with Track 2000 for the provision of support to a value of £10,000, towards the administration of the Vale Waste Forum, subject to appropriate funding being identified (Minute No. C644 (17), 2002/03).
82. An extension of the authority currently awarded in respect of applications for Listed Building Consent to the determination now delegated to the Council by Cadw, in consultation with the Chairman of the Planning Committee (Minute No. C703 (2), 2002/03) and (Minute No. 1059, 2002/03).
83. In consultation with the Director of Finance, ICT and Property and the Director of Legal and Regulatory Services, to negotiate with Sully Community Council terms and conditions for a lease of the recreational land at Burnham Avenue, Sully with a further report to be made to Cabinet on the outcome of the negotiations (Minute No. C719 (1), 2002/03).
84. To submit applications for European Regional Development Fund and Local Regeneration Fund grants as detailed in the report, with a further report to be submitted to the Cabinet on the outcome of such bids prior to implementation (Minute No. C722, 2002/03).
85. To investigate alternative partners, future uses and disposal of Dyffryn House (Minute No. C728 (2), 2002/03).

86. In consultation with the Cabinet Member for Economic Development and Leisure, to process and approve Start-Up Business Grants to the value of £20,000 per annum within current estimates for business support and subject to compliance with the existing established criteria (Minute No. C743, 2002/03).
87. To advertise the disposal by lease of the public open space in respect of the floodlit skateboard park at Gibbonsdown, and consider any objections received, pursuant to the provisions of Section 122 of the Local Government Act 1972 (Minute No. C745 (2), 2002/03).
88. To award the Supported Local Bus Service Contract for Services 88 and 89 on a temporary emergency basis to 2 Travel Group PLC until November 2003 (Minute No. C765 (1), 2002/03).
89. To review and vary Services 88 and 89 according to service demands along with any others which were due for re-tendering in November 2003 (Minute No. C765 (2), 2002/03).

## **B. PLANNING**

1. Authority to determine the following, subject to the provisions of Minute No.176 (1) 98/99, whereby all planning applications submitted by the undermentioned are to be determined by the Planning Committee and not by officer delegation:
  - (i) existing members/directors/service heads of this Council;
  - (ii) former Borough Council and former South Glamorgan County Council members/directors/service heads in office or post from May 1991:
- 1.1 All domestic alterations and extensions within the curtilage of existing dwelling houses.
- 1.2 Residential development for up to two dwellings on infill sites within settlement boundaries.
- 1.3 Residential development for up to ten dwellings on sites which have been allocated for residential purposes in the Local Plan(s).
- 1.4 Subdivision of dwellings into flats.
- 1.5 Extension of residential curtilages, where no major departure from established policy is concerned.
- 1.6 Formation of pedestrian/vehicular accesses to roads.
- 1.7 Fences, walls and other means of enclosure.
- 1.8 Extensions and alterations to shops, offices.



- 1.9 New industrial and commercial developments within existing established areas.
- 1.10 All changes of use.
- 1.11 Erection of temporary buildings of a minor nature and/or the stationing of caravans for periods not exceeding two years, provided no major departure from established policy is concerned.
- 1.12 Farm buildings and related structures, e.g. slurry stores.
- 1.13 All industrial developments on allocated and established sites.
- 1.14 Renewal of planning consents where there has been no change in planning circumstances.
- 1.15 Proposals to amend detail plans where consent for similar proposals have been previously granted.
- 1.16 Reserved matters applications.
- 1.17 Removal of, or alteration to, conditions.
- 1.18 Applications for operational development from "opted-out" schools and NHS trust hospitals (formerly dealt with under County Council "observations only" procedures or exempted by reason of Crown land immunity).
- 1.19 All overhead lines.
- 1.20 Applications for consent to display advertisements.
- 1.21 Installation of satellite dishes.
- 1.22 Listed Building Consent and Conservation Area Consent applications.
- 1.23 Fences and other means of enclosure.
- 1.24 Proposals to top, lop, prune and fell trees including the felling of trees affected by Tree Preservation Orders and/or within Conservation Areas.
- 1.25 All applications relating to the Prior Notification procedures (agriculture/forestry developments, demolitions, telecommunications).
- 1.26 Applications under sections 64, 191 and 192 of the Town and Country Planning Act 1990, in consultation with the Director of Legal and Regulatory Services.
- 1.27 Any replies, to consultations in respect of planning applications notified

by adjacent Local Planning Authorities; to County Matter (minerals related proposals) and County Council Regulation 3 consultations; and to consultations in respect of proposals by Government bodies and departments.

- 1.28 Authority to discharge the functions of the Council to determine the following mineral planning matters:
- (a) Determination of details submitted in discharge of Part 19 of the General Permitted Development Order (GPDO) 1995, including:
    - (i) Class A: Quarry processing plant.
    - (ii) Class B: Ancillary plant e.g. ready mixed concrete and coating plants.
  - (b) Applications for plant, machinery, offices etc., at quarries outside the scope of the GPDO, including retention of plant following the cessation of mineral working.
  - (c) Applications for mineral exploration not permitted by Part 22 of GPDO 1995 (boreholes, seismic surveys etc.).
  - (d) Applications for revised working schemes required by the Review of Mineral Sites set up by the Environment Act 1995 (Schedules 13 and 14).
  - (e) Applications for schemes in discharge of registered Interim Development Orders pursuant to the Planning and Compensation Act 1991.
  - (f) Amendments/variation to conditions of mineral permissions.
  - (g) Schemes in discharge of conditions of mineral permissions.
  - (h) Consultations by adjoining authorities on mineral working proposals in their areas.
  - (i) Determination of the need for an Environmental Assessment to be submitted with any application (this is mandatory for mineral extraction areas greater than 2.5ha).
  - (j) Amendment to, and determination of, details in discharge of requirements of Section 106 Agreements at quarries.

Subject to where any member of the Council requires that a particular application shall be subject to approval by the Planning Committee, the application will be referred to the Committee for consideration subject to the member contacting a senior Planning Officer within fourteen days of the application appearing in the weekly list and subject also to such request being substantiated by a good planning reason or demonstration that strong local objections had been received and in the case of a difference of opinion between the relevant officer and any member the

matter shall be referred to the Chairman of the Planning Committee for consideration."

- 1.29 Sign and issue decision notices.
- 1.30 Advertise planning applications where necessary.
- 1.31 Decide whether planning contravention notices/breach of condition notices should be issued under the Planning and Compensation Act 1991 and to instruct the Director of Legal and Regulatory Services to issue such notices, if appropriate.
- 1.32 To authorise the issue of stop notices, after consultation with the relevant Cabinet Member, where reference to the Cabinet would occasion detrimental delay.
- 1.33 To exercise the Council's powers and to take action under Sections 224 and 225 of the Town and Country Planning Act 1990 (enforcement of control over advertisements and any regulations made thereunder); the exercise of these delegated powers to be reported from time to time to the Cabinet.
- 1.34 To deal with the control of unlawful advertisements in accordance with the Town and Country Planning Act 1990 (as amended).
- 1.35 Deal with minor amendments to planning applications.
- 1.36 Determine building regulation applications submitted in accordance with the relevant provisions of the Building Act 1984.
- 1.37 Serve notices under the Building Act 1984 in respect of
  - (i) Section 71 - entrances, exits etc., to be required in certain cases.
  - (ii) Section 72 - means of escape from fire.
  - (iii) Section 77 - dangerous building(s).
  - (iv) Section 78 - dangerous building - emergency measures.
  - (v) Section 79 - ruinous and dilapidated buildings and neglected sites.
  - (vi) Section 81 - local authority's power to serve notice about demolition.
- 1.38 Sell materials from demolished buildings in accordance with the provisions of Section 100 of the Building Act 1984.
- 1.39 Implement the Building Regulations.
- 1.40 Determine applications for the relaxation and dispensation of Building Regulations.
- 1.41 Authority to determine grant applications under the Historic Buildings Grants Programme.

- 1.42 Authority to determine Hedgerow Removal Notices and to serve Hedgerow Retention Notices. (For details of specific officers authorised to have rights of entry under Regulation 12 of the Hedgerows Regulations 1997, see Minute 512(3), 1997/98).
- 1.43 Authority to instruct the Director of Legal and Regulatory Services to revoke decisions in relation to Tree Preservation Orders and/or within conservation areas.
- 1.44. In consultation with the Cabinet Member for Planning and Transportation, to agree any minor typographical errors in the Statement of Decisions or Proposed Modifications documents prior to the commencement of the deposit period for the Unitary Development Plan (Minute No. C520 (8), 2002/03).

**C. LEISURE**

1. Authority to manage the pleasure grounds, public open spaces, pitches, leisure gardens and sports and leisure facilities provided by the Council or under their management and control, and in connection therewith:
  - (i) to approve and authorise uses, lettings, displays and applications,
  - (ii) grant any necessary consents or permissions,
  - (iii) make charges, grant concessions and make refunds where appropriate,
  - (iv) set aside or allocate areas for specified uses, after consultation with the relevant Cabinet Member,
  - (v) issue permits and passes,
  - (vi) stage contests and special aqua shows,
  - (vii) to exercise the Council's powers under Section 145 of the Local Government Act 1972 in respect of any park or pleasure ground.Subject to:
  - (a) any fees and charges levied being in accordance with the scales and policies set from time to time by the Council or Cabinet;
  - (b) lettings for commercial and similar events shall be for events of the nature or kind previously agreed by the Council or Cabinet;
  - (c) any concessions are to be in accordance with any policies or limitations set from time to time by the Council or Cabinet;
  - (d) compliance with any relevant bye-laws,
  - (e) any expenditure to be contained within revenue budgets for the relevant period.
2. Authority to manage and let allotment plots including:
  - (i) the issue of approvals, permissions and consents under allotment tenancy agreements;
  - (ii) the provision of store sheds for use by allotment management committees;
  - (iii) the appointment of allotment management committees.

3. Authority to issue permits for horse riding at Porthkerry Country Park and Cosmeston Lakes Country Park.
4. Authorise the use of Cosmeston Lakes Country Park eastern lake for water sports activities by clubs and organisations.
5. Authority to discharge the functions of the Council under Sections 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976, or any other enactment relating to dangerous trees.
6. Authority to approve the use of seaside, recreational and leisure facilities for sports, cultural, social and entertainment activities, including special events.
7. Authority to approve contract variations and issue appropriate instructions to the contractor services.
8. Authority to issue permits for photographic rights, sale of refreshments, seaside activities, children's swings, landing stages for pleasure boats, plying for hire with pony carriage, ponies and donkeys and other miscellaneous entertainments.
9. Authority to approve minor amendments to the Passport to Leisure scheme, as considered appropriate.
10. Authority to determine requests from voluntary and other bodies for the provision of floral displays on public occasions, up to a maximum of £1,000, subject to there being sufficient available financial resources.
11. Authority to submit applications for National Lottery funding for all relevant schemes approved within the Service's capital programme.
12. Authority to take the appropriate action, including the submission of byelaws to the Welsh Office, to declare Cwm Talwg Woodlands as a Local Nature Reserve.
13. Authority to utilise appropriate sites under the control of the Cabinet for roller-skating activity.
14. To increase the hours of the disability Sports Development Officer to 37 per hours per week (Minute No. C225 (1), 2002/03).
15. In consultation with the Director of Legal and Regulatory Services, to amend the current contract with the Sports Council for Wales regarding the Disability Sports Development Officer post (Minute No. C225 (2), 2002/03).
16. In liaison with the Cabinet Member for Economic Development and Tourism, to procure and implement a new point of sale/management information system in the Council's Leisure Centres in accordance with

Council Standing Orders and Financial Regulations (Minute No. C415, 2002/03).

17. In consultation with both the Cabinet Member for Economic Development Leisure and the local members, to decide the composition of the Llantwit Major Leisure Centre Working Group (Minute No. C511, 2002/03).
18. On completion of the review to be undertaken in respect of swimming lessons, authority to adjust swimming lesson charges should it be considered appropriate to do so (Minute No. C609 (2), 2002/03).