The Vale of Glamorgan Council

Council Constitution

May 2020

VALE of GLAMORGAN
BRO MORGANNWG

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COUNCIL CONSTITUTION

SECTION 1

1. INTRODUCTION

1.1 Purpose and Content of the Constitution

1.1.1 The Constitution describes the various bodies that make up the Council, their functions, membership and procedural rules.

1.1.2 In **Section 3** "Getting Information and Getting Involved") we have provided information for members of the public and Councillors (also referred to as "Members") on how you can get information about the Council, and how you can get involved. We hope that this will help people who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.

1.1.3 You can get a better understanding of what each of the Council's bodies do in **Sections 4 to 10** of this Constitution, including Full Council, the Executive (also referred to as the Cabinet), Scrutiny Committees, Standards Committee, Audit Committee, Regulatory Committees and the Democratic Services Committee. **Section 11** provides information on the management and Officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for Functions at **Section 13** and Officer Delegations at **Section 25** sets out which Council bodies, and which Officers, have authority to make which decisions.

1.1.4 The Procedural Rules that apply to the different Council bodies are contained in the Sections relating to those bodies, e.g. Full Council **(Section 4)**, the Executive **(Section 5)** and Scrutiny Committees **(Section 7)**. You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.

1.1.5 **Sections 18 to 23** contain the Codes of Conduct and Protocols which Officers and Members have agreed to comply with. They set the standards of behaviour.

1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

1.2 How the Council Operates

1.2.1 The Council is comprised of forty seven Councillors elected ordinarily every four years. Each Councillor is democratically accountable to the residents of their electoral division as well as all of those who live in the Vale of Glamorgan. The overriding duty of Councillors is to the

whole community, but they have a special duty to their constituents, including those that did not vote for them.

1.2.2 All Councillors have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising on the Code of Conduct.

1.2.3 All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall Policy Framework and set the budget each year. In accordance with Standing Orders, the Leader of the Council will be a Councillor elected to the position of Leader by the Council (see **Section 6**). The Leader then decides the size and membership of the Executive, the role and responsibilities of individual Members of the Executive and arrangements for the exercise and delegation of any Executive Functions. The Executive is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, together with making decisions within the Budget and Policy Framework set by the Council.

If you need any further help please do not hesitate to contact us at:

Democratic and Scrutiny Services, The Vale of Glamorgan Council, Civic Offices, Holton Road, Barry, CF63 4RU

Telephone – 01446 709408

E-mail – democratic@valeofglamorgan.gov.uk

Whilst the Constitution is very long, we hope that you will find it easy to use. We have spent a lot of time trying to make it as easy to follow as is possible with such a long and complex legal document.

SECTION 2

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

2.1 Purpose of the Constitution

The purpose of the Constitution is to:

2.1.1 enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;

2.1.2 support the active involvement of citizens in the process of local authority decision-making;

2.1.3 help Councillors represent their constituents more effectively;

2.1.4 enable decisions to be taken efficiently and effectively;

2.1.5 create a powerful and effective means of holding decision-makers to public account;

2.1.6 ensure that no one will scrutinise a decision in which they are directly involved;

2.1.7 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and

2.1.8 provide a means of improving the delivery of services to the community.

2.2 Definitions in the Constitution

2.2.1 The Constitution of the Council is this document **(Sections 1 to 26).**

2.2.2 Within the Constitution the following words and phrases have the meaning set out below:

"Budget"	the overall revenue and capital budget approved by Full Council;
"Cabinet"	also known as the Executive (see definition of "Executive" below);
"Chief Officer"	"Chief Officer" means the Managing Director, Directors, Heads of Service and Operational Managers employed by the Council, unless the context provides otherwise;
"Corporate Management	the senior management body for Officers **(Section 11)**. It includes those Officers designated by the

Team”	Head of Paid Service from time to time as members of the Corporate Management Team;
“Councillor”	a person elected to the Council to represent an area (called an electoral division) within the Vale of Glamorgan. Also referred to as a “Member”;
“Executive”	the Executive or a Member or Members of the Executive when exercising Executive Functions;
“Executive Decision”	any decision taken by the Executive to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Executive has delegated Executive Functions to exercise or refrain from exercising those functions;
“Executive Function”	(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated by Council is an Executive Function. (b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions. It should be noted that Regulatory functions such as planning, licensing and building control, are not Executive Functions;
“Forward Work Programme”	Forward Work Programmes are a series of documents which list the subject matters of decisions that (a) the Council and (b) the Executive intend to take and (c) what business the Scrutiny Committees will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered. Each of those bodies will be responsible for their own Work Programmes. Annual Forward Work Programmes will be prepared by the Proper Officer from the beginning of the Municipal Year. They will be supplemented by quarterly updated Work Programmes.

"Full Council"	the body where all Councillors act to exercise functions of the Council;
"Head of Democratic Services"	an Officer who must be appointed by law to carry out certain functions. See **Section 11** for a description of those functions. The Officer will usually have other duties and a different job title. See **Section 11** for which Officer is the Head of Democratic Services;
"Head of Paid Service"	an Officer who must be appointed by law to carry out certain functions. See **Section 11** for a description of those functions. The Officer will usually have other duties and a different job title. See **Section 11** for which Officer is the Head of Paid Service;
"Local Choice Functions"	These are functions which the Council may treat as being the responsibility of the Executive (in whole or in part) or as being Non-Executive, at its discretion;
"the Measure"	The Local Government (Wales) Measure. Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, overview and scrutiny, County Councils and Member payments;
"Member"	either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called "a Co-Opted Member");
"Monitoring Officer"	an Officer who must be appointed by law to carry out certain functions. See **Section 11** for a description of those functions. The Officer will usually have other duties and a different job title. See **Section 11** for which Officer is the Monitoring Officer;
"Non-Executive Functions"	any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member body other than the Executive;
"Planning Application"	any of the following: • application for planning permission (including renewal);

- application for approval of reserved matters;
- application for listed building consent;
- application relating to trees;
- proposal to serve an urgent works notice or acquire a listed building in need of repair;
- application for conservation area consent;
- application for advertisement consent;
- application to vary or remove conditions on a planning condition;

"Policy Framework"	As set out in **Section 4.2;**
"Proper Officer"	an Officer designated to carry out a specific function provided for within the Constitution. Unless stated otherwise, the "Proper Officer" is the Managing Director.
"Section 151 Officer"	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See **Section 11** for a description of those functions. The Officer will usually have other duties and a different job title. See **Section 11** for which Officer is the Section 151 Officer;
"Service"	one of the services provided by the Council;
"Single Integrated Plan (SIP)"	this is the single plan for the area that reflects the needs of the local population. The SIP builds on and brings together in one document the joint work previously developed through the Community Plan, as well as the Community Safety, Children and Young People and the Health Social Care and Wellbeing Partnership Plan.

2.3 **Interpretation of the Constitution**

2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.

2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant Procedure Rules. Such interpretation may not be challenged at any meeting of the Council.

2.3.3 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.

2.4 Duty to Monitor and Review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial and Contracts Procedure Rules set out in **Sections 16 and 17** of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to **Sections 16 or 17** to the next available Council meeting for noting.

2.5 Protocol for Monitoring and Review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may:

2.5.1 observe meetings of different parts of the Member and Officer structure;

2.5.2 undertake an audit trail of a sample of decisions;

2.5.3 record and analyse issues raised with him / her by Members, Officers, the public and other relevant stakeholders; and,

2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

2.6 Changes to the Constitution

2.6.1 Approval

Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by the Full Council after consideration of a proposal by the Monitoring Officer.

2.6.2 Minor Changes

If, in the reasonable opinion of the Monitoring Officer, a change is:

(a) a minor variation; or

(b) required to be made to remove any inconsistency, ambiguity or typographical correction; or

(c) required to be made so as to put into effect any decision of the Council or its Committees or the Executive,

in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the next Full Council meeting for information.

2.6.3 Legislative Change

(a) Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.

(b) Any reference in the Constitution to legislation or a statutory instrument shall be construed as a reference to any legislation or statutory instrument as amended, replaced, consolidated or re-enacted

2.7 Suspension of the Constitution

2.7.1 Limit to Suspension

Any of the Procedure Rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

2.7.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of the Council or Committee 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 this Section.

2.8 Publication

2.8.1 The Monitoring Officer will ensure that copies of this Constitution are available for inspection at Council offices and on the Council's website.

2.8.2 The Monitoring Officer will give a printed copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council and thereafter ensure that an up-to-date version is available for inspection and published on the Council's website.

2.8.3 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.

SECTION 3

3. GETTING INFORMATION AND GETTING INVOLVED

3.1 Getting Information

3.1.1 Information Available to Members of the Public

(a) *When Meetings of the Member Bodies Will Take Place*

A programme of meetings is available by contacting the Council direct or via the website.

(b) *Forward Work Programme*

From the Forward Work Programme, see subject matters regarding decisions intended to be taken by the Executive or Council and what issues the Scrutiny Committees will be considering and when these matters will be discussed.

(c) *Information Available Prior to a Meeting*

Five clear days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection at the offices of the Council and on the website (other than reports containing confidential or exempt information). If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any report will be made available to the public as soon as it is available and sent to Members.

Information which is confidential or exempt (as defined in **Section 14**) will not be disclosed to members of the public at any time.

(d) *Information Available at a Meeting*

The Council will make available to the public present at a meeting a reasonable number of copies of the agenda and of the reports for the meeting (save during any part of the meeting to which the public are excluded).

(e) *Information Available After a Meeting*

For a period of six years the agenda, reports and the minutes of the meeting shall be available for inspection. The background papers shall remain open for inspection for a period of four years.

(f) *Council's Accounts*

Under the Accounts and Audit (Wales) Regulations 2014, documents will be available for public inspection for 20 working days before the date appointed by the auditor.

3.1.2 Information Available to Members of the Council

(a) Members can see any information, which is available to a member of the public.

(b) In addition, a Member may see any information which he or she needs to know in order to fulfil his or her role as a Member of the Council (otherwise known as "need to know"). A Member will not make public information which is confidential or exempt (as defined in **Section 14**) without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisation(s) entitled to know it.

3.1.3 Members of a Scrutiny Committee

A Member of a Scrutiny Committee may also see any document containing material relating to:

(a) any business transacted at a meeting of the Executive;

(b) any decision taken by an individual Member of the Executive.

A Scrutiny Committee Member is not entitled to:

(c) any document in draft form;

(d) any part of a document which contains confidential or exempt information unless that information is relevant to an action or decision they are reviewing or scrutinising or intending to scrutinise and is included in the Committee's Forward Work Programme.

N.B. No Member is entitled to see any information relating to a matter in which he or she has a prejudicial interest.

3.1.4 Information Available to Officers

The Monitoring Officer, the Section 151 Officer and the Head of Paid Service may see any papers or records held by any part of the Council or its Officers. Other Officers may see any information held by the Council provided:

(a) they need to see the information to do their job; and

(b) that information is processed lawfully in accordance with the Data Protection Act 1998.

3.2 **Getting Involved**

3.2.1 Members of the Public

Members of the public can get involved in the following ways:

(a) *Voting for Councillors*

If they are over 18 years and registered as a local elector with the Council.

(b) *Taking Part in Meetings*

(i) Members of the public can come to and speak at any meeting which the Council has resolved should include participation by members of the public. These are the Planning Committee and Scrutiny Committees. The rules on when you may speak and for how long are contained in **Section 19**.

(ii) You can also ask Formal Questions at meetings of Full Council (see **Section 4**).

(c) *Views of the Public*

Section 62 of the Local Government (Wales) Measure 2011 requires Local Authorities to put arrangements in place to enable all persons who live or work in the Local Authority's area to bring to the attention of the relevant Scrutiny Committee their views on any matter under consideration by the Committee. A Scrutiny Committee must take into account any views brought to its attention by a member of the public. Details of these arrangements can be found on the Council's website.

(d) When are Meetings Open to the Public?

Meetings will be open to the public wherever possible. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See **Section 14** for definitions of exempt and confidential information and the definition of public interest).

(e) Making Comments / Complaints

(i) A member of the public may comment or complain about Council services by:

(A) contacting their local Councillor;

(B) contacting the Member of the Executive responsible for the service;

(C) contacting the Officer responsible for delivering the service or their manager;

(D) using the Council's complaints procedure;

(E) contacting the Public Services Ombudsman for Wales.

(ii) Comments or complaints can be made about an Officer or Member by:

(A) *Officer*

Contacting the Officer or the Officer's manager.

(B) *Member*

If the complaint is about a Member then the complaint should be referred to the Monitoring Officer or the Public Services Ombudsman for Wales.

3.3 Getting Involved – Members

Members can get involved by:

3.3.1 Agenda Items

As a Member of the Council, you have the same rights as members of the public. In addition to these rights you also have the following rights:

to request the inclusion of an item on any Scrutiny Committee by submitting a **"Request for Consideration"** form;

to request that any decision of Cabinet be put on hold pending consideration by the relevant Scrutiny Committee by using the **"Call-In"** procedure, details of which can be found in **Section 7**.

3.3.2 Notices of Motion

Except for motions which can be moved without notice under **Section 4.20**, written Notices of Motion for Full Council meetings, signed by at least two Members, must be delivered to the Proper Officer not later than ten clear days before the date of the meeting. These will be entered in a book open to public inspection.

3.3.3 Council Questions

Members can also submit formal questions for meetings of Full Council (see **Section 4**).

3.3.4 Participating in Meetings

Members of the Council are entitled to attend any formal meeting of the Council, its Committees or sub-committees or the Executive.

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.

3.3.5 Delegated Executive Functions

Members of the Executive have a special role to play within the Council. They are entitled to exercise any Executive Function provided the Executive Function has been delegated to them by the Leader of the Council.

3.3.6 Comments and Complaints

Members may comment, subject to restrictions in the Code of Conduct for Members **(Section 18)**, on any aspect of Council business by:

(i) talking to Officers;

(ii) talking to the Leader or relevant Member of the Executive;

(iii) talking to the Chairman of a Scrutiny Committee.

If a Member wishes to complain about:

An Officer

The procedure set out in the Protocol on Member / Officer Relations may be used (**Section 21**).

A Member

The procedure set out in **Section 18 (Appendix 3)** may be followed or, alternatively, the complaint should be referred to the Monitoring Officer or the Public Services Ombudsman for Wales.

SECTION 4

4. FULL COUNCIL

4.1 Introduction

The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions, including setting the Council's budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Executive. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

4.2 The 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 2007 and the Amendment Regulations 2009 to be adopted by the Council:

- Children and Young People's Plan (now incorporated in the Community Strategy);
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Health and Wellbeing Strategy (now incorporated in the Community Strategy);
- Local Transport Plan;
- Plans and alterations which together comprise the Development Plan;
- Welsh Language Scheme;
- Youth Justice Plan;
- Powers to approve a Young People's Partnership Strategic Plan and a Children and Young People's Framework Partnership;
- Housing Strategy;
- Rights of Way Improvement 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 Operational Plan;
- Housing Stock Business Plan;
- Lifelong Learning Development Plan;
- Policy Agreements.

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

4.3 **The Single Integrated Plan**

This replaces four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young People's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

4.4 **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See **Section 15** for how the Council can change the Policy Framework or Budget referred to it for approval by the Executive).

4.5 **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of disposal of five hundred or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

4.6 **Functions of the Full Council**

Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

4.6.2 approving or adopting the Single Integrated Plan, Policy Framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;

4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in **Section 14** of this Constitution, making decisions about any matter in the discharge of 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;

4.6.4 appointing and removing the Leader in accordance with Standing Orders – see **Section 5.3**;

4.6.5 agreeing and / or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;

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

4.6.7 making or confirming the appointment of the Head of Paid Service

4.6.8 making, amending, revoking re-enacting or adopting bye-laws and promoting or opposing the making of local legislation or Personal Bills;

4.6.9 all Local Choice Functions set out in **Section 13** of this Constitution which the Council decides should be undertaken by itself rather than the Executive and

4.6.10 all matters which by law must be reserved to the Council (e.g. appointing the Chairman of the Democratic Services Committee and approving the Pay Policy Statement).

4.7 **Membership**

4.7.1 All Members of the Council shall be Members of Full Council.

4.7.2 Chairing the Council

(a) The Councillor elected annually by the Council as its Chairman will be called the “Mayor”.

(b) The Mayor will cease to be Mayor if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They continue to act as Mayor after an election until their successor has been appointed.

4.7.3 Role and Function of the Chairman (“Mayor”)

The Chairman of the Council and in his/her absence, the Vice-Chairman (“Deputy Mayor”) will have the following roles and functions:

(a) *Ceremonial Role*

The "Mayor" of the Council:

(i) is the civic leader of the Vale of Glamorgan Council;

(ii) promotes the interests and reputation of the Council and the Vale of Glamorgan as a whole and acts as an ambassador for both; and

(iii) undertakes civic, community and ceremonial activities and fosters community identity and pride.

(b) *Responsibilities of the Chairman*

(i) to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;

(ii) to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the Community;

(iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive and Committee Chairmen to account;

(iv) to promote public involvement in the Council's activities;

(v) to attend such civic and ceremonial functions as the Council and he / she determines appropriate;

(vi) to carry out duties as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

4.8 **Council Meetings**

There are three types of Council meeting:

4.8.1 the annual meeting;

4.8.2 ordinary meetings; and

4.8.3 extraordinary meetings.

4.9 **Rules of Procedure and Debate**

The Council Procedure Rules contained in the Sections below will apply to meetings of the Full Council.

4.10 Council Procedure Rules – Annual Meeting of the Council

4.10.1 Timing and Business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within twenty one days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May. The Annual Meeting will:

(a) elect a person to preside if the Chairman and Vice-Chairman of the Council are not present;

(b) elect the Chairman of the Council;

(c) elect the Vice-Chairman of the Council;

(d) receive any announcements from the Chairman, Head of Paid Service and Executive Members;

(e) elect the Leader of the Council (see **Section 5.3**);

(f) be told by the Leader the name of the Member chosen to be Deputy Leader and the number and names of Members to be appointed to the Executive and their portfolios/responsibilities;

(g) appoint the Scrutiny Committees, a Standards Committee and such other Committees and sub-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 **Section 13** of this Constitution);

(h) 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

(i) consider any business set out in the notice convening the meeting.

4.10.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

(a) decide which Committees to establish for the municipal year;

(b) decide the size and terms of reference for those Committees;

(c) decide the allocation of seats to political groups in accordance with the political balance rules;

(d) receive nominations of Councillors to serve on each Committee;

(e) make appointments 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.

4.11 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. The order of business at ordinary meetings will be as follows:

4.11.1 elect a person to preside if the Chairman and Vice-Chairman are not present;

4.11.2 approve the minutes of the last meeting;

4.11.3 receive any declarations of interest from Members;

4.11.4 receive any announcements from the Chairman, Leader, members of the Cabinet or the Head of Paid Service and to receive petitions;

4.11.5 receive reports from the Executive and the Council's Committees and receive questions and answers on any of those reports;

4.11.6 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

4.11.7 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, Single Integrated Plan and reports of the Scrutiny Committees for debate;

4.11.8 consider motions; and

4.11.9 deal with questions from Members in accordance with **Rule 4.18;**

4.11.10 receive questions from, and provide answers to, the public in accordance with the Council's published procedure.

4.12 Extraordinary Meetings

4.12.1 Calling Extraordinary Meetings

The Proper Officer may call Extraordinary Council meetings in addition to ordinary meetings. Those listed below may request the Proper Officer to call additional Council meetings:

(a) the Council by resolution;

(b) the Chairman of the Council;

(c) the Monitoring Officer;

(d) 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.

4.12.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting, together with Apologies, the Roll Call and Members' Declarations of Interest and there shall be no consideration of previous minutes from Council.

4.13 Time and Place of Meetings

The time and place of meetings will be determined by the Proper Officer and notified in the summons.

4.14 Notice of and Summons to Meetings

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in **Section 14.** At least five clear days before a meeting, the Proper Officer will send a summons in his/her name to every Member of the Council or Committee 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.

4.15 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 should instead be read as reference to the Chairman of that committee or sub-committee.

4.16 Quorum

The quorum of a meeting will be one quarter of the whole number of Members, apart from committees comprising eight Members or less, when the quorum shall be three 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.

4.17 Questions by the Public

Anyone who is on the Vale of Glamorgan Register of Electors or is a Vale of Glamorgan Council taxpayer or non-domestic ratepayer may submit, in advance, a question at Full Council meetings. Full details of the procedure can be found on the Council's website. Questions must be received at least ten working days prior to the meeting.

4.17.1 Scope of Questions

The Proper Officer will reject a question if it:

- is about a matter for which the Council has no responsibility or does not specifically affect the Vale of Glamorgan
- is defamatory, frivolous or offensive
- relates to a complaint (these should be channelled via the Council's formal complaints procedure)
- relates to the questioner personally or their family
- relates to a specific planning application or application for licence
- relates to a specific Member, Council employee or member of the public
- is substantially the same as a question which has already been put at a meeting of the Council in the past six months
- requires the disclosure of confidential or 'exempt' information
- involves the preparation of an answer which would require the expenditure of a disproportionate amount of time, money or effort
- is not received at least ten working days prior to the meeting.

4.18 **Questions by Members**

4.18.1 On Reports of the Executive or Committees

A Member of the Council may ask the Leader, the relevant Cabinet Member or the Chairman of a Committee any question without notice directly arising from an item of the report of the Executive or a Committee, when that item is being received or is under consideration by the Council.

4.18.2 Questions on Notice at Full Council

Subject to **Rule 4.18.4**, a Member of the Council may ask:

(a) the Chairman of the Council;

(b) a Member of the Executive;

(c) 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.

4.18.3 Questions on Notice at Committees and Sub-Committees

Subject to **Rule 4.18.4,** 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 affects the Vale of Glamorgan and which falls within the terms of reference of that Committee or sub-committee.

4.18.4 Notice of Questions

A Member may ask a question under **Rule 4.18.2 or 4.18.3** if either:

(a) they have given notice in writing of the question to the Proper Officer by no later than 12.00 noon on the Wednesday of the week prior to the day of the meeting at which the question is to be asked

(N.B. In the event that an ordinary Council Meeting takes place on a day other than a Wednesday, questions must be submitted no later than 12.00 noon on the equivalent day of the preceding week); or

(b) the question relates to urgent matters, they have the consent of the Chairman or Member to whom the question is to be put and the content of the question is given to the Proper Officer by 12.00 noon on the day of the meeting.

4.18.5 Order of Questions

Questions of which notice has been given under **Rule 4.18.2 or 4.18.3** will be listed on the agenda in the order received, unless determined otherwise by the Chairman of the Council. All questions will be included in the Council agenda and will not be read out at the meeting. Replies from Cabinet Members will be read out and the provision for supplementary questions and replies will then ensue (see **Rule 4.18.7** below).

4.18.6 Response

An answer may take the form of:

(a) a direct oral answer at the meeting;

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

(c) where the reply cannot conveniently be given orally, a written answer will be supplied to all Members.

4.18.7 Supplementary Question

A Member asking a question under **Rule 4.18.2 or 4.18.3** 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.

(N.B. In the event that an ordinary Council Meeting takes place on a day other than a Wednesday, questions must be submitted no later than 12.00 noon on the equivalent day of the preceding week.)

4.19 **Motions on Notice**

4.19.1 Notice

Except for motions which can be moved without notice under **Rule 4.20**, written notice of every motion, signed by at least two Members, must be delivered to the Proper Officer not later than ten clear days before the date of the meeting at which it is to be considered. Motions received will be entered in a book open to public inspection.

4.19.2 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.

4.19.3 Scope

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

4.20 **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 Procedure Rules;

(o) to not hear further a Member named under **Rule 4.26.3** or to exclude them from the meeting under **Rule 4.26.4**; and

(p) to give the consent of the Council where its consent is required by this Constitution.

4.21 Rules of Debate

4.21.1 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.

4.21.2 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.

4.21.3 Seconder's Speech

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

4.21.4 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.

4.21.5 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.

4.21.6 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.

4.21.7 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.

4.21.8 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.

4.21.9 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 / her amendment.

4.21.10 Motions which may be Moved During Debate

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

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and

(h) to not hear further a Member named under **Rule 4.26.3** or to exclude them from the meeting under **Rule 4.26.4.**

4.21.11 Closure Motions

(a) A Member may move, without comment, the following motions at the end of a speech of another Member;

(i) to proceed to the next business;

(ii) to ask 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/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.

4.21.12 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.

4.21.13 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.

4.22 **Previous Decisions and Motions**

4.22.1 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 Proper Officer 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 Proper Officer at the Civic Offices before the expiration of five days from the date of the meeting at which the resolution was passed.

4.22.2 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 twelve Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

4.23 **Voting**

4.23.1 Majority

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

4.23.2 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.

4.23.3 Method of Voting

Unless a ballot or recorded vote is demanded under **Rule 4.23.4** or **Rule 4.23.5**, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

4.23.4 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.

4.23.5 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.

4.23.6 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.

4.23.7 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.

4.24 **Minutes**

4.24.1 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 aspect of the minutes that can be discussed is their accuracy.

4.24.2 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.

4.24.3 Form of Minutes

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

4.25 **Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in **Section 14** of this Constitution or **Rule 4.27** (Disturbance by Public) or as determined by the Proper Officer (i.e. Monitoring Officer). (N.B. If any particular meeting determines that a Part II report should be moved into Part I, the item must be deferred to the next meeting of the Committee in the interests of transparency (unless the Committee determines that the matter is urgent).

4.26 **Members' Conduct**

4.26.1 Speaking at Meetings

When a Member speaks at Full Council he/she must stand (unless otherwise agreed by the Chairman) and address the meeting through the Chairman. If more than one Member signifies their intention to speak, the Chairman will ask one to speak and the others must sit. Other Members must remain silent whilst a Member is speaking

unless they wish to make a point of order or a point of personal explanation.

4.26.2 Chairman Speaking

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

4.26.3 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.

4.26.4 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.

4.26.5 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.

4.27 Disturbance by Public

4.27.1 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.

4.27.2 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.

4.28 Filming and Recording During Meetings

Filming and recording of meetings will only be allowed if prior permission is sought in writing from, and granted by, the Proper Officer in advance of the meeting.

4.29 Suspension and Amendment of Council Procedure Rules

4.29.1 Suspension

All of these Council Rules of Procedure may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council or Committee (when being proposed at a Committee meeting) are present. Suspension can only be for the duration of the meeting.

4.29.2 Amendment

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

4.30 Family Absence for Members

4.30.1 A Member on maternity absence or parental absence may, subject to paragraphs **4.30.2** and **4.30.6** below:

- Attend particular meetings
- Attend particular descriptions of meetings
- Perform particular duties; or
- Perform duties of a particular description.

4.30.2 The Member must obtain the permission of the Mayor (or in his/her absence the Deputy Mayor) before attending any meeting or performing any duty.

4.30.3 The Mayor (or in his/her absence the Deputy Mayor) must inform the Leaders of each political group of the Local Authority before granting permission under paragraph **4.30.2** above.

4.30.4 A Member may complain in writing to the Head of Democratic Services regarding a refusal under paragraph **4.30.2** above.

4.30.5 The Head of Democratic Services must refer a complaint under paragraph **4.30.4** above to the Mayor.

4.30.6 A Panel constituted in accordance with The Family Absence for Members of Local Authorities (Wales) Regulations 2013 must determine a complaint made under paragraph **4.30.4** above.

4.30.7 The Panel may:

- Confirm the decision of the Mayor (or in his/her absence the Deputy Mayor) of the Council; or

- Substitute its own decision as to the Member attending any meeting or performing any duty.

4.31 **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 4.14 – 4.30 (but not Rules 4.17 and 4.26.1) apply to meetings of Committees and sub-committees. Rules 4.22.1 and 4.22.2 do not apply to the Planning Committee.

SECTION 5

5. THE EXECUTIVE ("CABINET")

5.1 Introduction

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

5.2 Form and Composition of the Executive

The Executive will consist of:

5.2.1 the Leader of the Council (the "Leader"); and

5.2.2 at least two, but not more than nine, other Councillors appointed to the Executive by the Leader.

5.3 Leader

5.3.1 Election

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.

5.3.2 Role of the Leader

The Leader will Chair meetings of the Executive and determine the portfolios of Members of the Executive. Further information is contained in **Section 6.**

5.4 Deputy Leader

5.4.1 The Leader will appoint a Deputy Leader to act as Leader in the Leader's absence and may also, if he/she thinks fit, remove the Deputy Leader from Office at any time.

5.4.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absent or otherwise unable to act.

5.5 Other Executive Members

Other Executive Members will be Councillors elected to the position of Executive Member by the Leader. Each Executive Member shall hold office until:

(a) he/she resigns from that office; or

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

(c) he/she ceases to be a Councillor;

(d) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension).

The Leader may at any time appoint an Executive Member to fill any vacancies.

5.6 Delegation of Functions

The Leader may provide for Executive Functions to be discharged by:

(a) the Executive as a whole;

(b) a Committee of the Executive (comprising Executive Members only);

(c) an individual Executive Member;

(d) an Officer

(e) a joint Committee;

(f) another Local Authority or the Executive of another Local Authority;

5.7 Rules of Procedure and Debate

The proceedings of the Executive shall take place in accordance with the Executive Procedure Rules in **Section 5.8** below.

5.8 Executive Procedure Rules

5.8.1 The Council's Scheme of Delegation and Executive Functions

(a) The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give

written notice to the Monitoring Officer 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 or Committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

(b) Where the Leader seeks to withdraw delegation from a Committee of the Executive, notice will be deemed to be served on that Committee when he has served it on its Chairman.

5.8.2 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 **Section 18** of this Constitution.

(b) If any 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 **Section 18** 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 in accordance with the Council's Code of Conduct for Members in **Section 18** of this Constitution.

5.8.3 Executive Meetings – When and Where?

The frequency and timing of meetings of the Executive will be determined by the Leader. The Executive will meet at the Council's main offices or another location to be agreed by the Leader.

5.8.4 Public or Private Meetings of the Executive?

The Executive will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in **Section 14**, i.e. where confidential or exempt information is being discussed.

5.8.5 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be three.

5.8.6 How are Decisions to be Taken by the Executive?

(a) Executive Decisions made by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in **Section 14** of this Constitution.

(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.

How are Executive Meetings Conducted?

5.8.7 Who Presides?

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

(b) The Leader may appoint the Chairmen of any sub-committees of the Executive and other persons to preside in the absence of that Chairman.

5.8.8 Who May Attend?

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

5.8.9 What Business?

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

(a) consideration of the minutes of the last meeting;

(b) declarations of interest, if any;

(c) matters referred to the Executive (whether by a 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 **Sections 7 and 15** of this Constitution;

(d) consideration of reports from Scrutiny Committees;

(e) consideration of reports from Executive Committees (if any have been appointed);

(f) reports from Executive Members;

(g) “exempt” or “confidential” reports;

(h) urgent reports.

5.8.10 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 undertaken with stakeholders and with the relevant Scrutiny Committee(s) and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

5.8.11 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 will comply with the Leader's requests in this respect.

Any member of the Executive may require the Proper Officer 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 Member 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 three such items per Executive meeting.

The Monitoring Officer and/or the Chief Finance 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 Finance 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.

SECTION 6

6. THE LEADER

6.1 Election and Term of Office

6.1.1 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.

6.2 Deputy Leader

6.2.1 Appointment

The Leader may designate one of the Members of the Executive as Deputy Leader.

6.2.2 Duties of the Deputy Leader

The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or is otherwise unable to act.

6.2.3 Removal from Office

The Leader may, if he/she thinks fit, remove the Deputy Leader from office at any time.

6.3 Functions and Delegated Authority

6.3.1 Membership of the Executive

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

6.3.2 Role of the Leader

The Leader will chair meetings of the Executive and determine the portfolios of Members of the Executive.

6.3.3 The Executive Scheme of Delegations

The Leader will prepare and submit for approval an Executive Scheme of Delegations setting out the delegations of Executive Functions, including, where the principle has been approved as part of the Council's Executive Arrangements the delegated authority of each Member of the Executive, and thereafter keep this under review and submit updates to the Scheme as appropriate. In addition, the Leader has powers under Section 15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive Functions not covered by the Scheme of Delegations for the time being.

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

6.3.4 Meetings of the Executive

Subject to the requirement to publish notice of each meeting five clear days before it takes place, and other conditions contained in **Section 14**, the Leader can call meetings of the Executive at such times and places as he/she chooses. (N.B. the Head of Paid Service, the Section 151 Officer, and the Monitoring Officer can all, should the need arise, call meetings of the Executive as well.)

6.3.5 Chairing Executive Meetings

The Leader shall chair Executive meetings. In the Leader's absence the Deputy Leader will chair. If the Deputy Leader is not available the Executive will appoint a Member of the Executive to chair the meeting on their behalf by informing the Proper Officer of the person chosen (subject to a quorum of three members of the Executive being present).

SECTION 7

7. OVERVIEW AND SCRUTINY COMMITTEES

7.1 Introduction

7.1.1 The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees (this Council's are called "Scrutiny Committees") should be powerful Committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

7.1.2 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

7.2 Scrutiny Committees

In order to achieve this, the Council has appointed five Scrutiny Committees which between them will:

7.2.1 review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions, whether by the Executive or another part of the Council, but with the exception of any matter which is specifically identified in the terms of reference of any other Scrutiny Committee;

7.2.2 make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;

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

7.2.4 exercise the right to call-in for reconsideration of decisions made, but not yet implemented, by the Executive and Officers.

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

- compliance with Council policy;
- consideration of the need for changes to policy and/or practice;
- Continuous Improvement.

7.3 **Role, Scope and Terms of Reference**

The role, scope and terms of reference of the Scrutiny Committees are described in the table` below:

Committee Title	**Scope**	
	Corporate Plan Outcomes and Objectives	**Council Functions**
Corporate Performance and Resources	Overall monitoring of Corporate Health	• Corporate Policy and Performance • Communications • Customer Relations • Corporate Performance • Finance • ICT • Property • Legal • Democratic • Human Resources • Surplus Land and Property • Capital Schemes • Revenue Proposals over £300,000 • Public Services Board
Environment and Regeneration	An Environmentally Responsible and Prosperous Vale. • Promoting regeneration, economic growth and employment. • Promoting sustainable development and protecting our environment.	• Economic Development • Tourism • Countryside • Regeneration • Waste Management and Cleansing, Highways & Engineering and Grounds Maintenance • Planning • Transportation • Fleet Management, Cleaning and Security
Homes and Safe Communities	An Inclusive and Safe Vale. • Reducing poverty and social exclusion. • Providing decent homes and safe communities.	• Public Housing • Public Housing Maintenance • Public Protection including all Shared Regulatory Services functions • Community Safety • Private Sector Housing and Renewal Areas • Crime and Disorder Matters (as required under the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007)

		• Families First, Flying Start and Communities First
Learning and Culture	An Aspirational and Culturally Vibrant Vale. • Raising overall standards of achievement. • Valuing culture and diversity.	• Schools (Pupil Support, School Improvement and School Support) • Post 16 Education and Training • Libraries • Community Education and Youth Service • Equalities • Welsh Language • Arts Development
Healthy Living and Social Care	An Active and Healthy Vale. • Encouraging and promoting active and healthy lifestyles. • Safeguarding those who are vulnerable and promoting independent living.	• Adult Services • Children and Young People's Services • Social Services Business Management and Innovation • Leisure, Parks, Sport and Play

7.4 **Specific Functions**

7.4.1 Policy Development and Review

The Scrutiny Committees may:

(a) assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;

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

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

(d) question Members of the Executive and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;

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

(f) consider the impact of policies to assess if they have made a difference.

7.4.2 Scrutiny

The Scrutiny Committees may:

(a) review and scrutinise the decisions by, and performance of, the Executive and/ or Committees and Council Officers in relation to individual decisions and over time;

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

(c) question Members of the Executive and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

(d) make recommendations to the Executive and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;

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

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

7.4.3 Finance

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

7.4.4 Annual Report

The Scrutiny Committees must report annually to the Full Council on their workings, with recommendations for their future Work Programmes and amended working methods if appropriate.

7.4.5 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.

7.5 **Head of Democratic Services**

One of the roles of the Head of Democratic Services under Section 8 of "the Measure" is to promote the role of the Council's Scrutiny Committees and to promote support and guidance to Council Members and Officers generally about the functions of the Scrutiny Committees.

7.6 **Who May Sit on Scrutiny Committees?**

All Councillors except Members of the Executive may be Members of the Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which he/she has been directly involved.

7.7 **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). In exercising or deciding whether to exercise a co-option, the Authority must, under Section 76 of the Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them.

7.8 **Education Representatives**

The relevant Scrutiny Committee dealing with education matters shall include in its membership voting representatives of religious faiths and of parent governors, as required by law and guidance from the National Assembly of Wales as follows:

(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) One 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.

7.9 **Who Chairs?**

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 at the Annual Meeting of the Council and will reflect the requirements under "the Measure" regarding the allocation of Scrutiny Committee Chairmen positions.

7.10 **Role of the Chairmen of the Scrutiny Committees**

7.10.1 Chairmen of the Scrutiny Committees will liaise with the Executive and supervise the Work Programme and identify cross-cutting themes arising from the various Scrutiny Committees.

7.10.2 In summary, therefore, the Chairmen will:

(a) be accountable for delivering the way of working for scrutiny;

(b) meet regularly to monitor Work Programmes;

(c) liaise with the Executive on issues affecting the Scrutiny Work Programme.

7.11 **Work Programme**

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

7.12 **Meetings**

7.12.1 Ordinary meetings of Scrutiny Committees shall be convened in accordance with the Council's 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 if he/she considers it necessary or appropriate.

7.12.2 The quorum of a Scrutiny Committee will be one quarter of its membership (also see **Section 4.16**).

7.13 **Joint Scrutiny Committees**

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

7.14 **Rules of Procedure and Debate**

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

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

7.15.1 The Council will have five Scrutiny Committees as set out in the table in **Section 7.3** and will appoint to them as it considers appropriate from time to time. The Committees may appoint sub-committees or task and finish groups to carry out detailed examination of particular topics for report back to them. Such groups may be appointed for a fixed period, on the expiry of which they shall cease to exist.

7.15.2 Each Scrutiny Committee will be chaired by a Chairman appointed from the membership of that Scrutiny Committee and in accordance with the requirements of "the Measure".

(a) Membership of all Scrutiny Committees will, as far as practicable, reflect political balance requirements;

(b) the Committees shall undertake the following:

(i) investigate or review a particular matter in depth and without delay, reporting their conclusions and making any recommendations to the Council or Executive as appropriate;

(ii) conduct research, community (and other) consultation for the purposes of analysing issues and developing, where appropriate, possible options, through liaison with the area/community partnerships;

(iii) consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options;

(iv) question Executive Members and Chief Officers about their views and actions on issues and proposals affecting the Vale of Glamorgan;

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

(vi) question and gather evidence from any person (with his/her consent) whilst conducting investigative and reporting processes.

7.16 **Agenda Items**

7.16.1 Any Member of a particular Scrutiny Committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the that Committee or sub-committee to be included on the agenda for the next practical available meeting.

7.16.2 On receipt of such a request, so long as it is an appropriate matter to be considered, the Proper Officer will ensure that it is included on the next available agenda.

7.16.3 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**.**

7.16.4 A Scrutiny Committee shall also respond, as soon as their Work Programme permits, to requests from the Council and/or the Executive to review particular areas of Council activity. Where they do so, the particular Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council.

7.17 **Policy Review and Development**

7.17.1 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 in **Section 15**.

7.17.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, a Scrutiny Committee may make proposals to the Executive for developments insofar as they relate to matters within their terms of reference.

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

7.18 **Reports from the Scrutiny Committees**

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

7.18.2 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.

7.19 **Making Sure That Scrutiny Reports are Considered by the Executive**

7.19.1 The agenda for Executive meetings shall include an item entitled "References". 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.

7.19.2 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. The Member with delegated decision-making power must consider the report and respond in writing to the Scrutiny Committee within six 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.

7.19.3 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 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 six 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.

7.19.4 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.

7.20 **Rights of Members of the Scrutiny Committees to Documents**

7.20.1 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 **Section 14** of this Constitution.

7.20.2 Nothing in this paragraph prevents more detailed liaison between the Executive and the Scrutiny Committees as appropriate, depending on the particular matter under consideration.

7.21 **Members and Officers Giving Account**

7.21.1 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, or the respective Chairman, may require the Leader and any (other) member of the Executive, the Head of Paid Service and/or any Chief Officer to attend before it to explain in relation to matters within their remit:

(a) any particular decision or series of decisions; and/or

(b) the extent to which the actions taken implement Council policy; and/or

(c) their performance;

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

7.21.2 Where any Member or Chief 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. The Proper Officer shall inform the Member or Chief Officer in writing giving at least seven 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 Chief Officer concerned will be given sufficient notice to allow for preparation of that documentation.

7.21.3 Where, in exceptional circumstances, the Member or Chief Officer is unable to attend on the required date, then, in consultation with the Member or Chief Officer, an alternative date for attendance will be arranged.

7.22 **Attendance by Other Members of the Council**

7.22.1 A Scrutiny Committee meeting is a formal meeting of the Council and, as such, only Members of the Committee and the Scrutiny and Democratic Services Officers supporting Scrutiny should sit at the

Committee table for the duration of the meeting. Other Officers/presenters/witnesses present will only be invited to the Committee table for the duration of the item(s) for which they are required. This avoids role confusion for invited presenters/witnesses etc. who should be offered seating away from the table in the "public area" until their item.

7.22.2 Members who are not members of the Committee will be allowed to participate fully subject to the agreement of the Committee, subject to certain parameters **(see Section 3.3.4)**:

(a) such Members to be positioned in a location that, again, avoids role confusion (i.e. separate from the Committee itself);

(b) a presumption that Members of the Committee will be afforded the opportunity of raising issues/questions before any other Members present are afforded the opportunity to do so (other than where a particular Member has called-in a Cabinet decision or requested an item for consideration).

7.22.3 Individuals other than Committee Members who have not been invited to speak at the meeting should, where known, inform the Chairman prior to the meeting of their wish to speak at the meeting. Whilst waiting to be called to speak, they should be seated in an area (separate from the Committee itself) to avoid role confusion.

7.22.4 The Chairman will decide the appropriate time to call parties to the table (and specify time limit). Once the speaker has finished what they wish to say and the Scrutiny Committee Members, and, subsequently, any other Members have asked their questions, they will be thanked and requested to leave the table.

7.23 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 7.21 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

7.24 Call-In

7.24.1 Rules

(a) Where 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 two working days of it being made. All Members of 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 five 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 shall call-in a decision for scrutiny by a Scrutiny 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 Scrutiny Committee after consultation with the Chairman of the Scrutiny Committee; the meeting of the relevant Scrutiny Committee (i.e. the Committee identified in the Cabinet report) to take place within twenty working days of receipt of the call-in request (not counting the month of August).

(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, a Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Scrutiny Committee meeting, or the expiry of that further seven working day period, whichever is the earlier.

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

(g) If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the

period in which the Council meeting should have been held, whichever is earlier.

7.24.2 Call-In and Urgency

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 **Section 14.14.** The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

7.25 The Party Whip

If a Member of a Scrutiny Committee is subject to a party whip in respect of an issue to be considered by it, that Member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

7.26 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.

7.27 **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 one or more other Committee, before submitting its findings to the Executive and/or 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.

7.28 **Councillor Call for Action**

7.28.1 The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of "last resort".

7.28.2 Any Member may request that an item is placed on the agenda of a Scrutiny Committee for consideration.

7.28.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action – Guidance for Councillors, which can be found on the Council's website at:

http://staffnet.valeofglamorgan.gov.uk/Documents/MemberNet/Scrutiny/Councillor-Calls-for-Action.pdf.

7.29 **Public Speaking at Scrutiny Committees**

The Council recognises that members of the public can make an important contribution and be a valuable source of information. The Council therefore encourages the active participation of the public within the scrutiny process in the Vale. Your "voice" at a Scrutiny Committee can be heard via two ways. If you choose, you can register to speak at a Scrutiny Committee. Alternatively, you can send in your written representations. The Guide to Public Speaking at Scrutiny Committees can be found in **Section 19**.

SECTION 8

8. THE STANDARDS COMMITTEE

The Council shall establish and maintain a Standards Committee.

8.1 Composition

Membership. The Standards Committee shall be composed of not less than five nor more than nine members. Its membership shall include:

(a) Five "independent" members, who are not either a Councillor or an officer or the spouse of a Councillor or an officer of this Council or any other relevant authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended) and the Standards Committees (Wales) (Amendment) Regulations 2006.

(b) Three Councillors other than the Leader and not more than one member of the Executive.

(c) One member of a Town or Community Council wholly or mainly in the Council's area (a "Community Committee Member") and who is not also a member of this Council.

8.2 Term of Office

(a) Independent members are appointed for a period of not less than four nor more than six years in accordance with the Standards Committee (Wales) Regulations 2001, and may be re-appointed for one further consecutive term not exceeding four years.

(b) Members of the Local Authority who are members of the Standards Committee will have a term of office of no longer than the period until the next ordinary local government elections following the Member's appointment to the Standards Committee. Such a Member shall cease to be a Member of the Standards Committee if that Member ceases to be a Member of the Council. Such a Member may be re-appointed for one further consecutive term.

(c) The term of office of the Community Committee Member shall be no longer than the period until the next ordinary local government elections for the community council of which he/she is a member following their appointment to the Standards Committee. Such a Community Committee Member shall cease to be a member of the Standards Committee if that member ceases to be a member of a Town or Community Council within the Vale of Glamorgan. Such a member may be re-appointed for one further consecutive term.

8.3 Quorum

A meeting of the Standards Committee shall only be quorate when:

(a) At least three members are present (including the Chairperson) and

(b) At least half the members present (including the Chairperson) are independent members.

8.4 **Voting**

Independent members and the Community Committee Member shall be entitled to vote at meetings.

8.5 **Community Committee Member**

A Community Committee Member shall not take part in the proceedings of the Standards Committee when any matter relating to their Town or Community Council is being considered.

8.6 **Chairing the Committee**

(a) Only an independent member of the Standards Committee may be the Chairperson.

(b) The Chairperson will be elected by the members of the Standards Committee for a period not exceeding one year. The Chairperson is eligible for re-election.

(c) The election of a Chairperson will be the first item of business for the Standards Committee at the commencement of each municipal year.

(d) The term "Chairperson" includes:

(i) the person elected as Chairperson for the municipal year;

(ii) the person elected as Vice-Chairperson for the municipal year and presiding over the meeting in the absence of the Chairperson; and

(iii) an independent member presiding over the meeting in the absence of the elected Chairperson and Vice-Chairperson.

8.7 **Role and Function**

The Standards Committee shall 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 Public Services Ombudsman;

(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 complaints handling and Ombudsman investigations.

SECTION 9

9. REGULATORY COMMITTEES

9.1 Regulatory and Other Committees

The Council will appoint the Committees to discharge the functions set out in **Section 13** of this Constitution.

9.2 The Audit Committee

9.2.1 The Council will appoint an Audit Committee to discharge the functions described in **Section 13** of this Constitution and in accordance with Sections 81-87 of the Measure.

9.2.2 The Committee shall comprise of Councillor Members (being at least two thirds of the membership) and at least one Member who is not a Member of the Council (lay member) and no more than one Member of the Executive (which Executive Member must not be the Leader).

9.2.3 The Chair of the Audit Committee is appointed by it and they cannot be a Member of the Executive but can be a lay member and can only be a Member of an executive group if there are no opposition groups.

9.2.4 Members of the Audit Committee may vote on any matter from the Committee.

9.3 The Democratic Services Committee

9.3.1 The Council will appoint a Democratic Services Committee to discharge the functions described in **Section 13** of this Constitution.

9.3.2 The Committee shall comprise of Councillor Members but no more than one Member of the Executive (which Executive Member must not be the Leader).

9.3.3 The Chair of the Democratic Services Committee is appointed by Full Council and must not be the Executive Member.

9.4 Other Committees and Sub-Committees

9.4.1 The Council will appoint such other Committees as it considers appropriate to the exercise of its functions. These will include a Planning Committee, a Statutory Licensing Committee and a Public Protection Licensing Committee.

9.4.2 Any Committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the appointment Committee's terms of reference.

9.5 **Rules of Procedure and Debate**

The Council Procedure Rules in **Section 4** will apply.

SECTION 10

10. JOINT COMMITTEES

10.1 Introduction

There are a number of circumstances where the Council or the Executive is entitled to carry out certain functions jointly with another Local Authority.

10.2 Arrangements to Promote Wellbeing

The Executive in order to promote the economic, social, or environmental wellbeing 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.

10.3 Joint Arrangements

10.3.1 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.

10.3.2 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. Except as set out below, or as permitted or required by law, the Executive may only appoint Executive Members to such Joint Committees and those Members need not reflect the political composition of the Council as a whole.

10.3.3 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 Council and that area is smaller than two fifths of that Local 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 contained within the area. Political balance requirements do not apply to such appointments.

10.4 Access to Information

10.4.1 The Access to Information Procedure Rules in **Section 14** apply.

10.4.2 If all the Members of a Joint Committee are Members of the Executive in each of the participating Authorities, then its access to information regime is the same as that applied to the Executive.

10.4.3 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 (as amended) will apply.

10.5 Delegation to and from Other Local Authorities

10.5.1 The Council can delegate Non-Executive Functions to another Local Authority or, where those functions are the responsibility of the Executive of another Local Authority, to that Executive.

10.5.2 The Executive can delegate Executive Functions to another Local Authority or the Executive of another Local Authority in certain circumstances.

10.5.3 The decision whether or not to accept such a delegation from another Local Authority is reserved to the Full Council.

10.6 Contracting Out

The Council (in respect of Non-Executive Functions) and the Executive (in respect of Executive Functions) may contract out to another body or organisation functions:

(a) 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

(b) under contracting arrangements where the Contractor acts as the Council's Agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

SECTION 11

11. OFFICERS

11.1 Management Structure

11.1.1 General

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

11.1.2 Chief Officers

The Full Council will engage persons for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity:

Post	Functions and Areas of Responsibility
Managing Director (and Head of Paid Service)	Overall responsibility for the management of the Council's functions and services and works with Directors to provide strategic direction and leadership. The post also includes managing a range of support services, including Human Resources, Legal Services, Democratic Services and Finance. The position also includes the Regeneration and Planning Service, which seeks to manage new developments, secure investment and regeneration activity and promote the Vale of Glamorgan as a visitor destination.
Director of Environment and Housing	Responsible for managing and delivering a range of Environmental and Visible Services, including cleansing and waste management, managing the highway network, our parks and public spaces and ensuring the provision of public transport as well as new highway and transport schemes. As well having overall responsibility for managing and maintaining the Council's housing stock, the position also oversees a range of Environmental Health services in partnership with Cardiff and Bridgend Councils through the Shared Regulatory Services project.

Post	Functions and Areas of Responsibility
Director of Learning and Skills	Responsible for working with schools and partners to provide citizens of the Vale of Glamorgan with opportunities for quality education and learning, with a particular emphasis on planning future provision and ensuring that quality of provision and standards are maintained and improved. The post also includes management of the youth and library service.
Director of Social Services	Responsible for providing a range of Social Services through working with and supporting people in the community who need care or protection. This involves working closely with the Local Health Board and other partners to provide support for children and their families, older people and adults/children with an illness or disability.

11.1.3 Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services

The Council will designate the following posts as shown:

Post	Designation
Managing Director	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
Head of Finance	Chief Finance Officer (Section 151 Officer)
Operational Manager (Democratic Services)	Head of Democratic Services

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

11.2 Functions of the Head of Paid Service

11.2.1 Discharge of Functions by the Council

Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their Officers as Head of Paid Service. The Head of Paid Service will report to Full Council on the

manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions, the organisation of the Authority's staff and the appointment and proper management of the Authority's staff.

11.2.2 Restrictions on Functions

The Head of Paid Service may not be the Monitoring Officer or the Head of Democratic Services, but may hold the post of Chief Finance Officer if a qualified accountant.

11.3 Functions of the Monitoring Officer

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

11.3.1 Maintaining the Constitution

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

11.3.2 Ensuring Lawfulness and Fairness of Decision-Making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council or to the Executive in relation to any function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

11.3.3 Supporting the 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.

11.3.4 Receiving Reports

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

11.3.5 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.

11.3.6 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.

11.3.7 Advising Whether Decisions of the Executive are within the Budget and Policy Framework

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

11.3.8 Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to the Councillors.

11.3.9 Restrictions on Posts

The Monitoring Officer cannot be the Chief Finance Officer, the Head of Paid Service or the Head of Democratic Services.

11.4 Functions of the Chief Finance Officer

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

11.4.1 Ensuring Lawfulness and Financial Prudence of Decision-Making

After consulting with the 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.

11.4.2 Administration of Financial Affairs

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

11.4.3 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.

11.4.4 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.

11.4.5 Give Financial Information

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

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

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

11.4.7 Restrictions on Posts

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

11.5 Functions of the Head of Democratic Services

These are set out in Section 9 of the Measure. The functions of the Head of Democratic Services are:

11.5.1 to provide support and advice to the Authority in relation to its meetings, subject to paragraphs 11.5.10 and 11.5.11 below;

11.5.2 to provide support and advice to Committees of the Authority, subject to paragraphs 11.5.10 and 11.5.11;

11.5.3 to provide support and advice to any Joint Committee which a Local Authority is responsible for organising and the members of that Committee, subject to paragraphs 11.5.10 and 11.5.11;

11.5.4 to promote the role of the Authority's Scrutiny Committees ;

11.5.5 to provide support and advice to:

(a) the Authority's Scrutiny Committees and the members of those Committees; and

(b) the Authority's Democratic Services Committee and the members of that Committee;

(c) to provide support and advice in relation to the functions of the Authority's Scrutiny Committees to each of the following:

(i) Members of the Authority;

(ii) Members of the Executive of the Authority;

(iii) Officers of the Authority;

11.5.6 to provide support and advice to each Member of the Authority in carrying out the role of Member of the Authority, subject to paragraphs 11.5.10 and 11.5.11;

11.5.7 to make reports and recommendations in respect of any of the following:

(a) the number and grades of staff required to discharge Democratic Services functions;

(b) the appointment of staff to discharge Democratic Services functions;

(c) the organisation and proper management of staff discharging Democratic Services functions;

11.5.8 such other functions as may be prescribed by law.

11.5.9 Restrictions on Posts

The Head of Democratic Services cannot be the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

11.5.10 The function of providing advice about whether or how the Authority's functions should be, or should have been exercised, only applies to advice concerning the functions of the Scrutiny Committees and Democratic Services Committee.

11.5.11 Advice to a Member does not include advice in connection with their role as an Executive Member and does not include advice about a matter being or to be considered at a meeting (other than a meeting of a Scrutiny Committee or Democratic Services Committee.

11.6 Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services

The Council will provide the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.7 Conduct

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

11.8 **Employment**

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

11.9 **Officer Employment Procedure Rules**

11.9.1 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.

11.9.2 Recruitment of Head of Paid Service and Chief Officers

11.9.2.1 Where the Council proposes to appoint a Chief Officer (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and Amendment Regulations 2014 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.

11.9.2.2 Where the proposed remuneration for the post is £100,000 or above (and the contract is for longer than twelve months) arrangements should be made for the post to be subject to public advertisement.

11.9.2.3 Where a post has been advertised as provided for in paragraphs 11.9.2.1 and 11.9.2.2 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.

11.9.2.4 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 11.9.2.1 above.

11.9.2.5 Any decision to determine or vary the remuneration of the Head of Paid Service or Chief Officers (or those to be appointed for the purposes of this section) will be determined by Full Council unless part of a nationally agreed pay award

11.9.2.6 Changes to the remuneration of the Head of Paid Service should only be determined following consultation with the Independent Remuneration Panel for Wales.

11.9.3 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.

11.9.4 Appointment of Chief Officers (other than Operational Managers)

A Committee or sub-committee of the Council will appoint 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.

11.9.5 Other Appointments

(a) **Officers Below Chief Officer**. Appointment of Officers below 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 of the Local Government and Housing Act 1989 (assistance for political groups) may be excluded from the requirements set out in 11.9.2 above.

11.9.6 Disciplinary Action

(a) **Suspension**. The Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services 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 Chief Officer (unless provided for in the employment contract of that 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.

11.9.7 Dismissal

Councillors will not be involved in the dismissal of any Officer below Chief Officer (unless provided for in the employment contract of that 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;
- other officers as referred to above;

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.

11.9.8 Procedure for Dealing with Allegations of Misconduct which may Lead to Disciplinary Action Against the Head of Paid Service, Monitoring Officer, Chief Finance Officer or Head of Democratic Services

11.9.8.1 An investigation committee be appointed to consider the alleged misconduct which must:

(a) consist of a minimum of three Members of the Authority;

(b) be politically balanced;

and which must, within one month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

11.9.8.2 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.

11.9.8.3 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.

11.9.8.4 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:

(i) 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

(ii) 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.

11.9.8.5 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.

11.9.8.6 The Authority must consider the report of the independent person within one month of receipt of that report.

SECTION 12

12. FINANCE, CONTRACTS AND LEGAL MATTERS

12.1 Financial Management

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

12.2 Contracts

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

12.3 Legal Proceedings

12.3.1 The Head of Legal and Democratic Services is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal and Democratic Services considers that such action is necessary to protect the Council's interests.

12.3.2 The Head of Legal and Democratic Services has delegated powers to authorise Officers to appear in court on the Council's behalf.

12.4 Authentication of Documents

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

12.4.2 Any contract with a value exceeding £75,000, entered into on behalf of the Council shall be made in writing. Subject to the Contracts Procedure Rules, such contracts must be signed by at least two Officers of the Council or made under Common Seal of the Council attested by at least one Officer if they exceed £75,000 in value.

12.4.3 In addition to any other person who may be authorised by resolution of the Council, the Proper Officer for the purposes of authentication of documents under the Local Government Acts shall be:

(a) the Managing Director;

(b) the Head of Legal and Democratic Services;

(c) any Chief Officer of the Council concerned with the matter to which the document relates; or

(d) any Officer authorised in writing by such Chief Officer.

12.5 **Common Seal of the Council**

12.5.1 Common Seal

(a) The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Democratic Services.

(b) A decision of the Council, including decisions under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision.

12.5.2 Sealing and Execution of Documents

(a) The Common Seal will be affixed to those documents which, in the opinion of the Head of Legal and Democratic Services and/or Operational Manager (Legal Services), should be sealed. The affixing of the Common Seal will be attested by the Head of Legal and Democratic Services and/or Operational Manager (Legal Services).

(b) The Officers of the Council referred to above shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.

(i) This function can be delegated further by the named persons.

12.5.3 Record of Sealing of Documents

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Head of Legal and Democratic Services and/or Operational Manager (Legal Services) and consecutively numbered in a book to be provided for the purpose.

SECTION 13

13. RESPONSIBILITY FOR FUNCTIONS - SUMMARY

The purpose of this Section of the Constitution is to set out who is responsible for making the various decisions in the Council.

13.1 Who can be Decision-Makers?

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

(a) Full Council;

(b) a Committee or Sub-Committee of the Council;

(c) the Executive Leader;

(d) the Executive;

(e) a Committee of the Executive;

(f) an individual Executive Member;

(g) a Joint Committee;

(h) an Officer.

The Council will issue and keep up-to-date a record of which body or individual has responsibility for particular types of decisions. This record is set out in this Section of the Constitution.

13.2 Principles of Decision-Making

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

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

(b) due consideration and the taking of professional advice from Officers;

(c) respect for human rights;

(d) a presumption in favour of openness;

(e) clarity of aims and desired outcomes;

(f) consideration of any alternative options; and

(g) the giving and recording of reasons for the decision and the proper recording of these reasons.

13.3 **Functions – Categories**

Functions fall into the following categories:

13.3.1 Functions of the Full Council

The Council is the supreme decision-making body and may, with some exceptions, exercise any of the functions vested in the Council by law. It may also delegate many of those functions to a Committee, Sub-Committee or Officer. The functions of the Full Council are set out in **Section 4**.

13.3.2 Non-Executive Functions

These are functions which, by law, may not be the responsibility of the Executive. In some cases, only the Full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an Officer.

13.3.3 "Local Choice" Functions

There are some functions which the Council may treat as being the responsibility of the Executive (in whole or in part) or as being Non-Executive, at its discretion.

13.3.4 Executive Functions

All other functions are Executive Functions.

13.4 **Other Bodies**

13.4.1 Advisory Bodies

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

13.4.2 Scrutiny Committees

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

13.4.3 Officer Delegations

Officer delegations are contained in **Section 25** of the Constitution.

13.5 **Who Decides – Non-Executive Functions?**

13.5.1 The Council may decide whether to delegate Non-Executive Functions to a Committee, sub-committee, delegated Officer or Joint Committee.

13.5.2 Where a Non-Executive Function has been delegated to a Committee, the Committee may further delegate to a sub-committee or delegated Officer.

13.5.3 Where a Non-Executive Function has been delegated to a sub-committee, the sub-committee may further delegate to a delegated Officer.

13.6 Who Decides – Executive Functions?

The Leader may decide whether to delegate Executive Functions to a Committee of the Executive, an individual Executive Member, a delegated Officer or a Joint Committee.

13.7 Removal of Delegation

13.7.1 Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any particular case, and may exercise the function itself.

13.7.2 Where a function has been delegated, the decision-maker is not required to exercise the delegation and may refer any particular matter to the body that made the delegation or any other body that has power to exercise the function.

13.8 Who May Exercise Officer Delegations?

Where a function has been delegated to an Officer(s) ("delegated Officer(s)") the decision may be taken in the name of (but not necessarily personally by) such delegated Officer(s) ("authorised Officer(s)") in accordance with arrangements made from time to time by such delegated Officer(s) for this purpose. The Officer with delegated powers can only delegate to a third party if that Officer is given delegated powers to "delegate on" that decision-making.

A full list of Officer delegations is contained within **Section 25**.

13.9 Responsibility for Functions – Summary of Schedules

The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and the Amended Regulations 2009 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 schedules overleaf provide a means of meeting this requirement. **Schedule 1** covers functions not to be the responsibility of the Executive. **Schedule 2** covers local choice Executive Functions. **Schedule 3** covers local choice Council functions. **Schedule 4** covers those functions which are not to be the sole responsibility of the Executive. **Schedules 5 and 6** set out mandatory Executive and Council functions respectively.

13.10 SCHEDULE 1: FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE

(1)	*(2)*
Function	***Provision of Act or Statutory Instrument***
A. Functions relating to town and country planning and development control	
1. Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990[1] (c.8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76[2] and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419)[3] and directions made there under.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town Country Planning General Regulations 1992 (S.I. 1992/1492)

[1] Amendments pending by Planning (Wales) Act 2015 (not yet in force)
[2] Repealed by Planning and Compulsory Purchase Act 2004
[3] Revoked by Town and Country Planning (Development Management Procedure) (Wales) Order 2012/801

7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990[4].
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).

[4] Amendments pending by Planning (Wales) Act 2015 (not yet in force)

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

27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.
29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c.33).
31. Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.
32. Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.
B. Licensing and registration functions (insofar as not covered by any other paragraph of this Schedule)	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963[5] (c. 2).
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963[6].
8. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.[7]
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968[8] (c. 65).
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976[9] (c. 32).
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.[10]
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12)
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.

[5] Repealed by the Gambling Act 2005
[6] Repealed by the Gambling Act 2005
[7] Repealed by the Gambling Act 2005
[8] Repealed by the Gambling Act 2005
[9] Repealed by the Gambling Act 2005
[10] Repealed by the Gambling Act 2005

14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
18. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11[11] of the Poisons Act 1972 (c. 66).
19. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831[12] (c. 32); sections 2 to 16 of the Game Licences Act 1860 (c. 90)[13], section 4 of the Customs and Inland Revenue Act 1883 (c. 10)[14], section 27 of the Local Government Act 1894 (c. 73)[15], and section 213 of the Local Government Act 1972 (c. 70).[16]
20. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).
21. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).[17]
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports	Part III of the Fire Safety and Safety of Places

[11] All sections repealed by Deregulation Act 2015
[12] All sections repealed by Regulatory Reform (Game) Order 2007/2007
[13] All sections repealed by Regulatory Reform (Game) Order 2007/2007
[14] Repealed by Regulatory Reform (Game) Order 2007/2007
[15] Repealed by Regulatory Reform (Game) Order 2007/2007
[16] Repealed by Regulatory Reform (Game) Order 2007/2007
[17] Repealed by Scrap Metal Dealers Act 2013

grounds.	of Sport Act 1987 (c.27).
24. Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004 (c.21)
25. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).[18]
26. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963 (c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60),[19] and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.[20]
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).
28. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37).
29. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).
30. Power to enforce regulations in relation to animal by-products.	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (S.I 1292 (W.127))[21]
31. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c.12), bye-laws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).
32. Power to approve premises for the solemnisation of marriages and the registration	Section 46A of the Marriage Act 1949 (c. 76), section 6A of the Civil Partnership Act 2004 (c.33) and the Marriages and Civil Partnerships

[18] Amended by Animal Welfare (Breeding of Dogs) (Wales) (Regulations) 2014 (section no longer applies to Wales)
[19] Amended by Animal Welfare (Breeding of Dogs) (Wales) (Regulations) 2014 (section no longer applies to Wales)
[20] Amended by Animal Welfare (Breeding of Dogs) (Wales) (Regulations) 2014 (section no longer applies to Wales)
[21] Revoked by SI 2011/2377 and by Animal By-Products (Enforcement) (Wales) Regulations 2011/600

of civil partnerships.	(Approved Premises) Regulations 2005 (S. I. 2005/3168).
33. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— 33(a).an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or 3(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118), Authority to determine applications and establish processes and procedures as are necessary under The Commons Act 2006 and The Commons Act 2006 (Correction, Non-registration or Mistaken registration) (Wales) Regulations 2017, including the appointment of an independent person to chair inquiries where appropriate and make referrals to the Planning Inspectorate in line with the 2017 Regulations.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). The Commons Act 2006 and The Commons Act 2006 (Correction, Non-registration or Mistaken Registration) (Wales) Regulations 2017.
34. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).
35. Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992[22].
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).
37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).
38. Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (S.I 2004/996 (W.104)[23].
39. Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, Identification and Movement (Wales) Order 2004/996 (W.104)[24].

[22] Repealed by Charities Act 2006
[23] Revoked by Pigs (Records Identification and Movement) (Wales) Order 2011/2830

40. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)[25].
41. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).[26]
42. Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.
43. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c.17).
C. Functions relating to health and safety at work	
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).
D. Functions relating to elections	
1. Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c. 2).
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3. Power to dissolve community councils.	Section 28 of the Local Government Act 1972.[27]

[24] Revoked by Pigs (Records Identification and Movement) (Wales) Order 2011/2830
[25] Revoked by Cattle Identification (Wales) Regulations 20076/842
[26] Repealed by Health and Safety (Miscellaneous Repeals, Revocations and Amendments) Regulations 2013/448
[27] Repealed by Local Government (Wales) Measure 2011

4. Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972.[28]
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972.[29]
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.
8. Duty to divide constituency into polling districts.	Section 18[30] of the Representation of the People Act 1983.
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.

[28] Repealed by Local Government (Wales) Measure 2011
[29] Repealed by Local Government (Wales) Measure 2011
[30] Now section 18A

16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I.1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).
E. Functions relating to name and status of areas and individuals	
1. Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.
F. Power to make, amend, revoke or re-enact bye-laws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 300).
G. Power to promote or oppose private Bills	Section 239 of the Local Government Act 1972 and Sections 52 and 53 of the Local Government (Democracy) (Wales) Act 2013.
H. Functions relating to pensions etc.	
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11).
2. Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c.42).

3. Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and Rescue Services Act 2004.	Sections 34 and 36 of the Fire and Rescue Services Act 2004.
I. Miscellaneous functions	
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005.[31]
2. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892).
3. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
4. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972
5. Appointment and dismissal of staff	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.
6. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.
7. Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c.10).
8. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c.16).

[31] Revoked by Accounts and Audit (Wales) Regulations 2014/3362

9. Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c.3).
10. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c.42).
11. Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c.42).
12. Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.
13. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c.22).
14. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.
15. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c.11).
16. Power to make or revoke an order designating a locality as an Alcohol Disorder Zone.	Section 16[32] of the Violent Crime Reduction Act 2006.
J. Functions relating to Family Absence of Local Authority Members	Family Absence for Members of Local Authorities (Wales) Regulations 2013.

[32] Repealed by Police Reform and Social Responsibility Act 2011

13.11 **SCHEDULE 2:**

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 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.
- Functions in relation to the revision of decisions made in connection with claims for housing benefit or Council Tax benefit and for appeals against such decisions under Section 68 of, and Schedule 7 to, the Child Support, Pensions and Social Security Act 2000.
- 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 function 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 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 of 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.
- The determination of school organisation proposals, including those which receive objections, (save for those that are required to be considered by the Welsh Government).

13.12 **SCHEDULE 3:**

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 in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.
- The making of arrangements pursuant to Section 94(1), (1A) and (4) of the School Standards Framework Act 1998 (admission appeals) and relevant Regulations and Codes of Practice.
- 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 1996.
- Licensing functions in accordance with Part 2 of the Licensing Act 2003 except Section 6.
- Functions in respect of gambling under the following provisions of the Gambling Act 2005 (3)

  (a) section 29 - licensing authority information;

  (b) section 30 - other exchange of information;

  (c) section 166 - resolution not to issue casino licences;

  (d) section 212 and regulations made under that section - fees;

  (e) section 284 - removal of exemption;

  (f) section 304 - authorised persons;

  (g) section 346 - prosecutions by licensing authority;

  (h) section 349 - three year licensing policy;

  (i) section 350 - exchange of information;

  (j) Part 5 of Schedule 11 - registration with local authority.

- The responsibility for Rights of Way/Highway related functions contained in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009.

13.13 **SCHEDULE 4:**

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

(a) Those required by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 and the Amended Regulations 2009 to be adopted by the Council:

- Children and Young People's Plan (now incorporated in the Community Strategy);
- Best Value Performance Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Health and Wellbeing Strategy(now incorporated in the Community Strategy);
- Local Transport Plan;
- Plans and alterations which together comprise the Development Plan;
- Welsh Language Scheme;
- Youth Justice Plan;
- Powers to approve a Young People's Partnership Strategic Plan and a Children and Young People's Framework Partnership;
- Housing Strategy;
- Rights of Way Improvement Plan;

(b) 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 Operational Plan;
- Housing Stock Business Plan;
- Lifelong Learning Development Plan;
- Policy Agreements;

(c) Plans and strategies other than those listed above will be the responsibility of the Executive.

13.14 **SCHEDULE 5:**

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.

13.15 **SCHEDULE 6:**

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 **Section 14** 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;

(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 bye-laws 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 2007 and amendment Regulations 2009;

(l) any decision to determine or vary the remuneration of Chief Officers (or those to be appointed as Chief Officers);

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

(N.B. For Council Functions exercised by Committees, please see the Committee's Terms of Reference [Responsibility for Functions (Section 13.16).

13.16 RESPONSIBILITY FOR COUNCIL FUNCTIONS: COMMITTEES' TERMS OF REFERENCE

(a) Planning Committee (17 Members)

N.B. The Size and Composition of Local Planning Authorities Committees (Wales) Regulations 2017 require Local Authority Planning Committees in Wales to be structured and operated in accordance with the following requirements:

- The Planning Committee must contain no fewer than 11 Members and no more than 21 Members, but no more than 50% of the Authority Members (rounded up to the nearest whole number).
- Where Wards have more than one Elected Member, only one Member may sit on the Planning Committee, in order to allow other Ward Members to perform the representative role for local community interests.

Whilst the second bullet point above does not apply to a Local Authority that comprises solely of multiple Member Wards (due to the need to maintain political balance on the Committee), the Vale of Glamorgan Council is one of the Councils to which both of the above provisions do apply.

In addition to the above, the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 provide that:

- Each meeting of the Planning Committee must have a quorum of 50% to make decisions.
- The use of substitute Members is prohibited.

Terms of Reference:

With delegated powers

(1) To deal with all matters relating to development control, including planning applications.

(2) To deal with all matters relating to building control, including dangerous and dilapidated buildings and structures, and trees.

(3) To consider and determine applications for modification of the Definitive Map and Statement made under Section 53 of the Wildlife and Countryside Act 1981 and any statutory modifications made thereunder.

N.B. The Planning Committee have delegated some of these functions to the Public Rights of Way Sub-Committee and resolved that responsibility for Rights of Way/ Highway related functions contained in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009, other than those allocated to the Planning Committee or the Public Rights of Way Sub-Committee, be delegated to the Head of Regeneration and Planning, as set out in Appendix A to the report to the Planning Committee on 20th May, 2010, and that

(i) In all the sub-sections contained in Appendix A, pre-order consultation shall always include Local Ward Members.

(ii) In all the sub sections contained in Appendix A, pre-order consultation with Local Ward Members would afford Members the right to request that the matter be reported to the relevant Committee/Sub-Committee.

(b) Public Rights of Way Sub-Committee (5 Members)

Terms of Reference:

(1) To consider and determine under delegated powers applications for Footpath Orders made under Sections 25, 26, 118 and 119 of the Highways Act 1980 and Orders made under Sections 53(3)(b), 53(3)(c) and 54 of the Wildlife and Countryside Act 1981 in respect of modifications of the Definitive Map.

(2) To consider and determine under delegated powers applications for Footpath and Bridleway Orders affected by development under Section 257 of the Town and Country Planning Act 1990 where opposition which has been raised as a result of pre-order consultation remains unresolved.

(N.B. See also terms of reference of the Planning Committee above.)

(c) Statutory Licensing Committee (15 Members)

Terms of Reference

(1) To determine all matters regulated by the Licensing Act 2003 and the Gambling Act 2005 and any statutory modifications made thereunder in accordance with the Council's Statements of Licensing Policy.

(2) All Licensing Act 2003 and Gambling Act 2005 functions and matters will be considered by the Statutory Licensing Committee or Statutory Licensing Sub Committee as deemed necessary, exercising plenary powers meeting on such specific occasions as necessary.

(3) The Statutory Licensing Committee or Statutory Licensing Sub Committee shall be empowered to do anything which is necessarily incidental to the exercise of the delegated function and all delegations and or authorisations shall be construed accordingly (unless they are expressly limited) in order to facilitate the determination of any matters considered by them.

(4) The Statutory Licensing Committee or Statutory Licensing Sub Committee as deemed necessary shall be empowered to adopt or modify any such rules of procedure in order to facilitate the determination of any matters considered by them.

(d) Public Protection Licensing Committee (15 Members)

Terms of Reference

(1) To determine all licensing matters and any other matters of a licensing nature, with the exception of Licensing Act 2003 and Gambling Act 2005 licensing functions and any matters and such other licensing functions which fall within the remit of the:

(i) Council, any of its committees or the Executive.
(ii) The Joint Committee for Shared Regulatory Services

(2) All Licensing matters will be considered by the Public Protection Licensing Committee or Public Protection Licensing Sub Committee as deemed necessary, exercising plenary powers and meeting on such specific occasions as necessary.

(3) The Public Protection Licensing Committee or Public Protection Licensing Sub Committee shall be empowered to do anything which is necessarily incidental to the exercise of the delegated function and all delegations and or authorisations shall be construed accordingly (unless they are expressly limited) in order to facilitate the determination of any matters considered by them.

(4) The Public Protection Licensing Committee or Public Protection Licensing Sub Committee shall be empowered to adopt or modify any such rules of procedure including, but not limited to, the Statement of Principles for taxi licensing in order to facilitate the determination of any matters considered by them.

(5) To determine all licensing matters delegated to the Committee, including applications for Hackney Carriage, Private Hire Vehicles, Street Trading Licences, any other matters of a licensing nature.

(6) To review and update conditions attached to existing licences/certificates/ permits/consents and to agree new conditions required due to changes in legislation and or changes in trends or practices.

(7) Any function in relation to the making of an Alcohol Consumption in Designated Public Places Order under the provisions of the Criminal Justice and Police Act 2001.

(e) Appeals Committee (6 Members, none of whom should be members of either the Early Retirement / Redundancy Committee or the Investigating Committee)

Terms of Reference:

With delegated powers:

(1) To hear and determine appeals against decisions on disciplinary proceedings instituted against Chief Officers (excluding the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services).

(2) To hear and determine matters relating to grievance appeals from Chief Officers.

(3) To hear and 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.

(5) To hear and determine appeals against the redundancy of Council employees issued with redundancy notification.

(6) To hear and determine appeals against the redundancy of employees employed by school governing bodies following notice of school closure.

N.B. Pursuant to the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and the Amendment Regulations 2014, where in the case of the dismissal of

- 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.

Separate mechanisms are in place to deal with dismissal and disciplinary issues affecting the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services.

N.B. Appeals Panel [for Employees] – Appeals for employees (except for Chief Officers, the Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer), the Head of Democratic Services and schools employed staff) are undertaken by an Appeals Panel established by Full Council on 26th June 2013 (Minute No. 143). The Appeals Panel consists of one elected Member drawn from a pool of three Elected Member nominees, the Managing Director or Service Director (as nominated by the Managing Director) and the Head of Human Resources or substitute as nominated by the Head of Human Resources. The pool of three Members (from which one Member is drawn) to be determined as a result of nominations from Group Leaders from the three largest political parties, as set out in Appendix 1 to the report to Council on 26th June, 2013.

(f) <u>Appeals Panel [for Employees] (1 Member (from a pool of 3 Members), Managing Director (or Service Director as nominated by the Managing Director) and the Head of Human Resources (or a substitute as nominated by the Head of Human Resources)</u>

<u>Terms of Reference</u>:

(1) The Appeals Panel will determine dismissal appeals relating to conduct, capability or attendance and final stage grievance appeals.

(2) Such determination will apply to all Council employed staff other than Chief Officers, the Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer), the Head of Democratic Services and schools employed staff.

(g) Investigating Committee (7 Members, none of whom should be members of the Appeals Committee)

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 and the Local Authorities (Standing Orders) (Wales) Regulations (Amendment) Regulations 2014 and any statutory modifications made thereunder 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, Chief Finance Officer and Head of Democratic Services.

(3) To recommend, where considered appropriate, in the case of the Head of Paid Service, Monitoring Officer, Chief Finance Officer and the Head of Democratic Services referral of the issue to an independent person in accordance with the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006 and the Local Authorities (Standing Orders) (Wales) Regulations (Amendment) Regulations 2014 and any statutory modifications made thereunder.

***N.B. 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, Chief Finance Officer and Head of Democratic Services, shall be a referral to the Appeals Committee in accordance with ACAS guidelines**.

(h) Standards Committee (9 Members, including 5 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) To promote and maintain high standards of conduct by Councillors, Co-Opted Members and church and parent governor representatives.

(2) To assist Councillors, Co-Opted Members and church and parent governor representatives to observe the Members' Code of Conduct.

(3) To advise the Council on the adoption or revision of the Members' Code of Conduct.

(4) To monitor the operation of the Members' Code of Conduct.

(5) To advise, train or arrange to train Councillors, Co-Opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct.

(6) To grant 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) To deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman.

(8) To exercise (1) to (7) above in relation to the community councils wholly or mainly in its area and the Members of those community councils.

(9) To overview complaints handling and Ombudsman investigations.

(i) Standards Committee Appointment Panel (1 Community Councillor, 1 Lay Person (to be appointed by the Monitoring Officer) and 1 Vale of Glamorgan Councillor from each political group (who is not a member of the Standards Committee)

Terms of Reference:

To consider applications to fill Independent Member vacancies on the Standards Committee and make recommendations to the Appointments Committee.

(j) Standards Committee Appointments Committee (3 Members – the Elected Members who sit on the Standards Committee)

Terms of Reference:

To appoint the Independent Members to the Standards Committee, having regard to the Appointment Panel's recommendations and to deal with other matters requiring a decision for the appointment of a non-Council member of the Standards Committee.

(k) Discretionary Housing Payments Review Committee (7 Members)

Terms of Reference:

With delegated powers to determine reviews made under the Discretionary Financial Assistance Regulations 2001, as amended by the Discretionary Financial Assistance Regulations 2008, and any statutory modifications made thereunder in the light of guidance

on the operation of Discretionary Housing Payments issued by the Department for Work and Pensions under the Discretionary Housing Payments Scheme.

(l) Audit Committee (7 Members plus 1 Lay Member)

Composition

The membership of the Audit Committee is to be determined by Council subject to:

(a) At least two thirds of the members must be Vale of Glamorgan Councillors of whom no more than 1 member may be a member of the Cabinet who must not be the Leader.

(b) Up to one third of the members may be from outside the Council and at least one member must be a lay member.

Chairing the Committee

The Audit Committee shall be chaired and vice-chaired by persons elected by its members. The Chairman and Vice Chairman may be a Vale of Glamorgan Councillor or a lay member, but must not be a member of any Group which has Members on the Executive.

Voting

All Audit Committee members, including lay members, have the right to vote on any issue considered by the Committee.

Frequency of meetings

The Committee must meet at least once a year.

Terms of Reference:

(1) To consider the external auditor's annual report and other relevant reports; and to make recommendations on their implementation to Cabinet and/or Council as appropriate.

(2) To consider specific reports as agreed with the external auditor and to make recommendations on their implementation to Cabinet and/or Council as appropriate.

(3) To maintain an overview of Contracts Procedure Rules, Financial Regulations; and Officers' Codes of Conduct and behaviour and to make recommendations to Cabinet and/or Council as appropriate.

(4) To monitor Council policies on "Raising Concerns at Work" and the anti-fraud and bribery strategy and the Council's complaints procedure and to make recommendations to Cabinet and/or Council as appropriate.

(5) To oversee the production of the Council's Annual Governance Statement and to recommend its adoption.

(6) 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.

(7) Overall responsibility for the maintenance and operation of the Whistleblowing Policy

With delegated powers:

(1) To approve the Internal Audit Charter.

(2) To approve the risk-based Internal Audit Plan and to approve significant interim changes to the risk-based Internal Audit Plan.

(3) To oversee the Council's Internal Audit arrangements (including the performance of the providers of Internal Audit).

(4) To contribute to the Quality Assurance and Improvement Programme and, in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.

(5) To consider and approve 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 risk management, internal control and corporate governance arrangements.

(6) To consider and approve summaries of special internal audit reports as requested.

(7) To consider and approve reports dealing with the management and performance of the providers of internal audit services.

(8) To consider reports from internal audit on agreed recommendations not implemented within a reasonable timescale and approve necessary remedial action.

(9) To comment on the scope and depth of external audit work and to ensure it gives value for money.

(10) To commission work from internal and external audit.

(11) To review and determine on any issue referred to it by the Head of Paid Service, Section 151 Officer, Monitoring Officer or by a Director, or any Council body.

(12) To approve measures to ensure the effective development and operation of risk management and corporate governance in the Council.

(13) To consider the Council's arrangements for corporate governance and to approve necessary actions to ensure compliance with best practice.

(14) To approve the external auditor's report to those charged with governance on issues arising from the audit of accounts.

(m) Community Liaison Committee (13 Members)

Terms of Reference:

(1) To discuss local government matters of mutual concern in attendance with one representative, or nominated substitute, from each Town / Community Council, and from any other organisation considered appropriate.

(2) To refer, as appropriate, reports / recommendations to Cabinet.

N.B. Only Members of the Vale of Glamorgan Council will have voting rights. However, if requested by Town and Community Councillors, a vote will be obtained from Town and Community Councillors as an indication of their views, which will be reported in the minutes and, if the Committee requests, included in any related report / recommendations referred to Cabinet.

(n) Democratic Services Committee (10 Members)

To comprise of Councillors only – to be politically balanced with no more than 1 executive Member, who cannot be the Leader.

Full Council to appoint Chairman, who must not be a member of any political group on the Executive.

Terms of Reference:

(1) To designate the Head of Democratic Services.

(2) To keep under review the provision by the Authority of adequate resources to discharge Democratic Services functions.

(3) To make reports and recommendations in respect of (2) above to Full Council at least annually.

(4) To have regard to Welsh Ministerial guidance when exercising its functions.

(5) To be responsible for overseeing the Council's approach to Member Development.

Frequency of Meetings

The Committee must meet at least once a year.

(o) Democratic Services Sub-Committee (3 Members)

Terms of Reference

To hear and determine any complaints from Members regarding a refusal by the Head of Democratic Services to grant family absence under the Family Absence for Elected Members of Local Authorities (Wales) Regulations 2013.

(p) Early Retirement / Redundancy Committee (7 Members - none of whom should be members of the Appeals Committee)

Terms of Reference:

With delegated powers:

(1) To determine individual applications for Early Retirement / Voluntary Redundancy / Flexible Retirement.

(2) To determine compulsory redundancies from schools and other areas of the Council where statutory payments are prescribed.

(q) Joint Consultative Forum (7 Members)

Composition

(1) The Forum shall consist of seven elected members of the Council. In the event of an elected member being unable to attend the place will be taken by the Member's named substitute.

(2) The employee representatives shall consist of a total of twelve representatives in the employ of the Council nominated collectively by the appropriate Trade Unions with the Teaching Association Trade Unions being provided with four representatives. In the event of an employee representative being unable to attend a meeting a substitute member in the employ of the Council can be nominated.

(3) The Chairperson of the Forum will be elected at the first meeting of the Joint Consultative Forum following the local government elections for the duration of the current administration.

(4) The Vice Chairperson of the Forum will be elected by the Trade Unions representatives and will chair the Forum in the absence (and at the request) of the Chairperson.

(5) The quorum at a meeting will be three elected members and six trade union / employee representatives.

(6) The Standing Joint Secretary to the Forum will be the Head of Human Resources. (In his / her absence the Operational Manager for Human Resources will act as

substitute). The Joint Secretary for the employee representatives shall be nominated on an annual basis by the appropriate trade unions.

Terms of Reference:

(1) To consider any relevant matter referred to it by a Committee, Elected Member or the Head of Paid Service 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.

(r) Senior Management Appointment Committee (6 Members, including Leader and Deputy Leader)

Terms of Reference:

With delegated powers to select for and to interview and appoint to the Management Structure and to appoint the lay member to the Audit Committee.

N.B. In order to assist the process in respect of joint appointments (i.e. with partner organisations), the Council has granted delegated authority to the Managing Director, in consultation with the Leader, to agree the arrangements for the involvement of the partner organisation in the decision-making process."

(s) 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.

(t) Voluntary Sector Joint Liaison Committee (8 Members plus 7 Voluntary Sector representatives and 1 representative as nominated by the Community Liaison Committee from Town and Community Councils)

Terms of Reference:

(1) To refer, as appropriate, reports and recommendations to the Council's Cabinet and the Executives of Voluntary Sector organisations.

(2) To appoint a Chairman and Vice-Chairman from amongst the eight Members of the Council and an Honorary Vice-Chairman from amongst the seven representatives from the Voluntary Sector.

(3) To advise the Council of the needs, views and concerns of the Voluntary Sector.

(4) To report on the work of those organisations grant funded by the Council, either in full or in part.

(5) To act as a consultative forum where the Voluntary Sector and the Council may, in partnership, put forward policy proposals for discussion and decision.

(6) To facilitate and promote joint working between the Council and the Voluntary Sector.

(7) 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 Cabinet prior to a decision being taken.

(8) To review the Compact and associated Annual Work Plan and to monitor and report on progress made towards achieving the actions contained within the Compact and the Plan.

(9) To consider reports of the Cabinet and other Committees of the Council which have a bearing and impact on the Voluntary Sector.

(u) 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 Welsh Government 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 the Wales Programme for Improvement is observed in all areas of the Committee's responsibility.

(v) Appointment of Local Authority Governors Advisory Panel (6 Members - to be chaired by the Cabinet Member for Learning and Culture)

Terms of Reference:

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 six 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 Local Authority Governors will be responsible for making recommendations to the Cabinet regarding the appointment and removal of Local Authority Governors in line with the approved criteria contained within this policy. If the Cabinet do not endorse any recommendations of the Panel regarding any Local Authority 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 six months of their notification.

(w) Glamorgan Heritage Coast Advisory Group (7 Members)

One representative from each of the following:

Natural Resources 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, Crown Estates Commissioners and Vale of Glamorgan Tourist Association.

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.

(3) To report discussions to the Cabinet and to advise on relevant matters.

(x) Equalities Consultative Forum (6 Members – to be Chaired by the Cabinet Member for Performance and Resources)

Terms of Reference:

(1) To act as a consultative forum in relation to the equalities policy and procedures developed by the Council.

(2) To facilitate the promotion of equal opportunities and the elimination of discrimination both within the Council and the wider community.

(3) To consider reports from Departments and representative organisations on equalities related subjects and new initiatives; and to make recommendations to the Council on changes to policies and procedures where appropriate.

(4) To advise the Council of the views and concerns of equality organisations and of the residents of the Vale.

(5) To facilitate and promote joint working between the Council and equality organisations.

Composition of the Forum

The Forum will be chaired by the Cabinet Member for Corporate Resources. In her or his absence, a Chair will be nominated for each particular meeting by the members of the Forum in attendance.

In addition to the Chair, membership will consist of five Elected Members as determined by the Annual Meeting of Council.

The membership of external organisations on the Forum will be reviewed on an ongoing basis by the Head of Performance and Development, in consultation with the Chair, to ensure that all equality strands are represented wherever possible.

Frequency of Meetings

As required, but as a minimum once every six months.

(y) Central South Consortium Joint Education Service Joint Committee (1 Member)

The revised Governance Model for the Consortium includes a streamlined Joint Committee, which consists of a reduced number of Leaders or nominated representatives. Each constituent Local Authority appoints one Member, which (according to the National Model) should be the Leader or nominated representative.

Representative – Cabinet Member for Learning and Culture.

(z) Shared Regulatory Services Joint Committee (2 Members)

The Joint Working Agreement provides for each of the three constituent Authorities to appoint substitutes for its two named Members.

Representatives – Cabinet Member for Regulatory and Legal Services and the Chairman of the Public Protection Licensing Committee.

Substitutes – Cabinet Member for Neighbourhood Services and Transport and the Vice-Chairman of the Public Protection Licensing Committees.

(zz) Local Authority Trading Company "The Big Fresh Catering Company"

Terms of Reference:

The Shareholder Committee has authority to undertake all the functions of the Council as shareholder under the Companies Act 2006, and all relevant legislation and associated

guidance in respect of its shareholder duties including but not limited to the following matters:

- To determine any shareholder agreement between the Council and the company;
- To agree any reserved matter required by the Articles of Association or Shareholder Agreements. Shareholder reserve powers are any or all powers of the directors (or any of them) as restricted in such respects, to such an extent and for such a duration as the Controlling Shareholder may from time to time, by notice in writing to the LATC prescribe.
- To exercise control as owners of the company for the development of the company's strategic direction; business plan and other matters;
- To meet at least once a year and receive an annual report and business plan from the company and to consider the annual audited accounts for consideration and approval including any financial plan for the coming year with cash flow and forecast;
- To agree the operational and financial parameters of the company as required by the Articles of Association including any services to be traded by the company during the coming financial year;
- To determine any guidance, note for duties of directors (including conflicts of interests)
- To approve and adopt any conflict of interest policy for the Committee;
- To make decisions that only the Council as shareholder can make by law e.g. altering a company's Articles of Association and using, where applicable the written resolution procedure to do so, as prescribed by the Companies Act 2006. Unless it has been set out in, or is ancillary or conducive towards doing anything in, the LATC's then current business plan, the directors and/or the LATC may not do anything other than in the ordinary course of business, without the prior written consent of the Controlling Shareholder as required by the LATC's Articles of Association.
- To appoint and dismiss directors of the Company (where power to do so is reserved to the shareholder). As required by the Articles of Association the Controlling Shareholder is required to appoint the Managing Director of the LATC, and appoint and remove as appropriate, the Council Officer, the Council Councillor, and Expert Director in accordance with the LATC's Articles of Association.
- To appoint and remove any Company Secretary appointed and Auditor;
- To ensure that the company does not lose its status as a "Teckal" compliant company within the meaning of the legislation and regulations in force or as amended from time to time;
- To agree any loan agreements or draw-down of Council financing (subject to funds being made available by the Council and any previous authorised delegations);
- To provide annual updates to the Learning and Culture Scrutiny Committee. Part of the role of the Shareholder Committee will require it to ensure that the financial and propriety controls that apply to local authority-controlled companies as set out in the Local Government and Housing Act 1989 will need to be complied with. This and other matters will be monitored by the Shareholder Committee and reported on for scrutiny to the relevant Scrutiny Committee.

SECTION 14

14. ACCESS TO INFORMATION PROCEDURE RULES

14.1 Scope

These rules apply to all meetings of the Council, the Executive, Scrutiny Committees, the Standards Committee, and Regulatory (and other) Committees.

14.2 Additional Rights to Information

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

14.3 Rights to Attend Meetings

Members of the public may attend all meetings, subject only to the exceptions in these Rules. If during a meeting, it becomes likely that, in view of the nature of the business being transacted, or the nature of the proceedings, that "exempt" or "confidential" information would be disclosed, then the public would be excluded.

14.4 Notices of Meeting

Unless a meeting is convened at short notice, the Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Civic Offices, Holton Road, Barry, CF63 4RU and on its website.

14.5 Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on its website at least five 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 Proper Officer (i.e. Monitoring Officer) shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

14.6 Supply of Copies

The Council will supply copies of:

(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. Monitoring Officer) thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person either electronically or on payment of a charge for postage and any other printing and handling costs.

14.7 **Access to Minutes etc. after the Meeting**

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

(a) the minutes of the meeting or record of decisions taken by the Executive, Council or Committees, 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.

14.8 **Background Papers**

14.8.1 List of Background Papers

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

(a) disclose any facts or matters on which the report or an important part of the report is based; 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 14.10.**

14.8.2 Public Inspection of Background Papers

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

14.9 **Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at the Civic Offices, Holton Road, Barry, CF63 4RU.

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

14.10.1 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 **Section 14** 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.

14.10.2 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.

14.10.3 Exempt Information – Discretion to Exclude Public

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

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

14.10.4 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.

14.10.5 Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to any condition):

NOTE: Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

No.	Category of Exempt Information From 21st April 2007	Qualification
1.	Information relating to a particular individual.	Public interest test applies (see below).
2.	Information which is likely to reveal the identity of an individual.	Public interest test applies (see below).
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:

No.	Category of Exempt Information From 21st April 2007	Qualification
		• The Companies Act 1985 (as defined in Section 2 of the Companies Act 2006); • The Friendly Societies Act 1974; • The Friendly Societies Act 1992; • The Industrial and Provident Societies Acts 1965 to 1978; • The Building Societies Act 1986; or • The Charities Act 1993. Public interest test applies (see below).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Public interest test applies (see below).
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the authority proposes: • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment.	Public interest test applies (see below).

7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. _____ *(In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):* 7A Information which is subject to any obligations of confidentiality. 7B Information which relates in any way to matters concerning national security. 7C The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.	Public interest test applies (see below). _____ Public interest test applies (see below)

14.11 **Public Interest Test**

14.11.1 Information which:

(a) falls within any of paragraphs 1 to 4, 6 and 7 above; and

(b) is not prevented from being exempt by virtue of the "qualifications" above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

14.11.2 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

(a) There is a distinction between public interest and what merely interests the public.

(b) Does it further the understanding of, and participation in, the public debate of issues of the day?

(c) Does it promote accessibility and transparency by public authorities for decisions taken by them or in the spending of public money?

(d) Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?

(e) Does it bring to light information affecting public health and public safety?

14.12 Exclusion of Access by the Public to Reports

If the Proper Officer (i.e. Monitoring Officer) thinks fit, the Council may exclude access by the public to reports which, in his or her opinion, relate to items during which, in accordance with **Rule 14.10**, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication", together with the category of information likely to be disclosed and, if applicable, why it is in the public interest it is considered that the information should not be disclosed.

(N.B. If any particular meeting determines that a Part II report should be moved into Part I the item to be deferred to the next meeting of the Committee in the interests of transparency (unless the Committee determines that the matter is urgent.))

14.13 The Forward Work Programme

14.13.1 Period of Forward Work Programme

Forward Work Programmes are a series of documents which list the subject matters of decisions that (a) the Council and (b) the Executive intend to take and (c) what business the Scrutiny Committees will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered. Each of those bodies will be responsible for their own Work Programmes. Annual Forward Work Programmes will be prepared by the Proper Officer from the beginning of the Municipal Year. They will be supplemented by quarterly updated Work Programmes.

14.13.2 Contents of Forward Work Programmes

(a) The Forward Work Programmes will contain matters which the Executive, Scrutiny Committees and Full Council are likely to consider. They will contain information on:

(i) the timetable for considering the budget and any plans forming part of the Policy Framework and requiring Council approval, and which body is to consider them;

(ii) the timetable for considering any plans which are the responsibility of the Executive;

(iii) any individual matters on which the Executive intends to consult in advance of taking a decision, and the timetable for consultation and decision;

(iv) the Work Programme of the Scrutiny Committees, to the extent that it is known"

(b) The Forward Work Programmes will then be published.

14.14 Consultation on Proposals to be Considered by the Executive

14.14.1 At least fourteen days 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 (as defined below) or confidential or exempt (as defined in **paragraph 14.10**).

14.14.2 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) the 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.

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 Council should be recorded.

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 Managing Director's powers set out in **Section 16.2** of the Financial Regulations.

14.15 **Record of Decisions of the Executive**

14.15.1 The Decision Record

(a) A written record will be made of every Executive Decision made by the Executive and its Committees (if any) and by individual Executive 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:

(i) the decision made;

(ii) the date the decision was made;

(iii) the reasons for that decision;

(iv) any personal interest declared;

(v) any dispensation to speak granted by the Authority's Standards Committee;

(vi) any consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

14.15.2 Preparing the Decision Record

(a) The Proper Officer or his or her representative shall attend any meeting of the Executive, a Committee of the Executive or a Joint Committee or joint Sub-Committee where all its members are Members of a Local Authority Executive, and shall, as soon as reasonably practicable after the meeting, produce a decision record.

(b) Where an individual Executive 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 paragraph (c) below.

(c) Where the date by which an Executive Decision made by an individual Executive 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 Council; or

(iii) if there is none of the above, then the Vice-Chairman of the Council,

that the making of the decision is urgent and cannot reasonably be deferred.

14.16 Decisions by an Individual Member of the Executive

14.16.1 Reports Must 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 three clear days after receipt of that report.

14.16.2 Provision of Copies of Reports to Scrutiny Committees

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

14.16.3 Record of Individual Decision

The decision recording rules in paragraph 14.15 will apply.

14.17 Scrutiny Committees and Members' Access to Documents

14.17.1 Rights of Access

Subject to paragraph 14.17.2 below, Scrutiny 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.

14.17.2 Limit on Rights

Scrutiny Committees will not be entitled to any part of a document that contains:

(a) confidential or exempt information; or

(b) advice provided by a political advisor or assistant;

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

14.18 **Additional Rights of Access for Members of Scrutiny Committees**

14.18.1 Rights of Access

All Members will be entitled (except where a Member has a prejudicial interest in any matter) to inspect any document which is in the possession or under the control of the Executive or its Committees and contains material relating to any business transacted at a meeting of a decision-making body of the Council or by an individual Member of the Executive.

14.18.2 Limitation on Rights

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

(a) it would disclose exempt information falling within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972; or

(b) it would disclose advice of a political advisor or assistant.

14.18.3 Nature of Rights

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

SECTION 15

15. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

15.1 The Framework For Executive Decisions

The Council will be responsible for the adoption of its policy framework and budget as set out in **Section 4.2**. 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.

15.2 Process For Developing The Budget And Policy 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 three 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 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 **Section 4.2** and a copy shall be given to the Leader.

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

(h) In that case, the Proper Officer will call a Council meeting within a further ten 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 **Section 4.2**, 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 changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 15.5 and 15.6 of these Rules. Any other changes to the policy and budgetary framework are reserved to the Council.

15.3 **Decisions Outside The Budget Or Policy Framework**

(a) Subject to the provisions of paragraph 15.5 ("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 paragraph 15.4 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 Finance 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 15.4 ("Urgent Decisions Contrary to the Budget or Policy Framework") shall apply.

15.4 **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 **Section 14.14**.

15.5 **Virement**

The rules for virement are set out in **Section 16.5** of the Council's Financial Procedure Rules and reference should be made to this. A summary of the virement rules is as follows:

15.5.1 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 £500,000 per scheme;
- transfer resources from revenue to schemes, including to a new scheme, up to a limit of £500,000 per scheme;
- incur capital expenditure where it is being wholly funded by grant 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 and amend the Capital Programme accordingly;
- transfer resources between years for a scheme, subject to the overall cost of the scheme not increasing.

(b) 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 £100,000 per annum (excluding capital financing costs).

15.5.2 Revenue

(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 exceed those budgets allocated to each budget head. However, the Managing Director, Directors and Heads of Service may, in consultation with the Section 151 Officer, transfer budgetary provision from one budget head to another (virement) provided that:

(i) the budget heads are the responsibility of the same Officer and do not exceed £100,000 per year in aggregate;

(ii) the transfer will not result in the adoption of a new policy or change to an existing policy;

(iii) the transfer will not result in additional revenue commitments in future years.

15.5.3 Any transfer of budgetary provision which does not meet the criteria set out in 15.5.2 shall be subject to approval by the Cabinet.

15.6 **In-Year Changes To Budget And 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.

15.7 **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 Finance Officer.

(b) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and Chief Finance 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 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 Finance 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 twenty one 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 Finance 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 Finance Officer.

SECTION 16

16. FINANCIAL PROCEDURE RULES

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FINANCIAL PROCEDURE RULES

16.1 General

16.1.1 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.

16.1.2 An effective system of financial control must be supported by a written code which sets out a clear framework of financial administration. Financial Procedure Rules (FPRs) provide such control and govern the way in which the Council manages its finances and safeguards its assets.

16.1.3 These Rules are intended to be read in conjunction with the Council's Contracts Procedure Rules (CPRs) and will be supported, where necessary, by Financial Procedure Notes which give instructions on specific areas of financial control. These Rules apply to schools, who must also have regard to the Financial Scheme for Schools, which is based on the legislative requirements of the Schools Standards and Framework Act 1998.

16.1.4 Compliance with CPRs, FPRs 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.

16.2 Roles and Responsibilities

16.2.1 Council

The Roles and Responsibilities of the Council are as defined in **Section 13** of the Council's Constitution.

16.2.2 Cabinet

The Roles and Responsibilities of Cabinet are as defined in Section 13 of the Council's Constitution.

16.2.3 Managing Director

16.2.3.1 The Managing Director is the Head of Paid Service appointed under Section 4 of the Local Government and Housing Act 1989.

16.2.3.2 The Managing Director 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 Section 151 Officer and appropriate Chief Officer(s) in respect of any matter which, in his/her opinion:

(a) requires immediate action; and,

(b) 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 Cabinet/Council as appropriate.

16.2.3.3 The Managing Director is the lead director on corporate areas of activity, policy and organisational development.

16.2.3.4 The Managing Director has overall responsibility for managing and deploying the budget and wider resources in order to meet the Council's current and longer range strategic objectives.

16.2.4 Section 151 Officer

16.2.4.1 The Section 151 Officer has specific responsibilities for the overall finances of the Council, under the general direction of the Cabinet, including:

(a) 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;

(b) 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;

(c) determining the accounting records including the form of accounts and supporting accounting records to be adopted by the Authority under the Accounts and Audit (Wales) Regulations 2014 (as amended from time to time);

(d) 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;

(e) having delegated authority under the Accounts and Audit (Wales) Regulations 2014 (as amended from time to time) to maintain an adequate and effective system of internal audit.

16.2.4.2 The Section 151 Officer will agree departmental financial management arrangements with Chief Officers which ensure that the role defined above is properly carried out and is in accordance with the best accounting practices. To this end:

(a) no changes to agreed procedures should be implemented without the prior approval of the Section 151 Officer;

(b) the Section 151 Officer 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;

(c) no departures from any of the requirements of these FPRs may be made without the express written permission of the Section 151 Officer.

16.2.4.3 All references to the Section 151 Officer in these Rules shall allow for delegation to the Deputy Section 151 Officer in accordance with the Council's official policy on delegation.

16.2.5 Head of Legal and Democratic Services

The Head of Legal and Democratic Services is the Monitoring Officer appointed under Section 5 of the Local Government and Housing Act 1989.

16.2.6 Chief Officers

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

16.2.6.2 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 Section 151 Officer and operated in accordance with the Council's framework of approved rules and regulations.

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

16.2.6.4 Before any commitment is made and before reporting the matter to Cabinet, a Chief Officer must consult the Section 151 Officer in respect of:

(a) the incurring of expenditure in excess of the approved budget;

(b) the incurring of expenditure which the Council has no statutory power to incur;

(c) any failure to comply with the financially related provisions of any United Kingdom (UK) or European legislation;

(d) any failure to comply with the financially related provisions of any Code of Practice adopted by the Council.

16.2.6.5 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.

16.3 **Budget**

16.3.1 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 Section 151 Officer, consistent with the general direction of the Cabinet.

16.3.2 Each capital scheme shall include such details as shall be determined by the Section 151 Officer.

16.3.3 The Section 151 Officer will report to the Cabinet and Council on:

(a) the aggregate of the revenue estimates and their financing and compliance with Government rules and regulations;

(b) the aggregate of the capital estimates and their financing and compliance with Government rules and regulations;

(c) the options available to the Council in the light of the resources available and the Council's corporate objectives and policies.

16.3.4 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.

16.3.5 Any Cabinet report which involves capital or revenue expenditure shall include a reference to the finance provision in the budget.

16.4 **Authority to Incur and Control Capital Expenditure**

16.4.1 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 Section 151 Officer, to the Cabinet.

16.4.2 The inclusion of any scheme in the first year of the approved Capital Programme shall confer the necessary authority to incur expenditure, provided that:

(a) all necessary statutory or other approvals have first been obtained; and

(b) Procedure Rules with respect to contracts, including these Rules and any relevant policies, strategies and Financial Procedure Notes have been complied with; and

(c) 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.

(d) no reservation has been placed on the expenditure by the Cabinet or Council.

16.4.3 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.

16.4.4 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 Section 151 Officer who will report to the relevant Scrutiny Committee, the Cabinet and Council as applicable.

16.4.5 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 report must be submitted to the Cabinet detailing how the shortfall will be funded.

16.4.6 Resources shall not be transferred between schemes unless Cabinet has given prior approval.

16.4.7 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:

(a) the terms and conditions of the third party have been complied with;

(b) the cost of the scheme will be fully reimbursed by the third party;

(c) prior written approval has been obtained from the Section 151 Officer.

16.4.8 At the end of the financial year, Chief Officers, in consultation with the Section 151 Officer, shall report to the Cabinet on the actual capital expenditure incurred compared to the budget. The Section 151 Officer will also report to the relevant Scrutiny Committee, Cabinet and the Council on the aggregate position for the Council.

16.5 **Authority to Incur and Control Revenue Expenditure**

16.5.1 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.

16.5.2 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).

16.5.3 Unless otherwise determined by the Council:

(a) all services' budgets will be cash limited and not augmented during the year to meet pay and price increases;

(b) overspending at the financial year end will be carried forward to be offset against the following year's budget for that head of expenditure.

16.5.4 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 Rules, the term "budget head" refers to the objective analysis detailed in the approved estimates reported to Council.

16.5.5 The Managing Director, Directors and Heads of Service may, in consultation with the Section 151 Officer, transfer budgetary provision from one budget head to another (virement) provided that:

(a) the budget heads are the responsibility of the same Officer and do not exceed £100,000 per year in aggregate;

(b) the transfer will not result in the adoption of a new policy or change to an existing policy;

(c) the transfer will not result in additional revenue commitments in future years.

16.5.6 Any transfer of budgetary provision which does not meet the criteria set out in Rule 16.5.5 shall be subject to approval by the Cabinet.

16.5.7 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 Section 151 Officer who shall determine the appropriate action to be taken.

16.5.8 A Chief Officer, without abrogating responsibility, may delegate to a budget holder the control of all or part of his/her 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.

16.5.9 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:

(a) the terms and conditions of the third party have been complied with;

(b) the cost of the scheme will be fully reimbursed by the third party;

(c) prior approval has been obtained from the Section 151 Officer.

16.5.10 At the end of the financial year, each Chief Officer, in consultation with the Section 151 Officer, shall report to the Cabinet on the outturn of expenditure

and income and the performance against the approved budget for each budget head. The Section 151 Officer will also report to the relevant Scrutiny Committee, Cabinet and the Council on the aggregate outturn position for the Authority.

16.5.11 The Section 151 Officer shall have authority to:

(a) incur expenditure that can be funded from monies set aside in a contingency sum, other provision or earmarked reserve, as appropriate;

(b) approve supplementary estimates, provided such expenditure may be met within the overall revenue budget and the total of such approvals do not exceed £100,000 in any one financial year;

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

16.6 **Accounting**

16.6.1 The Section 151 Officer 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 the Accounts and Audit (Wales) Regulations 2014 (as amended from time to time).

16.6.2 The Section 151 Officer shall make appropriate decisions in accordance with his/her professional judgement, best and proper practices in line with the Accounts and Audit (Wales) Regulations 2014 (as amended from time to time).

16.6.3 The accounting control systems to be determined by the Section 151 Officer shall include:

(a) measures to ensure that all financial transactions of the Council are recorded as soon as is reasonably practicable and as accurately as possible; and

(b) measures to enable the prevention and detection of inaccuracies and fraud and the ability to reconstitute any lost records; and

(c) identification of the duties of Officers dealing with financial transactions and the division of responsibilities of those Officers in relation to significant transactions; and

(d) procedures for uncollectable amounts, including bad debts, not to be written off, except with the approval of the Section 151 Officer, or as provided for under Delegated Powers or Cabinet, as appropriate; and

(e) measures to ensure that all accounting records and control systems accommodate any legal requirements of the Council.

16.7 **Audit**

16.7.1 Section 151 of The Local Government Act 1972 requires that authorities "make arrangements for the proper administration of their financial affairs and shall ensure that one of their officers has responsibility for the administration of those affairs". In the Vale of Glamorgan Council, that Officer is the Head of Finance.

16.7.2 The Accounts and Audit (Wales) Regulations 2014 (as amended from time to time) states that "A relevant body (i.e. Council) must maintain an adequate and effective system of internal audit of its accounting records and accounting control systems in accordance with the proper internal audit practices, and any officer or member of that body shall, if the body requires;

(a) Make available such documents of the body which relate to its accounting or other records as appear to that body to be necessary for the purpose of audit; and

(b) Shall supply the body with such information and explanation as the body considers necessary for that purpose".

16.7.3 The Accounts and Audit (Wales) Regulations 2014 (as amended from time to time) state that Internal Audit must work in accordance with the "proper audit practices". These "proper audit practices" are in effect "the Standards" for Local Authority internal audit. The guidance accompanying the Accounts and Audit Regulations makes it clear that for principal Local Authorities proper practices are those contained within "The Public Sector Internal Audit Standards (PSIAS)".

16.7.4 The internal audit function shall comply with the PSIAS; and will review, appraise and report upon:

(a) The soundness, adequacy and application of internal controls; and

(b) The extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:

(i) Fraud and other offences;

(ii) 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.

16.7.5 The Section 151 Officer, or his/her authorised representative shall have authority to:

(a) enter at all reasonable times on any Council premises or land; and

(b) have access to and removal, if necessary, into his/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

(c) require and receive such explanations as are necessary concerning any matter under examination; and

(d) require any officer or Member of the Council to produce cash, stores or any other Council property under his/her control.

16.7.6 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 Section 151 Officer.

16.8 **Assets And Land Dealings**

16.8.1 The Head of Finance shall maintain a register of all land and buildings owned by the Council and the Head of Legal and Democratic Services shall notify him/her on the required form, of all land and buildings acquired, sold or disposed of.

16.8.2 For the purpose of these Rules the term “land” shall mean any interest in land (including buildings), or any right in, on, over or under land.

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

16.8.4 The written instruction of the Head of Finance will be necessary to instruct the Head of Legal and Democratic Services to proceed with an acquisition or disposal of land, including for the avoidance of doubt the utilisation of Compulsory Purchase Powers.

16.8.5 All transactions dealing with the purchase, sale or disposal or improvement of land must be undertaken in accordance with CPRs and the Financial Procedure Note - Dealings with Land: Procedure Rules.

16.8.6 The Head of Finance has delegated powers in relation to the provision of valuation services and other matters relating to land.

16.8.7 Notification of all other assets bought, sold or disposed of and valued at over £20,000 shall be made to the Head of Finance.

16.8.8 The Head of Legal and Democratic Services shall have custody of all deeds, documents, contracts and agreements relating to assets owned by the Council.

16.9 **Banking Arrangements**

16.9.1 All arrangements with the Council's bankers and the operation of bank accounts shall be made by or under arrangements approved by the Section 151 Officer.

16.9.2 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 Section 151 Officer, who shall make proper arrangements for their safe custody.

16.9.3 All Council bank accounts shall bear an official title and, under no circumstances, shall an account be opened in the name of an individual.

16.9.4 Cheques on the Council's main bank accounts shall bear the facsimile signature of the Section 151 Officer or be signed by them or such other officer sanctioned by him/her.

16.9.5 The Section 151 Officer shall be responsible for the operation and control of the scheme for Purchasing Cards.

16.9.6 A copy of all Direct Debit Mandates/Standing Orders must be furnished to the Section 151 Officer, together with the relevant debit reference. All Direct Debits and Standing Orders payable by the Council shall be authorised by the Section 151 Officer or such other officer sanctioned by him/her.

16.9.7 No Direct Debits or Standing Orders are to be set-up on imprest Bank Accounts without prior agreement from the Section 151 Officer.

16.9.8 The Section 151 Officer shall review, at regular intervals, the banking arrangements made with the Council's bankers, particularly in relation to overdraft facilities.

16.9.9 The policies and administration of all other accounts, must be undertaken in accordance with procedures agreed by the relevant Chief Officer and the Section 151 Officer.

16.10 **Income**

16.10.1 The collection of all income due to the Council and the form of records maintained shall be under the supervision of the Section 151 Officer.

16.10.2 Each Chief Officer shall furnish the Section 151 Officer with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by him/her to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.

16.10.3 The Section 151 Officer 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.

16.10.4 All official receipt books, tickets, invoices, account books and other related items shall be in a form prescribed by the Section 151 Officer who shall satisfy himself/herself as to the arrangements for their control.

16.10.5 All income received by the Council must be recorded using such official documentation.

16.10.6 All monies received by an Officer on behalf of the Council shall be paid without delay to the Council's bank 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 Section 151 Officer may authorise.

16.10.7 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 as may be required by the Section 151 Officer.

16.10.8 Personal cheques shall not be cashed out of income held on behalf of the Council, nor payments made out of income received.

16.10.9 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.

16.10.10 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, or provided for under separate delegated authority.

16.10.11 Chief Officers, in consultation with the Section 151 Officer, shall undertake a review of fees and charges on, at least, an annual basis.

16.11 **Money Laundering**

16.11.1 Money laundering is the process by which criminals attempt to conceal the true origin and ownership of the proceeds of their criminal activities. If they are successful, it also allows them to maintain control over those proceeds and, ultimately, to provide a legitimate cover for their sources of funds, with their money appearing to become "clean".

16.11.2 There is no one method of laundering money and methods can range from the purchase and resale of a luxury item (e.g. car or jewellery), to passing money through a complex international web of legitimate businesses and "shell" companies (i.e. companies that primarily exist only as named legal entities, without any trading or business activities). Initially, however, in the case of drug trafficking or other serious crime such as robbery, the proceeds are usually cash that needs to enter the financial system by some means.

16.11.3 From 1st March 2004 the law requires those organisations in the regulated sector and conducting relevant business to:-

(a) Implement a procedure to require the reporting of suspicions of money laundering, including the appointment of a Money Laundering Reporting Officer (MLRO) to receive disclosures from their staff of money laundering activity. The Council's designated MLRO is the Head of Finance.

(b) Maintain certain client identification procedures; and

(c) Maintain record keeping procedures.

16.11.4 Under the legislation there are three main types of offences that may be committed:

(a) Money laundering offences,

(b) Failure to report money laundering offences,

(c) "tipping off".

16.11.5 From the Council's perspective "relevant business" mainly relates to the Resources Directorate and includes:-

(a) The accountancy and audit services carried out;

(b) The Legal Services Department carrying out financial, company and property transactions;

(c) The Property Section.

16.11.6 Although the conduct of relevant business does not apply to the Council as a whole, all members of staff are required to comply with the Council's Anti-Money Laundering Policy in terms of reporting concerns of money laundering. This will ensure consistency throughout the Council and avoid inadvertent offences being committed.

16.11.7 Given the nature of what the Council does and for whom it can provide services, instances of suspected money laundering are unlikely to arise very often, if at all. However, the Council must be mindful of the legislative requirements, as failure to comply with them may render individuals liable to prosecution.

16.12 **Insurance**

16.12.1 The Head of Finance shall administer all of the Council's insurance cover, including its own fund insurance, and shall negotiate all claims, in consultation with other Chief Officers where necessary, and keep a register of all insurances affected.

16.12.2 Chief Officers shall give prompt notification to the Head of Finance 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.

16.12.3 Chief Officers shall promptly notify the Head of Finance 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.

16.12.4 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.

16.12.5 The Head of Finance shall, from time to time, review all insurances in consultation with other Chief Officers, where appropriate.

16.13 **Inventories**

16.13.1 Each Chief Officer shall be responsible for the plant, vehicles, machinery, equipment, tools, furniture and other non-consumable property in the Directorate and shall have a duty to:

(a) Maintain an up-to-date inventory of such goods;

(b) Carry out an annual physical check on goods listed in the inventory and take action in relation to surpluses or deficiencies, including noting the inventory accordingly and notifying the Head of Finance of any suspected irregularities;

(c) As far as is practicable see that such goods are marked as Council Property;

(d) Ensure that such goods are not removed or used except in accordance with the ordinary course of the Council's business.

16.13.2 Every transfer of items contained in the inventory from one establishment to another shall be evidenced in the records of the establishment concerned by the signature of the receiving officer.

16.14 **Stocks and Stores**

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.

16.15 **Security**

16.15.1 Each Chief Officer shall have overall responsibility to the Council for security of Council Property under their control.

16.15.2 Each Chief Officer shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, title deeds, securities, etc. under his/her custody.

16.15.3 Maximum limits of cash holding shall be agreed with the Head of Finance.

16.15.4 Every transfer of official money from one member of staff to another will be evidenced in the records of the Directorate concerned by the signature of the receiving Officer.

16.15.5 Keys to safes and similar receptacles for the safeguarding of money or other valuables are to be carried on the person of those responsible; the loss of any such keys must be reported to the Head of Finance.

16.16 **Data Protection, Freedom of Information and Regulation of Investigatory Powers Acts**

16.16.1 Data Protection

(a) The Head of Finance shall have overall responsibility for data protection assuming the role of the Council's Senior Information Risk Owner (SIRO).

(b) Chief Officers shall be responsible for ensuring that the requirements of the Data Protection Act 1998 are met in relation to all personal data which they hold, including adherence to the eight Data Protection principles and act as Information Asset Owners in relation to information that they operationally own within their systems. Their role will include, in addition to compliance with the Principles, monitoring the use of portable devices, understanding what information is held, how it is used and transferred, who has access to it and why, in order for business to be transacted within an acceptable level of risk.

(c) The Head of Finance shall be responsible for maintaining the Council's Data Protection notification. Chief Officers shall promptly notify him/her of any additions, amendments or deletions to the Council's Data Protection notification for all personal data held in their areas of responsibility.

(d) Chief Officers be granted delegated authority to enter into individual Information Sharing Protocols (ISPs) under the Wales Accord on Sharing Personal Information (WASPI) where necessary and appropriate.

(e) All requests by individuals for access to personal information shall be dealt with in accordance with the Council's procedures.

16.16.2 Freedom of Information

All requests for information under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 shall be dealt with under the Council's procedure in relation to requests for information.

16.16.3 Appeals

(a) Appeals are to be determined by the Monitoring Officer or such person(s) as nominated by the Monitoring Officer who are independent of the original requests.

(b) The Monitoring Officer will be the Council's qualified person in respect of the exemption set out at Section 36 of the Freedom of Information Act 2000.

16.16.4 The Regulation of Investigatory Powers Act 2000

The Monitoring Officer will be responsible for monitoring and adherence to the requirements of the Regulation of Investigatory Powers Act 2000 and shall act in the capacity of senior responsible officer in relation to same.

16.17 **Risk Management**

16.17.1 The Managing Director 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 2014 (as amended from time to time).

16.17.2 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.

16.17.3 The Managing Director 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.

16.17.4 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.

16.18 **Salaries and Wages**

16.18.1 The payment of all salaries, wages, compensation and other emoluments to all employees or former employees of the Council shall be made by the Head of Human Resources in consultation with the Section 151 Officer or under arrangements approved and controlled by him/her.

16.18.2 Each Chief Officer shall notify the Head of Human Resources as soon as possible, and in the form prescribed by him/her, of all matters affecting the payment of such emoluments and, in particular:

(a) appointments, resignations, dismissals, secondments and transfers;

(b) absences from duty for sickness or other reasons, other than approved leave;

(c) changes in remuneration, other than normal increments and pay awards and agreements of general application;

(d) information necessary to maintain records of service for superannuation, income tax, national insurance etc.

16.18.3 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, and must adhere to the Council's Safer Recruitment Policy.

16.18.4 All time records or other pay documents shall be in a form prescribed or approved by the Head of Human Resources in consultation with the Section 151 Officer and shall be certified by the relevant Chief Officer or his/her authorised representative.

16.19 **Travelling and Subsistence Allowances**

16.19.1 All claims for payment of car allowance, subsistence allowance, travelling and incidental expenses shall be in accordance with the relevant Financial Procedure Note and be certified by the relevant Chief Officer or his/her authorised representative for submission to the Head of Human Resources in consultation with the Section 151 Officer 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 Head of Human Resources in consultation with the Section 151 Officer.

16.19.2 Payments to Members, including Co-Opted Members of the Council who are entitled to claim travelling or other allowances, will be made by the Head of Human Resources in consultation with the Section 151 Officer 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.

16.19.3 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.

16.19.4 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.

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

16.20 **Treasury Management**

16.20.1 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.

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

(a) a treasury management policy statement, stating the policies and objectives of its treasury management activities;

(b) 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;

(c) 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.

16.20.3 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 its close, in the form prescribed in its TMPs.

16.20.4 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 Section 151 Officer, 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".

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

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

16.20.7 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 Section 151 Officer.

16.20.8 All investments of money by the Council shall be under the control of the Section 151 Officer 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.

16.20.9 All borrowings shall be effected in the name of the Council and must be authorised by the Section 151 Officer who shall be the Council's Registrar of stocks, bonds and mortgages.

16.20.10 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 Head of Legal and Democratic Services unless otherwise provided for in the deed.

16.20.11 The Section 151 Officer 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 him/her.

16.21 **Procurement**

16.21.1 Chief Officers shall ensure that all procurement arrangements within their service areas must comply with CPRs, the Procurement Code of Practice (PCoP) and these rules.

16.21.2 CPRs form part of the Council's Constitution. Compliance with CPRs as well as FPRs, the PCoP 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.

16.22 **Payment of Accounts**

16.22.1 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 Head of Finance.

16.22.2 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 PCoP.

16.23 **Leasing Arrangements**

16.23.1 The leasing of goods and vehicles can only be made following consultation with the Head of Finance.

16.23.2 The Head of Legal and Democratic Services shall sign and seal every lease agreement entered into by the Council.

16.24 **Imprest Accounts (Petty Cash etc.)**

16.24.1 The Head of Finance 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.

16.24.2 The Head of Finance shall open an account with the Council's bankers for use by the imprest holder, who shall not cause such account to be overdrawn.

16.24.3 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 Rules.

16.24.4 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 Head of Finance, a certificate as to the state of the imprest account.

16.24.5 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 Head of Finance for the amount advanced to that Officer, including, where appropriate, the repayment of any unexpended balance of the account.

16.25 **Value Added Tax**

16.25.1 Chief Officers are responsible for providing or securing the provision of information to the Section 151 Officer to ensure VAT records are maintained in accordance with the VAT Act 1994 and regulations and interpretations issued by HM Revenue and Customs.

16.25.2 It is the responsibility of Chief Officers to make arrangements to ensure the following:

Input Tax

(a) That appropriate VAT documentation is obtained to maximise the recovery of VAT;

(b) That documentation evidencing the recovery of VAT satisfies Revenue and Customs regulations;

(c) That VAT included on invoices is coded correctly;

(d) That VAT invoices are processed expeditiously and are not unduly delayed.

Output Tax

(a) That invoices are raised and cash income processed to ensure that VAT is correctly categorised and declared in accordance with Revenue and Customs regulations.

(b) That tax invoices are raised and cash income deposited expeditiously and are not unduly delayed.

16.25.3 To ensure that documentation identifying VAT transactions, including proof of payment and banking records, are retained for the period specified by HM Revenue and Customs.

16.25.4 To ensure that arrangements are in place for all relevant staff to be informed about the correct VAT treatment of all transactions and of changes to this as notified by the Council's Section 151 Officer.

16.26 **Unofficial Funds**

16.26.1 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.

16.26.2 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.

16.26.3 The Chief Officer concerned shall be responsible for the financial management and independent audit of unofficial funds and shall consult the Head of Finance before formulating regulations which shall apply to such funds.

16.26.4 The Head of Finance or his/her representative shall have the right of access to any unofficial fund including access to all cash and relevant documentation.

16.27 **Financial Procedure Notes**

16.27.1 To enable Chief Officers and the Head of Finance to carry out the responsibilities referred to in these Regulations, the Head of Finance shall issue supplementary instructions on financial arrangements and procedures as he/she considers appropriate in the form of Financial Procedure Notes.

16.27.2 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.

16.28 **Review and Amendments of Financial Procedure Rules**

These FPRs shall be reviewed and updated as necessary as part of the ongoing review of the Constitution.

SECTION 17

17. CONTRACTS PROCEDURE RULES

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CONTRACTS PROCEDURE RULES

17.1 Introduction

These Contracts Procedure Rules (CPRs) are made pursuant to Section 135 of the Local Government Act 1972 and include the Procurement Code of Practice (PCoP) and any other procurement notes made thereunder from time to time.

17.2 Chief Officers

In these CPRs "Chief Officer" means the Managing Director, Directors and Heads of Service and Operational Managers.

17.3 Basic Principles

17.3.1 All procurement procedures must:

(a) Realise value for money by achieving the optimum combination of whole life costs and quality of outcome;

(b) Be consistent with the highest standards of integrity;

(c) Operate in a transparent manner;

(d) Ensure fairness in allocating public contracts;

(e) Comply with all legal requirements including European Union (EU) treaty principles;

(f) Support all relevant Council priorities, policies and strategic and financial plans; and

(g) Comply with the Council's PCoP and Financial Procedure Rules (FPRs).

N.B. These Rules shall be applied to the contracting activities in respect of which the Council is the accountable body unless the Council expressly agrees otherwise.

17.3.2 Chief Officers have the responsibility for all contracts tendered and let under their control. They are accountable to the Cabinet for the performance of their duties in relation to contract letting and management, which are:

(a) to ensure compliance with English, Welsh and EU legislation and Council Policy;

(b) to ensure Best Value is achieved in all procurement matters;

(c) to maintain a departmental scheme of delegation;

(d) to keep proper records of all contracts, tenders etc., including minutes of tender evaluation panels and other meetings;

(e) Chief Officers shall have particular responsibility to ensure that all relevant procurements are undertaken within the agreed budgets and that Cabinet approval has been obtained where appropriate.

17.3.3 Officer Responsibilities

17.3.3.1 Officers

(a) Officers will comply with these CPRs, FPRs, the Council's Constitution and with all UK and EU legal requirements. Officers must ensure that any agents, consultants and contractual partners acting on their behalf also comply.

(b) Officers will:

(i) have regard to the guidance in the PCoP;

(ii) keep the records required by these CPRs;

(iii) take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs including the PCoP and FPRs;

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

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

(B) An appropriate national, regional or other collaborative contract is already in place:

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

- where an appropriate national, regional or collaborative contract is available, the same is to be used unless such contract does not offer value for money;

(v) ensure that when an employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) issues are considered and legal and HR

advice from within the Council is obtained prior to proceeding with the procurement exercise.

(c) Failure to comply with any of the provisions of these CPRs, FPRs, the other sections of the Council's Constitution or UK or EU legal requirements may be brought to the attention of the Monitoring Officer, Section 151 Officer, Head of Internal Audit, or relevant Director as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken;

(d) It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to manage a contract on the Council's behalf that, in relation to such contract, they shall comply in all respects with the requirements of these CPRs as if he/she were an employee of the Council.

17.3.3.2 Chief Officers

Chief Officers will:

(a) Ensure their Service complies fully with the requirements of these CPRs;

(b) Ensure contracts are recorded in the Corporate Contracts Register as held and maintained by Corporate Procurement;

(c) Ensure that their Service provides the requisite information to allow the Council to maintain the Procurement Work Programme.

17.4 **Waiver of These Contracts Procedure Rules**

17.4.1 Except where the Public Contracts Regulations apply, Cabinet has the power to waive any requirements within these CPRs for specific projects.

17.4.2 Additionally, these Rules may be waived or varied where the circumstances are certified in advance by the Section 151 Officer (advised as appropriate by the Officer from time to time with operational responsibility for Internal Audit) and subject to any conditions in relation to any such waiver that the Section 151 Officer advised as meeting any of the following criteria:

(a) for works, supplies or services which are either patented or of such special character that it is not possible to obtain competitive prices;

(b) for supplies purchased in a public market or auction;

(c) with an organisation which has won a contract for an earlier phase of work via a competitive process and where the work forms part of a serial programme and has previously been identified and originally advertised as such and in accordance with existing rates or indices;

(d) with an organisation already engaged by the Council for a similar and related procurement and where there is significant benefit to extending the contract to cover this additional requirement, without exposing the Council to unacceptable risk provided always that there is no breach of any legal requirements including EU treaty principles and Public Contracts Regulations from time to time in force.

(e) for works, supplies or services which are of a proprietary nature and only available from one organisation;

(f) involving such urgency for reasons that could not reasonably have been foreseen that it is not possible to comply with these CPRs.

(g) in relation to time limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this, or

(h) where relevant UK or EU legislation not otherwise referred to in these CPRs prevents the usual procurement process from being followed.

17.4.3 The appropriate Chief Officer will complete and submit a Waiver form, as contained within the PCoP, for approval by the Section 151 Officer prior to incurring the expenditure.

17.4.4 Every Waiver form will be recorded on a master register to be maintained by Internal Audit

17.4.5 To cover urgent special educational needs, urgent social care contracts or urgent operational needs, if in the opinion of the relevant Director it is considered to be in the Council's interests or necessary to meet the Authority's obligations under relevant legislation without obtaining prior approval, then, the use of this exemption by the relevant Director must be followed up with a written report under Rule 17.4.3 using the Variation form, setting out the reason for such urgency, how it complies with relevant legislation and represents value for money.

17.4.6 These CPRs do not apply to contracts:

(a) for the execution of mandatory works by statutory utility undertakers;

(b) which have been procured on the Council's behalf:

(i) through collaboration with other Local Authorities or other public bodies, where a competitive process which complies with the CPRs of the leading organisation has been carried out;

(ii) by a National or Regional contracting authority where the process followed is in line with the Public Contracts Regulations 2006 (as amended from time to time); or

(iii) under the terms of a Strategic Partnership arrangement approved by the Cabinet.

17.5 **Advertising**

The Chief Officers will ensure that the minimum advertising requirements, in line with EU treaty principles and as outlined in the PCoP, are met.

17.6 **Relevant Contracts**

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

(a) the supply of goods;

(b) the execution of works;

(c) the hire, rental or lease of goods or equipment;

(d) the delivery of services, including (but not limited to) those related to:

(i) The recruitment of staff, e.g. agency staff, estate agents, valuers;

(ii) Land transactions;

(iii) Financial and consultancy services;

(iv) Opinions of Counsel obtained by the Head of Legal and Democratic Services.

17.6.2 Relevant Contracts do not include:

(a) contracts of employment which make an individual a direct employee of the Authority;

(b) agreements regarding the acquisition, disposal, or transfer of land (to which the FPRs apply); or

(c) the payment of grants to third parties;

(d) land transactions.

N.B. While grants are not covered by these CPRs, there are rules on the awarding of grants which do need to be observed including obtaining approval from the External Funding Group. The Council cannot simply choose to treat a procurement as a grant in order to avoid conducting a competitive process.

17.6.3 The Public Contracts Regulations 2006 (as amended from time to time) require contracting authorities to maintain the following comprehensive records of procurement activities:

(a) contract details including value;

(b) selection decision;

(c) justification for use of the selected procedure;

(d) names of bidding organisations, both successful and unsuccessful;

(e) reasons for selection;

(f) reasons for abandoning a procedure.

17.7 Risk Assessments

17.7.1 All procurement shall follow the process set out in the Council's Project Management Tool Kit including the approved risk assessment matrix.

17.7.2 All procurements via Invitation to Tender, and Requests for Quotation where appropriate, must be supported by a risk assessment. This risk assessment must be carried out at the start of the procurement process.

17.7.3 The risk assessment process will identify where further specialist advice should be sought.

17.8 Approved Lists and Framework Agreements

17.8.1 Approved Lists

(a) Approved lists should only be used in accordance with the guidance contained in the PCoP.

(b) Approved lists must not be used where they are prohibited under the Public Contracts Regulations (as amended from time to time).

17.8.2 Framework Agreements.

(a) Framework Agreements are agreements between the Council and one, or three or more suppliers for the provision of goods, works or services on agreed terms for a specific period, for estimated quantities against which orders may be placed if and when required during the contract period.

(b) The term of a Framework Agreement must not exceed four years and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least two in number.

(c) Where Frameworks are awarded to several organisations, contracts based on Framework Agreements may be awarded by way of call-off, or mini competition, in either case following the procedure set out in the PCoP.

7.9 **Procurement Valuation**

17.9.1 The Chief Officer must establish the total value of the procurement including whole life costs and incorporating any potential extension periods which may be awarded.

17.9.2 Based on this value, quotations or tenders must then be invited in line with the financial thresholds detailed in the PCoP.

17.9.3 Where the Public Contracts Regulations (as amended from time to time) apply, the Chief Officer shall consult Corporate Procurement to determine the procedure for conducting the procurement exercise.

17.10 **Pre-Tender Market Testing and Consultation**

17.10.1 The Council may consult potential suppliers, prior to the issue of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation. Guidance is contained in the PCoP.

17.10.2 When engaging with potential suppliers, the Council must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, and where this may prejudice the equal treatment of all potential bidding organisations or distort competition.

17.10.3 In undertaking any market testing activities, the Officer responsible should refer to any guidance contained in the PCoP.

17.11 **Invitation to Tender (ITT) / Request for Quotations (RFQ)**

Above the single quotation threshold outlined in the PCoP, all Invitations to Tender (ITT) and Requests for Quotation (RFQ) including e-tendering must be undertaken in accordance with the procedures set out in the PCoP.

17.12 **Evaluation Criteria and Standards**

17.12.1 Evaluation Criteria

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

(i) offers the most economically advantageous tender which is a balance between quality and price or

(ii) offers the lowest price;

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

(b) Issues that are important to the Council in terms of meeting its corporate objectives can be used to evaluate bids as an element achieving the outcomes set out at 17.12.1 (a) above. The criteria can include, for example sustainability and Future Generation considerations, support for the local economy and community, or the use of sub-contractors. The bidding organisations' approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.

(c) The procurement documentation must clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-critera.

(d) In all cases the process that must be followed is set out in the PCoP; reference should be made to the PCoP.

17.12.2 Standards

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

(b) Officers should refer to any further guidance outlined in the PCoP.

17.12.3 Clarification Procedures

(a) The Council can ask bidding organisations for clarification of any details submitted as part of their bid. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission.

(b) When requesting clarification, the Chief Officer must follow any guidance contained in the PCoP.

17.13 **Submission, Receipt and Opening of Tenders / Quotations**

17.13.1 Tenders and Quotations

(a) Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirements. Where the Public Contract Regulations apply, the Regulations lay down specific minimum time periods for tenders.

(b) The Head of Legal and Democratic 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 Head of Legal and Democratic Services (or nominated representative) and Chief Officer (or nominated representative). A register of all tenders opened shall be maintained. For contracts lower in value than the tender threshold as specified in the PCOP, Chief Officers shall ensure that a register of quotations shall be maintained.

(c) Chief Officers shall ensure that a register of quotations shall be maintained. Further guidance is set out in PCoP.

(d) 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.

17.13.2 Supplier Selection Any supplier selection must have regard to the economic, financial and technical standards relevant to the contract and the evaluation criteria stipulated. Special rules apply to contracts covered by the Public Contracts Regulations. Officers should refer to any further guidance contained in the PCoP.

17.14 **Post-Tender Negotiations**

17.14.1 Where procurement is conducted pursuant to the European procurement directives through either, Open, Restricted or Competitive Dialogue procedures, no post-tender negotiations are permitted. The responsible Officer may seek clarification from tenderers where appropriate in consultation with Corporate Procurement. Negotiations on price are never permissible except where the competitive procedure with negotiation is used. The negotiated procedure should only be used in those exceptional cases where it is lawful to do so under the European procurement rules.

17.14.2 Where procurements do not exceed the European thresholds, the agreement of Corporate Procurement to authorise negotiations must be sought. Such actions must not distort competition.

17.15 **Evaluation, Award of Contract and Debriefing of Organisations**

17.15.1 Evaluation

The procedure for the evaluation of bids is set out at Paragraph 17.12.1.

17.15.2 Award of Contract

(a) The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.

(b) Where procurement has been subject to the Public Contract Regulations (as amended from time to time), the Standstill (a ten day standstill period before a contract can be awarded to allow an unsuccessful bidding organisation an opportunity to challenge the proposed contract award) will need to be included in the procurement timetable before the contract can be awarded. Full information regarding the Standstill is contained within the PCoP.

(c) Chief Officers have been granted delegated authority to accept tenders for the supply of goods or materials and services and for the execution of works subject to:

(i) the expenditure being contained within the approved budget;

(ii) compliance with the PCoP;

(iii) for amounts greater than £75,000, the approval of the relevant Cabinet Member being obtained.

(d) A record should be maintained of such acceptance. Compliance with reporting requirements to Cabinet and/or of Cabinet Member approval and within the timescales as set out in the PCoP.

17.15.3 Debriefing

The debriefing of organisations must be carried out in line with the requirements of the Public Contract Regulations (as amended from time to time) and any guidance detailed in the PCoP.

17.16 **Contract Documents**

17.16.1 Format of Contract Documents

Appropriate contract documents as advised by the Head of Legal and Democratic Services or conditions issued by a relevant professional body will be used.

17.16.2 Contract Signature

(a) All contracts with a value of £75,000 or greater or as determined by the Head of Legal and Democratic Services shall be in the form of a Deed, made under the Council's seal and attested as required by the Constitution.

(b) All other contracts shall be in the form of an agreement, (i.e. not a Deed requiring sealing) either:

(i) be signed by at least two Officers of the Council authorised as required by the Constitution; or

(ii) be formalised by the sending of an award letter confirming that the Agreement will incorporate the Council's terms and conditions and the subsequent issuing of a purchase order.

17.17 Legal Services Review of Tenders and Contracts

To ensure the integrity of the procurement process:

(a) all proposed Invitations to Tender, where they are not in compliance with the Council's terms and conditions or standard terms and conditions issued by a relevant professional body, will be reviewed by Legal Services;

(b) any proposed Invitations to Tender, which are subject to the Public Contracts Regulations (as amended from time to time), or which are deemed to be of high risk, in accordance with the Council's Project Management toolkit must be reviewed by Legal Services;

(c) any proposed contract where there is any deviation from the contract terms included in the Invitation to Tender must be reviewed by Legal Services.

17.18 Prevention of Bribery and Corruption

Rules and regulations pertaining to the prevention of Bribery and Corruption are outlined in the Council's FPRs, Council's Anti-Fraud and Bribery Policy and Employees' Code of Conduct and must be adhered to.

17.19 Declarations of Interests

Rules and regulations pertaining to the Declarations of Interests are outlined in the Code of Conduct for Employees within the Constitution and must be adhered to.

17.20 Contract Management / Monitoring

Contract management, monitoring, evaluation and review must be conducted in line with any guidance detailed in the PCoP and Council's Project Management toolkit.

17.21 **Internal Providers**

Where an in-house Service is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house Service and external bidding organisations, further guidance is detailed in the PCoP.

17.22 **External Body Grant Funding**

17.22.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Chief Officer must ensure that any rules or conditions imposed by the funding body are adhered to, in addition to the requirements of these CPRs.

17.22.2 Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

17.23 **Review and Amendments of Contracts Procedure Rules**

These CPRs shall be reviewed and updated as necessary as part of the ongoing review of the Constitution.

SECTION 18

18. CODE OF CONDUCT FOR MEMBERS

Part 1 - Interpretation

18.1 Interpretation

18.1.1 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 relevant authority;

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any Executive or board of the Authority; or

(d) where Members or Officers of the relevant authority are present other than a meeting of a political group constituted in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990.

"Member" includes, unless the context requires otherwise, a Co-Opted Member;

"register of Members' interests"	means: the register established and maintained under Section 81 of the Local Government Act 2000
"relevant authority"	means: (a) a county council; (b) a county borough council; (c) a community council; (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies; (e) a National Park authority established under section 63 of the Environment Act 1995(3);
"you"	means you as a Member or Co-Opted Member of a relevant authority; and
"your authority"	means the relevant authority of which you are a Member or Co-Opted Member.

18.1.2 In relation to a community council -

(a) "Proper Officer" means an officer of that council within the meaning of Section 270(3) of the Local Government Act 1972 and

(b) "Standards Committee" means the Standards Committee of the county or county borough council which has functions in relation to the community council for which it is responsible under Section 56(1) and (2) of the Local Government Act 2000.

Part 2 – General Provisions

18.2 **General Provisions**

18.2.1 Save where paragraph 18.2.3 applies, you must observe this Code of Conduct:

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of Member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 18.2.6 and 18.2.8.

18.2.2 You should read this Code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

18.2.3 Where you are elected, appointed or nominated by your authority to serve:

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the Code of Conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its Members, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

18.2.4 You must:

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

18.2.5 You must not:

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

18.2.6 You must:

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another Member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's Monitoring Officer any conduct by another Member which you reasonably believe breaches this Code of Conduct;

(d) not make vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, your authority.

18.2.7 You must comply with any request of your authority's Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

18.2.8 You must not:

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority:

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

18.2.9 You must:

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's Officers, in particular by:

(i) the authority's Head of Paid Service;

(ii) the authority's Chief Finance Officer;

(iii) the authority's Monitoring Officer;

(iv) the authority's Chief Legal Officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

18.2.10 You must:

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a Member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

Part 3 - Interests

18.3 **Interests**

18.3.1 Personal Interests

(a) You must in all matters consider whether you have a personal interest, and whether this Code of Conduct requires you to disclose that interest.

(b) You must regard yourself as having a personal interest in any business of your authority if:

(i) it relates to, or is likely to affect:

(A) any employment or business carried on by you;

(B) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(C) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a Member;

(D) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(E) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director or a body of the description specified in paragraph (D) above;

(F) any land in which you have a beneficial interest and which is in the area of your authority;

(G) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in paragraph (D) above;

(H) any body to which you have been elected, appointed or nominated by your authority;

(I) any:

1 public authority or body exercising functions of a public nature;

2 company, industrial and provident society, charity, or body directed to charitable purposes;

3 body whose principal purposes include the influence of public opinion or policy;

4 trade union or professional association; or

5 private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(J) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for twenty eight days or longer;

(ii) a decision upon it might reasonably be regarded as affecting:

(A) your wellbeing or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(B) any employment or business carried on by persons as described in (A);

(C) any person who employs or has appointed such persons described in (A), any firm in which they are a partner, or any company of which they are directors;

(D) any corporate body in which persons as described in (A) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(E) any body listed in paragraphs 18.3.1(b)(i)(I) (1) to (5) in which persons described in (A) hold a position of general control or management,

to a greater extent than the majority of:

1 in the case of an authority with electoral divisions or wards, other Council taxpayers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

2 in all other cases, other Council taxpayers, ratepayers or inhabitants of the authority's area.

18.3.2 Disclosure of Personal Interests

(a) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(b) Where you have a personal interest in any business of your authority and you make:

(i) written representations (whether by letter, facsimile or some other form of electronic communication) to a Member or Officer of your authority regarding that business, you should include details of that interest in the written communication; or

(ii) oral representations (whether in person or some form of electronic communication) to a Member or Officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within fourteen days of the representation.

(c) Subject to paragraph 18.3.5(ii) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(d) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to paragraph 18.3.2(a), give written notification to your authority in

accordance with any requirements identified by your authority's Monitoring Officer, or in relation to a community council, your authority's Proper Officer, from time to time but, as a minimum containing:

(i) details of the personal interest;

(ii) details of the business to which the personal interest relates; and

(iii) your signature.

(e) Where you have agreement from your Monitoring Officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 18.4.2, your obligations under this paragraph 18.3.2 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your Monitoring Officer has agreed that the nature of such personal interest is sensitive information.

(f) For the purposes of paragraph 18.3.2(d), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a Member of your authority.

(g) For the purposes of paragraph 18.3.2(c), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

18.3.3 Prejudicial Interests

(a) Subject to paragraph 18.3.3(b) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(b) Subject to paragraph 18.3.3.3(c), you will not be regarded as having a prejudicial interest in any business where that business:

(i) relates to:

(A) another relevant authority of which you are also a Member;

(B) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(C) a body to which you have been elected, appointed or nominated by your authority;

(D) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(E) your role as a Member of a Local Health Board where you have not been appointed or nominated by your authority;

(ii) relates to:

(A) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(B) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in fulltime education, unless it relates particularly to the school which that child attends;

(C) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(D) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under Section 18 of the Local Government and Housing Act 1989.

(iii) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(c) The exemptions in paragraph 18.3.3(b) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

18.3.4 <u>Overview and Scrutiny Committees</u>

You also have a prejudicial interest in any business before a Scrutiny Committee where:

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's Executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a Member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in paragraph 18.3.4(a) and you were present when that decision was made or action was taken.

18.3.5 Participation in Relation to Disclosed Interests

(a) Subject to paragraphs 18.3.5(b) (bA), (c) and (d), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's Standards Committee:

(i) withdraw from the room, chamber or place where a meeting considering the business is being held:

(A) where paragraph 18.3.5(b) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(B) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(ii) not exercise executive or board functions in relation to that business;

(iii) not seek to influence a decision about that business;

(iv) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(v) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(b) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(bA) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.

(bB) When submitting written representations under sub-paragraph (bA) you must comply with a procedure that your authority may adopt for the submission of such representations.

(c) Paragraph 18.3.5(a) does not prevent you attending and participating in a meeting if:

(i) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(ii) you have the benefit of a dispensation provided that you:

(A) state at the meeting that you are relying on the dispensation; and

(B) before or immediately after the close of the meeting give written notification to your authority containing:

1 details of the prejudicial interest;

2 details of the business to which the prejudicial interest relates;

3 details of, and the date on which, the dispensation was granted; and

4 your signature.

(d) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within fourteen days of making the representation.

Part 4 – The Register of Members' Interests

18.4 Registration of Personal Interests

18.4.1(a) Subject to sub-paragraph 18.4.1(d), you must, within 28 days of—

(i) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(ii) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 18.3.1(b)(i), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(b) Subject to sub-paragraph 18.4.1(d), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph

18.3.1(b)(i), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(c) Subject to sub-paragraph 18.4.1(d), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 18.3.1(b)(i), register that change in your `authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(d) Sub-paragraphs 18.4.1(a),(b) and (c) do not apply to sensitive information determined in accordance with paragraph 18.4.2(a).

(e) Sub-paragraphs 18.4.1(a) and (b) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(f) You must, when disclosing a personal interest in accordance with paragraph 18.3.2 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.";

18.4.2 Sensitive information

(a) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 18.4.1.

(b) You must, within twenty eight days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph 18.4.2(a) is no longer sensitive information, notify your authority's Monitoring Officer, or in relation to a community council, your authority's Proper Officer asking that the information be included in your authority's register of Members' interests.

(c) In this Code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

18.4.3 Registration of Gifts and Hospitality

You must, within twenty eight days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's Monitoring Officer, or in relation to a community council, to your authority's Proper Officer of the existence and nature of that gift, hospitality, material benefit or advantage.

APPENDIX 1 TO SECTION 18

CONDUCT OF MEMBERS – THE PRINCIPLES

1. **SELFLESSNESS**

Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

2. **HONESTY**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. **INTEGRITY AND PROPRIETY**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. **DUTY TO UPHOLD THE LAW**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. **STEWARDSHIP**

In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

6. **OBJECTIVITY IN DECISION-MAKING**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

7. **EQUALITY AND RESPECT**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

8. **OPENNESS**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

9. **ACCOUNTABILITY**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. **LEADERSHIP**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

APPENDIX 2 TO SECTION 18

PROTOCOL - STANDARD OF CONDUCT EXPECTED BY MEMBERS

This protocol sets out the standards of conduct expected from Members within the Vale of Glamorgan Council in dealing with each other. It should be read in conjunction with the Members' Code of Conduct and the Member/Officer Protocol. It adds to these documents and does not detract from them.

The protocol will be interpreted widely and applies to all oral and written communications, which may include (but is not limited to) e-mail, text messages, and comments appearing on any social media websites such as Twitter and Facebook and/or appearing in the press.

Members are expected to:

1. **PUBLIC BEHAVIOUR**

1.1 show respect to each other;

1.2 not to make personal abusive comments about each other;

1.3 not to publish anything insulting about each other;

1.4 not to make malicious allegations against each other;

1.5 not to publish or spread any false information about each other;

1.6 show respect to diversity and equality.

2. **BEHAVIOUR IN MEETINGS**

2.1 behave with dignity;

2.2 show respect to the Chair and obey his/her decisions;

2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society.

3. **CONFIDENTIALITY**

3.1 keep the confidentiality of exempt papers and any other documents which are not public;

3.2 not to release confidential information to the press or the public;

3.3 not to use confidential information for purposes other than intended.

4. **LOCAL MEMBERS**

4.1 work with Members of adjoining electoral divisions for the benefit of the locality;

4.2 if dealing with any matter relating to another electoral division:

4.2.1 explain to anyone seeking assistance that he/she is not the local Member;

4.2.2 inform the local Member, unless it would lead to a breach of confidentiality.

APPENDIX 3 TO SECTION 18

LOCAL DISPUTE RESOLUTION PROCEDURE FOR DEALING WITH LOW LEVEL ALLEGATIONS OF BREACHES OF THE MEMBERS' CODE OF CONDUCT AND THE VALE OF GLAMORGAN COUNCIL'S PROTOCOL - STANDARD OF CONDUCT EXPECTED BY MEMBERS

INTRODUCTION

1. The Public Services Ombudsman for Wales' Guidance on the Code of Conduct for Members of Local Authorities in Wales (September 2012) expects Local Authorities throughout Wales to implement a Local Dispute Resolution Procedure to deal with complaints which are made by a Member against a fellow Member which may not otherwise be investigated by the Public Services Ombudsman for Wales ('the Ombudsman') having regard to the Ombudsman's two-stage test.

2. The Vale of Glamorgan Council ('the Council') introduced a Local Dispute Resolution Procedure ('the Procedure') in 2014 to meet the Ombudsman's above expectations, and the Procedure was amended in 2018.

3. Typically the following complaints will fall within the category of complaints dealt with under this Procedure:

   - failure to show respect and consideration for others contrary to paragraph 18.2.4(b) of the Members' Code of Conduct ("the Code") and
   - making vexatious, malicious or frivolous complaints against other Members under paragraph 18.2.6(d) of the Code.

4. Other breaches of the Code may also be determined by the Monitoring Officer to be appropriate complaints to be dealt with under the Procedure.

5. The Procedure is to be read in conjunction with the Code and the Council's Protocol - Standard of Conduct Expected by Members ("the Protocol").

6. The Protocol establishes the behaviour which is acceptable and unacceptable between Members. It sits alongside the Code and fills the gap between behaviour which possibly in itself is not serious, but creates unpleasantness between Members, and behaviour that is approaching the threshold and serious enough for the Ombudsman to hold an investigation. Breaches of the Protocol will also be dealt with under this Procedure.

7. The Ombudsman assumes that where a Member repeatedly breaches this Procedure, the Monitoring Officer will refer the matter to the Ombudsman.

8. Members will continue to be able to complain directly to the Ombudsman where a breach of the Code has occurred. Should the complainant exercise that right then this Procedure will not be used, and any efforts to resolve a complaint using this Procedure will be stopped. The process will only resume if the matter is referred back for local resolution.

9. The Procedure applies to Vale of Glamorgan Council Member complaints against a fellow Vale of Glamorgan Council Member, and not Members of Town and Community Councils. Complaints made by the public and staff will not be dealt with under this Procedure.

10. The key objectives of the Procedure are to:

- resolve allegations of breaches of the Code and Protocol locally and quickly,
- avoid unnecessary escalation of the situation which might impact on personal relationships within the Council and damage the Council's reputation,
- avoid unnecessary involvement of the Ombudsman so that his resources are devoted to the investigation of more serious or repeated complaints.

GENERAL PRINCIPLES

11. Members will make all reasonable efforts to resolve disputes via the Procedure.

12. Group Leaders individually and collectively will work to ensure compliance with the Procedure.

WORKING TO AVOID PROBLEMS

13. To minimise the number of instances of alleged breaches the Council has committed to:

- a Member Development Strategy; and
- providing relevant Member training events.

STAGE 1 OF THE PROCEDURE

14. Any Member who wishes to submit a complaint under the Procedure ("the Complainant") is to complete the pro-forma Local Dispute Resolution Procedure Complaint Form ('the Complaint Form') attached at Appendix A to this Procedure and send it to the Monitoring Officer. Following receipt of the Complaint Form, the Monitoring Officer or the Deputy Monitoring Officer will indicate whether the complaint may be dealt with under this Procedure, whether it should be referred to the Ombudsman or whether it is rejected on the basis that there is no case to answer. A decision to reject a complaint by the Monitoring Officer or Deputy Monitoring Officer will be subject to consultation with the Chairman of the Standards Committee or in his absence an Independent Member of the Standards Committee as nominated by the Chairman of the Standards Committee.

15. If the complaint is to be dealt with under this Procedure the Monitoring Officer or Deputy Monitoring Officer will forward the complaint (including the identity of the Complainant) to the Member who is the subject of the complaint within **seven working days** of submission of the complaint.

16. The Complainant will submit to the Monitoring Officer in writing within **ten working days** of the submission of the Complaint Form any further details relating to the

complaint which are not already detailed in the Complaint Form. The Monitoring Officer will forward the same to the Member who is the subject of the complaint.

17. The Member who is the subject of the complaint will submit to the Monitoring Officer a written response to the complaint within **ten working days** thereafter (having been advised by the Monitoring Officer of the commencement date of the ten working days period) and the Monitoring Officer will forward the same to the Complainant.

18. The Monitoring Officer or Deputy Monitoring Officer will determine whether a Mediation Meeting is convened or whether the complaint is referred directly to a Hearing at Stage 3 of the Procedure.

STAGE 2 OF THE PROCEDURE

MEDIATION MEETING

19. A Mediation Meeting will be held between the Complainant, the Member who is the subject of the complaint, the Leader(s) of the political group for the Complainant and the Member who is the subject of the complaint (for Members that are not in a group they may be accompanied by a colleague or friend) and the Managing Director (or a nominated Director as determined by the Managing Director) within **thirty working days** of the Complaint Form being sent to the Member who is the subject of the complaint. The purpose of the Mediation Meeting will be to attempt to resolve the matter. If deemed necessary the Managing Director or the nominated Director may call on the Monitoring Officer or the Deputy Monitoring Officer for advice and assistance.

20. Where the complaint is made by or concerns a Group Leader the Mediation Meeting will be attended by the Complainant, the Member who is the subject of the complaint, the Managing Director (or a nominated Director as determined by the Managing Director) and the Monitoring Officer or the Deputy Monitoring Officer.

21. If the matter is not resolved at Stage 2, the Complainant may elect to stop the Procedure or proceed to Stage 3 of the Procedure subject to notifying the Monitoring Officer in writing within **seven working days** of the Mediation Meeting.

22 Anything said at the Mediation Meeting is privileged and cannot be referred to at Stage 3 of the Procedure.

STAGE 3 OF THE PROCEDURE

HEARING

23. The Hearing will be before three Independent Members of the Standards Committee nominated by the Chairman of the Standards Committee. The designated Democratic Services Officer ("the Democratic Services Officer") will arrange for the Hearing to take place within **six weeks** following the Complaint being referred to Stage 3 of the Procedure

24. Members involved in the complaint have the right to appear before the Independent Members and call witnesses. Once names of witnesses are provided to the Democratic Services Officer the witnesses will be given an overview of the complaint.

25. Only witnesses who have given statements will be able to give evidence at the Hearing and witnesses that provide statements will be required to attend the Hearing, unless both parties agree with the content of the witness' statement and that the witness is not required to attend (the Monitoring Officer is to be advised in writing in such circumstances). The parties if calling witnesses must let the Democratic Services Officer know not less than **five working days** prior to the Hearing of the name of the witness(es) and provide a copy of any witnesses statements to the Democratic Services Officer not less than **five working days** prior to the Hearing, who will provide copies of the witness statement(s) to the other party in advance of the Hearing. Further evidence may be submitted within 5 working days of the Hearing at the discretion of the Panel. Support for witnesses in formatting and typing statements may be provided by officers of the Council as appropriate.

26. The procedure to be followed during the Hearing is set out in Appendix B to this Procedure. It being noted that the Independent Member chairing the Hearing has discretion to vary or supplement the procedure as deemed appropriate.

27. The parties will have the right to be accompanied by only one representative which may be a legal representative or otherwise a colleague, friend, family member or Group Leader. It will be for each of the parties to make their own arrangements regarding representation. The Council will not meet the costs of representation. If either party decides to have legal representation at the Hearing, the Monitoring Officer is to be notified in advance of the Hearing in order to inform the other party to ensure that the opportunity is available to seek legal representation.

28. Neither a representative nor person accompanying a Member will be permitted to give evidence as a witness at the Hearing. However for the avoidance of doubt, a representative or person accompanying a Member will be permitted to speak on behalf of the Member that they are representing/accompanying including asking questions and summing up.

29. If either side wishes not to be present or fails to attend the Hearing the Hearing may be held and determined in their absence.

30. The Independent Members may, in determining the matter on the balance of probabilities, come to one of three conclusions, namely:-

- there is no basis to the complaint.
- there is a basis to the complaint but that no further action is required .The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and/or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale.

- There is a basis to the complaint and that the Member be censured. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and/or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale. Should an apology be directed, this to take the form of a formal apology and to be made in the same way (including the place) as the dispute arose (an apology will only be made in private and confidentially if the Complainant so wishes). A failure by the Member, who is the subject of the complaint, to make an apology in the specified manner is to be referred back to the Standards Committee for consideration.

SUPPLEMENTARY MATTERS

31. Publicity will not be given to the name(s) of the Complainant(s)

32. Publicity will not be given to the name of the Member who is the subject of the complaint unless the Member is censured. Such publicity will take the form of a notice being posted on the Council's website for not less than twenty eight calendar days detailing the name of the Member who is the subject of the complaint, the fact that the Member has been censured pursuant to the Procedure, when the censure decision was made and a summary of the facts as deemed appropriate by the Independent Members presiding at the Hearing. If a formal apology is to be provided, the date when such an apology is provided will be included in the notice.

33. If a formal apology is not provided as resolved by the Panel the matter will be referred to the Standards Committee for consideration and notification of the same will be posted on the Council's website.

34. The Monitoring Officer or Deputy Monitoring Officer will provide advice and support at Stages 2 and 3 of the Procedure but will not determine the matter.

35. The Hearing at Stage 3 will be dealt with in private.

36. There is no right of appeal against the decision made by the Independent Members at Stage 3 of the Procedure.

37. The timescales within the Procedure are a guide to ensure that complaints under the Procedure are dealt with quickly in order to minimise the impact of the complaint; Members and Officers are therefore requested to adhere to the timescales.

LOCAL DISPUTE RESOLUTION PROCEDURE

CONDUCT OF STAGE 3 HEARING

It is to be noted that:

Hearings are to be held in private.

The Member who is the subject of the complaint ('the Respondent') will have received a copy of the Complaint Form and any further submissions by the complainant in line with paragraph 16 of the Local Dispute Resolution Procedure ('the Procedure').

The parties will have the right to be accompanied by only one representative which may be a legal representative or otherwise a colleague, friend, family member or Group Leader.

Prior to the commencement of the Hearing, the 3 Independent Members of the Standards Committee (nominated by the Chairman of the Standards Committee) will elect a Chairman for the Hearing ('the Chairman').

The Chairman will have the discretion to supplement or vary the procedure to be followed at the Stage 3 Hearing as deemed appropriate.

Witnesses will not be permitted to be present in the Hearing room at the outset but will be called individually to give their evidence at the appropriate time and will be required to leave following their evidence.

Where witnesses are to be called, the parties will be required to notify the Democratic Services Officer not less than **five working days** prior to the Hearing. Both parties will need to ensure that their witnesses are in attendance. If both parties agree the written evidence of a witness, the witness is not required to attend (and the Monitoring Officer will be advised of this in writing). Witnesses are required to provide a statement prior to the Hearing and for the statement to be provided to the Democratic Services Officer not less than **five working days** prior to the Hearing.

The Monitoring Officer or Deputy Monitoring Officer will provide advice and support to the Independent Members but will not determine the matter.

The decision of the Independent Members will be based on the standard of proof of the balance of probabilities.

At the Hearing

Step 1

At the Hearing those present will include the Independent Members, the Monitoring Officer or Deputy Monitoring Officer, a representative from Democratic Services, the Complainant, the Respondent and their representatives or person accompanying each party (if required).

The Chairman will open the Hearing and establish the identity of all present and will outline the order of proceedings for the Hearing.

The Chairman will seek confirmation that all parties have received the relevant documentation and will specify the complaint(s) against the Respondent.

Step 2

The Chairman will commence by requesting the Complainant (or their representative) to present their case following which questions may be asked by the Respondent (or Respondent's representative) and the Independent Members.

Complainant's witness(es) to be called to give evidence following which questions may be asked by the Respondent (or their representative) and the Independent Members. The Complainant (or their representative) may seek clarification from their witness(es) on any points arising from the questioning.

Step 3

The Respondent or their representative will then be afforded the opportunity to present their case followed by questions from the Complainant (or their representative) and the Independent Members.

Respondent's witness(es) to be called to give evidence following which questions may be asked by the Complainant (or their representative) and Independent Members. The Respondent (or their representative) may seek clarification from their witness(es) on any points arising from the questioning.

Throughout the Hearing the Independent Members, Monitoring Officer or Deputy Monitoring Officer may also seek clarification or ask relevant questions of both parties.

Step 4 – Summing Up

The Chairman will then afford both parties (Complainant and Respondent respectively) the opportunity to sum up. A party's representative or person accompanying them may sum up on their behalf.

Step 5

Following the summing up both parties and their representative(s) will be asked to vacate the room in order that the Independent Members can deliberate and decide in private whether the complaint is proved or not proved. The Independent Members will be accompanied only by the Monitoring Officer or Deputy Monitoring Officer and the Democratic Services Officer. The role of officers is to offer advice to the Independent Members but not to determine the outcome of the matter.

The Independent Members' decision will be by majority vote; where necessary the Chairman shall have a casting vote.

Step 6

The parties will be called back in and the Chairman will advise whether the complaint is proved or not proved. If proved, the Respondent will be asked to give any mitigation which might affect the Independent Members' decision.

Step 7 – Hearing Decision

The Independent Members will consider the mitigation submitted and come to their decision in private.

It will be at the discretion of the Chairman whether the Independent Members will reach a decision on the day of the Hearing and how the decision will be communicated (either face-to-face or by telephone). The Complainant and Respondent will both be advised orally of the decision.

The Chairman, at the end of the Hearing, will remind parties that there is no right of appeal against the decision made by the Independent Members at Stage 3 of the Procedure.

The Chairman will aim for a written decision to be issued within **seven working days** of the decision being made. The written decision will set out the decision of the Independent Members and the reasons for the decision. A copy of the decision letter will only be sent to the Respondent.

The Independent Members may come to one of three conclusions, namely:

(i) There is no basis to the complaint;

(ii) There is a basis to the complaint but that no further action is required. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale;

(iii) There is a basis to the complaint and that the Member be censured. The Independent Members may also make recommendations to the Council regarding changing any procedures or taking any further action and or may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale.

Should an apology be directed the apology is to take the form of a formal apology and to be made in the same way (including the place) the dispute arose within the timescale specified by the Panel. An apology will only be made in private and confidentially if the complainant so wishes.

Should the Independent Members determine conclusion (i) or (ii) as outlined above, all parties will be reminded that no publicity will be given to the name of the Members involved in the complaint or any details of the complaint.

Should the Independent Members' conclusion be that there is a basis to the complaint and that the Member be censured, then a statement on the Council's website will be issued

ideally within **seven working days** of the decision letter being issued which will detail the name of the Respondent, the fact that the Respondent has been censured pursuant to the Procedure, when the censure decision was made and a summary of the facts as deemed appropriate by the Independent Members presiding at the Hearing. If a formal apology is to be provided, the date when such an apology is provided will be included in the notice, or alternatively if a formal apology is not provided as resolved by the Panel reference will be made in the notice to the date when the matter will be referred to the Standards Committee for consideration. The statement will appear on the Council's website for not less than **twenty eight calendar days**.

SECTION 19

19. GUIDES TO PUBLIC SPEAKING AT COMMITTEES

19.1 Guide to Public Speaking at Planning Committee

Representations on Planning Applications

Wherever possible, objections or representations to planning applications should be made in writing. Written representations on planning applications received up until 12.00 noon on the day before Planning Committee will be accepted and made available for public inspection. Those representations received too late to be referred to in the committee report will be circulated to Planning Committee Members the evening before the Committee and hard copies will be distributed at the meeting

Public Speaking

There will be occasions when applicants or objectors, or both, may wish to make representations in person to the Planning Committee. In such circumstances, the following procedure will apply:

Notification to Speak

It is necessary to have sufficient advance warning of speakers to gauge the likely overall public attendance, to prepare enough copies of agendas and to offer support and advice to those unsure of how to proceed. It may also be necessary to resolve any issues regarding nominating a lead speaker and those persons will need a reasonable timeframe to co-ordinate their response.

Unless you specifically notify us otherwise, in registering to speak, you consent to the Council forwarding your contact details to others (of the same opinion) who wish to speak in order to assist you to nominate a single spokesperson.

The neighbour notification letters and the planning application acknowledgement letter will both advise respondents and applicants of the right to speak at committee and it will be the responsibility of those wishing to speak to register to speak.

Therefore, requests to speak must be received no later than 5.00 pm, two clear working days (the Tuesday of Committee week where meetings are held on Thursday) prior to the committee.

To register your interest you should complete the online form, which can be found at www.valeofglamorgan.gov.uk/planningcommittee

It is recognised that there will be individuals who will not have access to an electronic facility. Those individuals will be able to register to speak by telephone on 01446 709144 (they will be asked to provide the same information required in the online form).

Procedure

Each individual speaker will be allowed no more than three minutes to address the Committee, provided that (regardless of the number of speakers) those speaking for **and** against will be allocated the same amount of time in total. For example, in the event that two or more persons are registered to speak against an application, where there is only one person registered to speak in favour, he/she will be allocated six minutes to speak. This is to ensure that there is equality of time afforded to those speaking for and against any application.

A maximum period of six minutes will be allowed for those registered to speak for **or** against an application to address the Committee. If more than one person is registered to speak for or against, they are encouraged to nominate one spokesperson. Otherwise, the six minutes allocated will be split evenly between those persons registered to speak. The time limits will be strictly observed.

Those persons addressing the Committee will not be allowed to hand out any documentation to Members at Committee, and no facilities will be provided or available for presentations.

N.B. This procedure applies equally to Town and Community Councillors, who must also register to speak in accordance with the guidance.

Who can speak?

Subject to compliance with the registration and procedural requirements set out in this guidance, the following persons are eligible to speak:-

Objectors to the application or their representative;

The applicant or their representative;

A representative of a Town or Community Council;

Any Councillor elected to the Vale of Glamorgan Council not on Planning Committee

(N.B. Vale of Glamorgan Council Members are not required to register to speak.)

Matters Considered Relevant

Planning decisions should be made based on material planning considerations and should not be based on immaterial considerations. Speakers should have regard to this and can find further relevant information at www.valeofglamorgan.gov.uk/planningcommittee

Running Order of Committee

The running order will be as follows (subject to the provisions set out above applying in the event of there being more than one person registered to speak for or against the application):

- At the meeting, the Planning Officer will present the report.

- Those objecting to the applications will be asked to make their representations. Those speaking will not be allowed to ask any questions of Officers or the Committee. Members of the Committee who wish to ask questions of clarification may do so at the end of the allocated period, however, they should not interrupt or otherwise question the speaker(s) in any way.

- Any Councillors of the Vale of Glamorgan Council not on Planning Committee will then be entitled to address the Committee, subject to a time limit of three minutes per Councillor.

- Those supporting the application will then be asked to make their representations. Those speaking will not be allowed to ask any questions of Officers or the Committee. Members of the Committee who wish to ask questions of clarification may do so at the end of the allocated period, however, they should not interrupt or otherwise question the speaker(s) in any way.

- The Council's Officers may then comment on the representations made and the merits of the application.

- The Committee will proceed to debate the application and make a decision. The Planning Officer may be asked by the Chairman to address any issues raised during the debate. The minutes of the meeting will include the reasons for the decision.

- There will be no right of reply and no requirement for speaking to be "balanced" if there is no registered speaker in a certain slot.

Deferred Applications

If an application is deferred at a committee meeting on the basis that further information and/or analysis is required, the same procedure for public speaking will apply when the application is considered at the subsequent Committee meeting(s).

Other information

All parties who have registered to speak must arrive at the committee meeting by 5.45 pm and inform the Democratic Services Officer of their arrival.

Please note that all Planning Committee Meetings are the subject of live web transmission ("webcasting").

This procedure does not apply to Planning Committee site visits, where no public speaking is allowed.

19.2 Guide to Public Speaking at a Scrutiny Committee Meeting

The Vale of Glamorgan Council recognises that members of the public can make an important contribution and be a valuable source of information. The Council therefore encourages the active participation of all residents within the Scrutiny process in the Vale.

This Guide provides information on what members of the public can expect when attending a Scrutiny Committee meeting.

Please note this Guide only covers general business items under consideration by the Scrutiny Committees.

Where an issue of major public concern/interest arises, separate arrangements will apply.

1. What is Scrutiny?

The Council's Scrutiny process provides an opportunity for Elected Members ("Councillors") to examine the services that the Council provides and to ask questions on how decisions have been made. Scrutiny Committees must also make arrangements to listen to the views of the public and the community. One of the roles of the Scrutiny Committee is to take account of those views when considering the relevant issue and, if considered appropriate, to pass those views on to the Council's Cabinet for their consideration.

It is important to be aware that the Scrutiny Committees do not deal with individual queries, concerns or complaints. You should also bear in mind that a Scrutiny Committee meeting is a meeting held in public but it is not a Public Meeting.

The Council has five Scrutiny Committees:

- **Corporate Performance and Resources**

  This Scrutiny Committee deals with the internal working of the Council and its finances.

- **Environment and Regeneration**

  This Scrutiny Committee deals with Waste Management, Highway Maintenance, Planning (but not matters such as planning applications), Transportation and Economic Development.

- **Homes and Safe Communities**

  This Scrutiny Committee deals with Council Housing and related maintenance, Private Sector Housing, Community Safety and Crime and Disorder (including Youth Offending Services) and Shared Regulatory Services functions.

- **Learning and Culture**

  This Scrutiny Committee deals with all School matters, (which includes School Improvement, Post-16 Education, Community Education, Youth Services), the Library Service and Training.

- **Healthy Living and Social Care**

  This Scrutiny Committee deals with Adult Services, such as Care Homes, Children and Young People Services (e.g. Adoption Service) and Healthy Living and Leisure.

2. **Where and When do the Committees Meet?**

Each of the Council's five Scrutiny Committees meet approximately 10-12 time a year. Meetings usually commence at 6:00 pm and are normally held in the Council Chamber of the Civic Offices in Barry. However, on occasions, an alternative venue may be used (e.g. the Scrutiny Committee (Lifelong Learning) may meet at a school). A schedule of all the Scrutiny Committee meetings for the current Municipal Year is available on the Council website at the following link:

http://www.valeofglamorgan.gov.uk/en/our_council/council/minutes,_agendas_and_reports/minutes,_agendas_and_reports.aspx#agendas

3. **How do I get my "Voice" Heard?**

Your "voice" at a Scrutiny Committee can be heard via two ways. If you choose, you can request to speak at a Scrutiny Committee or alternatively, you can send in your written representations. The procedure for submitting written representations can be found in paragraph 14 of this Guide.

4. **Who Can Speak?**

Anyone who lives or works in the Vale of Glamorgan and who has registered, is entitled to speak at a scheduled meeting of one of the Council's Scrutiny Committees.

The meeting is not a question and answer session and speakers will be asked to make statements relevant to the topic and to avoid repetition.

The number of public speakers will be limited and this will be dependent on the number of requests made.

In the event that a person aged under 16 years of age wishes to speak to a Scrutiny Committee meeting, they must be accompanied by an adult.

5. **How Long do I Have to Speak?**

For each agenda item, there will be a **maximum of fifteen minutes** speaking time **in total** for members of the public (provided they have registered to speak). In the event of multiple requests to speak, the Chairman will usually allow up to a maximum of **five** individual speakers per agenda item (i.e. **three** minutes per speaker). Individual

speakers who have registered to speak will be limited to **three** minutes in respect of an agenda item.

This Guide does not apply to Vale of Glamorgan Elected Members, as they are subject to the procedures of the Council's Constitution, which entitles them to speak with the permission of the Committee.

6. **What Can I Speak on at the Meeting?**

A member of the public, speaking on an agenda item must address their speech to the item they have registered to speak upon on the agenda and cannot address other agenda items or unrelated business. You should ensure that:

- Your comments are clear and concise and are directly related to the report on which you have requested to speak;
- You avoid repeating points made previously by any earlier public speakers;
- Your views are limited to the advantages or disadvantages of the report and that you highlight how the report could affect the delivery of services to specific user groups of citizens in the Vale; and
- Your comments are not defamatory, discriminatory or contain offensive language.

7. **What Can't I Speak on at the Meeting?**

The right of the public to speak applies to all items on the agenda with the exception of the following:

- Apologies; Declarations of Interest and Minutes;
- If an agenda item has been withdrawn;
- Any agenda item that is not accompanied by a written report or any agenda item for which the Chairman has exercised her or his discretion to withdraw the right of public speaking, e.g. a presentation; and
- When confidential items are under consideration by the Scrutiny Committee, the Chairman will ask all members of the public and the press to vacate the meeting room.

The right to speak does not include the right to ask any questions of any Elected Member, Officer of the Council, invited attendees or any other speaker.

The Chairman of the Committee will have the discretion to stop a speaker before their allotted time has concluded if, in the Chairman's view, the speaker is making any comments that are, or appear to be, defamatory, discriminatory, contain offensive language, are contrary to the procedures laid out in the public speaking protocol, are

unrelated to the agenda item under consideration, or constitute behaviour otherwise not appropriate for a Scrutiny Committee meeting.

8. **Attendance at the Meeting**

Members of the public who have registered to speak, are asked to arrive fifteen minutes before the scheduled start time of the meeting and should inform the Democratic and Scrutiny Services Officer of their arrival.

9. **Where Do I Sit?**

The Democratic and Scrutiny Services Officer will seat you accordingly and, at the appropriate time, the Chairman will ask you to move to a particular place within the Council Chamber where you can be clearly seen and heard.

10. **When Will I Speak During the Meeting?**

Normally, agenda items with public speaking will usually be considered first and will take the following format:

(a) Responsible Officer from the Council to present the report;

(b) If applicable, the Cabinet Member portfolio holder to address the Scrutiny Committee;

(c) Members of the public who have registered to speak;

(d) Other Elected Members (i.e. not members of the Scrutiny Committee); and

(e) Scrutiny Committee Members.

11. **Can I Hand Out Supporting Documents or Use Visual Aids?**

You cannot hand out any supporting documents at the meeting or use any form of visual aid, such as photographs or diagrams. The deadline for registering to speak or to make written submissions is designed to provide information to the Scrutiny Committee in advance of the meeting in order to allow Members to give full consideration to the points raised.

12. **Once I Have Spoken**

After you have finished speaking, please be aware that you may be asked questions by the Committee Chairman and/or Committee Members to clarify some of your comments. You must not enter into a debate with the Committee Members, as this is not a public inquiry; but rather a meeting of the Council. You will then be asked to return to your seat.

The Committee will then discuss the issue further before making any recommendation(s) to the Cabinet (or Senior Officer with delegated responsibility) they deem appropriate.

If the Chairman advises that there are no further queries and if you wish, you are free to leave the meeting.

N.B. While a Scrutiny Committee will consider the comments made by public speakers and other elected Members when considering matters and forming recommendations, it has a duty to form its own conclusion as it sees appropriate.

13. **How Do I Register to Speak?**

The agendas for Scrutiny Committee meetings are published on the Council's website, five clear days before the date of the meeting. Hard copies are also available for public inspection at the Civic Offices.

The appropriate application form to register to speak will be available on the Council's website from 8:30 am the following day. Members of the public who wish to register to speak at a meeting of one of the Council's Scrutiny Committees should apply by completing the appropriate application form by no later than 4.00 pm on the working day preceding the meeting.

(For example, if the meeting falls on a Monday, requests to speak should be received by 4.00 pm on the preceding Friday. If the meeting falls on a Tuesday, requests to speak should be received by 4.00 pm on the Monday.)

To register your interest you should complete the appropriate application form, which can be found at the following web link:

http://www.valeofglamorgan.gov.uk/en/our_council/council/scrutiny/more_about_scrutiny.aspx

However, should you not have access to the internet, you can telephone Democratic and Scrutiny Services on 01446 709413 to register your interest or ask to inspect the papers.

Requests must include details of the agenda item and the relevant Scrutiny Committee at which you would like to speak.

Accepted applications will normally be dealt with in the order that they have been received.

All those registered to speak will be advised prior to the meeting, either by e-mail or through their contact telephone number, if their request to speak has been accepted.

14. **Written Representations**

We appreciate that you may find it difficult to address the Committee in person. If this is the case, we welcome written submissions of your views/opinions and these can be sent to:

Via Email: Democratic@valeofglamorgan.gov.uk

Or to the following postal address:

Democratic and Scrutiny Services
The Vale of Glamorgan Council
Civic Offices
Holton Road
BARRY
CF63 4RU

Written representations should be received by Democratic and Scrutiny Services by no later than 4.00 pm on the working day prior to the Scrutiny Committee meeting.

(For example, if the meeting falls on a Monday, representations should be received by 4.00 pm on the preceding Friday. If the meeting falls on a Tuesday, representations should be received by 4.00 pm on the Monday.)

15. **Additional Information**

Filming and recording of meetings will only be allowed if prior permission is sought in writing from, and granted by, the Managing Director in advance of the meeting.

Speakers should advise Democratic and Scrutiny Services in advance if they have any special needs or requirements.

If you have any questions concerning public speaking at a meeting of one of the Council's Scrutiny Committees, or the submission of written representations, please do not hesitate to contact a member of the Democratic and Scrutiny Services Team on the telephone number or e-mail address below.

Democratic Services
01446 709413
Email: Democratic@valeofglamorgan.gov.uk

SECTION 20

20. CODE OF CONDUCT FOR QUALIFYING EMPLOYEES OF THE COUNCIL

20.1 General Principles

The public is entitled to expect the highest standards of conduct from all qualifying employees[33] of relevant authorities[34]. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

20.2 Accountability

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.

20.3 Political Neutrality

Qualifying employees of relevant authorities, whether or not politically restricted[35], must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

20.4 Relations with Members, the Public and Other Employees

20.4.1 Mutual respect between qualifying employees and Members is essential to good local government, and working relationships should be kept on a professional basis.

20.4.2 Qualifying employees of relevant authorities should deal with the public, Members and other employees sympathetically, efficiently, and without bias.

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[33] Employees of relevant authorities in Wales who do not fall within any description of employee specified in the Code of Conduct (Non-Qualifying Local Government Employees) (Wales) Regulations 2001 (SI 2001/(W)) are qualifying employees.

[34] A relevant authority, in relation to Wales, means a county, county borough or community council, a fire authority constituted by a combination scheme under the Fire Services Act 1947 or a National Park authority established under section 63 of the Environment Act 1995.

[35] A qualifying employee who holds a politically restricted post is disqualified from becoming or remaining a member of a relevant authority (see sections 1-3 of the Local Government and Housing Act 1989 (c42) and the Local Government Officers (Political Restrictions) Regulations 1990 (SI 1990/851) as amended by the Local Government Officers (Political Restrictions) (Wales) (Amendment) Regulations 1999 (SI 1999/1665)).

20.5 **Equality**

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.

20.6 **Stewardship**

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.

20.7 **Personal Interests**

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 com ply with:

20.7.1 any rules of their relevant authority on the registration and declaration by employees of financial and non-financial interests;

20.7.2 any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

20.8 **Whistleblowing**

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 Authority's confidential reporting procedure, or any other procedure designed for this purpose (See **Section 23**).

20.9 **Treatment of Information**

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.

20.10 **Appointment of Staff**

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.

20.11 **Investigations by Monitoring Officer**

Where the Monitoring Officer is undertaking an investigation in accordance with regulations made under Section 73(1) of the Local Government Act 2000[36] a qualifying employee must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

[36] The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 (SI 2001/2281 (W171)).

SECTION 21

21. PROTOCOL ON MEMBER / OFFICER RELATIONS.

21.1 Introduction

21.1.1 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.

21.1.2 The protocol will be supplemented with practical guidance on Member/Officer relations on a range of issues relating to the new political management arrangements, e.g. support to the Executive and the Scrutiny process, in the light of operational experience.

21.1.3 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".

21.2 Principles

Both Members and Officers are servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Members 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 Members 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 Members and Officers:

21.2.1 Mutual Respect

Mutual respect between employees and Members is essential to good local government. Close personal familiarity between employees and Members that transcends the normal employer/employee relationship can potentially damage that relationship, and therefore should be avoided.

21.2.2 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 Employees' Code of Conduct.

21.3 **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.

21.4 **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 and the Chief Finance Officer. These roles and their attendant responsibilities should be respected by Members.

21.5 **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.

21.6 **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.

21.7 **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.

21.8 **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.

SECTION 22

22. CODE OF CORPORATE GOVERNANCE

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22.1 Introduction

22.1.1 The Vale of Glamorgan Council is committed to the principles of good corporate governance. Through the development, adoption and continued implementation and monitoring of a Code of Corporate Governance the Council formally confirms its ongoing commitment and intentions.

22.1.2 The Code of Corporate Governance comprehensively describes the Council's commitment to and understanding of corporate governance, and outlines the arrangements that it has put in place to ensure ongoing effective implementation and monitoring.

22.1.3 The Code of Corporate Governance also makes provision for a joint commitment by Members and Officers to the principles it contains, as well as a statement of assurance jointly signed by the Leader of the Council and the Managing Director. This helps to ensure that the principles of corporate governance are not only fully embedded and cascaded throughout the Council, but that they have the full backing of the Leader of the Council and elected Members as well as the Managing Director and the Corporate Management Team.

22.2 Why Adopt A Code Of Corporate Governance?

22.2.1 Adopting a Code of Corporate Governance is another way in which the Vale of Glamorgan Council shows its recognition of the fact that effective local government relies upon establishing and maintaining the confidence of local people in both elected Members and Council officials. Good corporate governance underpins credibility and confidence in the leadership and forms the foundation from which all Council services are provided.

22.2.2 Adopting, monitoring and complying with a Code of Corporate Governance helps enhance the Council's legitimacy and increases trust placed in the Council by local people.

22.2.3 Strong, transparent and responsive governance enables the Vale of Glamorgan Council to put citizens first by pursuing its aims and priorities effectively, and by underpinning them with appropriate mechanisms for managing performance and risk. In order to maintain citizens' confidence, these mechanisms must be sound and be seen to be sound.

22.2.4 The Vale of Glamorgan Council sees Corporate Governance as doing the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and also the culture and values, by which the Council is directed and controlled and how it accounts to and engages with its citizens.

22.2.5 Overall, adopting and committing to this Code of Corporate Governance puts in place a basis for a Council wide commitment to the way in which it intends fulfilling its role in leading and representing the community, providing opportunities for all, ensuring that there is a strong customer focus in all the Council does.

22.3 **What Is Corporate Governance?**

22.3.1 The Council has a key role in governing and leading our community. Effective local government relies on public confidence in elected Members and Council Officers.

22.3.2 Effective systems of Corporate Governance provide confidence in public services.

22.3.3 Corporate Governance is a phrase used to describe how organisations direct and control what they do.

22.3.4 For Local Authorities this also includes how a Council relates to the communities that it serves.

22.3.5 Good Corporate Governance requires Local Authorities to carry out their services in a way that demonstrates accountability, openness and honesty.

22.4 **Why Do We Need A Code Of Corporate Governance?**

22.4.1 Corporate Governance is important because it is crucial to:

(a) Providing high quality public services nationally, governance weaknesses have led to service failure and, on occasion, to tragedies. High performing organisations, on the other hand, have effective governance arrangements.

(b) Raising public trust. The public's trust is increased when the quality of services that they and their families experience is high, and when organisations are seen to be open and honest in communicating their performance, and in learning from their mistakes.

22.4.2 The Code of Governance is based upon the "Delivering Good Governance in Local Government: Framework (CIPFA/SOLACE, 2016). The Framework positions the attainment of sustainable economic, societal, and environmental outcomes as a key focus of governance processes and structures. Outcomes give the role of local government its meaning and importance, and it is fitting that they have this central role in the sector's governance. Furthermore, the focus on sustainability and the links between governance and public financial management are crucial – Local Authorities must recognise the need to focus on the long term. Local Authorities have responsibilities to more than their current electors as they must take account of the impact of current decisions and actions on future generation.

22.4.3 The Framework defines the principles that should underpin the governance of each local government organisation. It is based on the following seven Core Principles:

Core Principle	Description
A	Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

B	Ensuring openness and comprehensive stake-holder engagement.
C	Defining outcomes in terms of sustainable economic, social, and environmental benefits.
D	Determining the interventions necessary to optimise achievement of the intended outcomes.
E	Developing the entity's capacity, including the capability of its leadership and the individuals within it.
F	Managing risks and performance through robust internal control and strong public financial management.
G	Implementing good practice in transparency, reporting, and audit to deliver effective accountability.

22.4.4 Each of these core principles is an important part of the Vale of Glamorgan Council's Corporate Governance arrangements. This Code describes how the Council will meet and demonstrate its commitment to good Corporate Governance in relation to these seven Core Principles.

22.5 **The Vale of Glamorgan Council's Principles of Good Governance**

22.5.1 Core Principle A

Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

22.5.1.1 **The Corporate commitment which underpins this Principle.**

- Good governance flows from a shared ethos or culture, as well as from systems and structures. It cannot be reduced to a set of rules, or achieved fully by compliance with a set of requirements. This ethos or spirit of good governance can be expressed as values and demonstrated as behaviour. It depends on building a corporate environment where members and officers alike believe personally in acting in accordance with generally accepted values.

- High standards of conduct and effective governance can only be achieved if those who hold public office have the highest standards of behaviour and encourage others to do so.

- The Council is committed to adopting a culture of behaviour based on shared values, ethical principles and good conduct.

Sub-Principles	**Behaviours and Actions that Demonstrate Good Governance in Practice at the Vale of Glamorgan Council**
Behaving with integrity	The Council has adopted a Code of Conduct for its elected Members which builds on the seven principles of public life and has arrangements to receive and investigate allegations of breaches of proper standards of conduct which is outlined with the Council's Constitution. The Council has also developed and implemented a Local Dispute Resolution Procedure as well as a Protocol of Standards to support the Members' Code of Conduct that are both contained within the Constitution. The Employee Code of Conduct is well embedded within the Council. The Council's Standards Committee is active and effective in its role of overseeing compliance with the Code of Conduct in conjunction with the Public Services Ombudsman. The Council also maintains and keeps under review the Anti-Fraud and Bribery Policy, the Whistleblowing Policy and Contract and Financial Procedure Rules. These policies will therefore: Ensure that Members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the Council. Ensure that Members take the lead in establishing a culture and specific values for the Council and its staff and they are communicated and understood. These values build on the Seven Principles of Public Life. Members and Officers will lead by example and using these values as a framework for decision making and other actions this will be demonstrated, communicated and embedded in values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively.
Demonstrating strong	The Council will seek to establish, understand, monitor and maintain the Council's ethical standards and

commitment to ethical values	performance. It will underpin personal behaviour with ethical values, ensuring they permeate all aspects of the Council's culture and operations. The Council will develop and maintain robust policies and procedures which place emphasis on agreed ethical values, ensuring that external providers of services on behalf of the Council are required to act with integrity and in compliance with high ethical standards
Respecting the rule of law	The Council will ensure that Members, Chief Officers and staff demonstrate a strong commitment and respect for the rule of law as well as adhering to relevant laws and regulations. Through its Constitution, the Council will create the conditions to ensure that the statutory Chief Officers, other key post holders, Members and (where appropriate) statutory committees are able to fulfil their responsibilities in accordance with legislative and regulatory requirements, striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders. The Council will deal rigorously with reported breaches of legal and regulatory provisions effectively, particularly ensuring that corruption and misuse of power are dealt with effectively.

22.5.2 Core Principle B

Ensuring openness and comprehensive stakeholder engagement.

Local Government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

22.5.2.1 **The Corporate commitment which underpins this principle.**

- The Vale of Glamorgan Council has considered the values that are needed to underpin the work of elected Members and staff and these values describe the professional behaviours that will contribute to the Council's ability to adapt to future demands and deliver the actions contained with the Corporate Plan and achieve the Council's vision of strong communities with a bright future. These values are Ambitious, Open, Together and Proud.

Sub-Principles	Behaviours and Actions that Demonstrate Good Governance in Practice at the Vale of Glamorgan Council
Openness	The Council's vision and priorities are set out clearly in the Corporate Plan and reflect the priority outcomes in the Community Strategy. The Corporate Plan is underpinned by a set of enabling strategies which together form the Council's overall policy framework for supporting continuous improvement. The Council's vision and priorities are reflected in Service Plans and inform the development of service objectives and outcomes. These link to team plans and personal development plans for staff. All decisions made by Cabinet are taken on the basis of written reports, which include assessments of resource implications, sustainability and climate change implications, legal implications, crime and disorder implications and equal opportunity and Welsh language implications. The policy framework within which decisions are taken is indicated in any reports as well as including details of those consulted and involved in the production of reports. Links to Corporate objectives and consultation (including ward Member consultation) also form an integral part of the decision-making process. Cabinet meetings are open to the public with the exception of items exempt under the Access to Information Act. Cabinet decisions are subject to scrutiny by five scrutiny committees which support the work of the Executive and the Council as a whole. The Council also publishes details of all expenditure over £500 on its website regularly. This will enable the Council to:- Ensure an open culture through demonstrating, documenting and communicating the Council's commitment to openness. Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision

	confidential should be provided. Provide clear reasoning and evidence for decisions in both public records and explanations to stakeholders and be explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear. The Council will use formal and informal consultation and engagement to determine the most appropriate and effective interventions / courses of action.
Engaging comprehensively with institutional stakeholders	The Council is committed to engaging effectively with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably. The Council will develop formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively; ensuring that partnerships are based on: trust; a shared commitment to change and a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit. The Council's commitment to the Public Services Board, Regional City Deal and various other strategic collaborations are examples of this which are regularly reported to the Cabinet and details provided to all elected Members.
Engaging with individual citizens and service users effectively	The Council will establish a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes; ensuring that communication methods are effective and that Council Members, Chief Officers and staff are clear about their roles with regard to community engagement. The Council will encourage collect and evaluate the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs and implement effective feedback mechanisms in order to demonstrate how views have been taken into account. Corporately, this information will be regularly collated and used strategically to inform decision making, including the incorporation of relevant information in Equality Impact Assessments. The Council will clearly balance feedback from more

	active stakeholder groups with other stakeholder groups to ensure inclusivity whilst taking account of the impact of decisions on future generations of tax payers and service users.

22.5.3 Core Principle C

Defining outcomes in terms of sustainable economic, social and environmental benefits.

The long term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this processes and in balancing competing demands when determining priorities for the finite resources available.

22.5.3.1 **The Corporate commitment which underpins this principle**.

- The Council recognises that Public Sector programmes will respond to changes in the current environment, but these responses should always be framed within the Council's long term objectives and aspirations for the service and the resources available;

- The Council understands that all public bodies need to make sure that when making their decisions they take into account the impact they could have on people living their lives in Wales in the future and this is something that the Vale of Glamorgan Council has embedded within its Corporate Plan;

- The Council has incorporated the five things that public bodies need to think about to show that they have applied sustainable development principle introduced as a statutory duty by the Well-being of Future Generations (Wales) Act. The Council acknowledges that following these ways of working will help the Council work better, avoid repeating past mistakes and tackle some of the long-term challenges it faces. These ways of working are:

  - **Long Term** – The importance of balancing short-term needs with the need to safeguard the ability to also meet the long-term needs;

  - **Prevention** – How acting to prevent problems occurring or getting worse may help public bodies meet their objectives;

- **Integration** – Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies;

- **Collaboration** – Acting in collaboration with any other person (or different part of the body itself) that could help the body to meet its well-being objectives;

- **Involvement** – The importance of involving people with an interest in achieving the well-being goals and ensuring that those people reflect the diversity of the area which the body serves.

Sub-Principles	**Behaviours and Actions that Demonstrate Good Governance in Practice at the Vale of Glamorgan Council**
Defining outcomes	The Council will have a clear vision, which is an agreed formal statement of the Council's purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the Council's overall strategy, planning and other decisions. This will be embedded in its Corporate Plan which sets out how the Council will work towards the delivery of this vision and the promotion of well-being. The Council's vision is "Strong communities with a bright future". The vision is delivered through a range of well-being outcomes and supported by the professional behaviours of its Members and staff which are "Ambitious, Open, Together and Proud". The Council will specify the intended impact on, or changes for, stakeholders including citizens and service users. This will incorporate balancing short-term needs with the need to safeguard the ability for others to meet needs in the long-term. The Council is committed to delivering defined outcomes on a sustainable basis within the resources that will be available whilst identifying and managing risks to the achievement of outcomes. This is embedded in its corporate framework for financial planning, financial management and control. The Medium Term Financial Plan will clearly reflect and link to the priorities outlined in the Corporate Plan to ensure they are financially viable. The Council will continue to manage service users' expectations effectively by having regard to determining priorities and making the best use of the resources available. The Reshaping Services Programme is an

	example of this which aims to enable the Council to continue to deliver a broad range of services to an acceptable standard by considering alternative delivery models for service delivery alongside other means of achieving savings.
Sustainable economic, social and environmental benefits	The Council will continue to consider and balance the combined economic, social and environmental impact of policies and plans when taking decisions about service provision. This is the bedrock on which the Council's Corporate Plan 2016-20 has been based. It encapsulates the five ways of working whilst underpinning the sustainable development principle that is central to the Well-being of Future Generations Act in terms of looking to the long term, taking an integrated approach, involving and working in collaborative ways. This will ensure at all times, residents have fair access to services.

22.5.4 Core Principle D

Determining the interventions necessary to optimise the achievement of the intended outcomes.

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.

22.5.4.1 **The Corporate commitment which underpins this principle**:

- The Council recognises that informed decision making is a fundamental part of good governance. It requires Councils to be both rigorous in their examination of options but also open to consider representation and views from all sectors of the community allocated so that it is clear who is accountable for decisions that are made. The Council has adopted a Cabinet structure together with Committees to carry out the Council's Scrutiny responsibilities. Roles and Responsibilities are defined in the Constitution which is kept under regular review;

- Scrutinising these decisions is also a key part of the Council's political structure and plays an important role in ensuring that the Council's services are delivered effectively, efficiently and in the interests of residents and those who work in or visit the Vale of

Glamorgan. Scrutiny Committees are able to influence decisions that are taken by Cabinet and to ensure that the views and needs of the community are taken into account.

Sub-Principles	**Behaviours and Actions that Demonstrate Good Governance in Practice at the Vale of Glamorgan Council**
Determining interventions	The Council will continue to ensure that decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. This is specifically included within structure of Cabinet / Committee reports and forms a part of the way in which business cases are developed. This will therefore ensure best value is achieved however services are provided. The Council will continue to consider feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to priorities competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts.
Planning interventions	The Council will establish and implement robust planning and control cycles that cover strategic and operational plans, priorities and targets. The Council will engage with internal and external stakeholders in determining how services and other courses of action should be planned and delivered. The Council will consider and monitor risks facing each partner when working collaboratively, including shared risks. The Council will ensure that arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances. The Council will establish appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects are measured whilst ensuring that capacity exists to generate the information required to review service quality regularly. The Council will prepare budgets in accordance with objectives, strategies and the medium term financial plan. The Council will inform medium and long term resource

	planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.
Optimising achievement of intended outcomes	The Council will ensure that the medium term financial plan integrates and balances service priorities, affordability and other resource constraints. It will ensure that the budgeting process is all inclusive, taking into account the full cost of operations over the medium to long term. It will ensure the medium term financial plan sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage. The Council will ensure the achievement of social value through service planning and commissioning and the regular monitoring of these activities.

22.5.5 Core Principle E

Developing the entity's capacity, including the capability of its leadership and individuals within.

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

22.5.5.1 **The Corporate commitment which underpins this principle**:

- Effective leadership requires clarity regarding roles of executive (Cabinet) and non-executive Members and respect and recognition for the scrutiny function. In addition to this constructive working relationship between Members and staff, mutual respect for each of these respective roles is vital. Finally the Council needs to ensure

that residents understand our role and the level of service they can expect;

- The Council is committed to ensuring that Members and Officers have the necessary skills to operate a multi-million pound organisation that provides a multitude of different services and recognises that this is one of the most important aspects of governance. This can be demonstrated by the Member Development Strategy which provides a framework for supporting elected Members in their onerous roles to enable them to undertake improved scrutiny and challenge for all Council activities.

Sub-Principles	**Behaviours and Actions that Demonstrate Good Governance in Practice at the Vale of Glamorgan Council**
Developing the entity's capacity	The Council will continue to review operations, performance and use of assets on a regular basis to ensure their continuing effectiveness. The Council will continue to improve the use of resources through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently. The Council is committed to partnership and collaborative working, recognising the benefits of partnerships and collaborative working where added value can be achieved. The Council will develop and maintain an effective workforce plan to enhance the strategic allocation of resources, supported by workforce planning actions contained within service plans.
Developing the capability of the entity's leadership and other individuals	The Council is committed to developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained. The Council will continue to publish a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body, these are clearly set out in the Council's Constitution. The Council will continue to ensure the Leader and the Managing Director (Head of Paid Service) have clearly defined and distinctive leadership roles within a structure whereby the Managing Director (Head of Paid Service) leads in implementing strategy and managing the

	delivery of services and other outputs set by members and each provides a check and a balance for each other's authority again as set out in the Council's Constitution. The Council continues to be committed to developing the capability of Members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by: - Ensuring that Members and staff have access to an appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and participation is encouraged; - Ensuring Members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis; - Ensuring personal, organisational and system wide development through shared learning, including lessons learnt from governance weaknesses both internal and external; - Ensuring there are structures in place to encourage public participation; - Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections; - Holding staff to account through regular performance reviews which take account of training or development needs.

22.5.6 Core Principle F

Managing risks and performance through robust internal control and strong public financial management.

Local government needs to ensure that the organisations and governance structures that it oversees have implemented and can sustain an effective performance management system that facilitates effective and efficient delivery of planned services. Risk Management and internal control are

important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities.

A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

22.5.6.1 **The Corporate commitment which underpins this principle**:

- The Council recognises that both Financial and Risk Management are an important feature of the Council's Code of Corporate Governance and it is also recognised that successful financial and risk management relies on a corporate approach to ensure that all financial matters and risks are identified and managed systematically and consistently across the Council. An effective corporate framework for financial planning, management and control is in place. A Risk Management Strategy has been adopted by the Council which sets out the Council's approach to the identification of and responses to strategic and operational risks. The roles and responsibilities of both elected Members and officers are identified with Cabinet acing as Risk "champion" for the Council. A comprehensive Risk Register has been established which is reviewed regularly by the Insight Board and monitored by Corporate Management Team, Cabinet and Audit Committee on a regular basis. Service plans contain specific risks and mitigating actions and together these are monitored and reported quarterly as part of the Council's holistic approach to integrated planning activity.

Sub-Principles	**Behaviours and Actions that Demonstrate Good Governance in Practice at the Vale of Glamorgan Council**
Managing Risks	The Council recognises and will demonstrate that risk management is an integral part of all activities and must be considered in all aspects of decision making. The Council is committed to implementing robust and integrated risk management arrangements and ensuring that they are working effectively. This is illustrated by the corporate risk strategy, monitoring of the corporate risk register and service plan risk management processes. The Council will ensure that responsibilities for managing

	individual risks are clearly allocated.
Managing Performance	The Council has a well-established Performance Management Framework (PMF) which helps the Council remain focused on achieving its vision and priorities and will continue to be kept under review and developed further. The procurement of performance management software will further strengthen the Council's approach to performance management and will enable the Council to further reinforce a performance management culture within the Council. This will enable the Council to: Monitor service delivery effectively including planning, specification, execution and independent post implementation review; Make decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisations financial, social and environmental position and outlook; Ensure an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible; Encourage effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making; Provide Members and senior management with regular reports on service delivery plans and on progress towards outcome achievement, associated use of resources and ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements).
Robust Internal Control	The Council will align the risk management strategy and policies on internal control with achieving objectives. The Council will evaluate and monitor risk management and internal control on a regular basis. The Council will ensure effective counter fraud and anti-corruption arrangements are in place. The Council will ensure additional assurance on the

	overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor: which will include: - An audit committee, which is independent of the executive and accountable to the governing body, provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment; - Its recommendations being listened to and acted upon.
Managing Data	The Council will ensure effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data. The Council will ensure effective arrangements are in place and operating effectively when sharing data with other bodies. The Council is committed to reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.
Strong public financial management	The Council will ensure that financial management supports both long term achievement of outcomes and short-term financial and operation performance. The Council will continue to ensure that well developed financial management is integrated at all levels of planning and control, including management of financial risks and control.

22.5.7 Core Principle G

Implementing good practices in transparency, reporting and audit to deliver effective accountability.

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

22.5.7.1 **The Corporate commitment which underpins this principle**:

- The Council continues to be committed to implementing good practices in transparency, reporting and audit to delivery effective

accountability. This can be demonstrated in a number of ways including:

- There is a mechanism in place for reporting progress against key regulatory recommendations / improvement proposals via the Audit Committee, all Scrutiny Committees and Cabinet;

- All Committees have a clear Terms of Reference and work programme.

- Procedures for sign-off of Cabinet Reports ensuring legal and financial implications have been appropriately assessed and are consistent with corporate policy.

- Scrutiny challenge performance to drive improvement in services and focus on decision-making in line with corporate priorities.

Sub-Principles	**Behaviours and Actions that Demonstrate Good Governance in Practice at the Vale of Glamorgan Council**
Implementing good practice in transparency	The Council continues to be committed to writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate. The Council will continue to strike a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand, for example through the publication of expenditure over £500.
Implementing good practices in reporting	The Council will continue to report at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way. The Council will ensure Members and senior management own the results reported. The Council will ensure that robust arrangements for assessing the extent to which the principles contained in this framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement).

	The Council will ensure that this framework is applied to jointly managed or shared service organisations as appropriate. The Council will ensure that the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations.
Assurance and effective accountability	The Council will continue to ensure that recommendations for corrective action made by external audit are acted upon. The Council will ensure that an effective internal audit service with direct access to Members is in place, providing assurance with regard to governance arrangements and that all recommendations made are acted upon. The Council will welcome and participate in peer challenge, reviews and inspections from regulatory bodies and is committed to implementing any recommendations made in order to continuously improve. The Council will gain assurance on risk associated with delivering services through third parties and that this is evidenced in the annual governance statement. The Council will ensure that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met.

22.6 **Monitoring And Review**

22.6.1 Good Corporate Governance requires the active participation of Members and Officers across the Council.

22.6.2 Development, implementation and continuous improvement of the Council's Corporate Governance culture.

22.6.3 Preparation, adoption and maintenance of an up-to-date Code of Corporate Governance, including arrangements for ensuring its implementation and ongoing application.

22.6.4 Co-ordination and review of the Annual Governance Statement.

22.6.5 Promotion of best practice in Corporate Governance throughout the Council.

22.6.6 The Audit Committee is responsible for monitoring and reviewing the Council's Corporate Governance arrangements.

22.6.7 Through this Committee the Council will ensure that these arrangements are kept under continual review by:

(a) The work of Internal Audit;

(b) Reports prepared by managers with responsibility for aspects of this Code;

(c) External Audit opinion;

(d) Other review agencies and Inspectorates.

22.7 **The Annual Governance Statement**

22.7.1 Each year the Council will publish an Annual Governance Statement.

22.7.2 This will provide an overall assessment of the Council's Corporate Governance arrangements and an appraisal of the key controls in place to manage the Council's key governance risks.

22.7.3 The Statement will also provide details of where improvements need to be made.

22.7.4 The Annual Governance Statement will be reviewed by Corporate Management Team and approved by the Audit Committee, prior to being signed by the Leader of the Council and the Managing Director.

22.7.5 The Annual Governance Statement will be published as part of the Council's Annual Statement of Accounts and will be audited by our External Auditors.

SECTION 23

23. CONFIDENTIAL REPORTING ("WHISTLEBLOWING POLICY") CODE

23.1 Introduction

The Vale of Glamorgan Council is committed to providing a high quality service to the public and to meet this commitment we are dependent on the quality of staff and management throughout the Council.

The law requires that certain types of information must be available to members, auditors, government departments, service users and members of the public. The purpose of these procedures is to make employees of the Council aware of their responsibility to the public and to protect individuals who may need to disclose information concerning any 'malpractice' within the Council, including any confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employee or a fellow employee.

Employees very often are the first to realise that there may be something seriously wrong within the Council; although they may be reluctant to let others know about their concerns for fear that they may be regarded as disloyal to their colleagues or to their employers. Employees in speaking up may also fear harassment or victimisation, and may consider it easier to ignore their concerns rather than report these.

It is appreciated that to come forward and speak up can be difficult. This policy recognises that some cases will have to proceed on a confidential basis allowing employees to raise concerns without fear of repercussions.

The policy and procedures apply to ***employees*** of the Vale of Glamorgan Council (excluding those employed at a school by a School Governing Body where separate arrangements will apply), temporary employees, trainees and independent contractors. The policy also applies to those engaged through an external agency.

Employees are encouraged to consider obtaining the advice and support of their trade union when considering how to deal with their concerns.

23.2 Standards in Council Procedures

As a Local Government employee and through agreed procedures, it is expected that you will:

- give the highest possible standard of service to the public.
- where it is part of your duties, provide impartial and appropriate advice to other employees and Councillors.
- have an awareness of the types of information within the Council, which are 'open' and which are not, and act accordingly.

- not use any information obtained in the course of your employment for personal gain or benefit, or pass on any information to others who may use it in such a way.

23.3 **Additional Standards**

Even where safeguards are already in place, poor practice can still exist. As a safeguard for the Council and in keeping with our legal duties and obligations[37], this policy sets out a framework within which staff can make a "protected disclosure" without fear that they will be subjected to victimisation or dismissal (and selection for redundancy) provided that the disclosure is made in accordance with the Public Interest Disclosure Act 1998 ("The Act") and (amendments in accordance with the Enterprise Regulatory Reform Act 2013).

It is important for staff to be aware that they can only make a protected disclosure in certain circumstances.

A "protected disclosure" must be of a certain type of information known as a "qualifying disclosure" and the disclosure must be made in a way which is described in the Act.

A qualifying or protected disclosure is a disclosure of information made in the public interest which in the reasonable belief of the member of staff making the disclosure tends to show one or more of the following:-

- illegal practices (for example, a criminal offence).
- a failure to comply with a legal obligation.
- the health and safety of an individual, whether this is a member of the public or staff being endangered.
- damage to the environment.
- miscarriage of justice.
- deliberate concealment of any of the above.

We want this policy to promote an open culture where staff have a moral obligation, a right and a duty to raise concerns on bad practice. We want managers to ensure that staff can easily express concerns in the knowledge that their concerns will be dealt with fairly and thoroughly without the risk of recrimination.

[37] The Public Interest Disclosure Act 1998 and amendments in accordance with the Enterprise and Regulatory Reform Act 2013

23.4 **Key Responsibilities**

The Operational Manager Customer Relations is responsible for the registration and maintaining a central record of all Whistleblowing concerns and to monitor the progress and outcome of each investigation undertaken.

Directors are responsible for the receipt and populating the Whistleblowing central register and for the effective operation of the policy within their own Directorate in particular ensure that: –

- each employee is aware of the policy and how to use it.

- Managers are effectively trained in the use of the policy.

- whistleblowing concerns are appropriately recorded and managed.

The Head of Human Resources will be responsible for updating the policy as appropriate.

In all the above administrative procedures all concerns will be afforded confidentiality to meet the Council's obligations under the policy.

23.5 **Responsible Officer**

The Council's Audit Committee acting through the Monitoring Officer will retain overall responsibility for the maintenance and operation of the policy.

The Monitoring Officer will be responsible to maintain a record of concerns raised and the outcomes and will report to the Council's Audit Committee in a confidential format.

23.6 **Guidelines for Staff**

'Blowing the Whistle' is often difficult and can cause ill-feeling. However, if problems are not resolved they can get worse. Everyone has a responsibility to consider raising their concerns, no matter what their position, where they reasonably believe that an unacceptable practice is taking place, a disclosure must be made in the public interest the employee believing that the information is substantially true.

Ideally concerns about bad practice should be dealt with before they reach the whistleblowing stage. Questions about concerns should be raised during supervision or in staff meetings, so that practices can be modified.

If you have concerns you should consider whether:

- it is a criminal offence or a breach of any statutory requirement or legal obligation.

- there is improper or unauthorised use of public or other funds.

- it is an abuse of authority.

- it is in breach of government guidelines.

- it is against departmental/Council policy.

- it is against professional Codes of Practice.

- you reasonably believe that the information is true and that you are not acting out of personal gain.

This policy is intended to cover concerns that fall outside the scope of other existing procedures and policies of the Council.

Where you have a concern which is personal and relates only to yourself rather than wrongdoing of a more general nature this will be treated as a grievance and the Grievance Policy will apply. In circumstances where unwanted conduct or unnecessary behaviour is displayed to exert power, fear or anxiety on yourself or a work colleague(s) the Council's Anti Harassment/Bullying Policy can be used.

There is of course, a need to ensure that any investigation process is not misused and therefore any abuse such as raising unfounded malicious allegations will in itself be treated as a serious disciplinary matter.

23.7 **Raising your Concerns**

As soon as you reasonably believe that your concerns should be disclosed in the public interest you should at the earliest possible stage report your concerns.

Staff should consider the following:-

- as a first step you should normally raise your concerns with your immediate Line Manager with the appropriate authority and experience.

- depending upon the seriousness and sensitivity of the issues involved and who is suspected of the malpractice, or if you believe that the immediate Line Manager may be implicated in anyway, you should raise your concerns with the next immediate Line Manager who is not implicated, or if this is considered inappropriate or impossible, bring the matter to the attention of your employing Chief Officer and/or your employee representative.

- you should not attempt to investigate suspected malpractice yourself.

- you should deal with the matter promptly, if you feel your concerns are warranted, involving your recognised trade union as necessary.

- you make an immediate note of your concerns (making a note of all relevant details such as 'what was said' in a telephone discussion or other conversations), the date, time and the names of any parties involved particularly details of any witnesses.

- If you wish to report a concern you should complete the Confidential Whistleblowing report form (below) and hand/send it to your line manager.

Alternatively, you can ask your line manager to complete the form on your behalf for onward submission to your Chief Officer:-

PRIVATE AND CONFIDENTIAL	
CONFIDENTIAL WHISTLEBLOWING REPORT FORM	
To be completed by the person making the complaint (*) and/or by the manager to whom the concern is raised. For immediate action, regular review and update by the manager.	
Details of the Person raising concern* - Name Post held [Note may be anonymous]	
Brief outline of nature of concern and dates*	
Names/Details of others involved*	
Brief description of update/ outcome with dates	
Date of update/feedback to whistleblower (where identify disclosed)	
Signature	
[of person to who, complaint is raised]	
Please Print Name	
Date	

- if necessary, you can report your concerns, other than via your Line Manager, in strict confidence to:-

- The Council's Head of Audit (Tel: 01656 754901) or by writing to the Head of Audit, Bridgend & Vale Internal Audit Shared Service, Innovation Centre, Bridgend Science Park, Bridgend CF31 3NA.

  or

  Head of Audit, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry CF63 4RU

- The Section 151 Officer/Head of Finance, the Head of Human Resources or the Head of Legal and Democratic Services.

- The Managing Director, the Leader or Deputy Leader of the Council.

- **In relation to the Protection of Vulnerable Adults (POVA)** – if you witness abuse, or just suspect that abuse is taking place, act without delay and call Contact One Vale on 01446 700111 or the Adult Protection Team on 01446 704812 or 709860. Outside normal office hours contact the Emergency Duty Team (Tel 02920788570).*

- **In relation to the Protection of Children Act (POCA**) – if you witness or have concerns about a child's safety, welfare or suspect abuse may be taking place, act without delay and call the Duty Manager (Intake and Family Support) on 01446 725202 during normal office hours. Outside office hours contact the Emergency Duty Team (Tel 02920 788570).*

Alternatively, you can call the Police on 02920 222111 and ask for your local Police Station.

23.8 **Protection for the 'Whistleblower'**

The Council hopes that staff feel able to voice their concerns openly. This policy encourages you to put your name to your concern whenever possible. **Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.** In exercising this discretion, the facts to be taken into account would include the seriousness of the issues raised, the credibility of the concern and the likelihood of confirming the allegation from the available source. If you have good reason to feel anxious about revealing your identity at the outset when reporting your concern we will make every effort to ensure that your name will not be revealed without your consent unless required by law. In exceptional circumstances a disclosure may be made anonymously by writing "In confidence" to the Council's Head of Audit.

If you want to raise your concerns confidentially, we will make every effort to ensure that your name will not be revealed without your consent, unless it is required by law. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly.

However there may be occasions when it may become necessary to disclose your personal details. This could be for a variety of reasons depending upon the nature of the concerns raised. For example, it could be to ensure fairness for all involved.

The Council will seek to withhold personal details being released; it cannot guarantee that others will not try to deduce (correctly or otherwise) your identity. This may be the case where the employee has already voiced their concerns to colleagues or manager. In addition, at the appropriate time you may need to come forward as a witness.

Where disclosure of your identity becomes an issue, the Council will consider very carefully whether it is necessary to do so. If it is necessary for your identity to be disclosed we will discuss this with you, explaining the reasons why your identity needs to be disclosed. We will also discuss and provide any reasonable support to try to alleviate concerns that you may have regarding the need to make the disclosure.

In order to protect individuals and the Council, whilst an employee is not expected to prove the truth of any allegation, the Council will make initial enquiries to decide whether there are sufficient grounds for the Council to act. The Council will take into account the seriousness of the issues raised; the credibility of the concern; and the likelihood of confirming the allegation from the sources of information available in deciding whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which are within the scope of other procedures (for example child protection or discrimination issues) will normally be referred for consideration under those procedures.

The Act provides you with a safeguard which ensures that when making a “protected disclosure” you have the right not to be victimised, dismissed, or selected for redundancy because of having made a protected disclosure. The Council will work with you and if necessary will explore appropriate policies and procedures to achieve this obligation including consideration of the following:-.

- anyone who victimises an employee as a result of their raising a concern under this policy will be dealt with under the Council’s disciplinary procedure.

- If an employee, who raises the concern is already the subject of disciplinary or redundancy procedures, then that action will be reviewed to see if there is any link between the ‘whistleblowing’ and the decision in the disciplinary or redundancy procedures.

The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

- if an allegation is made in the reasonable belief that the disclosure is in the public interest , but is not confirmed by a subsequent investigation, the matter will be closed and no further action taken. If, however, the investigation shows that untrue allegations were malicious and/or vexatious, then disciplinary action may be taken.

23.9 **Guidelines for Managers**

An employee must not be afraid to raise concerns they may have relating to bad practice within the Council and must not suffer any disadvantage as a result of voicing a reasonably held suspicion. Senior Managers are expected to deal swiftly and thoroughly with such concerns. In following up such concerns, clearly defined procedures will be adopted. When receiving a complaint or concern in relation to bad practice the following steps should be taken:-

- the matter should be dealt with promptly.

- advice should be given to the employee, if appropriate that their concerns and any follow-up reports will be treated in the strictest confidence.

- all staff concerns should be treated seriously and sensitively.

- the employee should be questioned sufficiently so that you can be assured that there is a genuine cause for concern.

- Managers should make a note all relevant details, obtaining as much information as possible, and if the individual has made his or her own notes, obtain a copy of these.

- Managers should complete the Confidential Whistleblowing report form as set out in Section 6 above prior to passing on the form in confidence to the relevant Chief Officer/Service manager for input onto the central Whistleblowing register.

- advise an employee that, if necessary, further information may be sought from them.

- note any documentary evidence which may exist to support the allegations made.

- ensure that the evidence is cogent, adequately supported and secure ensuring that you do not interfere with evidence.

- evaluate the allegation objectively to confirm whether any suspicions seem justified.

- be objective when assessing the issue, consider the facts as they appear, based on the information available to you.

- consider that some concerns may be resolved by agreed action without the need for further investigation.

- if you remain in any doubt you should raise the issue with your line manager to identify the next steps.

- take all immediate action necessary to ensure that no individual is at risk of harm or injury.

- verify with your Senior Manager the next steps to be taken if the issue is outside your direct remit/responsibility.

- take all necessary action to protect the 'whistleblower', any witnesses to the concerns raised and ensuring that any evidence available is not tampered with.

- take all reasonable steps to prevent co-workers and/or an agent of the Council, acting on the Council's authority, from subjecting the 'whistleblower' to a detriment. It is important to record the details of steps taken. You need to remember that employees who victimise whistleblowers can be made personally liable for their own conduct and the Council could be held vicariously liable if it has not taken all reasonable steps to prevent the act of victimisation.

- ensure that the employee's identity must not be disclosed unless disclosure is necessary in furtherance of natural or prescribed justice.

- ensure that Council policies/procedures are followed as appropriate, and have an awareness of all related policies including:

    - The Anti-Fraud and Bribery Policy.

    - The Code of Conduct for Qualifying Employees of the Council.

    - Code of Conduct related to personal professional qualifications.

    - Standing Orders and Financial Procedures.

    - Equal Opportunities.

(Note the above list is not exhaustive and further information on policies and procedures are available from your Personnel Officer, the Council's Monitoring Officer/Head of Legal and Democratic Services, the Section 151 Officer/Head of Finance, or on the Council's StaffNet).

- report to senior staff for guidance on handling enquiries, press coverage and other management action required to support individuals affected by the event.

- ensure that a full record is made of all actions taken.

23.10 **How the Council Will Respond**

The Council will respond to your concerns, do not forget that testing out your concerns is not the same as either accepting or rejecting them. The action taken by the Council will depend upon the nature of the concerns raised. The concerns raised may:

- be investigated internally by the appropriate Manager.

- be referred to the Police if there is evidence of a criminal offence.

- be referred to the Wales Audit Office.

- form the subject of an independent (internal or external) inquiry.

* In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquires will be made to decide whether an investigation is appropriate and if so, what form it should take. The overriding principle which the Council will have in mind is your well-being and the public interest. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

* It should be noted that some concerns may be resolved by agreed action without the need for further investigation.

* The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive appropriate information about the outcome of any investigations.

23.11 **Training and Communication**

Directors and Heads of Service must ensure that –

- all relevant Directorate/Departmental policies and procedures take account of the Whistleblowing Policy.

- the Whistleblowing Policy and the supporting attachments are to be made accessible to all employees/workers including employees, independent contractors and agency workers.

All staff must attend appropriate induction, recruitment and selection and undertake appropriate refresher training on the Whistleblowing Policy.

23.12 **Some Final Notes**

This policy is intended to provide you with an avenue within the Council to raise your concerns. You are encouraged to raise serious matters of concern through the internal procedures set out in this policy.

Where you are unable to raise your concerns within your workplace, it may be appropriate for you to raise your concerns with a 'prescribed person' instead of the Council/School as your employer.

Your disclosure will be protected provided you:-

- have acted in the reasonable belief that your concerns should be disclosed is in the public interest.

- believe that the information and any allegation it contains, is true as far as you know; and have reason to believe that the matter is the prescribed person's responsibility.

Attached at Appendix 1 to this policy is a list of external organisations with responsibilities within Wales which may help you to identify the appropriate 'prescribed person', depending upon the nature of the organisation and the concerns raised, their responsibilities and how to contact them if you need to make an external disclosure.

You should be aware that the Auditor General for Wales or their appointed auditors will deal with matters about public services in Wales including value for money, fraud and corruption which provide public services'. At Appendix 2 is a copy of the Wales Audit Office Whistleblowing leaflet".

Any concerns about 'the proper conduct of a public business, value for money, fraud and corruption in relation to the provision of public services' can be made to the Auditor General for Wales on telephone number 01244 525980 which has been dedicated for this purpose, via email whistleblowing@wao.gov.uk or by writing to:

PIDA Officer
The Auditor General for Wales.
24 Cathedral Road
Cardiff
CF11 9LJ

However, neither the Auditor General for Wales nor their appointed auditors have the power to decide whether a disclosure is protected, or to get involved in employment relations matters and they cannot provide legal advice. The Auditor General for Wales and their appointed auditors have no power to discipline any individuals, or to bring criminal prosecutions after completing any investigations.

Disciplinary action can only be taken by the Council/school or relevant professional organisations. Allegations of criminal behaviour are referred to the police for investigation, if deemed appropriate by the police, resulting in any such prosecutions being determined by the Courts.

If it is not possible to make your disclosure internally you may you should consider whether it is appropriate to report your concerns to others including your MP, Assembly Member, or to the Local Government Ombudsman. This step should be taken only where opportunities to raise matters internally have been fully exhausted.

23.13 **Protection**

You are obliged and encouraged to raise serious matters of concern through this policy. You are also entitled to be protected in law from any adverse actions being taken against you as a result of a disclosure made in accordance with this procedure. The Council is committed to open and transparent governance and

ensuring that all employees are treated fairly when they have legitimate concerns to raise.

23.14 **Free and Confidential Advice**

For free, confidential and independent legal advice on what information is 'protected' under the Public Interest Disclosure Act (PIDA) 1998 and how best to raise concerns contact:

Public Concern at Work (an independent charity) on 020 7404 6609 or visit their website www.pcaw.org.uk or a Union legal advice line (if you are a member of a union).

Original Council Minute 1314 26/4/00

Updated by Cabinet 24/03/14

Appendix 1

http://staffnet.valeofglamorgan.gov.uk/Documents/Directorates/Resources/HR/Blowing-the-Whistle-to-a-Prescribed-Person.pdf

List of Prescribed persons (as amended) added 14/03/14

Appendix 2

http://staffnet.valeofglamorgan.gov.uk/Documents/Directorates/Resources/HR/Wales-Audit-Office-Leaflet---Concerned-About-Wrongdoing-in-Work.pdf

Wales Audit Office Whistleblowing leaflet

SECTION 24

24. MEMBER ROLE DESCRIPTIONS

24.1 Elected Member Role Description

24.1.1 Accountabilities

(a) To Full Council.

(b) To the electorate of their ward.

(c) To the electorate of the Vale of Glamorgan as a whole.

24.1.2 Role Purpose and Activity

(a) *Representing and Supporting Communities*

(i) To represent ward interests.

(ii) To be an advocate for the Council in the ward and communities they serve.

(iii) To be a channel of communication to the community on Council strategies, policies, services and procedures.

(iv) To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally.

(v) To liaise with Executive Members, other Council Members, Council Officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported.

(vi) To promote tolerance and cohesion in local communities.

(b) *Making Decisions and Overseeing Council Performance*

(i) To participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance.

(ii) To participate in informed and balanced decision-making on committees and panels to which they might be appointed.

(iii) To adhere to the principles of democracy and collective responsibility in decision-making.

(iv) To promote and ensure efficiency and effectiveness in the provision of Council and other public services.

(c) *Representing the Council (Subject to Appointment)*

(i) To represent the Council on local outside bodies as an appointee of the Council.

(ii) To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain.

(iii) To represent and be an advocate for the Council on national bodies and at national events.

(d) *Internal Governance, Ethical Standards and Relationships*

(i) To promote and support good governance of the Council and its affairs

(ii) To provide community leadership and promote active citizenship.

(iii) To promote and support open and transparent government.

(iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(v) To adhere to the Members' Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office.

(e) *Personal and Role Development*

To participate in opportunities for Member Development provided for Members by the Authority.

24.1.3 Values and Principles

To be committed to the values of the Council and the following principles which are to govern the conduct of Members of the Council:

(a) selflessness;

(b) honesty;

(c) integrity and propriety;

(d) duty to uphold the law;

(e) stewardship;

(f) objectivity in decision-making;

(g) equality and respect;

(h) openness;

(i) accountability;

(j) leadership.

24.2 **Leader (and Deputy) Role Description**

24.2.1 Accountabilities

(a) To Full Council.

(b) The Public.

24.2.2 Role Purpose and Activity

(a) *Providing Political Leadership to the Council*

(i) To be a political figurehead for the Council; to be the principal political spokesperson for the Council.

(ii) To provide leadership in building a political consensus around Council policies.

(iii) To form a vision for the Council and community.

(iv) To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery.

(b) *Appointing the Cabinet*[38]

(i) To designate the appropriate portfolios.

(ii) To appoint appropriate elected Members to each portfolio.

(iii) To allocate Cabinet Members to roles with regard to their abilities.

(iv) To designate the Deputy Leader.

(c) *Representing and Acting as Ambassador for the Authority*

(i) To represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority, both within the County and at external bodies.

(ii) To represent the Authority on the WLGA Co-ordinating Committee and the WLGA Regional Partnership Board.

[38] Under constitutional arrangements for a cabinet model, either the Full Council or the Leader may appoint the Cabinet. In Wales it is common practice for the Leader to appoint the Cabinet under this model. This Role Description has been written accordingly, noting that councils may vary this arrangement. In the case of Fourth Option Authorities, the Board should be selected according to the political balance of the Authority.

(iii) To provide leadership and support local partnerships and organisations.

(iv) To represent the Authority in regional and national bodies as appropriate.

(d) *Providing Leadership within the Portfolio*

To fulfil the role of a portfolio holder, having regard to the role purpose and activities, and role specification of an Executive Member.

(e) *Managing and Leading the Work of the Cabinet and Chairing Meetings*

(i) To ensure the effective running of the Cabinet by managing the Forward Work Programme and ensuring its continuing development.

(ii) To ensure the work of the Cabinet meets national policy objectives.

(iii) To advise and mentor other Cabinet Members in their work.

(iv) To chair meetings of the Cabinet in line with the Constitution.

(v) In the Leader's absence the Deputy Leader (if appointed by the Leader) should fulfil this role.

(f) *Participating in the Collective Decision-Making of the Cabinet*

(i) To work closely with other Cabinet Members to ensure the development of effective Council policies and the budgetary framework for the Council, and the delivery of high quality services to local people.

(ii) To accept collective responsibility and support decisions made by the Cabinet once they have been made.

(g) *Working with Officers to Lead the Organisation*

(i) To liaise with the Managing Director and other appropriate Officers, on a regular basis.

(ii) To work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of Officers and the development of policy issues.

(h) *Leading Partnerships and Community Leadership*

(i) To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities.

(ii) To negotiate and broker in cases of differing priorities and disagreement.

(iii) To act as a leader of the local community by showing vision and foresight.

(i) *Internal Governance, Ethical Standards and Relationships*

(i) To promote and support good governance of the Council and its affairs.

(ii) To provide community leadership and promote active citizenship.

(iii) To promote and support open and transparent government.

(iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(v) To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

24.2.3 Values and Principles (see Elected Member Role Description)

24.3 **Deputy Leader**

24.3.1 To fulfil the duties of the Leader in his or her absence.

24.3.2 To assist the Leader in specific duties as required.

24.4 **Cabinet Member Role Description**

24.4.1 Accountabilities

(a) To the Leader.

(b) To the Cabinet (through collective responsibility).

(c) To Full Council.

(d) To Scrutiny Committees.

24.4.2 Role Purpose and Activities

(a) *Providing Portfolio Leadership*

(i) To give political direction to Officers working within the portfolio and contribute to the Council's overall policy framework.

(ii) To gain the respect of Officers within the portfolio; provide support to Officers in the implementation of portfolio programmes.

(iii) To provide leadership in the portfolio.

(iv) To liaise with the appropriate Scrutiny Committee Chairman and receive scrutiny reports as required.

(v) To be accountable for choices and performance in the portfolio.

(vi) To have an overview of the performance management, efficiency and effectiveness of the portfolio.

(vii) To make Executive decisions within the Portfolio (where such delegation has been granted within the portfolio).[39]

(b) *Contributing to the Setting of the Strategic Agenda and Work Programme for the Portfolio*

(i) To work with Officers to formulate policy documents, both strategic and statutory. Ensure that the political will of the majority is carried to and through the Cabinet.

(ii) To provide assistance in working up and carrying through a strategic Work Programme, both political and statutory. Carry out consultations with stakeholders as required. Make sure that the portfolio's Forward Work Programme is kept up-to-date and accurate.

(iii) To have collective responsibility for delivering the Council's Corporate Plan and overall policy framework.

(c) *Providing Representation for the Portfolio*

To provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.

(d) *Reporting and Accounting*

(i) To report as appropriate to the Leader, Full Council, Cabinet, appropriate Chairman of Scrutiny Committee, regulatory bodies and the media.

(ii) To be the principal political spokesperson for the portfolio.

(iii) To appear before Scrutiny Committees in respect of matters within the portfolio.

(e) *Taking an Active Part in Cabinet Meetings and Decision-Making*

(i) To show an interest in and support for the portfolios of others.

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[39] This only applies under constitutional arrangements where individual Cabinet Members or combinations of Cabinet Members are given individual responsibility for making decisions on behalf of the Executive.

(ii) To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility.

(f) *Leading Partnerships and Community Leadership*

(i) To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities.

(ii) To negotiate and broker in cases of differing priorities and disagreement.

(iii) To act as a leader of the local community by showing vision and foresight.

(g) *Internal Governance, Ethical Standards and Relationships*

(i) To promote and support good governance of the Council and its affairs.

(ii) To provide community leadership and promote active citizenship.

(iii) To promote and support open and transparent government.

(iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(v) To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

24.4.3 Values and Principles (see Elected Member Role Description)

24.5 **Chairman of the Council Role Description**

24.5.1 Accountabilities

Full Council.

24.5.2 Role Purpose and Activity

(a) *Acting as a symbol of the Council's democratic authority*

(i) As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council.

(ii) To represent the Council at civic and ceremonial functions.

(b) *Chairing Council Meetings*

(i) To preside over meetings of the Council, so that its business can be carried out efficiently.

(ii) To ensure the Council conducts its meetings in line with the Council's Standing Orders.

(c) *Upholding and Promoting the Council's Constitution*

To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution.

(d) *Internal Governance, Ethical Standards and Relationships*

(i) To promote and support good governance of the Council and its affairs.

(ii) To provide community leadership and promote active citizenship.

(iii) To promote and support open and transparent government.

(iv) To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(v) To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

24.5.3 Values and Principles (see Elected Member Role Description)

24.6 **Vice-Chairman**

24.6.1 To fulfil the duties of the Chairman in his or her absence.

24.6.2 To assist the Chairman in specific duties as required.

24.7 **Chairman of Democratic Services Committee Role Description**

24.7.1 Accountabilities

To Full Council.

24.7.2 Role Purpose and Activity

(a) *Providing Leadership and Direction*

(i) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision-making.

(ii) To lead the Committee in its role in:

(A) designating the Head of Democratic Services;

(B) keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate;

(C) make annual reports to the Full Council in relation to the above;

(D) considering reports prepared by the Head of Democratic Services;

(E) developing the Authority's Member Support and Development Strategy;

(F) ensuring that Members have access to a reasonable level of training and development as described in the Authority's Member Development Strategy and the Wales Charter for Member Support and Development;

(G) ensuring that the budget for Member Development is sufficient;

(H) ensuring that Members have access to Personal Development Planning and annual Personal Development Reviews;

(I) work with the Member Support and Development Champion where relevant to promote the role of Members and necessary support and development.

(iii) To demonstrate integrity and impartiality in decision-making which accord with legal, constitutional and policy requirements.

(b) *Promoting the Role of the Democratic Services Committee*

(i) To act as an ambassador for the Democratic Services Committee, facilitating understanding of the role.

(ii) To act within technical, legal and procedural requirements to oversee the functions of the Committee fairly and correctly.

(iii) To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings.

(c) *Internal Governance, Ethical Standards and Relationships*

(i) To develop the standing and integrity of the Committee and its decision-making.

(ii) To understand the respective roles of Members, Officers and external parties operating within the Democratic Services Committee's area of responsibility.

(iii) To promote and support good governance by the Council.

24.7.3 Values and Principles (see Elected Member Role Description)

24.8 **Member of a Democratic Services Committee Role Description**

24.8.1 Accountabilities

(a) To Full Council.

(b) To the Chairman of the Democratic Services Committee.

24.8.2 Role Purpose and Activity

(a) *Understanding the Nature of the Democratic Services Committee:*

(i) To be aware of and effectively undertake the role of the Committee in:

(A) designating the Head of Democratic Services;

(B) keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate;

(C) make annual reports to the Full Council in relation to the above;

(D) considering reports prepared by the Head of Democratic Services;

(E) developing the Authority's Member Support and Development Strategy;

(F) ensuring that Members have access to a reasonable level of training and development as described in the Authority's Member Development Strategy and the Wales Charter for Member Support and Development;

(G) ensuring that the budget for Member Development is sufficient;

(H) ensuring that Members have access to Personal Development Planning and annual Personal Development Reviews.

(b) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee.

(c) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

(d) *Participating in Meetings and Making Decisions*

(i) To participate effectively in meetings of the Democratic Services Committee.

(ii) To make informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements.

(e) *Internal Governance, Ethical Standards and Relationships*

(i) To ensure the integrity of the Committee's decision-making and of his/her own role by adhering to the Code(s) of Conduct and other constitutional and legal requirements.

(ii) To promote and support good governance by the Council.

(iii) To understand the respective roles of Members, Officers and external parties operating within the Democratic Services Committee's area of responsibility.

24.8.3 Values and Principles (see Elected Member Role Description)

24.9 **Chairman of a Regulatory Committee Role Description**

24.9.1 Accountabilities

(a) To Full Council.

(b) To the members of the Regulatory Committee.

24.9.2 Role Purpose and Activity

(a) *Providing Leadership and Direction*

(i) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision-making.

(ii) To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process.

(iii) To demonstrate integrity and impartiality in decision-making which accord with legal, constitutional and policy requirements.

(iv) To delegate actions to sub-committees as appropriate

(b) *Promoting the Role of the Regulatory Committee and Quasi-Judicial Decision-Making*

(i) To act as an ambassador for the Regulatory Committee, facilitating understanding of the role.

(ii) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.

(iii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings.

(c) *Internal Governance, Ethical Standards and Relationships*

(i) To develop the standing and integrity of the committee and its decision-making.

(ii) To understand the respective roles of Members, Officers and external parties operating within the Regulatory Committee's area of responsibility.

(iii) To promote and support good governance by the Council.

24.9.3 Values and Principles (see Elected Member Role Description)

24.10 **Member of a Regulatory Committee Role Description**

24.10.1 Accountabilities

(a) To Full Council.

(b) To the Chairman of the Regulatory Committee.

24.10.2 Role Purpose and Activity

(a) *Understanding the Nature of the Regulatory Committee and Quasi-Judicial Decision-Making*

(i) To be aware of the quasi-judicial nature of Regulatory Committee decision-making.

(ii) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.

(iii) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee.

(b) *Participating in Meetings and Making Decisions*

(i) To participate effectively in meetings of the Regulatory Committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision-making.

(ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.

(c) *Internal Governance, Ethical Standards and Relationships*

(i) To ensure the integrity of the committee's decision-making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.

(ii) To promote and support good governance by the Council.

(iii) To understand the respective roles of Members, Officers and external parties operating within the Regulatory Committee's area of responsibility.

24.10.3 Values and Principles (see Elected Member Role Description)

24.11 Chairman of Standards Committee Role Description

24.11.1 Accountabilities

To Full Council.

24.11.2 Role Purpose and Activity

(a) *Providing Leadership and Direction*

(i) To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.

(ii) To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Code of Conduct.

(iii) To demonstrate independence, integrity and impartiality in decision-making which accord with legal, constitutional and policy requirements.

(iv) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision-making.

(v) To lead the committee in its role in:

(A) promoting and maintaining high standards of conduct by Councillors and Co-Opted Members;

(B) assisting the Councillors and Co-Opted Members 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 on matters relating to the Members' Code of Conduct;

(F) granting dispensations to Councillors and Co-Opted Members on dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that Officer by the Public Services Ombudsman for Wales;

(G) the exercise of these functions in relation to town and community councils and the members of those councils.

24.11.3 Values and Principles (see Elected Member Role Description)

24.12 Member of a Standards Committee Role Description

24.12.1 Accountabilities

(a) To Full Council.

(b) To the Chairman of the Standards Committee.

24.12.2 Role Purpose and Activity

(a) Understanding the nature of the Standards Committee and effectively fulfilling its functions by:

(i) promoting and maintaining high standards of conduct by Councillors and Co-Opted Members;

(ii) assisting the Councillors and Co-Opted Members to observe the Members' Code of Conduct;

(iii) advising the Council on the adoption or revision of the Members' Code of Conduct;

(iv) monitoring the operation of the Members' Code of Conduct;

(v) advising, training or arranging to train Councillors, Co-Opted Members on matters relating to the Members' Code of Conduct;

(vi) granting dispensations to Councillors and Co-Opted Members on dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.

(b) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee.

(c) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

(d) *Participating in Meetings and Making Decisions*

(i) To participate effectively in meetings of the Standards Committee.

(ii) To make informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements.

(e) *Internal Governance, Ethical Standards and Relationships*

(i) To ensure the integrity of the Committee's decision-making and of his/her own role by adhering to the Code(s) of Conduct and other constitutional and legal requirements.

(ii) To promote and support good governance by the Council.

(iii) To understand the respective roles of Members, Officers and external parties operating within the Standards Committee's area of responsibility.

24.12.3 Values and Principles (see Elected Member Role Description)

24.13 **Chairman of Audit Committee Role Description**

24.13.1 Accountabilities

To Full Council.

24.13.2 Role Purpose and Activity

(a) *Providing Leadership and Direction*

(i) To demonstrate independence, integrity and impartiality in decision-making which accord with legal, constitutional and policy requirements.

(ii) To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision-making.

(iii) To agree the agendas for Audit Committee meetings.

(iv) To lead the Committee in its role in:

(A) reviewing and scrutinising the Authority's financial affairs;

(B) making reports and recommendations in relation to the Authority's financial affairs;

(C) reviewing and assessing the risk management, internal control and corporate governance arrangements of the Authority;

(D) making reports and recommendations to the Authority on the adequacy and effectiveness of those arrangements;

(E) overseeing the Authority's internal and external audit arrangements;

(F) reviewing the financial statements prepared by the Authority and approving them when powers are delegated;

(G) developing relationships with internal and external auditors and the Authority's Monitoring Officer;

(H) developing a Forward Work Programme designed to deliver the Audit Committee's functions;

(I) reviewing and self-assessing the performance of the Committee and its members;

(b) *Promoting the Role of the Audit Committee*

(i) To act as an ambassador for the Audit Committee, facilitating understanding of the role.

(ii) To act within technical, legal and procedural requirements to oversee the functions of the Committee fairly and correctly.

(iii) To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings and in the audit process.

(c) *Internal Governance, Ethical Standards and Relationships*

(i) Understanding the financial risks associated with corporate governance; being satisfied that the Authority's assurance statements, including the annual governance statement, reflect the risk environment and any activities required to improve it.

(ii) To develop the standing and integrity of the Committee and its decision-making.

(iii) To understand the respective roles of Members, Officers and external parties operating within the Audit Committee's area of responsibility.

(iv) To promote and support good governance by the Council.

24.13.3 Values and Principles (see Elected Member Role Description)

24.14 **Member of Audit Committee Role Description**

24.14.1 Accountabilities

(a) To Full Council.

(b) To the Chairman of the Audit Committee.

24.14.2 Role Purpose and Activity

(a) Understanding the role of the Audit Committee and undertaking its functions:

(i) reviewing and scrutinising the Authority's financial affairs;

(ii) making reports and recommendations in relation to the Authority's financial affairs;

(iii) reviewing and assessing the risk management, internal control and corporate governance arrangements of the Authority;

(iv) making reports and recommendations to the Authority on the adequacy and effectiveness of those arrangements;

(v) overseeing the Authority's internal and external audit arrangements;

(vi) reviewing the financial statements prepared by the Authority.

(b) To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee.

(c) To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

(d) *Participating in Meetings and Making Decisions*

(i) To participate effectively in meetings of the Audit Committee; questioning and seeking clarification on matters falling within the Committee's remit.

(ii) To make informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements.

(e) *Internal Governance, Ethical Standards and Relationships*

(i) Understanding the financial risks associated with corporate governance; being satisfied that the Authority's assurance statements, including the annual governance statement, reflect the risk environment and any activities required to improve it.

(ii) To ensure the integrity of the Committee's decision-making and of his/her own role by adhering to the Code(s) of Conduct and other constitutional and legal requirements.

(iii) To promote and support good governance by the Council.

(iv) To understand the respective roles of Members, Officers and external parties operating within the Audit Committee's area of responsibility.

24.14.3 Values and Principles (see Elected Member Role Description)

24.15 **Scrutiny Committee Chairman Role Description**

24.15.1 Accountabilities

(a) Full Council.

(b) The Public.

24.15.2 Role Purpose and Activity

(a) *Providing Leadership and Direction*

(i) To provide confident and effective management of the member team.

(ii) To promote the role of overview and scrutiny within and outside the Council, liaising effectively both internally within the Council and externally with the Council's partners.

(iii) To demonstrate an objective and evidence-based approach to overview and scrutiny.

(iv) To evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement.

(b) *Managing the Work Programme*

(i) To develop a balanced Work Programme of the Committee which includes pre-decision scrutiny, policy development and review, investigative scrutiny, and holding the Executive to account including performance monitoring.

(ii) To ensure the Programme takes account of relevant factors such as: the Work Programmes of the Executive and other committees, strategic priorities and risks, and relevant community issues.

(iii) To ensure that the Work Programme is delivered.

(iv) To report on progress against the Work Programme to Council, and others as appropriate.

(v) To liaise with Officers, other Members and community representatives to resource and deliver the Work Programme.

(c) *Effective Meeting Management*

(i) To set agendas containing clear objectives and outcomes for the meeting.

(ii) To manage the progress of business at meetings, ensuring that meeting objectives are met, and the Code of Conduct, Standing Orders and other constitutional requirements are adhered to.

(iii) To ensure that the necessary preparation is done beforehand.

(iv) To ensure that all participants have an opportunity to make an appropriate contribution.

(d) *Community Leadership*

(i) To act as a focus for liaison between the Council, community and external bodies in relation to the scrutiny function.

(ii) To build understanding and ownership of the overview and scrutiny function within the community.

(iii) To identify relevant community-based issues for scrutiny.

(iv) To promote the full involvement of external stakeholders for example, service users, expert witnesses and partners in scrutiny activity.

(e) *Involvement and Development of Committee Members*

(i) To encourage effective contributions from all committee members in both committee and task and finish groups.

(ii) To assess individual and collective performance within the committee and facilitate appropriate development;.

(iii) To champion the importance of learning and development;

24.15.3 Values and Principles (see Elected Member Role Description)

24.16 **Scrutiny Committee Member Role Description**

24.16.1 Accountabilities

(a) Chairman of the appropriate Scrutiny Committee.

(b) Full Council.

(c) The public.

24.16.2 Role Purpose and Activity

To participate fully in the activities of the Scrutiny Committee, the development and delivery of its Work Programme and any associated task and finish groups.

(a) *Reviewing and Developing Policy*

(i) To assist in the creation, development, improvement and refinement of Council policy.

(ii) To challenge policies on a sound basis of evidence for example against legislation or local political priority.

(iii) To assess impact of existing policy.

(b) *Holding the Executive to Account, Monitoring Performance and Service Delivery*

(i) To monitor the performance of internal and external providers against standards and targets including questioning of Executive and senior Officers' over time.

(ii) To contribute to the identification and mitigation of risk.

(iii) To investigate and address the causes of poor performance.

(iv) To evaluate the validity of Executive decisions and challenging decisions through call-in where appropriate.

(c) *Promoting the Work of Overview and Scrutiny*

(i) To promote the role of overview and scrutiny within and outside the Council, developing effective internal and external relationships.

(ii) To demonstrate an objective and evidence-based approach to overview and scrutiny.

(iii) To add value to the decision-making and service provision of the Authority through effective scrutiny.

(d) *Community Leadership*

(i) To use scrutiny as a means to address community issues and engage the public.

(ii) To encourage stakeholders to participate in the work of the Authority.

(iii) To develop locally viable and acceptable policy solutions.

(iv) To build a dialogue around priorities, objectives and performance, among communities and stakeholders.

(e) *Meeting Participation*

(i) To make adequate and appropriate preparation for meetings through research and briefings.

(ii) To participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements.

24.16.3 Values and Principles (see Elected Member Role Description)

24.17 Leader of Opposition Groups Role Description

24.17.1 Accountabilities

To the nominating Group.

24.17.2 Role Purpose and Activity

(a) *Providing Political Leadership for an Opposition Group*

(i) To be a political figurehead for the Opposition Group; to be the principal political spokesperson for the Council's opposition.

(ii) To provide leadership in the constructive challenge of the Council's policies.

(iii) To constructively challenge the vision for the Council and community where appropriate.

(iv) To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery.

(b) *Representing the Authority's Opposition*

(i) To represent the Opposition Group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority.

(ii) To represent the Council on external bodies.

(c) *Internal Governance, Ethical Standards and Relationships*

(i) To promote and support good governance of the Council and its affairs.

(ii) To provide community leadership and promote active citizenship.

(iii) To promote and support open and transparent government.

(iv) To promote, support, and adhere to respectful, appropriate and effective relationships with employees of the Council.

(v) To promote, support and adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

24.17.3 Values (see Elected Member Role Description)

24.18 Role of the Deputy Leader of Opposition Groups

24.18.1 To fulfil the duties of the Leader in his or her absence.

24.18.2 To assist the Leader in specific duties as required.

24.19 Member Champion Purpose and Role

24.19.1 What are Member Champions?

(a) Member Champions exist to provide a voice for traditionally under-represented groups, or issues which need to be kept at the forefront of Council business, although they may not be the responsibility of any individual or committee.

(b) Member Champions, (sometimes called Lead Members) are elected Members who, in addition to their other Council responsibilities, make sure that the issue or group that they are championing are taken into account when Council policy is being developed and decisions are made. Members act as Champions in areas such as Children, Homelessness, Equalities, Older People, Young People, Scrutiny, Member Support and Development, Health Improvement and Anti-Poverty. There is a statutory role for a Lead Member of Children and Young People's Services with a responsibility for over-seeing the arrangements made under Sections 25 and 26 of the 2004 Children Act.

(c) Guidance on undertaking the role with regard to the subject knowledge that Members need is sometimes available from the outside bodies associated with the issue being championed, for example the toolkit for Older People's Champions from the LGA. Otherwise, they will be reliant on their Authority for guidance in the subject they lead on and also their role as Lead Member in this area.

24.19.2 What do they do?

Typically, the Lead Member will:

(a) make sure that their area of interest is taken into account when developing policy or making decisions;

(b) ask questions about performance and resourcing for the area;

(c) raise the profile of the area and make the Authority aware of good practice;

(d) engage with external bodies who work in the area;

(e) engage with other Officers and Members in relation to the role;

(f) engage with community groups with an interest/stake in the area;

(g) report action to the Council.

24.19.3 How Does Their Role Fit Within the Corporate Structure?

(a) This will vary according to the area/issue that is being championed and how the Authority functions. There is potential for confusion and overlap between the role of the Member Champion and those of the relevant Executive Member or Scrutiny Members. The Champion role itself could be undertaken by either the relevant Executive Member or a Non-Executive Member.

(b) It is therefore important that Members and Officers work together to agree roles and action for the area being championed and that there are mechanisms for Lead Members to report on their activities. It is helpful for the Authority to draft a protocol which sets out what powers Champions have and do not have, such as whether or not they are able to make decisions on behalf of the Authority. Similarly, the appointment of Champions varies between authorities, and includes appointments being made by Full Council meetings or by the Leader.

24.19.4 The Role Description

It is difficult to create a role description that fits with the different roles expected of Champions and how they operate in the different authorities' structures. The following is a generic model which will require local adaptation, particularly to reflect the difference that may exist between a statutory role, one undertaken by an Executive Member and a non-executive lead.

24.20 **Member Champion Role Description**

24.20.1 Accountabilities

To Full Council.

24.20.2 Role Purpose and Activities

(a) *Within the Council*

(i) To promote the interest being championed within the Council's corporate and service priorities.

(ii) To promote the needs of the client group represented in the interest to the decision-makers within the Council.

(iii) To work with the decision-makers in the Council to establish strategies/policies/work plans connected with the interest.

(iv) To maintain an awareness of all matters connected with the interest.

(v) To contribute to good practice and the continuous improvement of services and functions related to the interest.

(vi) To engage with Members in matters related to the interest such as attending Scrutiny/Cabinet/Full Council meetings etc.

(vii) Raising awareness of and taking a lead role in the development of all Members and Officers in relation to the interest.

(b) *In the Community*

(i) To raise the profile of the interest in the community.

(ii) To engage with citizens and community groups in matters related to the interest.

(iii) To lead and support local initiatives related to the interest.

24.20.3 Values and Principles (see Elected Member Role Description)

24.21 **Elected Member Person Specification**

To fulfil his or her role as laid out in the role description, an effective Member requires the following:

24.21.1 Representing and Supporting Communities

(a) Good advocacy skills.

(b) Interpersonal skills.

(c) Integrity and the ability to set aside own views and act impartially.

(d) The ability to present relevant and well-reasoned arguments.

(e) Good communication skills.

24.21.2 Making Decisions and Overseeing Council Performance

(a) Knowledge and understanding of meetings law, rules and conventions.

(b) An understanding of strategic, policy and service contexts for decisions.

(c) The ability to challenge ideas and contribute positively to policy development.

24.21.3 Representing the Council (Subject to Appointment)

(a) Good public speaking skills.

(b) Good presentation skills.

(c) The ability to persuade others and act with integrity.

24.21.4 Internal Governance, Ethical Standards and Relationships

(a) An understanding of the roles of Officers, Members and different agencies.

(b) Respect for, and desire to work with, different groups and individuals.

(c) Have knowledge and understanding of the Code of Conduct and Member/ Officer Protocol.

(d) A knowledge and commitment to the values of the Council.

24.21.5 Personal and Role Development

(a) An ability to asses personal and role development needs.

(b) Desire and skills to participate in development.

24.22 **Leader Person Specification**

To fulfil his or her role as laid out in the Role Description, an effective Leader requires:

24.22.1 Providing Political Leadership to the Council

(a) Knowledge of community strengths, areas of improvement and key issues.

(b) An understanding of the relationship between national and local politics.

(c) Have a good strategic awareness of issues facing the Council.

(d) An understanding of the Council's strategy, policies and operations.

24.22.2 Appointing the Cabinet

(a) An understanding of the rules for the appointment of Cabinet Members.

(b) An ability to recognise talent amongst Members.

(c) An ability to negotiate the most advantageous appointments within and across political groups.

(d) To appraise, guide and mentor senior Members.

24.22.3 Representing and Acting as Ambassador for the Authority

(a) High level communication skills to communicate to the media, local community and wider audience.

(b) Good public speaking skills.

24.22.4 Providing Leadership Within the Portfolio

The skills necessary for a Cabinet Member to fulfil their role.

24.22.5 Managing and Leading the Work of the Cabinet and Chairing Meetings of the Cabinet

(a) An understanding of the Cabinet Procedure Rules.

(b) Skills to chair meetings, including encouraging participation from all Members.

(c) A knowledge and understanding of national policy objectives.

(d) An overview of the work being carried out by Cabinet Members.

24.22.6 Participating in the Collective Decision-Making of the Cabinet

The ability to constructively challenge decisions and suggest alternatives.

24.22.7 Working with Officers to Lead the Organisation

An understanding of the roles and responsibilities of the Managing Director and other Officers.

24.22.8 Leading Partnerships and Community Leadership

(a) Adaptive leadership skills.

(b) Negotiation and brokerage skills.

(c) Creative and lateral thinking skills; the ability to see ahead and be predictive.

24.22.9 Internal Governance, Ethical Standards and Relationships

(a) An understanding of the roles of Officers, Members and different agencies.

(b) Respect for, and desire to work with, different groups and individuals.

(c) Have knowledge and understanding of the Code of Conduct and Member/ Officer Protocol.

(d) A knowledge and commitment to the values of the Council.

24.23 **Cabinet Member Person Specification**

To fulfil his or her role as laid out in the Role Description, an effective Cabinet Member requires:

24.23.1 Portfolio Leadership

(a) An understanding of the Council's strategy, policies and operations.

(b) Leadership skills.

24.23.2 Contributing to the Setting of the Strategic Agenda and Work Programme for the Portfolio

(a) The ability to present to others.

(b) The ability to exercise strategic awareness and judgement.

(c) Knowledge of relevant issues and who to involve in decision-making.

(d) The ability to persuade others.

(e) Knowledge of Council and national objectives.

24.23.3 Providing Representation for the Portfolio

(a) Public speaking skills.

(b) Good presentation skills.

24.23.4 Reporting as Appropriate

High level communication skills.

24.23.5 Taking an Active Part in Cabinet Meetings and Decisions

(a) The ability to constructively challenge decisions and suggest alternatives.

(b) The knowledge, confidence and ability to contribute to discussion and resolution of cross-cutting and collective issues.

24.23.6 Leading Partnerships and Community Leadership

(a) Adaptive leadership skills.

(b) Negotiation and brokerage skills.

(c) Creative and lateral thinking skills; the ability to see ahead and be predictive.

24.23.7 Internal Governance, Ethical Standards and Relationships

(a) An understanding of the roles of Officers, Members and different agencies.

(b) Respect for, and desire to work with, different groups and individuals.

(c) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.

(d) A knowledge and commitment to the values of the Council.

24.24 **Chairman of the Council Person Specification**

To fulfil his or her role as laid out in the Role Description, an effective Member requires the following:

24.24.1 Acting as a Symbol of the Council's Democratic Authority

(a) Good public speaking skills.

(b) An in-depth understanding of role of Chair.

24.24.2 Chairing Council Meetings

(a) Skills to chair meetings, to ensure business is carried out effectively and all those attending participate.

(b) An understanding of the Council's Standing Orders.

24.24.3 Upholding and Promoting the Council's Constitution

(a) An understanding of the Council's Constitution.

(b) An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution.

24.24.4 Internal Governance, Ethical Standards and Relationships

(a) An understanding of the roles of Officers, Members and different agencies.

(b) Respect for, and desire to work with, different groups and individuals.

(c) Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol.

(d) A knowledge and commitment to the values of the Council.

24.24.5 Work Programming

The ability and discipline to plan and manage Work Programmes.

24.25 **Chairman of Regulatory Committee Person Specification**

To fulfil his or her role as set out in the role description, an effective regulatory committee Chairman requires:

24.25.1 Providing Leadership and Direction

(a) Ability to conduct meetings to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused.

(b) Understanding of the Council's role and ability to ensuring that stakeholders are aware of that role.

(c) Communication skills.

(d) Knowledge of local issues.

(e) Ability to manage the work of the Committee.

(f) Ability to support and develop necessary skills in fellow members of the Committee.

24.25.2 Promoting the Role of the Regulatory Committee and Quasi-Judicial Decision-Making

(a) Understanding and appreciation of the regulatory framework.

(b) Ability to inspire and enthuse committee members for the work of the committee.

(c) Integrity and the ability to set aside own views and act impartially.

(d) Knowledge and understanding of the relevant Code(s) of Conduct and protocols and the ability to champion them.

24.25.3 Internal Governance, Ethical Standards and Relationships

(a) Knowledge and understanding of the Code(s) of Conduct and protocols.

(b) Knowledge of and commitment to the values of the Council.

24.26 **Regulatory Committee Member Person Specification**

To fulfil his or her role as laid out in the Role Description, an effective member of a regulatory committee requires the following:

24.26.1 Understanding the Nature of the Regulatory Committee and Quasi-Judicial Decision-Making

(a) Integrity and the ability to set aside own views and act impartially.

(b) Knowledge of law, policy and procedures for that regulatory/quasi-judicial area.

(c) Maintenance of knowledge.

(d) Objectivity and judgement.

24.26.2 Participating in Meetings and Making Decisions

(a) Ability to listen and to consider and respect the views of other contributors.

(b) Good public speaking skills.

(c) Good advocacy skills.

24.26.3 Internal Governance, Ethical Standards and Relationships

(a) Knowledge and understanding of the Code(s) of Conduct and protocols.

(b) Knowledge of, and a commitment to, the values of the Council.

24.27 Scrutiny Committee Chairman Person Specification

To fulfil his or her role laid out in the Role Description an effective Scrutiny Chairman requires:

24.27.1 Providing Leadership and Direction

(a) Understanding of Council role and functions.

(b) Understanding of role of Scrutiny, terms of reference for the Committee, role of Chairman, and other aspects of the democratic arrangements.

(c) Understanding of Member Support functions.

(d) Understanding of Council priorities and risks.

(e) Ability to develop Work Programmes.

(f) Understanding of community issues.

(g) Objectivity.

(h) Negotiation and consensus building.

(i) Ability to build constructive and 'critical friend' relationships with the Executive.

24.27.2 Managing the Work Programme

(a) Ability to manage projects and resources.

(b) Ability to manage people.

(c) Ability to prioritise.

(d) Ability to report progress to different groups in different styles.

24.27.3 Effective Meeting Management

(a) Understanding and application of meeting protocols, Code of Conduct, Standing Orders and other constitutional requirements.

(b) Ability to chair meetings effectively, managing the agenda and progressing business.

(c) Ability to facilitate effective discussions.

(d) Ability to listen and question effectively.

24.27.4 Community Leadership

(a) Understanding of the community leadership role.

(b) Knowledge of local issues and expectations.

(c) Ability to work effectively with all members of the community and build understanding and ownership of Scrutiny.

(d) Knowledge of the individuals and organisations in the community especially those traditionally excluded.

24.27.5 Involving and Developing of Committee Members

(a) Understanding of the role and skills of the Scrutiny Committee and its individuals.

(b) Ability to support Members and the Committee in assessing their performance.

(c) Ability to identify any training and development needs and champion and participate in appropriate learning and development.

24.28 **Scrutiny Committee Member Person Specification**

To fulfil his or her role as laid out in the Role Description, an effective Scrutiny Committee member requires:

24.28.1 Participating Fully in the Activities of the Scrutiny Function

(a) Full understanding of the scrutiny remit and role, and terms of reference for their own Committee and others.

(b) Understanding of Member Support functions.

(c) Willingness to work within the guidance of the Chairman.

(d) Willingness to undertake training as necessary.

24.28.2 Reviewing and Developing Policy

(a) Knowledge of, and ability to evaluate, existing policy.

(b) Understanding of best practice.

(c) Understanding of national and local legislative and policy context.

24.28.3 Monitoring Performance and Service Delivery and Holding the Executive to Account

(a) Understanding of the Wales Programme for Improvement (WPI) and associated risk assessment arrangements.

(b) Understanding of the principles and practice of performance management.

(c) Understanding of the Council's performance management arrangements.

(d) Ability to analyse data and challenge performance.

(e) Understanding of arrangements for call-in.

24.28.4 Promoting the Work of Scrutiny

(a) Ability to negotiate and build consensus.

(b) Ability to act objectively and on the basis of evidence.

24.28.5 Community Leadership

(a) An understanding of the community leadership role.

(b) Knowledge of local issues and expectations.

(c) Ability to work effectively with all members of the community and build understanding and ownership of Scrutiny.

(d) Knowledge of the individuals and organisations in the community, especially those traditionally excluded.

24.28.6 Meeting Participation

(a) Ability to interpret information and data from a range of sources.

(b) Understanding and application of meeting protocols, Code of Conduct, Standing Orders and other constitutional requirements.

(c) Ability to participate in meetings, including effective listening, questioning and speaking.

24.29 **Leader of Opposition Groups Person Specification**

To fulfil his or her role as laid out in the Role Description, an effective Leader of an Opposition Group requires:

24.29.1 In Providing Political Leadership for the Opposition Group

(a) Knowledge of community strengths, areas of improvement and key issues.

(b) An understanding of the relationship between national and local politics.

(c) Have a good strategic awareness of issues facing the Council.

(d) An understanding of the Council's strategy, policies and operations.

(e) An ability to challenge different strategies, policies and operations.

24.29.2 In Representing an Authority's Opposition Group

(a) High level communication skills to communicate to the media, local community and wider audience.

(b) Good public speaking skills.

(c) Creative and lateral thinking skills; the ability to see ahead and be foresighted.

(d) Leadership skills.

24.29.3 Internal Governance, Ethical Standards and Relationships

(a) An understanding of the roles of Officers, Members and different agencies.

(b) Respect for, and willingness to work with, different groups and individuals.

(c) A thorough knowledge and understanding of the Code of Conduct and Member/Officer Protocol.

(d) A knowledge of and commitment to the values of the Council.

24.30 **Member Champion Person Specification**

24.30.1 Within the Council

(a) Understanding of the area of interest being championed in terms of Council strategies and policy, good practice, improvement and national agendas and the needs of the client group.

(b) Ability to engage with a range of Members and Officers around the area of interest and listening to requirements.

(c) Ability to advocate on behalf of the area of interest within the Council.

24.30.2 In the Community

(a) Understanding of the needs of the community in relation to the interest.

(b) Ability to engage with citizens and community groups in matters related to the interest.

(c) Ability to lead and support local initiatives related to the interest.

(d) Ability to represent the position of the Council to the community in relation to the interest.

SECTION 25

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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.

MANAGING DIRECTOR OR, IN HIS ABSENCE, THE NOMINATED DEPUTY

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, Section 151 Officer and the appropriate Chief Officer, in respect of any matter which, in his opinion:

(a) requires immediate action; and

(b) 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 or Council as appropriate.

2. The nominated Deputy in the absence of the Managing Director for the purposes of the use of the Managing Director's Emergency Powers be the relevant Service Director or another Director in the absence of the relevant Director and in respect of the matters relating to the Resources Directorate, the Director of Environment and Housing.

3. Authority to increase annually the scale of fees, charges and expenses at elections, linked to the inflation rates supplied by the Section 151 Officer in July of each year.

4. Authority to approve, after discussion with the Leader, attendance at all conferences, including annual conferences, in accordance with agreed procedures.

5. 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).

6. Authority to negotiate all relevant matters relating to the transfer of CBDC assets, liabilities and responsibilities to successor authorities following consultation with the Leader.

7. 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.

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 Staff Survey, having regard to the Management Team's recommendations regarding staff coverage, frequency and nature of questions to be asked.

10. In consultation with the Leader, to carry out on behalf of the Authority, all associated matters involved in setting up the Shared Regulatory Service in respect of any such matters that are the responsibility of the Council. It be noted that such delegated matters include, without limitation to the generality of the forgoing:

(a) Immediate conclusion and execution of a Joint Working Agreement for the Shared Regulatory Service, to include, amongst other things, details of income and cost sharing and those matters referred to in the Legal Implications content of the report to Council on 12th November 2014 (Minute No. 600);

(b) Overseeing and directing a project board of officers established to implement the shared service;

(c) Undertaking all required statutory and other consultation on the proposed transfer of staff to the host (employing) authority;

(d) Subject to considering the outcome of such consultation, receiving the transfer of employees to the Vale of Glamorgan Council as host (employing) authority; to undertake all required statutory and other consultation on the proposed remodelling/restructuring and subject to considering the outcome of such consultation to undertake the proposed reorganisation/remodelling, making any subsequent refinements to the proposals, provided always that matters shall be reported back to Cabinet in respect of any material refinements that fall outside of the proposals for the Shared Regulatory Service as set out in the report to Council on 12th November 2014 (Minute No. 600), and

(e) Producing a three year business plan for the service, seeking to outline how the service will be developed in detail and including the identification of further year on year savings over the three year period.

11. In consultation with the Leader, to authorise submission and acceptance of future external funding grant applications and allocations and to enter into the associated grant terms and conditions.

12. In consultation with the Leader to consider and if deemed appropriate authorise payments in settlement of maladministration claims referred to the Public Services Ombudsman for Wales when there was no legal requirement to publicise the matter.

13. In the event of external appointments to the Cardiff and Vale Community Health Council being required, delegated powers, in consultation with the Leader and the Head of Democratic Services, to consider and determine the applications and to forward the approved applications to the Board of Community Health Councils.

14. If any further vacancies or substitutes to outside bodies be considered necessary, the Managing Director, in consultation with the Leader, delegated authority to appoint those positions and that these appointments be reported to Cabinet for information.

N.B. Council on 28th September 2015 approved, with immediate effect, the provision of deputy cover arrangements for the Managing Director to cover the circumstances of any future absence and to ensure that the Managing Director delegations as set out in the Constitution can be discharged; such arrangements to be exercised by nomination by the Managing Director from amongst the Director of Social Services, the Director of Environment and Housing and the Director of Learning and Skills.

ALL DIRECTORS

1. To delegate authority and powers to Officers within their Directorates to undertake statutory functions.

2. To delegate the administration of Simple Cautions to appropriate officers in accordance with Home Office Guidelines.

3. In consultation with the relevant Cabinet Member, to authorise submission and acceptance of future external funding grant applications and allocations for revenue funding over £75,000 and to enter into the associated grant terms and conditions.

4. To amend existing Operational Managers' reporting arrangements to a different Head of Service within the same Directorate.

ALL DIRECTORS OR SERVICE HEADS

1. Authority to accept contracts for the supply of goods, materials or services and for the execution of works to £300,000, subject to

(a) 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;

(b) compliance with the Council's Procurement Strategy;

(c) for amounts greater than £75,000, 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 twelve 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 (excluding those on Chief Officers' terms and conditions) in accordance with agreed procedures.

8. To approve visits of staff to other authorities, or undertakings for the purposes of the work of their areas of responsibility.

9. 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.

10. To authorise overtime, flexible working arrangements, mileage, subsistence claims and other expenses. To grant

compassionate leave in accordance with the Council's agreed scheme.

11. To grant special leave in accordance with the Council's agreed schemes and to authorise the carrying over of annual leave in exceptional circumstances.

12. To authorise paid and unpaid time off to employees' representatives in accordance with the Council's agreed scheme.

13. To approve Post Entry Training applications, within approved budgets.

14. To remove contractors from the approved lists, where there has been a failure to meet Council criteria.

15. To approve Officers' attendance at courses, seminars, training sessions, conferences etc. within the approved departmental training budget.

16. To grant special paid leave to employees not having the benefit of the flexitime system to attend hospital, the dentist etc.

17. To submit Regulation 3 planning applications under the Town and Country Planning (General) Regulations 1992.

18. To designate authorised Officers to authorise and oversee requests for authorisation, reviews, cancellations and referrals of authorisations.

19. To reject applications for early retirement/redundancy from staff where the Director/Head of Service does not support the application with a business case.

ALL CHIEF OFFICERS

1. Authority, in consultation with the relevant Cabinet Member, to respond to consultation documents relating to the service area(s) concerned.

2. Authority to enter into individual Information Sharing protocols (ISPs) under the Wales Accord on Sharing Personal Information (WASPI) where necessary and appropriate.

3. Delegated authority by granted to Chief Officers to enter into Data Sharing Agreements not within the WASPI template, on the provision that such agreements have been approved by the Monitoring Officer / Head of Legal and Democratic Services in

consultation with the Head of Finance / Section 151 Officer and the Data Protection Officer.

4. Delegated authority be granted to Chief Officers to enter into Data Disclosure Agreements and Joint Data Controller Agreements, on the provision that such agreements have been approved by the Monitoring Officer / Head of Legal and Democratic Services.

MANAGING DIRECTOR AND 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 Performance and Resources 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 K or equivalent 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 Trade 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 Grade K 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. Authority, in consultation with the Leader, to respond on behalf of the Council to enquiries or consultations on issues received from the National Employers.

10. Authority to agree and approve appropriate facilities and paid time off for representatives from the recognised Trade Unions.

11. To determine the grades of all posts above Grade K or equivalent (excluding Directors and Heads of Service) in consultation with the Leader, Section 151 Officer and Managing Director.

12. 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.

13. 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.

14. 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.

15. To determine applications from former employees for access to pension benefits under the Local Government Pension Scheme Regulations.

For leavers after 31st March 2008 Regulation 30 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007 to apply.

Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 in force from 1st April 2014.

For leavers after 31st March 2014, the new Regulations apply.

SECTION 151 OFFICER AND DEPUTY SECTION 151 OFFICER

FINANCE

1. **The Local Government Finance Act 1988 And Subordinate Legislation**

To carry out the functions and exercise the powers of the Authority under Part III of the Local Government Act 1988 and subordinate regulations as amended - in relation to the Administration, Collection and Recovery of Non Domestic Rates with the exception of Section 47 - (Discretionary Rate Relief); Section 49 - (Reduction or Remission of Liability); Section 56, Schedule 7 and 7A (Valuation and Multipliers).

2. **The Local Government Finance Act 1992 And Subordinate Legislation**

To carry out the functions and exercise the powers of the Authority under Part I of the Local Government Finance Act 1992 and subordinate regulations as amended in relation to the Administration, Collection and Recovery of Council Tax with the exception of Section 8(2) - (Determination of Liability in Prescribed Cases); Section 12 - (Discounts); Section 13A (Power to Reduce Amount of Tax Payable) and Chapter 3 (Setting of Council Tax).

3. **Authority To Deal With The Following**:

(a) That in the absence of the Section 151 Officer and the Deputy Section 151 Officer, the Operational Manager Exchequer Services and the Exchequer Manager be granted delegated authority to deal with the instigation of appropriate legal proceedings for the recovery of Rates, Council Tax, Non Domestic Rates and other monies due to the Council.

(**N.B. Council, on 26th September, 2018, approved with immediate effect the extension to the existing authority which currently is granted to the Section 151 Officer and Deputy Section 151 Officer and to ensure that there is sufficient cover during periods of absence of the above officers who are responsible for the signing of relevant documentation within a very short timeline to allow for the Council to lodge papers in the court.)**

(b) To negotiate on disputed debts to achieve settlement in liaison with relevant departments.

(c) The writing off of irrecoverable Council Tax and Non Domestic Rates.

(d) The writing off of irrecoverable debts in relation to bankruptcy, receivership and liquidation.

(e) The writing off of other irrecoverable debts up to £10,000 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 Reduction 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 Reduction overpayments which are irrecoverable.

7. Waive recovery of overpayment of cases above whose balance does not exceed £10,000.

8. To write back un-refundable credits up to a maximum of £10,000 in each case.

9. To 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 (including all insurance reserves and provisions) and all matters relating to it, including risks.

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 Act 2003, 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 European Commission).

20.4 The use of supported and unsupported borrowing.

20.5 If supported borrowing should be transferred to another Local Authority.

20.6 The use of supported and unsupported borrowing 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 £100,000 in total in any one financial year, provided such expenditure can be met from within the Council's overall budget and/or provisions/reserves.

22. Utilise sums from contingency, provisions or earmarked balances and reserves as appropriate.

23. Approve advances/mortgage applications that meet the required criteria, in consultation with the Head of Legal and Democratic Services.

24. 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.

25. To negotiate and enter into agreements with external agencies in relation to the establishment of consortium and other finance-raising or cost-saving initiatives (e.g. Welsh Purchasing Consortium, National Procurement Service), including membership of associated management boards and the approval of funding contributions, subject to any expenditure being contained within the Council's approved estimates.

26. Authority, in consultation with the Leader, to determine the nature of advertisers and products on pay slips.

27. 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.

28. Authority to purchase and finance school and other ICT equipment via the internal leasing mechanism.

29. In consultation with the Cabinet Member for Corporate Performance and Resources to vire or implement changes to the Asset Renewal Building Programme and Housing Capital Programme when appropriate.

30. Exercise of executive decisions on discretions as an employing authority under the Local Government Pensions Scheme and Teachers' Pension Scheme which are not reserved for Cabinet or ERR Committee subject to any guidance or policy framework set by Cabinet/Council.

31. To implement national agreed pay awards subject to the costs being contained within the approved budget.

32. In consultation with the Chair of the Standards Committee, to consider applications received from Members of the Council for a legal costs indemnity for defending an allegation of breach of the Members' Code of Conduct, and determine whether an indemnity should be provided by the Council; if an indemnity was to be granted, the amount be limited up to a maximum of £20,000, subject to the further limitations referred to in paragraph 10 of the report to Cabinet on 7th April 2014.

33. To operate the Small Business Rate Relief Scheme and High Street Rate Relief Scheme, in consultation with the Leader as Cabinet Member for Performance and Resources.

34. To act as the Senior Information Risk Officer on behalf of the Authority to provide senior accountability and assurance that information risks are addressed.

35. To authorise payment of grant awards from the Mayor's Foundation in consultation with the Mayor.

MANAGING DIRECTOR, SECTION 151 OFFICER AND DEPUTY SECTION 151 OFFICER

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. 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, including appropriation of land in accordance with Section 122 of the Local Government Act 1972 (other than land forming part of a common, open space, highways or housing land).

13. The power to incur expense to protect persons and property at risk subject to seeking retrospective approval.

14. To authorise expenditure within available budgets on works or repairs to properties for which the Council is liable.

15. To accept offers for disposal of land up to £100,000, provided the highest offer is accepted and after consultation with the Leader.

16. To maintain the Council's asset register for lands and buildings.

17. 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.

18. 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:

(a) Alterations to property,

(b) Change of use. This delegation shall not be exercised where planning permission is required and has not first been obtained.

19. 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.

20. After consultation with the Head of Legal and Democratic 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).

21. To authorise action for the repossession of commercial properties if rental is twenty one days or more in arrears after consultation with the Head of Legal and Democratic Services.

22. To grant consent to the inclusion of clauses permitting assignment of building agreements.

23. 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 Head of Legal and Democratic Services to advertise pursuant to the

statutory requirements and to authorise such disposals after consultation with the Head of Regeneration and Planning.

24. 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.

25. 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.

26. 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.

27. 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.

28. Authority, after consultation with the relevant Service Director, to vary the programme of asset maintenance, to reflect any change in service requirements.

29. 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.

30. Authority to dispose of surplus properties in the most advantageous ways on terms to be agreed following consultation with the Leader.

31. 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.

32. 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.

33. Authority 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.

34. Authority, to manage the portfolio of Council-owned shops, kiosks, concessions and cafes (not internally managed) viz.:

(a) all budgets;

(b) day to day estate management;

(c) 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;

(d) where appropriate, to agree the assignment and sub-letting of shops;

(e) to grant consent for alterations (subject to any required planning approval first being sought);

(f) 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);

(g) all rental collection and payment;

(h) to authorise action for forfeiture, if the tenant is in breach of agreed lease terms, in consultation with the Head of Legal and Democratic Services

35. To determine the phasing of the budget in respect of the Penarth Heights: Harbour View/Royal Close Regeneration project over the appropriate years.

36. To authorise the appropriation of land held for specific purposes to another purpose or purposes in accordance with any statutory provision relating to such appropriation.

HEAD OF LEGAL AND DEMOCRATIC SERVICES AND OPERATIONAL MANAGER (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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. To initiate or respond to proceedings in relation to adults or children in accordance with such statutory provisions as may from time to time be in force.

8. 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.

9. 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.

10. 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.

11. 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 Section 151 Officer.

12. 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.

13. 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.

14. Institute legal proceedings to recover possession and or arrears of rent from Council tenants upon the recommendation of the Director of Environment and Housing in respect of rent arrears, breaches of tenancy agreements, nuisances and abandoned premises and possession and arrears of repayments from mortgagors of the Council.

15. 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.

16. After consultation with the Section 151 Officer 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.

17. 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 Resources Directorate.

18. Make and publish Traffic Regulation Orders and Notices under the Town Police Clauses Act 1847 after consultation with the Police and relevant Service Director(s) or any appointed officer(s).

19. 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).

20. Authorise:

(a) Trainee Solicitors; and

(b) 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 2010.

21. In relation to children in care:

(a) in proceedings before the Court to engage Counsel or outside solicitors if appropriate and to apply for legal aid;

(b) to approve apprenticeship deeds.

22. 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.

23. After consultation with the appropriate Cabinet Member:

(a) to issue and serve Notices under any contract to which the Council is a party;

(b) to take legal proceedings for the enforcement of or in respect of the breach of any contract to which the Council is a party;

(c) 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.

24. 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.

25. 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.

26. 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.

27(a) Issue Enforcement Notices and Stop Notices under the Town and Country Planning Act 1990 upon the instruction of the

Head of Regeneration and Planning/Operational Manager (Development Management).

27(b) Upon the instruction of the Head of Regeneration and Planning/Operational Manager (Development Management), to give notice of the variation or withdrawal of a previously issued Enforcement Notice or Stop Notice to correct a defect or error or make such other minor variation as deemed necessary.

28. To make:

(a) Doctor Parking Place Orders and for that purpose to determine their location and periods of operation after consultation with the Director of Environment and Housing;

(b) Disabled Person Parking Places Orders after consultation with the Director of Environment and Housing and the Director of Social Services;

(c) Consolidation Orders pursuant to Road Traffic Regulations after consultation with the Director of Neighbourhood Services and Transport;

(d) revoke and vary Tree Preservation Orders.

29. 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.

30. Lodge objections to applications for operators' licences under the provision of the Goods Vehicles (Licencing of Operators) Act 1995.

31. Carry out the procedure for the listing of buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990.

32. 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.

33. 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 Councils concerned reimbursing the costs incurred.

34. Take such Counsel's or solicitor's opinions as are considered necessary in the interests of the Council.

35. 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.

36. Determine applications for the transfer of interest in mortgaged properties.

37. Determine legal fees payable to the Council and review the same as and when deemed necessary.

38. Take all necessary steps after consultation with the Director of Social Services to safeguard the welfare of children including the institution of legal proceedings.

39. To execute and arrange for the sealing and, where appropriate, signing of documents (including contracts) on behalf of the Council.

40. 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.

41. 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).

42. To make and seal such Orders as are necessary pursuant to Section 119 of the Highways Act 1980 (Diversion of Footpaths and Bridleways).

43. To enter into and seal Licences made pursuant to Section 142 of the Highways Act 1980 (Planting Trees/Shrubs etc. on Highway).

44. To serve Notices under all Sections of the Highways Act 1980 at the request of the Director of Environment and Housing.

45. Authority, to take all necessary legal proceedings to remedy neighbourhood nuisance.

46. Authority, with the Director of Social Services, to apply to a magistrate to cancel a registration of a private residential home by urgent procedure.

47. Authority to complete leases in respect of the Barry Community Enterprise Centre on terms and conditions to be determined by the Head of Regeneration and Planning.

48. Authority to serve Notices under Section 215 of the Town and Country Planning Act 1990 to effect the removal of graffiti.

49. Authority, following receipt of adequate notice that a Tied Accommodation employee's contract would be ending, and following three reasonable offers in respect of alternative accommodation based on housing need having been made 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.

50. To take all necessary action to recover arrears that accrue in accordance with the Licence Agreement in respect of Jenner Park.

51. To confirm Definitive Map Modification Orders that have been made as a result of past legal decisions.

52. In consultation with the Managing Director, as and when required, to execute a new Agency Agreement on the same terms as previously in respect of Porthkerry Cemetery

53. Negotiate the resolution of a dispute which has not led to any formal claim being issued or legal action pursued and that where there is a threat or concern of such claim or action being initiated and is considered to be in the best interest of the Council for the matter to be resolved at an early stage.

MANAGING DIRECTOR, OR IN HIS ABSENCE, MONITORING OFFICER OR DEPUTY MONITORING OFFICER

1. As "Proper Officer", to witness the signing by Members of the Council's Declaration of Acceptance of Office form (which also includes the Member signing up to the Council's Members' Code of Conduct).

MANAGING DIRECTOR AND OPERATIONAL MANAGER (DEMOCRATIC SERVICES)

Authority:

1. To manage the Registration Service as Proper Officer. (The role/delegation to rest with the Operational Manager (Democratic Services.)

2. To submit a completed Publication Scheme as required under the Freedom of Information Act 2000 to the Information Commissioner.

HEAD OF DEMOCRATIC SERVICES

1. To carry out duties as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013.

MONITORING OFFICER

In consultation with the Chairman of the Standards Committee, or in his / her absence, the Vice-Chairman of the Standards Committee, to consider, refuse and approve urgent applications for dispensation on behalf of the Standards Committee, and thereafter report the use of such delegation to the next relevant meeting of the Standards Committee.

MONITORING OFFICER OR, IN HER ABSENCE, DEPUTY MONITORING OFFICER

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 LEARNING AND SKILLS

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 pursuant to the School Standards and Framework Act 1998 Part III.

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.

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 Adult and Community Learning 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. 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.

14. 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 1996 and the "Code of Practice on the identification and Assessment of Special Educational Needs".

15. Authority, in consultation with the relevant Cabinet Member, to determine individual applications for school admissions.

16. To determine the amount of money to be allocated to the schools' delegated budgets after consultation with the Schools' Budget Forum.

17. Authority to issue warning letters to schools causing concern and, in consultation with the Cabinet Member, where schools do not comply with warning letters or where no warning is required, to make appropriate interventions.

DIRECTOR OF ENVIRONMENT AND HOUSING

1. 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.

2. 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.

3. Authority to negotiate and agree terms with the Trustees of the Dunraven Estates regarding the management of the Cimla Car park.

DIRECTOR OF ENVIRONMENT AND HOUSING AND HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT

A. GENERAL

1. Authority to approve any joint bids for funding for the development of the Regional Public Transport Strategy.

2. 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.

3. 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:

(a) 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

(b) 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;

(c) 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.

4. 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.

5. In consultation with the Section 151 Officer and the Head of Legal and Democratic Services, to negotiate with Sully and Lavernock 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).

6. 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 1st April, 1997.

7. 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.

8. Determination of applications under the New Roads and Street Works Act 1991.

9. Acceptance of agreements and deposits, issuing of licences and granting of consent under the Highways Act 1980.

10. Provision of road markings, rails, barriers and signs not requiring Welsh Government approval.

11. Determination of applications for the deposit of contractors' skips on the highway.

12. Determination of applications for consent in respect of the erection of flagpoles and the positioning of cut or tub trees in the highway.

13. 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.

14. 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.

15. Determination of applications for alternative use of Council car parks, for individual events or for temporary purposes, after consultation with the relevant Cabinet Member.

16. Determination of applications for erection of temporary signs on the highway within the Vale.

17. Determination of applications for permission to erect street displays above or across the highway.

18. Objections in respect of applications for Goods Vehicles Operators' Licences to be reported subsequently to the Cabinet.

19. 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.

20. Authority, in consultation with the relevant Cabinet Member, to make “Disabled Persons Parking Place” Orders subject to statutory consultation.

21. Authority, in consultation with the relevant Cabinet Member, to revoke “Disabled Persons Parking Place” Orders, subject to statutory consultation notices.

22. 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.

23. To purchase, maintain and manage the Council's vehicles and plant.

24. To sell or otherwise dispose of vehicles which appear to be abandoned after the requisite period of custody has expired, after consultation with the Head of Legal and Democratic Services, and in accordance with the Refuse Disposal (Amenity) Act 1978.

25. Authority to undertake building maintenance works up to a value of £100,000 in accordance with the appropriate schedule of rates.

26. Authority to include vehicles of a similar category from other manufactures on the list of approved vehicles.

27. Authority, in consultation with the relevant Cabinet Member, to vary fees and charge in respect of Porthkerry Cemetery.

28. 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.

29. 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.

30. To implement and administer the provisions of the Housing Acts 1985, 1996 and 2004 as subsequently amended in relation to tenants' right to buy and all matters ancillary thereto.

31. 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).

32. 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).

33. With the Section 151 Officer, to determine the most cost effective means of procurement for the Vehicle Replacement Programme (Minute No. C252 (3), 2002/03).

B. LEISURE

1. Authority to manage and let allotment plots including:

(a) the issue of approvals, permissions and consents under allotment tenancy agreements;

(b) the provision of store sheds for use by allotment management committees;

(c) the appointment of allotment management committees.

2. 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.

3. 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.

DIRECTOR OF ENVIRONMENT AND HOUSING, HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT AND OPERATIONAL MANAGER (ENGINEERING)

Authority, in consultation with the Cabinet Member for Neighbourhood Services and Transport, to prepare, approve, undertake

statutory consultation and confirm Traffic Regulation Orders where no objections are received; where objections are received, the Traffic Regulation Order shall be determined by Cabinet.

Authority to instruct the Head of Legal and Democratic Services and Operational Manager (Legal Services) to publish all Notices required by the appropriate legislation and subsequently to make the Traffic Regulation Orders.

A. GENERAL

1. Authority to enter into agreements pursuant to Section 278 of the Highways Act 1980.

2. Adoption of roads including highway structures, on completion to the Council's specifications.

3. 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.

4. To deal with applications in relation to activities on areas of adopted highway after consultation with the relevant Cabinet Member.

5. To issue notices under:

(a) Sections 59, 62 and 63 of the Building Act 1984;

(b) Section 35 of the Local Government (Miscellaneous Provisions) Act 1976;

(c) Sections 45 and 50 of the Public Health Act 1936;

and in connection therewith to execute works in default.

6. 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.

7. To instruct the Head of Legal and Democratic Services to enter into agreements and serve notices under the Highways Act 1980.

DIRECTOR OF ENVIRONMENT AND HOUSING, HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT AND OPERATIONAL MANAGER (NEIGHBOURHOOD SERVICES)

To take all necessary steps for the enforcement of all legislation currently in force, or in the future to be enacted, relating to the functions of Highway Authority, Principal Litter Authority, Waste Collection Authority and Waste Disposal Authority.

DIRECTOR OF ENVIRONMENT AND HOUSING AND HEAD OF HOUSING AND BUILDING SERVICES

Authority, following consultation with the Head of Legal and Democratic Services, to make such amendments to the C.C.T.V. Code of Conduct and/ or the Confidentiality Agreement to ensure that compliance with the Code extends to police radio and storenet radio communications.

DIRECTOR OF ENVIRONMENT AND HOUSING, HEAD OF HOUSING AND BUILDING SERVICES AND HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT

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.

HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT AND OPERATIONAL MANAGER – ENGINEERING AND, ONLY WHERE INDICATED, ENGINEERING MANAGER – ENVIRONMENT

1. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of all legislation currently in force or in the future to be enacted relating to the functions of Flood Risk Management, Land Drainage, and Coast Protection.

2. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of the following:

(a) Sections 59, 62 and 63 of the Building Act 1984;
(b) Section 35 of the Local Government (Miscellaneous Provisions) Act 1976;
(c) Sections 45 and 50 of the Public Health Act 1936;

3. To grant, issue, renew, refuse, revoke or suspend, **including granting, issuing, renewing, refusing, revoking or suspending by the Engineering Manager – Environment,** approval, consents, certificates, licences or permits, after any requisite consultations and where no objections have been received under the following legislation and any amendments to and any subsequent legislation replacing, amending or extending the same, together with any future acts, Orders or Regulations made thereunder which relate to the functions specified:

(a) Flood Risk Regulations 2009
(b) Flood and Water Management Act 2010
(c) Land Drainage Act 1991.

4. To determine**, including determination by the Engineering Manager – Environment,** applications made under Schedule 3 paragraph 11 of the Flood and Water Management Act 2010

DIRECTOR OF ENVIRONMENT AND HOUSING AND HEAD OF SHARED REGULATORY SERVICES

To take all necessary steps for the enforcement and administration of all legislation currently in force or in the future to be enacted relating to the functions of Environmental Health, Consumer Protection, Licensing and Housing legislation, and to carry out actions as specified below:-

1. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of all legislation currently in force or in the future to be enacted relating to the functions of Environmental Health, Consumer Protection, Licensing and Housing legislation.

2. To grant, issue, renew, refuse, revoke or suspend registration certificates, consents, licences or permits, after any requisite consultations and where no objections have been received under the following legislation and any amendments to and any subsequent legislation replacing, amending or extending the same, together with any future acts, Orders or Regulations made thereunder which relate to the functions specified:

Licensing Act 2003

Gambling Act 2005

House to House Collections Act 1939

Police, Factories etc., (Miscellaneous Provisions) Act 1916

Local Government (Miscellaneous Provisions) Act 1982

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Marriage Act 1949/Civil Partnership Act 2004/The Marriages and Civil Partnerships (Approved Premises) Regulations 2005/The Marriages and Civil Partnerships (Approved Premises)(Amendment) Regulations 2011

Equality Act 2010

Scrap Metal Dealers Act 2013

Animal Boarding Establishments Act 1963

Pet Animals Act 1951

Animal Welfare Act 2006

Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

Breeding of Dogs Act 1973

Breeding and Sale of Dogs (Welfare) Act 1999

Riding Establishments Act 1964 and 1970

Dangerous Wild Animals Act 1976

Zoo Licensing Act 1981

Petroleum (Consolidation) Regulations 2014

Performing Animals (Regulation) Act 1925

Public Health Acts Amendment Act 1907

Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls and Community Premises) Order 2009

Explosives Regulations 2014

Hypnotism Act 1952

Mobile Homes (Wales) Act 2013

3. Authority to:

(a) donate seized or forfeited goods to outside bodies as appropriate in consultation with the relevant Cabinet Member;

(b) dispose of seized or forfeited goods as appropriate;

(c) waive fees in respect of any of the functions delegated, where appropriate

(d) approve Company insignia on licensed vehicles;

(e) 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;

(f) determine applications to display advertisements on Hackney Carriages and Private Hire vehicles after consultation with the Chairman of the Licensing Committee;

(g) make representations in respect of applications for licences/transfers/variations under the Licensing Act 2003 and Gambling Act 2005

(h) submit applications for the review of licences under the Licensing Act 2003 and Gambling Act 2005;

(i) arrange for the burial or cremation of the dead under the Public Health (Control of Disease) Act 1984;

(j) issue the necessary authorisations for the various specified processes under Part I of the Environmental Protection Act 1990;

(k) determine applications for concessions for the payment of fees for impounded dogs in certain circumstances, on the grounds of special hardship.

4. 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.

5. Authority, in consultation with the Section 151 Officer, 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.

6. 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:

(a) Environmental Protection Act 1990;

(b) Local Government (Miscellaneous Provisions) Act 1982;

(c) Public Health Act 1936

(d) Housing Act 2004;

(e) Prevention of Damage by Pests Act 1949.

7. 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.

8. 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.

9. To appoint Proper Officers for Weights and Measures, the Chief Weights and Measures Inspector and the Chief Port Health Officer.

HEAD OF SHARED REGULATORY SERVICES (as provided for under Schedule 1, Part 3 of the Joint Working Agreement for the Shared Service)

(N.B. References below to "Part" and "Schedule" relate to the Joint Working Agreement)

1. Head of Service

Subject to the provisions of Clause 10 [matters not delegated] and the limitations on delegations set out in the Agreement the following functions are hereby delegated to the Head of Regulatory Services and his nominated deputies by the Participants to be carried out on behalf of those Participants subject to the terms hereof:-

1.1 In respect of the Regulatory Service Functions all duties and functions including:

(a) Appointment of Inspectors, Authorised Officers or similar designated persons

(b) Undertaking inspections and investigation of complaints

(c) Signing and service of notices

(d) Signing and issuing, revoking and varying, any licence, permit, order or other document

(e) Executing, or arranging for the execution of, works in default

(f) Purchasing or otherwise procuring samples, seize equipment, goods and animals

(g) The exercise of powers of entry

(h) The engagement of specialist advisors/contractors to support/supplement service activity,

(i) The institution of legal proceedings (in consultation with the Head of Legal and Democratic Services of the Relevant Authority)

(j) The obtaining of warrants of entry

(k) And all other ancillary matters relating to the Regulatory Service functions.

1.2 In respect of all functions arising out of or in connection with the following functional areas of responsibilities of the Participants

- All Duties of the Local Weights and Measures Authority
- All Duties of Local Food and Feed Authority
- All duties assigned to a Local Authority associated with Consumer Protection, Public Health and Environmental Protection
- Animal Health, Welfare, and Disease Control
- Consumer Protection
- Food Safety/Infectious Disease Control
- Environment
- Pest Control
- Miscellaneous Trading
- Pollution Control
- Public Health
- Sales to Minors
- Smoking Regulations
- Trading Standards

including (without prejudice to the generality of the foregoing) the duties, functions, responsibilities and powers of the Participants under the primary and secondary legislation listed in **Part 1 of Schedule 1** (save insofar as they relate to matters listed in **Part 2**

of Schedule 1) and all regulations and orders made there-under, and any subsequent legislation replacing amending or extending the same together with any future acts, orders or regulations made there-under which relate to the functions specified or to functions which are analogous thereto

1.3 Responding to all requests for information in accordance with the Freedom of Information Act 2000 and Environmental Information Regulations 2004 in respect of the functions delegated to the Joint Committee (whether such requests are addressed to the Joint Committee or any Participant)

1.4 Authorisation of Directed Surveillance activities in accordance with the Regulation of Investigatory Powers Act 2000; all such authorisations to be made in accordance with the procedures and policies of the Shared Regulatory Service (provided that authorisation for the use of a juvenile or vulnerable adult as a covert human intelligence source shall only be given by the Head of Paid Service of the relevant Participants).

1.5 That the Head of Shared Regulatory Services be given delegated authority so as to authorise relevant officers to exercise, as and when required, the carrying out of those statutory enforcement powers under the Renting Homes (Fees etc.) (Wales) Act 2019.

2. General Responsibilities

The Head of Regulatory Services shall

(i) be responsible for all day to day operational and technical decisions in respect of the Shared Regulatory Service (including the appointment of all staff in accordance with the Host Authority's policies) and shall carry out such role and responsibilities in accordance with the Budget and Business Plan; and (ii) prepare reports on the financial position and performance of the Shared Regulatory Service to the members of the Joint Committee, Management Board and to the Section 151 Officers of each Participant.

HEAD OF REGENERATION AND PLANNING

That responsibility for rights of way/highway related functions contained in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) (Regulations) 2009, other than those already allocated to the Planning Committee or the Public Rights of Way Sub-Committee be delegated to the Head of Regeneration and Planning as set out in Appendix A of the report to Planning Committee of 20th May, 2010 and that

(i) In all the sub sections contained in Appendix A, pre-Order consultation shall always include Local Ward Members.

(ii) In all the sub sections contained in Appendix A, pre-Order consultation with Local Ward Members would afford Members the right to request that the matter be reported to the relevant Committee/Sub-Committee.

Authority, in consultation with the Managing Director and Cabinet Member for Education and Regeneration to agree fees/charges, terms and conditions for new commercial (leisure, tourism and retail) activities in respect of the Country Parks and Medieval Village and to authorise the Head of Legal and Democratic Services to enter into the appropriate agreements on behalf of the Council in this regard.

To approve the making, and where necessary the extension of, temporary traffic regulation orders relating to temporary road closures in respect of filming after consultation with the relevant Cabinet Member and notification to the Director of Environment and Housing.

HEAD OF REGENERATION AND PLANNING AND OPERATIONAL MANAGER (REGENERATION)

A. GENERAL

1. In relation to land held for economic development purposes to instruct the Section 151 Officer 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).

2. Authority to determine grant applications under the Commercial Renewal Areas (CRAs) Scheme.

3. Authority to manage and determine applications for lettings at Barry Community Enterprise Centre, the Business Service

Centre (BSC), Hood Road, Barry and the BSC2, Hood Road, Barry.

4. Authority to manage and determine applications for lettings of the commercial storage units at the Glamorgan Heritage Coast Centre, Southerndown.

5. 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.

6. Authority to agree the final levels of grant to external organisations providing economic development services.

7. 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.

8. To determine applications for proposed public footpaths after consultation with the relevant Cabinet Member and to instruct the Head of Legal and Democratic Services to undertake the necessary legal procedures.

9. 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.

10. 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 Section 151 Officer.

11. To determine applications for lettings and management at the Vale Enterprise Centre.

12. To authorise the preparation of Definitive Maps and Statements for the relevant area and to authorise preparation of a consolidated Definitive Map and Statement for the relevant area.

13. In consultation with the relevant Cabinet Member, be granted delegated powers to authorise dedication of Public Rights of Way on land owned by the Council, subject to consultation with the relevant service area and local Members.

14. Authority to consider and determine Footpath and Bridleway Orders under Section 257 of the Town and Country Planning Act 1990, where such orders are unopposed during pre-Order consultation.

15. To 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.

16. To invite consultants to tender for group repair work on a fixed percentage fee price in Renewal Areas where the work cannot be provided in-house.

17. To obtain and allocate public and private funding for Renewal Areas and other housing related initiatives.

18. To determine all housing grant applications and applications for unforeseen works in accordance with the Local Government and Housing Act 1989 and Regulatory Reform (Housing Assistance) (England and Wales) Order 2002/1860.

19. To reduce or waive the fee in respect of the processing of grant applications, where it exceeds the applicant's grant entitlement.

20. To waive the requirement to obtain three estimates where specialist services/equipment are being provided by means of disabled facilities grant under the Local Government and Housing Act 1989, the Housing Grants, Construction and Regeneration Act 1996 and the Council's Private Sector Housing Renewal Policy.

21. To recover grant monies in cases of a breach of grant conditions in accordance with the Council's guidelines approved in July 1990 and the Council's Private Sector Housing Renewal Policy.

22. To waive the requirement for a landlord to provide a Letting Certificate to accompany a Tenant's Disabled Facilities Grant.

23. To extend, where appropriate, the deadlines for the return of documents/information in respect of grants.

24. To grant appropriate consent for alterations to Council property being carried out with the benefit of Disabled Facilities Grant.

25. To approve, in consultation with the Section 151 Officer and the Cabinet Member for Performance and Resources, requests for waiving conditions outside of existing policies relating to the repayment of money up to the value of £10,000 in relation to Disabled Facilities Grants, (house renovation) grants and group repair schemes in accordance with Council policy.

B LEISURE

1. Authority to issue permits for horse riding at Porthkerry Country Park and Cosmeston Lakes Country Park.
2. Authorise the use of Cosmeston Lakes Country Park eastern lake for water sports activities by clubs and organisations.

HEAD OF REGENERATION AND PLANNING, OPERATIONAL MANAGER (PLANNING AND BUILDING CONTROL) AND, ONLY WHERE INDICATED, PRINCIPAL PLANNING OFFICERS

1. BUILDING CONTROL

1.1 To apply for an order under Section 22 of the Building Act 1984 (as amended) and to execute works in default thereof after consultation with the Head of Legal and Democratic Services.

1.2 With other nominated Officers:

a) to carry out works in default and recover the costs in the event of non- compliance of notices issued under the Building Act 1984 (as amended);

b) 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 (as amended), or any work in connection with the construction, lay, alteration or repair of a sewer or drain that he is entitled to carry out.

1.3 To review and set level of charges relating to general building control matters in accordance with the Building (Local Authority Charges) Regulations 2010 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.

1.4 To determine building regulation applications submitted in accordance with the relevant provisions of the Building Act 1984 (as amended).

1.5 To issue, vary or revoke any notice under the Building Act 1984 (as amended) and to exercise the Council's powers of enforcement and prosecution under the Building Act 1984 (as amended) in respect of any failure to comply with the terms of a Notice issued.

1.6 To sell materials from demolished buildings in accordance with the provisions of Section 100 of the Building Act 1984 (as amended).

1.7 To implement the Building Regulations.

1.8 To determine applications for the relaxation and dispensation of Building Regulations.

1.9 To issue, vary or revoke a Notice under section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) for the protection of buildings and to exercise the Council's powers of enforcement and prosecution under the 1982 Act in respect of any failure to comply with the terms of a section 29 Notice issued.

2. LISTED BUILDINGS etc.

2.1 To determine grant applications under the Historic Buildings Grants Programme.

2.2 To serve an Article 4 Notice to prevent development and / or demolition that may otherwise be permitted development.

3. PLANNING APPLICATIONS etc.

3.1 To determine applications for the following types of development, except applications submitted by current Members and Chief Officers, which must be determined by the Planning Committee. This authority shall extend to the determination of applications which may be subject to the relevant person first entering into a Section 106 legal agreement where such applications would normally be determined under delegated powers and subsequent applications under s.106A to remove or vary a planning obligation.

a) All domestic alterations and extensions within the curtilage of existing dwelling houses.

b) Residential development for up to two dwellings on infill sites within settlement boundaries.

c) Minor developments for up to ten dwellings on sites within residential settlement boundaries or in accordance with the relevant development plan and the refusal of applications for dwellings on sites outside of settlement boundaries and out of accordance with the adopted development plan.

d) Subdivision of dwellings into flats.

e) Extension of residential curtilages, where no major departure from established policy is concerned.

f) Formation of pedestrian / vehicular accesses to roads.

g) Fences, walls and other means of enclosure.

h) Extensions and alterations to shops, offices.

i) Minor developments for the installation of satellite dishes, and minor renewable energy developments.

j) New industrial and commercial developments within existing established areas.

k) All changes of use, including to residential uses.

l) 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.

m) Farm buildings and related structures including stables, buildings related to rural businesses, tracks and slurry and silage stores.

n) All industrial developments on allocated and established sites.

o) All overhead lines.

3.2 To determine the following applications or notifications, except applications or notifications submitted by current Members and Chief Officers, which must be determined by the Planning Committee. This authority shall extend to the determination of applications which may be subject to the relevant person first entering into a Section 106 legal agreement where such applications would normally be determined under delegated powers and subsequent applications under s.106A to remove or vary a planning obligation.

a) Applications for the renewal of planning permission where there has been no change in planning circumstances.

b) Reserved matters applications.

c) Applications for the removal or alteration of conditions of a planning permission previously granted.

d) Applications for the retention of development already commenced or the removal or alteration of conditions of a planning permission previously granted for development that has already commenced.

e) Applications for operational development from "opted-out" schools and NHS trust hospitals.

f) All minor deemed planning applications submitted by the Council to itself.

g) Applications for consent to display advertisements.

h) Applications for Listed Building Consent and Conservation Area Consent.

i) Applications or notifications to top, lop, prune and fell trees affected by Tree Preservation Orders.

j) Notifications in the form of Hedgerow Removal Notices and to serve Hedgerow Retention Notices and to designate Officers who are required to have specific rights of entry under the Hedgerows Regulations 1997.

k) Applications for Lawful Development Certificates for existing and proposed uses and development.

l) Applications for Hazardous Substances consent.

3.3 To determine, including determination by Principal Planning Officers, the following:

a) Insofar as the legislation and regulations allow, any application for non-material and minor amendments to planning and related applications.
b) Any application for the discharge and/or approval of details required by condition of any planning permission, listed building consent or consent for works to trees protected by Tree Preservation Orders.
c) Applications for statutory pre-application advice.

3.4 To determine, including determination by Principal Planning Officers, whether details submitted in discharge of any clause of a section 106 Agreement are adequate to satisfy the terms of the clause and issue a notification of such a determination, if appropriate.

3.5 To amend, including amendment by Principal Planning Officers, a condition or reason imposed on a planning permission or consent where the application is determined by Planning Committee but where a decision has not yet been issued, in circumstances where the amendment would not materially change the purpose of the condition or the planning permission itself.

3.6 To amend, including amendment by Principal Planning Officers, a reason for refusal of any application determined by Planning Committee and where a decision has not yet been issued, in circumstances where the amendment would not materially change the reason for refusal.

3.7 To determine whether development proposed in any application for planning permission or development being considered in any other development management matter (including development being considered in a planning enforcement investigation) requires an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 or any other legislation which amends or updates this requirement.

3.8. To consider any request for a screening opinion submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 or any other legislation which amends or updates this requirement, and to determine whether an Environmental Impact Assessment is required.

3.9 To consider any request for a scoping opinion submitted in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 or any other legislation which amends or updates this requirement and to determine those matters to be included within an Environmental Impact Assessment.

3.10 To refuse planning permission for any application, in order to avoid having to refund a planning fee for an application which is considered to be unacceptable but would exceed the determination date if it were necessary to report to Planning Committee

3.11 To respond 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.

3.12 To respond to consultations in respect of proposed changes to, or the introduction of, new Legislation, Policy and Guidance by the Welsh Government and Statutory Bodies (including but not limited to Natural Resources Wales, the Law Commission, the Planning Inspectorate, and CADW), where such responses would be reported back to Planning Committee from time to time.

3.13 To sign and issue decision notices.

3.14 To advertise planning applications where necessary.

3.15 To issue a Notice under section 62ZA (Notice that an application does not comply with a validation requirement imposed under section 62) of the Town and Country Planning Act 1990 (as amended), or any other legislation which amends or updates this requirement.

4. CALL IN PROCEDURE

4.1 Where any Member of the Council requires that a particular application shall be determined by the Planning Committee, the application will be referred to the Committee for consideration subject to the Member contacting a senior Planning Officer within 21 days of latest notification date of the application and 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 of the Member's request.

5. MINERALS

5.1 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 Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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 1995 Order, including retention of plant following the cessation of mineral working.

c) Applications for mineral exploration not permitted by Part 22 of 1995 Order 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 (as amended) (Schedules 13 and 14).

e) Applications for schemes in discharge of registered Interim Development Orders pursuant to the Planning and Compensation Act 1991 (as amended).

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.

6. ENFORCEMENT

6.1 To issue, vary or revoke a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended) and to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a Breach of Condition Notice issued.

6.2 In consultation with the Head of Legal and Democratic Services, to authorise the preparation of Enforcement and Stop Notices under the Town and Country Planning Act 1990 (as amended), after consultation with the Chairman of Planning Committee, where reference to the Planning Committee would occasion detrimental delay and to instruct the Head of Legal and Democratic Services to issue such notices, if appropriate, and to pursue a prosecution in respect of any failure to comply with the terms of the Notice issued.

6.3 In consultation with the Head of Legal and Democratic Services, to authorise the variation or withdrawal of a previously issued Enforcement Notice or Stop Notice to correct a defect or error or make such other minor variation as deemed necessary and to instruct the Head of Legal and Democratic Services to issue such amended notices, if appropriate.

6.4 In consultation with the Head of Legal and Democratic Services, to authorise the preparation of Temporary Stop Notices under the Town and Country Planning Act 1990 (as amended) and to instruct the Head of Legal Services to issue such notices, if appropriate. Also, to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a Temporary Stop Notice issued.

6.5 To issue, vary or revoke an Enforcement Warning Notice under the Town and Country Planning Act 1990 (as amended).

6.6 To issue, vary or revoke a Planning Contravention Notice or any other Notice issued in order to obtain information under the Town and Country Planning Act 1990 (as amended), and to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a such Notices

issued.

6.7 To issue, vary or revoke a Requisition for Information under the Local Government (Miscellaneous Provisions) Act 1976 (as amended) and to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a Requisition for Information issued.

6.8 To issue, vary or revoke a Tree Replacement Notice under the Town and Country Planning Act 1990 (as amended).

6.9 To issue, vary or revoke a Hedgerow Replacement Notice under The Hedgerow Regulations 1997.

6.10 To issue, vary or revoke an untidy land or untidy building Notice under section 215 of the Town and Country Planning Act 1990 (as amended) and to exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution in respect of any failure to comply with the terms of a section 215 Notice issued.

6.11 To exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution under the Town and Country Planning Act 1990 in respect of non-compliance with Tree Preservation Orders; the exercise of these delegated powers to be reported from time to time to the Planning Committee.

6.12 To exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution under The Hedgerows Regulations 1997 in respect of contraventions of the Regulations; the exercise of these delegated powers to be reported from time to time to the Planning Committee.

6.13 To exercise the Council's powers of enforcement and to instruct Legal Services to pursue a prosecution under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) in respect of offences relating to unauthorised works to or demolition of a listed building or unauthorised demolition in a Conservation Area; the exercise of these delegated powers to be reported from time to time to the Planning Committee.

6.14 To exercise the Council's powers of enforcement and to instruct Legal Services to issue a temporary stop notice to halt unauthorised works to a listed building under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

6.15 To exercise the Council's powers of enforcement, and to instruct Legal Services to pursue a prosecution in respect of an unauthorised advertisement or remove an unauthorised advertisement under the Town and Country Planning Act 1990 (as amended) (or any Regulations made thereunder); the exercise of these delegated powers to be reported

from time to time to the Planning Committee.

6.16 To determine a complaint made under the Anti-Social Behaviour Act 2003 in respect of High Hedges and to issue, vary or revoke a High Hedge Remedial Notice, if appropriate. Also, the authority to exercise the Council's powers under the 2003 Act in respect of any failure to comply with the terms of a High Hedge Remedial Notice issued.

6.17 To determine that it is not expedient to pursue formal enforcement action in respect of any breaches of planning control or other controls, or failure to comply with any Notices issued under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), The Hedgerow Regulations 1997, the Town and Country Planning (Control of Advertisement) Regulations 1992, the Anti-Social Behaviour Act 2003, the Town and Country Planning (Trees) Regulations 1992 or the Local Government (Miscellaneous Provisions) Act 1976.

7. TREES

7.1 To instruct the Head of Legal and Democratic Services and Operational Manager (Legal Services) to make, revoke and vary Tree Preservation Orders under the Town and Country Planning Act 1990 (as amended).

7.2 To confirm a Tree Preservation Order made under the Town and Country Planning Act 1990 (as amended) where there are no objections to the Order or where objections are subsequently withdrawn.

8. APPEALS

8.1 In the circumstances where there is a change to the matters that are material to the Council's case, authority to amend or withdraw all or parts of the Council's case during the course of any Appeal made under the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), The Hedgerow Regulations 1997, the Town and Country Planning (Control of Advertisement) Regulations 1992, the Anti-Social Behaviour Act 2003 or the Town and Country Planning (Trees) Regulations 1992, subject to the matter being reported to the Planning Committee in due course.

9. RIGHTS OF ENTRY

9.1 To authorise officers of the Council, in undertaking the Planning and Building Control functions, the right to enter land granted by virtue of the following legislation:

- Town and Country Planning Act 1990 (as amended) – Sections 196A, 196B, 196C, 324, 325 and 325A.
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) – Section 88.
- Building Act 1984 (as amended) – Sections 95 and 96.

HEAD OF REGENERATION AND PLANNING, OPERATIONAL MANAGER (REGENERATION), HEAD OF NEIGHBOURHOOD SERVICES AND TRANSPORT AND OPERATIONAL MANAGER (NEIGHBOURHOOD SERVICES – HEALTHY LIVING AND PERFORMANCE)

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:

(a) to approve and authorise uses, lettings, displays and applications,

(b) grant any necessary consents or permissions,

(c) make charges, grant concessions and make refunds where appropriate,

(d) set aside or allocate areas for specified uses, after consultation with the relevant Cabinet Member,

(e) issue permits and passes,

(f) stage contests and special aqua shows,

(g) 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:

(i) any fees and charges levied being in accordance with the scales and policies set from time to time by the Council or Cabinet;

(ii) lettings for commercial and similar events shall be for events of the nature or kind previously agreed by the Council or

Cabinet;

(iii) any concessions are to be in accordance with any policies or limitations set from time to time by the Council or Cabinet;

(iv) compliance with any relevant bye-laws,

(v) any expenditure to be contained within revenue budgets for the relevant period.

2. Authority to approve the use of seaside, recreational and leisure facilities for sports, cultural, social and entertainment activities, including special events.

3. Authority to approve contract variations and issue appropriate instructions to the contractor services.

4. 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.

5. Authority to submit applications for National Lottery funding for all relevant schemes approved within the service's Capital Programme.

6. Authority to utilise appropriate sites under the control of the Cabinet for roller-skating activity.

DIRECTOR OF SOCIAL SERVICES

A. SOCIAL SERVICES

CHILDREN AND YOUNG PEOPLE SERVICES

DIRECTOR OF SOCIAL SERVICES

HEAD OF CHILDREN AND YOUNG PEOPLE SERVICES AND OPERATIONAL MANAGERS (CHILDREN AND YOUNG PEOPLE SERVICES)

1. Payment of foster carer, adoption and residential care allowances for children being looked after.

2. Financial and material aid under Section 17 of the Children Act 1989 as follows:

(a) grants and/or loans not exceeding £500 at any one time

(b) 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 allow visits to Out-County placements where necessary.

8. Authority to seek nomination for membership and to make suitable appointments to the Adoption and Fostering Panels

under the Adoption and Fostering Agencies regulations or such other legislation as may from time to time be in force.

9. 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.

10. To accommodate children and/or initiate Court proceedings under the Children Act 1989

11. To approve payments and financial support beyond eighteenth birthday for young people previously looked after by the Authority.

12. To consent to medical treatment for children looked after by the Authority.

13. To undertake statutory reviews of children looked after by the Authority.

14. In respect of adoption of children:

(a) to determine membership of panels to consider questions relating to the adoption of specific children;

(b) to decide placements for adoption in the context of the individual needs of children, acting in accordance with the advice of the panel.

15. To authorise payments in line with the 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

16. To authorise payments of weekly allowances in respect of children in need but not being looked after by the Council.

17. Authority, after consultation with the Head of Legal and Democratic Services, to institute legal proceedings under Part 2 of the Children and Families (Wales) Measure 2010.

18. Authority to act on behalf of the Vale Adoption and Fostering Agencies.

19. Authority to:

(a) give children who are the subject of Care Orders (Children Act 1989) permission to travel abroad for holiday periods;

(b) authorise and sign the Declaration section of a passport application form in respect of a child who is the subject of a Care

Order;

(c) give permission for a child who is the subject of a Care Order to be placed in the parent/parents care under the Placement With Parents Regulations 1991.

ADULT SERVICES

DIRECTOR OF SOCIAL SERVICES, HEAD OF ADULT SERVICES AND VALE LOCALITY MANAGER AND OPERATIONAL MANAGERS (LEARNING DISABILITIES, LOCALITY SERVICES AND RESIDENTIAL AND COMPLIANCE)

1. To determine eligibility in the event of any dispute over the issue of a “Blue” badge to disabled drivers.

2. To allow visits to Out-County placements where necessary.

3. To decide on the reception of persons into the guardianship of the Council under Sections 7 and 37 of the Mental Health Act 1983.

4. To approve expenditure in emergencies arising during cold weather spells, and subject to discussions with the Section 151 Officer if it is not possible to meet such expenditure from within estimates after consultation with the relevant Cabinet Member.

5. To determine requests for heating when adaptations are being undertaken in houses for disabled people in accordance with criteria approved by the Cabinet.

6. The issue of Telecare and minicom telecommunications equipment or any new equipment of a similar nature following assessment of need in accordance with criteria approved by the Cabinet.

7. To approve additional posts where such posts are fully funded (for the duration of the appointment) by the Welsh Government or Cardiff and Vale University Health Board after consultation with the relevant Cabinet Member.

8. In respect of people with a physical disability and after consultation with the Section 151 Officer:

(a) to approve requests for assistance under the Social Services and Wellbeing Act (Wales) in accordance with Welsh Government Guidance;

(b) to determine the cost threshold below which equipment will not be provided and revise the threshold in line with the relevant movements in the Retail Price Index.

(c) to approve fee levels for standard residential and nursing contracts for services under the Social Services and Wellbeing Act (Wales), in consultation with the relevant Cabinet Member.

9. To approve fee payments above the standard contracted level, in cases of emergency.

10. 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.

11. 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).

12. Authority, in consultation with the Director of Learning and Skills, to create procedures of 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 Trade Unions.

13. Following consultation with the relevant Cabinet Member, to appoint Approved Social Workers under Section 114 of the Mental Health Act 1983

14. In appropriate circumstances, upon the advice of the Head of Legal and Democratic Services, to make application to the Court of Protection/ Public Guardianship Office for Deputyship or such other order as is appropriate in `the given circumstances.

BUSINESS MANAGEMENT AND INNOVATION

DIRECTOR OF SOCIAL SERVICES

HEAD OF RESOURCES MANAGEMENT AND SAFEGUARDING, OPERATIONAL MANAGER (SAFEGUARDING AND SERVICE OUTCOMES) AND OPERATIONAL MANAGER (COMMISSIONING AND INFORMATION)

1. Authority to refer individual cases of debt recovery to the Section 151 Officer.

2. To pilot recruitment of social workers from overseas.

3. In consultation with the Section 151 Officer and the relevant Cabinet Member, to vary fee levels in appropriate circumstances in respect of residential and nursing homes.

4. Upon instruction to the Head of Legal and Democratic Services to take such action in relation to the placing of a legal charge upon the property of a service user as is permitted by Statute, specifically Section 22 of the Health and Social Services and Social Security Adjudications Act 1983 or such other Act that permits a placing of a charge upon a property that may from time to time be in force.

5. In hardship cases to depart from the standard scale in assessing charges to be made for certain social services.

6. Upon being satisfied on making reasonable enquiries that there is no relative, executor/administrator or any other person who could make appropriate arrangements, authority to arrange a burial or a cremation of a body of a person who has died in social services/residential accommodation, subject to consultation with the Head of Legal and Democratic Services/Operational Manager (Legal Services).

SECTION 26

26. MEMBERS' ALLOWANCES SCHEME

(a) The Council on 5th December 2001 resolved:

(1) T H A T the existing scheme of Members' Allowances be revoked with effect from 1st April, 2002.

(2) T H A T the following draft scheme of Members' Allowances be introduced with effect from 1st April, 2002, subject to any amendments necessary as a result of the scheme being linked to Assembly Member salaries:

(b) The Council on 30th September 2002 resolved:

(1) T H A T the final regulations be noted.

(2) T H A T the final guidelines be noted.

(3) T H A T the scheme be amended to follow the Regulations and Guidance as set out below.

(c) The Council on 8th December 2004 resolved that:

(1) T H A T the revised guidance be noted.

(2) T H A T the scheme be amended with effect from 1st April 2004 in respect of the basic allowance as set out below:

(d) The Council on 9th May 2007 resolved to note the revised regulations and amend the scheme with effect from 1st June 2007 to include amendments to fall in line with the regulations and to bring the special responsibility allowances for the Chairmen and Vice Chairmen of the Planning and Licensing Committees in to line with those of Scrutiny Committees. These amendments are reflected in the scheme as set out below -

(e) The Council on 21st May 2008 resolved to make further amendments to the scheme - pegging allowances to the April 2007 levels pending consideration of the outcome of the report of the Independent Remuneration Panel for Wales and amending the structure of Special Responsibility Allowances to meet current requirements.

(f) Following the publication of the Independent Remuneration Panel for Wales, Council on 8th October 2008 resolved to implement the up-rating of the basic and special responsibility allowances recommended by the Panel with effect from 1st April 2008. A revised travelling and subsistence scheme was introduced with effect from 1st November 2008. A Carers' Allowance was introduced into the amended scheme with effect from 1st November 2008, and Co-Opted Members' allowance introduced into the scheme on 4th March 2009.

(g) **Note** – the scheme as set out below reflects the original scheme agreed on 5th December 2001 as amended by Council on 30th December 2002, 8th December 2004, 9th May 2007, 8th October 2008 and 4th March 2009. The salaries and

allowances shown are those payable as from 1st April 2019 in line with the determination of the Independent Remuneration Panel in their Annual Report of February 2018. Senior Salaries and Civic Salaries are payable from appointment at the Annual Meeting of the Council on 20th May 2019.

26.1 **Basic Salary**

All Members of the Council will receive a basic salary of £13,868 p.a. for 2019-20. The Basic Salary covers all Members' telephone, ICT and office costs. In future years the Basic Salary will be uplifted with effect from 1st April each year in line with the determination of the Independent Remuneration Panel for Wales or any such body appointed by the Welsh Assembly Government.

26.2 **Senior Salaries**

The following Senior Salaries will be paid for 2019-20 to recognise the additional responsibility of Members by virtue of their office. Senior Salaries are inclusive of the Basic Salary.

Office	Senior Salary £
Leader	49,100
Deputy Leader	34,600
Cabinet Members	30,100
Chairman Scrutiny Committees, Planning Committee and Licensing Committee	22,568
Leader of Principal Opposition Group	22,568

* No more than 38% of Members will be paid a Senior Salary;

* No Member can receive more than one Senior Salary;

* All payments of Members' salaries and allowances will be made monthly by direct bank credit;

* In future years Senior Salaries will be uplifted with effect from 1st April each year in line with the determination of the Independent Remuneration Panel for Wales or any such body appointed by the Welsh Assembly Government.

* Senior Salaries are payable to Leaders of Opposition Groups where they have at least 10% of the seats on the Council;

* The additional Cabinet Senior Salary payable in respect of the Deputy Leader may be shared amongst more than one Cabinet Member at the discretion of the Leader.

* Any Member may elect to forgo any part of that Member's entitlement to an allowance or salary under the scheme. Such an election should be made in writing (or via e-mail) to the Head of Financial Services who will make the necessary arrangements.

* Where a Member is suspended or partially suspended from any responsibility in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the relevant part of any allowance or salary payable under this scheme in respect to that responsibility will be suspended.

26.3 **Co-Opted Members' Allowances**

A Co-Opted Member for purposes of this scheme is someone who is appointed to a committee or sub-committee and has voting rights but is not a Councillor.

Co-Opted Members of the Standards Committee, Learning and Culture Scrutiny Committee, Crime and Disorder Scrutiny Committee (i.e. the Homes and Safe Communities Scrutiny Committee) and Audit Committee will generally receive a daily fee of £198 per day (£99 per half day) for 2019-20 and the Co-opted Chairman of the Standards Committee and (if appointed) Co-opted Chairman of the Audit Committee will receive a daily fee of £256 per day (£128 per half day).

* Payments are capped to ten full days per year for each committee to which an individual may be co-opted.

* All payments of Co-Opted Members' allowances will be made monthly by direct bank credit.

* In future years Co-Opted Members' fees will be uplifted with effect from 1st April each year in line with the determination of the Independent Remuneration Panel for Wales or any such body appointed by the Welsh Assembly Government.

* Any Co-Opted Member may elect to forgo any part of that member's entitlement to an allowance or fee under the scheme. Such an election should be made in writing (or via e-mail) to the Head of Financial Services who will make the necessary arrangements.

* Where a Co-Opted Member is suspended or partially suspended from any responsibility in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the relevant part of any allowance payable under this scheme in respect to that responsibility will be suspended.

26.4 Travelling Allowances

Travel allowances will be payable where expenditure on travel is necessarily incurred by a Member in the performance of and approved duty as a Member of the Authority. Members should be mindful of choosing the most cost effective and environmentally friendly means of travel. For travel by car, motor cycle or pedal cycle the (mileage claims) national rates for mileage, set by the Independent Remuneration Panel for Wales or any such body appointed by the Welsh Government will be applied each year.

Travel claims (except for claims relating to travel by private motor vehicle) are to be made on an 'actual' expenditure basis up to the maximum of the prescribed rates. Travel claims must be accompanied by relevant receipts for all actual expenditure incurred.

All claims for mileage and travel allowances must be submitted to the relevant Officer within ninety days of incurring expenditure. For Cabinet Members the relevant Officer is the Cabinet Officer, for all other Members the relevant Officer is the Members' Services Officer.

26.5 Subsistence Allowances

Subsistence allowances will be payable where expenditure on subsistence is necessarily incurred by a Member in the performance of an approved duty as a Member of the Authority outside the Council boundaries. Members are advised to consult with the Members' Services/Cabinet Office to take advantage of central booking arrangements when arranging overnight accommodation.

The national rates for subsistence, set by the Independent Remuneration Panel for Wales or any such body appointed by the Welsh Government, will be applied each year as the maximum amounts claimable. Subsistence claims 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.

All claims for subsistence allowances must be submitted to the relevant Officer within ninety days of incurring expenditure. For Cabinet Members the relevant Officer is the Cabinet Officer, for all other Members the relevant Officer is the Members' Services Officer.

26.6 Care Allowances

Regulations made by the Welsh Government allow for the payment of a care allowance which represents a payment to a Member of the Authority who is a Councillor of an allowance in respect of such expenses of arranging for the care of children or dependents as are necessarily incurred in the carrying out of that Member's duties. Care allowances will be paid on the basis of actual expenditure supported by invoices up to the maximum amount specified under the scheme. Eligibility for care allowances for dependents over the age of 15 will be determined by the Director of Social Services on the basis of a needs assessment.

A care allowance is payable:-

(a) for dependent children up to the age of 15; or

(b) a dependent over the age of 15 provided the Member can demonstrate to the satisfaction of the Authority that the Member has such a dependent who requires supervision.

More than one care allowance will only be paid if a Member can satisfactorily demonstrate a need to make separate arrangements for separate dependents and that the Member needs to pay for that care.

The care allowance payable from 1st April 2017 is a maximum of £403 per month.

26.7 **Civic Salaries**

Civic Salaries are paid to the Chairman and Vice-Chairman of the Council under Section 22(5) and 24(4) of the Local Government Act 1972. Civic Salaries are inclusive of the Basic Salary and are paid in accordance with Band (b) of the three Bands payable as determined by the Independent Remuneration Panel for Wales (as agreed by the Council on 9th May 2018).

Office	Civic Salary £
Chairman of Council	22,568
Vice-Chairman of Council	17,568

The Chairman and Vice-Chairman will receive the higher of the Chairman's/Vice-Chairman's Civic Salary **or** Senior Salary by virtue of another office.