



Merthyr Tydfil County Borough Council

CONSTITUTION

October 2017

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Merthyr Tydfil County Borough Council CONSTITUTION

Part 1 of 8

SUMMARY AND EXPLANATION

(Including Glossary of Terms)

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1.01

SUMMARY AND EXPLANATION

1.01.01 THE COUNCIL'S CONSTITUTION

Merthyr Tydfil County Borough Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

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

1.01.02 WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations; support the active involvement of the public in the decision-making process; take decisions transparently, efficiently and effectively; identify clearly those responsible for decision making and hold them to public account; and improve the delivery of services to the community. Articles 2 - 16 explain the rights of members of the public and how the key parts of the Council operate. These are:

- Members of the Council (**Article 2**)
- Members of the Public and the Council (**Article 3**)
- The Full Council (**Article 4**)
- Chairing the Council (the role and function of the Mayor) (**Article 5**)
- Scrutiny Committees (**Article 6**)
- The Executive,(the Cabinet) (**Article 7**)
- Regulatory and other Committees (**Article 8**)
- The Standards Committee (**Article 9**)
- Area Committees and Forums (**Article 10**)
- Joint arrangements (**Article 11**)
- Officers (**Article 12**)
- Decision making (**Article 13**)

- Finance, contracts and legal matters (**Article 14**)
- Review and revision of the Constitution (**Article 15**)
- Suspension, interpretation and publication of the Constitution (**Article 16**).

1.01.03 HOW THE COUNCIL OPERATES

The Council is composed of 33 councillors from 11 electoral divisions elected every four years. However for the 2017 Local Government Elections the Welsh Government determined that Councillors would have a five year term of office from 2017 to 2022.. Councillors are democratically accountable to citizens of their Electoral Division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Council has formed a Standards Committee to promote and maintain high ethical principles and these are enshrined within a Code of Conduct for Members. All Councillors have to agree to follow the Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee is also responsible for training and advising Councillors on the Code of Conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Councils overall policies and set the budget each year. The Council decides the Authority's strategic policies, as set out in Article 4 and sets the budget each year.

The Council also appoints the Chairperson of the Cabinet and makes appointments to the Scrutiny Committees and other Committees, and confirms the appointment of the Chief Executive (also referred to as the Head of Paid Service) and Chief Officers.

Citizens will have the opportunity to be actively engaged through a number of processes, the most notable being:

- The Chairperson of the Annual 'State of the Borough' report prior to which the Chairperson of the Cabinet will use a variety of methods to engage citizens;
- Public 'Question Time' at Council, Cabinet and other Committee meetings;
- Forward Plan on Key Decisions;
- Scrutiny Committees.

1.01.04 HOW DECISIONS ARE MADE

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

1.01.05 SCRUTINY

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

1.01.06 THE COUNCIL'S OFFICERS

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

1.01.07 CITIZEN'S RIGHTS

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

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

Amongst other things, members of the public have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution (Copy available on MTCBC website);
- attend meetings of the Cabinet, the Council, Scrutiny Committees and other Committees except where, for example, personal or confidential matters are being discussed;
- participate in the Council's question time and contribute to investigations by the Scrutiny Committees.
- find out, from the Forward Plan, what major decisions are to be discussed by the Cabinet, the Council and Scrutiny as a whole;
- see reports and background papers considered by the Cabinet, the Council or any of its Committees and any record of decisions made by the Cabinet, Council and Scrutiny Committees except where they contain personal or confidential information;
- present a petition;
- request a referendum (subject to the statutory procedure);
- complain to the Council using the Corporate Complaints process;
- complain to the Public Services Ombudsman for Wales (the Ombudsman) if they think that they have suffered an injustice because the Council has not followed its procedures properly. However, they are encouraged to do this only after having followed the Council's internal complaints procedure;
- complain to the Public Services Ombudsman for Wales (the Ombudsman) if they have evidence which they think shows that a councillor or co-opted member of the Council has not followed the Members' Code of Conduct;
- inspect the Council's accounts and make their views known to the external auditor.
- Any other rights afforded by law.

Contact: The Monitoring Officer

The Council welcomes participation by its Citizens in its work. For further information Citizens can contact:

Democratic Services Team
Merthyr Tydfil County Borough Council
Civic Centre
Castle Street
Merthyr Tydfil
CF47 8AN

Tel: (01685) 725203 / 725207 / 725401 / 725284

Fax (01685) 374397

E-Mail: democratic@merthyr.gov.uk

1.02

GLOSSARY OF TERMS

Articles	The basic rules governing the Council's business, which cannot be suspended.
Budget	All the financial resources allocated to different services and projects.
Cabinet	The Executive, which shall be called the "Cabinet" and shall consist of up to 9 Councillors and the Leader of the Council.
Call-in	A mechanism which allows Scrutiny Committees to examine, and challenge, any Cabinet decision before it is implemented.
Chief Finance Officer	The officer designated under Section 151 of the Local Government Act 1972.
Confidential Information	Information either given to the Council by the Government on terms which forbid its public disclosure or which cannot be publicly disclosed by Court Order.
Constitution	A document setting out how the Council operates, how decisions are made and all the procedures that have to be followed.
Chief Officers	The most senior Council officers i.e. The Chief Executive, the Deputy Chief Executive, the Chief Officers (to include two statutory Chief Officers i.e. the Chief Education Officer; and the Director of Social Services), the Chief Finance Officer and the Monitoring Officer - see Part 4 (4.09) and the Officer Employment Procedure Rules.
Exempt Information	Information falling into one of 7 categories set out in the Local Government (Access to Information) Act 1985 which usually cannot be publicly disclosed – see the Access to Information Procedure Rules.

Forward Plan	A schedule of all the Key Decisions the Cabinet expect to take over the next 4 months.
Head of Paid Service	The most senior officer, with overall responsibility for the management and operation of the Council; also known as the Chief Executive.
Joint Committee	A body appointed under Section 101 of the Local Government Act 1972 and Local Government Act 2000.
Key Decision	A decision by the Cabinet which is likely either to incur significant expenditure/make significant savings or to have a significant impact on those living or working in 2 or more Electoral Divisions. [Specific criteria used to identify Key Decisions are set out in the Access to Information Procedure Rules].
Managers	Responsible to the Chief Executive, the Deputy Chief Executive and Chief Officers, in charge of specific service areas
Monitoring Officer	The officer designated by the Council to fulfil the statutory role under Section 5 of the Local Government and Housing Act 1989 as supplemented by the Local Government Act 2000.
Policy Framework	The plans and strategies which have to be adopted by the full Council and in accordance with which the Cabinet have to operate – see Article 4.
Procedure Rules	Detailed rules which govern how the Council operates and how decisions are taken.
Protocols	Codes of Practice which set out how, for example, various elements of the Council are expected to interact with each other.
Public Services Ombudsman for Wales	A national body responsible for promoting and maintaining high standards of conduct by Members; considers written allegations that a Member has failed to comply with the Members' Code of Conduct and, if appropriate, refers them for investigation.

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Quorum	The minimum number of people who have to be present before a meeting can take place.
Scrutiny Committees	“Overview and Scrutiny Committees” otherwise called “Scrutiny Committees” or “Scrutiny Panels”. They provide support and advice to the Council and Cabinet by contributing to the review and development of policy; holding the Cabinet to account by questioning, challenging and monitoring their performance.
Virement	Moving funds from one area of expenditure to another.



Merthyr Tydfil County Borough Council CONSTITUTION

Part 2 of 8

ARTICLES OF THE CONSTITUTION

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2.01

ARTICLE 1 – THE CONSTITUTION

2.01.01 POWERS OF THE COUNCIL

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

2.01.02 THE CONSTITUTION

This Constitution, together with all its appendices, is the Constitution of Merthyr Tydfil County Borough Council.

2.01.03 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

- enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- support the active involvement of citizens in the process of local authority decision-making;
- help Councillors represent their constituents more effectively;
- enable decisions to be taken efficiently and effectively;
- create a powerful and effective means of holding decision-makers to public account;
- ensure that no one will review or scrutinise a decision in which they were directly involved (for example, a Member of the Cabinet cannot also serve on a Scrutiny Committee.);
- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- provide a means of improving the delivery of services to the community.

2.01.04 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated within paragraph 2.01.03 (above).

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

2.02

ARTICLE 2 – MEMBERS OF THE COUNCIL

2.02.01 COMPOSITION AND ELIGIBILITY

- (a) **Composition.** The Council comprises 33 Members, otherwise called Councillors. Councillors will be elected by the voters of each Electoral Division in accordance with a scheme drawn up by the Boundary Commission in Wales and approved by the Welsh Government.
- (b) **Eligibility.** Only registered electors of the County Borough or those living, working in the County Borough will be eligible to hold the office of Councillor.

2.02.02 ELECTION AND TERMS OF COUNCILLORS

Election and terms. The regular election of Councillors will normally be held on the first Thursday in May every four years. However for the 2012 and 2017 Local Government Elections the Welsh Government determined that Councillors would have a five year term of office for 2012 -2017 and 2017 - 2022. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.02.03 ROLES AND FUNCTIONS OF ALL COUNCILLORS

Key roles: All Councillors will:

- (a) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (b) represent their communities and bring their views into the Council's decision making process. Contribute to good and effective governance and management within the Council as a whole by actively encouraging participation and public involvement in decision making by the Council;
- (c) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

- (d) balance different interests identified within the Electoral Division and represent the Electoral Division as a whole;
- (e) respond to constituents' enquiries and representations, fairly and impartially;
- (f) contribute to the continual improvement and effectiveness of all council services through Best Value/Wales Programme for Improvement and performance management;
- (g) be available to represent the Council on other bodies;
- (h) maintain the highest standards of conduct and ethics; and
- (i) be involved in decision making.

Rights and Duties

- (a) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (b) Councillors will not make public information which is confidential or exempt without the consent of either the full Council or the Monitoring Officer, or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
- (c) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 (4.02) of this Constitution.

2.02.04 CONDUCT

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

2.02.05 ALLOWANCES

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

2.03

ARTICLE 3 – MEMBERS OF THE PUBLIC AND THE COUNCIL

2.03.01 CITIZENS' RIGHTS

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the **Access to Information Rules in Part 4 (4.02)** of this Constitution:

- (a) **Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote. Citizens on the electoral roll for the area also have the right to sign a petition to request a referendum for an elected Mayor form of Constitution. Signatures must be no fewer than 10% of those eligible to vote.
- (b) **Information.** Citizens have the right to:
 - (i) attend meetings of the Council and it's Committees/Sub-Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend all meetings of the Cabinet and it's Committees/Sub Committees except where confidential or exempt information is likely to be disclosed;
 - (iii) find out from the Forward Plan what Key Decisions will be taken by the Cabinet or Council and which issues the Scrutiny Committees will be considering, and other Committees and when;
 - (iv) see reports and background papers, and any records of decisions made by the Council, Cabinet and Scrutiny Committees, and other Committees/Sub Committees save for those which include confidential or exempt information; and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate in the Council's question time, speak at meetings of the Cabinet (when agenda'd), and other Committees with the permission of the Chairperson and contribute to investigations by the Scrutiny Committees.
- (d) **Complaints.** Citizens have the right to complain to:

- (i) the Council itself under its Corporate Complaints Scheme (or the separate Social Services procedure);
- (ii) the Public Services Ombudsman for Wales about any injustice they have suffered, but citizens and organisations are encouraged to use the Council's own Corporate Complaints Scheme first;
- (iii) the Public Services Ombudsman for Wales where they believe a member or co-opted member has breached the Members' Code of Conduct.

2.03.02 CITIZENS' RESPONSIBILITIES

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully harm property owned by the Council, Councillors or officers. Additionally, Citizens should never misuse approved procedures to make frivolous or vexatious complaints against Councillors or officers.

2.04

ARTICLE 4 – THE FULL COUNCIL

2.04.01 MEANINGS

(a) **Policy Framework.** The Policy Framework means the plans, schemes and strategies not to be the sole responsibility of the Authority's Executive in accordance with current legislation, together with such other plans and strategies which the Authority may decide should be adopted by the Council as a matter of local choice.

- (a) **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.

2.04.02 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions: (see also 3.03 Functions of the Council)

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget.;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules and Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet 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 the budget;
- (d) appointing the Chairperson of the Cabinet (The Chairperson of the Cabinet shall be the Leader of the Council); removing the Leader and removing members of the Cabinet (not being the Leader). The Leader can also remove from office other members of the Cabinet (see 2.07.04)
- (e) appointing the Chairperson, Vice Chairperson and Members of the Scrutiny Committees;

- (f) appointing the Vice Chairperson and Members of the Audit Committee. The Audit Committee is to appoint the person who is to chair the committee;
- (g) appointing the Chairperson, Vice Chairperson and Members of the Democratic Services Committee;
- (h) appointing the Chairperson, Vice Chairperson and Members of the Planning, Regulatory and Licensing Committee, and the Statutory Licensing Committee;
- (i) appointing Members of the Appeals Committee and the Councillor Members to the Standards Committee
- (j) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (k) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (l) adopting an allowances scheme under 2.02.05 Allowances;
- (m) changing the name of the area, conferring the freedom of the County Borough;
- (n) making the appointment of the Chief Executive, Deputy Chief Executive, Chief Officers (to include two statutory Chief Officers i.e. Director of Social Services; and the Chief Education Officer), Chief Finance Officer, and the Monitoring Officer in accordance with the Officer Employment Rules in Part 4 of the Constitution;
- (o) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (p) all local choice functions set out in Part 3 of this Constitution which the Council has decided should be undertaken by itself rather than the Cabinet; and
- (q) all other matters which, by law, must be reserved to Council.

2.04.03 COUNCIL MEETINGS

There are three types of Council meeting:

- (a) the annual meeting;

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- (b) ordinary meetings;
- (c) extraordinary or special meetings

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

2.04.04 RESPONSIBILITY FOR FUNCTIONS

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

2.05

ARTICLE 5 – CHAIRING THE COUNCIL (THE ROLE AND FUNCTION OF THE MAYOR)

2.05.01 ROLE AND FUNCTION OF THE MAYOR

The Mayor and, in his/her absence, the Deputy Mayor will have the following roles and functions:

- (a) **Ceremonial role.** To attend such civic and ceremonial functions as the Council and he/she determines appropriate.
- (b) **Member dispute resolution.** To participate in the resolution process as per the Local Dispute Policy agreed by the Standards Committee.
- (c) **Chairing the Council Meeting** (the following, where appropriate, will also be applicable to the Deputy Mayor, in the absence of the Mayor or any other Councillor requested to Chair the meeting in the absence of either the Mayor or Deputy Mayor as approved by a majority of members voting at the meeting).

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

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which members who are not on the Cabinet are able to hold the Cabinet and Committee Chairpersons to account;
- (d) to promote public involvement in the Council's activities;
- (e) to be the conscience of the Council; and
- (f) to attend such civic and ceremonial functions as the Council and

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he/she determines appropriate.

2.06

ARTICLE 6 – SCRUTINY COMMITTEES

2.06.01 TERMS OF REFERENCE

The Council will appoint Overview and Scrutiny Committees (otherwise known as Scrutiny Committees) as set out in the left hand column of the table below to discharge the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table, and any other such functions as may from time to time be allocated by the Council.

COMMITTEE	SCOPE
<p>Social Services Scrutiny Committee</p> <p>The Councillor membership is determined by Council</p> <p>2 Public appointed co-opted members (non-voting)</p> <p>1 Voluntary Sector co-opted member (non-voting).</p> <p>1 Youth Forum Co-opted Member (non-voting)</p>	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in areas including Adults Social Services; Children's Social Services; Community Development; Safeguarding; Wellbeing & Early response including Advocacy & Leaving Care Services; Supporting Permanence; Merthyr Tydfil Family Centre; Family Support; Children with Disabilities; Looked After Children; Fostering & Adoption LAC Education Support (LACES); Cwm Taf Youth Offending Service; Intake including Enhanced Child in Need Service & Children's Multi Agency Safeguarding Hub; Integrated Family Support; Supported Housing; Initial Support Services; Day Services; Older People Disability; Psychiatry of Old Age; Complaints (Bernadette Jenkins) Assessment & Charging; Contracting; Social Care Workforce Development; Community Occupational Therapy; Communities First; Families First; Early Years / Youth Service; Flying Start</p>

COMMITTEE	SCOPE
	<p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, Welsh Government - sponsored public bodies and quasi departmental non-governmental bodies and health services on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance the Authority's performance in this area.</p>
<p>Neighbourhood Services, Planning and Countryside Scrutiny Committee.</p> <p>The Councillor membership is determined by Council</p> <p>2 Public appointed co-opted members (non-voting)</p> <p>1 Voluntary Sector co-opted member (non-voting).</p> <p>1 Youth Forum Co-opted Member (non-voting)</p>	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in areas to include Corporate Property & Estates; Waste Management; Highways & Engineering; Fleet Management; Grounds Maintenance; Street Cleansing / Tidy Towns; Environmental Cleansing and Enforcement; Parks & Bereavement Services; Planning & Countryside; Development Control; Building Control (Building Regulations & Dangerous Structures); Planning Policy & Implementation (Local Development Plan; Built Heritage Conservation, Landscape; Ecology & Biodiversity; G.I.S.</p> <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, Welsh Government-sponsored public bodies and quasi departmental non-governmental bodies and health services on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to</p>

COMMITTEE	SCOPE
	make recommendations on measures which may enhance the Authority's performance in this area.
<p>Learning and LGES Scrutiny Committee.</p> <p>The Councillor membership is determined by Council</p> <p>2 Public appointed co-opted members (non-voting)</p> <p>1 Voluntary Sector co-opted member (non-voting).</p> <p>Education representatives as shown in the Scrutiny Procedure Rules.</p> <p>1 Youth Forum Co-opted Member (non-voting)</p>	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in areas to School Improvement, Inclusion & Governance; School Planning & Support Services; Additional Learning Needs; Inclusion & Wellbeing; Governor Services; School Information / Capita One; Admissions & School Places; Local Management of Schools & School Resource; Catering; Health & Safety /Cleaning (Schools)</p> <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, Welsh Government-sponsored public bodies and quasi departmental non-governmental bodies and health services on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance the Authority's performance in this area.</p>
<p>Governance, Performance, Business Change, and Corporate Services Scrutiny Committee</p> <p>The Councillor membership is determined by Council</p> <p>2 Public appointed co-opted members (non-voting)</p> <p>1 Voluntary Sector co-opted member (non-voting).</p> <p>1 Youth Forum Co-opted Member (non-voting)</p>	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the areas including Corporate Communications; Information Technology; Print & Design; Emergency Planning; Business Change; Accountancy; Insurance; Procurement; Creditors; Corporate Finance; Customer Contact Centre; Service Support; CCTV / Lifeline;</p>

COMMITTEE	SCOPE
	<p>Parking Administration, Enforcement & Strategy; Risk Management; Sustainable Development; Equalities/Welsh Language; Partnerships; Sports, Leisure & Culture Development / Leisure Trust / Active Lifestyles; Revenues (Council Tax, Debtors, Cash Collection); Benefits; Audit; Legal; Democratic Services; Scrutiny Services; and Freedom of Information</p> <p>.</p> <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, Welsh Government-sponsored public bodies and quasi departmental non-governmental bodies and health services on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance the Authority's performance in this area.</p>
<p>Regeneration and Public Protection Scrutiny Committee</p> <p>The Councillor membership is determined by Council</p> <p>2 Public appointed co-opted members (non-voting)</p> <p>1 Voluntary Sector co-opted member (non-voting).</p> <p>1 Youth Forum Co-opted Member (non-voting)</p> <p>This scrutiny committee will undertake the role of the Authority's Crime and Disorder Committee</p>	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in areas to include Physical Regeneration; Economic Development; Tourism; Employment / Employability Services; European and External Funding; Destination Management Plan; Public Protection & Housing; Housing Services (Strategic/Housing Solutions/ Homelessness); Housing Renewal Area; Disabled Facility Grants; Licensing; Trading Standards / Licensing; Environmental Health; Home to School / Subsidised Transport; Registry Service; Community Safety</p> <p>To assess the impact of partnerships</p>

COMMITTEE	SCOPE
	<p>with and resources and services provided by external organisations including the Welsh Government, Welsh Government-sponsored public bodies and quasi departmental non-governmental bodies and health services on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance the Authority's performance in this area.</p> <p>To be the Council's Crime and Disorder Committee as required by the Police and Justice Act 2006 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under that Act.</p>
<p>Joint Scrutiny Committee</p> <p>This Committee will be chaired by the Chair of the Governance, Performance, Business Change and Corporate Services Scrutiny Committee and will comprise all Members of the 5 scrutiny committees as shown above</p>	<p>This committee will meet as and when necessary and consider items that are relevant or common to each of the 5 scrutiny committees as above.</p>

2.06.02 GENERAL ROLE

Within their terms of reference, Scrutiny Committees will include a combination of:

- (a) reviewing and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Councils functions;
- (b) making reports and/or recommendations to the full Council and/or Cabinet and/or any joint or area committee in connection with the discharge of any functions;
- (c) considering any matter affecting the area or its inhabitants; and

- (d) exercising the right to “call-in”, for reconsideration, decisions made but not yet implemented by Cabinet, Cabinet Members, designated senior officers and/or any joint or area committees.
- (e) any matters referred to it by the Council or Cabinet;
- (f) analysis and review of policy issues identified by individual Committees themselves.

2.06.03 SPECIFIC FUNCTIONS

- (a) **Policy development and review.** The Scrutiny Committees may:
 - (i) assist the Council and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - (iv) question Members of the Cabinet and/or Committees and appropriate/responsible officers about their views on issues and proposals affecting the area; and
 - (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** Scrutiny Committees may:
 - (i) review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Council officers both in relation to individual decisions and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) question Members of the Cabinet and/or Committees and appropriate/responsible officers about their decisions and performance, whether generally in comparison with service

plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

- (iv) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
 - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
 - (vi) question and gather evidence from any person (with their consent)
- (c) **Finance.** Scrutiny Committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Scrutiny Committees will report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) **Officers.** The Scrutiny Committees may exercise the overall responsibility for the work programme of any officers employed to support their work.

2.06.04 PROCEEDINGS OF THE SCRUTINY COMMITTEES

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

2.07

ARTICLE 7 – THE CABINET

2.07.01 ROLE

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

2.07.02 FORM AND COMPOSITION

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

2.07.03 CHAIRPERSON OF THE CABINET (“LEADER OF THE COUNCIL”)

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

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

2.07.04 OTHER CABINET MEMBERS

Other Cabinet members shall hold office until:

- (a) they resign from office; or
- (b) they are 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); or
- (c) they are no longer Councillors; or

- (d) they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer;
- (e) they are removed from office, either individually or collectively, by resolution of the Council.

2.07.05 PROCEEDINGS OF THE CABINET

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

2.07.06 RESPONSIBILITY FOR FUNCTIONS

The Head of Paid Service on behalf of the Chairperson of the Cabinet will maintain a list in Part 3 of this Constitution setting out the allocation of responsibility for the exercise of particular Cabinet functions to individual members of the Cabinet, Committees of the Cabinet, officers or joint arrangements (in accordance with Section 15(2) of the Local Government Act 2000).

2.08

ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

2.08.01 REGULATORY AND OTHER COMMITTEES

The Council will appoint the committees listed below to discharge the functions set out in Part 3 of the Constitution;

- (a) **Planning, Regulatory & Licensing Committee**
- (b) **Statutory Licensing Committee**
- (c) **Appeals Committee**
- (d) **Objections and Appeals Sub-Committee**
- (e) **Rights of Way Committee**
- (f) **Standards Committee**

2.08.02 AUDIT COMMITTEE

The Council will appoint an Audit Committee for the purpose set out below and specifically to discharge the functions described in Part 3 of this Constitution.

Purpose:

To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Composition:

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

- (a) at least two-thirds of the members of its audit committee are members of the authority;

- (b) at least one member of its audit committee is a lay member;
- (c) no more than one of the members of its audit committee is a member of the authority's executive;
- (d) the senior member of its executive is not a member of its audit committee.

Political Balance

Political balance rules apply.

Chairing the Committee

The Audit Committee shall be chaired by a person elected by its members; the Chairperson may be a Councillor or a Lay Member but must not be a Member of the Executive group.

Voting

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

Attendance by Others

Any Officer or Member called to attend an Audit Committee meeting must do so and must answer any questions asked of them save ones which they could refuse to answer if they were in court. The Committee can invite other persons to attend before it, but anyone else so invited is under no compulsion to do so.

Frequency of Meetings

The Audit Committee must meet at least once a year and must also meet if Council so decides, or if at least one third of the Committee's Members require that a meeting be held. Otherwise the Committee may meet as it wishes subject to the usual notice requirements.

Quorum

The Quorum for the audit committee shall be at least half of the Councillors eligible to be present.

2.08.03 DEMOCRATIC SERVICES COMMITTEE

Council will appoint a Democratic Services Committee to discharge the functions described in Part 3 of this Constitution. The members of the Democratic Services Committee will be the same as the Audit Committee, excluding the Independent Member.

Composition

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

- (a) Members must be Councillors of which no more than one Member may be a Member of the Executive who must not be the Leader;
- (b) Political balance rules apply.

Chairing the Committee

The Democratic Services Committee shall be chaired by a person elected by Council who must not be a Member of any of the political groups represented on Cabinet.

Attendance by Others

Any Officer or Member called to attend a Democratic Services Committee meeting must do so and must answer any questions asked of them save ones which they could refuse to answer if they were in court. The Committee can invite other persons to attend before it, but anyone else so invited is under no compulsion to do so.

Frequency of Meetings

The Democratic Services Committee must meet at least once a year and must also meet if Council so decides, or if at least one third of the Committee's Members require that a meeting be held. Otherwise the Committee may meet as it wishes subject to the usual notice requirements and subject to the requirement to consider within three months any report presented to the Committee by the Head of Democratic Services.

Quorum

The Quorum for the Democratic Services committee shall be at least half of the Councillors eligible to be present.

2.09

ARTICLE 9 – THE STANDARDS COMMITTEE

2.09.01 STANDARDS COMMITTEE

The Council meeting will establish a Standards Committee.

2.09.02 COMPOSITION

- (a) **Membership.** The Standards Committee will be composed of nine members with majority of members (five) being '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. Other than the five 'independent members' its membership will also include:
- (i) three councillors (other than the Chairperson of the Cabinet and not more than one member of the Cabinet); and
 - (ii) one member of a community council wholly or mainly in the Council's area (a 'Community Council Committee Member') who is not also a member of the Council.
- (b) **Term of office**
- (i) Independent members are appointed for a period of four years or no more than six years and may not be re-appointed.
 - (ii) Members of the local authority who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be re-appointed for one further consecutive term.
- (c) **Quorum.** A meeting of the Standards Committee shall only be quorate when:

- (i) at least three members, including the Chairperson, are present, and
 - (ii) at least half the members present (including the Chairperson) are independent members
- (d) **Voting.** Independent members and the Community Council Committee member will be entitled to vote at meetings.
- (e) **Community Council Committee Member.** A Community Council Committee Member shall not take part in the proceedings of the Standards Committee when any matter relating to their community council is being considered;
- (f) **Chairing the Committee.**
 - (i) Only an independent member of the Standards Committee may be the Chairperson.
 - (ii) The Chairperson and Vice Chairperson will be elected by the members of the Standards Committee for whichever is the shortest period of (a) not less than 4 years or no more than 6 years, or (b) until the term of office of the independent member comes to an end. The Chairperson and Vice Chairperson can be appointed for one period only.

2.09.03 ROLE AND FUNCTION

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;
- (b) assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct and associated local protocols;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols;
- (d) monitoring and reviewing the operation of the Members' Code of Conduct and associated local protocols;
- (e) developing for recommendation to the Council local protocols to supplement the Members' Code of Conduct;

- (f) enforcing local protocols and applying sanctions in respect of breaches as appropriate;
- (g) 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 and associated local protocols;
- (h) 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 and associated local protocols;
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred to that officer by the Public Services Ombudsman for Wales.;
- (j) to keep under review, amend and make additional provisions to the Protocol on Member/Officer relations;
- (k) to monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide;
- (l) general overview of probity matters arising from the Public Services Ombudsman for Wales reports, Monitoring Officer reports and Audit reports;
- (m) the exercise of (a) to (l) above in relation to the Community Council wholly or mainly in its area and the members of the Community Council.

2.10

ARTICLE 10 – AREA COMMITTEES AND FORUMS

2.10.01 AREA FORUMS

The Council may decide to appoint Area Committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making. If it does so decide at least 3 Area Committees will be established, each containing a minimum of 15% of the authority's population

The Council will consult with the relevant Community Council and the Chairperson of relevant community meetings when considering whether and how to establish Area Committees.

Area Committees if established will comply with the Access to Information Rules in Part 4 of this Constitution.

A member of the Cabinet may serve on an Area Committee if otherwise eligible to do so as a Councillor.

2.11

ARTICLE 11 – JOINT ARRANGEMENTS

2.11.01 ARRANGEMENTS TO PROMOTE WELLBEING

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

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

2.11.02 JOINT ARRANGEMENTS

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities (such as joint scrutiny of NHS organisations) or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) Cabinet may appoint members to a joint committee from outside the Cabinet where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, Cabinet may appoint to the joint committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area.

- (e) The political balance requirements do not apply to such appointments.
- (f) Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's Scheme of Delegations in Paragraph 3.04.03 of this Constitution.

2.11.03 ACCESS TO INFORMATION

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

2.11.04 DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

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

2.11.05 CONTRACTING OUT

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

2.12

ARTICLE 12 – OFFICERS

2.12.01 MANAGEMENT STRUCTURE

- (a) **General.** The Full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. It is the responsibility of the Head of the Paid Service to ensure that the Council employs the appropriate number of properly qualified staff to meet obligations.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated Chief Officers.

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate and strategic and financial management and operational responsibility of the Council (including overall management responsibility for all officers).</p> <p>To have overall responsibility for Corporate Performance; Corporate Strategy; the Corporate Plan; the Community Strategy; Strategic Projects; and the Efficiency and Improvement Programme.</p> <p>The provision of professional and impartial advice to all parties in the decision making process and service to the whole Council, on a politically neutral basis.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>To undertake the statutory responsibilities of the 'Proper Officer' for the purposes of Council democratic administration except where the provisions of law, the scheme of delegation or other parts of the Constitution specify that the function should be discharged by another officer.</p>

Post	Functions and areas of responsibility
	<p>To be the Council's Electoral Registration Officer and Returning Officer or Acting Returning Officer for all elections.</p> <p>Representing the whole Council on partnership and external bodies – as required by statute or the Council.</p> <p>Service to the whole Council on a politically neutral basis.</p> <p>The Chief Executive has direct line management responsibility for the Chief Officer (Learning) and Chief Officer (Social Services)</p> <p>Responsible for the functions of Learning, Social Services, Legal and Governance Services, and Human Resources.</p> <p>Corporate Functions – Performance; Scrutiny; Cultural Change; and Workforce Development</p> <p>Service Functions – Wellbeing and Poverty; Learning; Social Care; and Prevention and Early Intervention;</p>
Deputy Chief Executive	<p>To work with the Chief Executive and other officers as required on strategic and financial management and co-ordination of Council-wide initiatives and projects; to develop cross service policies; and to take overall responsibility for the direction and performance of the services for which he/she is responsible.</p> <p>The Deputy Chief Executive has direct line management responsibility for the Chief Officer (Community Regeneration) and Chief Officer (Neighbourhood Services).</p> <p>To perform the statutory duties of Emergency Planning Officer.</p> <p>To perform the statutory duties as the 'Proper Officer' for Births, Deaths and Marriages.</p>

Post	Functions and areas of responsibility
	Corporate Functions – Transformation and Business Change; Corporate Planning; Commination, Reputation and Participation.
Chief Finance Officer	<p>To work with the Chief Executive, Deputy Chief Executive, Chief Officers and other officers on strategic and financial management of the Council, and the co-ordination of Council-wide initiatives and projects; to develop cross service policies and financial planning and control systems; and to take overall responsibility for the direction and performance of the services for which he/she is responsible.</p> <p>To perform the statutory duties of the Chief Finance Officer and s.151 Officer.</p>
Chief Officer (Social Services)	<p>To perform the statutory duties of the Director of Social Services</p> <p>Responsible for functions including Improving Wellbeing, Prevention and Early Intervention, Social Care, Children's Services, Adult Services, Community Development, and Safeguarding</p>
Chief Officer (Learning)	<p>To perform the statutory duties of the Chief Education Officer.</p> <p>Corporate Functions – Performance, Scrutiny, Cultural Change, and Workforce Decevelopment</p> <p>Responsible for functions including School Improvement, Inclusion and Governance, School Planning and Support Services, Additional Learning Needs, Inclusion and Wellbeing, School Information and Admissions and School Places.</p>

Post	Functions and areas of responsibility
Chief Officer (Neighbourhood Services)	Responsible for functions including Corporate Property and Estates, Waste Services, Highways and Engineering, Fleet Management, Grounds Maintenance, Street Cleansing, Bereavement Services, Environmental Cleansing and Enforcement, and Parks.
Chief Officer (Community Regeneration)	Responsible for functions including Physical Regeneration, Economic Development, Tourism, Employability Services, Destination Management, Public Protection, Planning and Countryside,
Monitoring Officer	To perform the statutory duties of Monitoring Officer.
Head of Democratic Services	To perform the statutory duties of the Head of Democratic Services.

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

Post	Designation
Chief Executive	Head of Paid Service
Head of Legal and Governance	Monitoring Officer
Chief Finance Officer and s.151 Officer.	Chief Finance Officer
Chief Officer – Social Services	Director of Social Services
Chief Officer (Learning)	Chief Education Officer
An Officer of the Authority	Head of Democratic Services

Deputy Monitoring Officer, Deputy Chief Finance Officer and Deputy Education Officer. Only the Monitoring Officer, the Chief Finance Officer and Chief Education Officer respectively can nominate the Deputy Monitoring Officer and the Deputy Chief Finance Officer respectively, not the Council.

Such posts will have the functions described in Article 2.12.02 - 2.12.04 below.

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

2.12.02 FUNCTIONS OF THE HEAD OF PAID SERVICE

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

2.12.03 FUNCTIONS OF THE MONITORING OFFICER

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **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.
- (c) **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 Cabinet in relation to an executive function if he/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.
- (d) **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.
- (e) **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals.

- (f) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by the Public Services Ombudsman for Wales and make reports or recommendations in respect of them to the Standards Committee.
- (g) **Advising whether decisions of the Cabinet are within the budget and policy framework.** In consultation with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- (h) **Providing advice.** The Monitoring Officer in consultation with the Head of Paid Service and 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.
- (i) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

2.12.04 FUNCTIONS OF THE CHIEF FINANCE OFFICER

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, its citizens and the community.
- (f) **Give financial resources.** The Chief Finance Officer will provide sufficient resources to the Monitoring Officer.

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

2.12.05 FUNCTIONS OF THE HEAD OF DEMOCRATIC SERVICES

Functions of the Head of Democratic Services

- (a) to provide support and advice (but see note 1 below):-
 - to the authority in relation to its meetings;
 - to committees of the authority and the members of those committees;
 - to any joint committee which a local authority is responsible for organising and the members of that committee;
 - in relation to the functions of the authority's overview and scrutiny committee(s), to members of the authority, members of the executive and officers;
 - to each member of the authority in carrying out the role of member of the authority (but see note 2 below);
- (b) to promote the role of the authority's overview and scrutiny committee(s);
- (c) to make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff;
- (d) any other functions prescribed by the Welsh Ministers.

Notes –

1. 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 committees;

2. in this case, advice to a member does not include advice in connection with their role as an executive member, and does not include advice about a

Contact: The Monitoring Officer

matter being or to be considered at a meeting (other than a meeting of an overview and scrutiny or democratic services committee).

2.12.06 CONDUCT

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

2.12.07 EMPLOYMENT

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 (4.09) of this Constitution.

2.13

ARTICLE 13 – DECISION MAKING

2.13.01 RESPONSIBILITY FOR DECISION MAKING

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions, including those Cabinet functions allocated by the Council in accordance with Section 15(2) of the Local Government Act 2000. This record is set out in Part 3 of this Constitution and includes the Scheme of Delegation.

2.13.02 PRINCIPLES OF DECISION MAKING

All decisions of the Council, Cabinet, the Scrutiny Committees, and any other Committees or Sub-Committees, individual Members of the Cabinet or Officers will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) due consideration to the interests of citizens and other stakeholders;
- (d) in accordance with legislative requirements;
- (e) respect for human rights;
- (f) a presumption in favour of openness; and
- (g) clarity of aims and desired outcomes.

2.13.03 TYPES OF DECISION

- (a) **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 2.04.02 will be made by the full Council and not delegated.
- (b) **Key Decisions**
 - (i) Any decision which is likely:

- to result in the local authority incurring expenditure which is, or the making of savings which are significant having regard to the local authority's budget for the service or function to which the decision relates; or
 - to be significant in terms of its effects on communities living or working in an area comprising two or more Electoral Divisions in the area of the local authority.
- (ii) A decision taker may only make a Key Decision in accordance with the requirements of the Scheme of Delegation set-out in Part 3 of this Constitution.

2.13.04 DECISION MAKING BY THE FULL COUNCIL

Subject to Article 2.13.07, the Council meeting will follow the Council Procedure Rules set out in Part 4 (4.01) of this Constitution when considering any matter.

2.13.05 DECISION MAKING BY THE CABINET

Subject to Article 2.13.07 the Cabinet will follow the Executive Procedure Rules set out in Part 4 (4.05) of this Constitution when considering any matter.

2.13.06 DECISION MAKING BY SCRUTINY COMMITTEES

The Scrutiny Committees will follow the Scrutiny Procedure Rules set out in Part 4 (4.06) of this Constitution when considering any matter.

2.13.07 DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL

Subject to Article 2.13.08 other Council Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

2.13.08 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of

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natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

2.14

ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

2.14.01 FINANCIAL MANAGEMENT

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 (4.07) of this Constitution.

2.14.02 CONTRACTS

Every contract made by the Council will comply with the Procurement and Contracting Rules set out in Part 4 of this Constitution.

2.14.03 LEGAL PROCEEDINGS

The Chief Executive and the Head of Legal and Governance are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he or she considers that such action is necessary to protect the Council's interests.

2.14.04 AUTHENTICATION OF DOCUMENTS

Where any document is necessary for any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or Head of Legal and Governance or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £25,000 entered into on behalf of the local authority in the course of the discharge of a Cabinet function shall be made in writing. Such contracts must either be signed by at least two Chief Officers of the authority or made under the Common Seal of the Council attested by the Chief Executive or some other person authorised by him/her.

2.14.05 COMMON SEAL OF THE COUNCIL

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

2.15

ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

2.15.01 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

2.15.02 PROTOCOL FOR MONITORING AND REVIEW OF CONSTITUTION BY THE MONITORING OFFICER

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in Article 1.

In undertaking this task the Monitoring Officer or his/her nominee may:

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

2.15.03 CHANGES TO THE CONSTITUTION

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer, save where that authority is delegated to the Head of Paid Service or the Monitoring Officer to

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make any changes which are required as a result of legislative change or decisions of the Council (to enable him/her to maintain it up to date).

2.16

ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

2.16.01 SUSPENSION OF THE CONSTITUTION

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 2.16.01 and 2.16.02:
 - (i) Council Procedure Rules
 - (ii) Access to Information Procedure Rules
 - (i) Budget and Policy Framework Procedure Rules
 - (ii) Cabinet Procedure Rules
 - (iii) Scrutiny Procedure Rules
 - (iv) Financial Procedure Rules
 - (v) Procurement and Contracting Rules (may also be suspended by the Cabinet in accordance with Part 3 of this Constitution)
 - (vi) Officer Employment Rules.

2.16.02 INTERPRETATION

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall be final. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

2.16.03 PUBLICATION

- (a) The Head of Paid Service will ensure that an electronic copy of this Constitution is available to Members and Officers of the Council via the Council's website.
- (b) The Head of Paid Service will ensure that copies of the Constitution is available to the Public on the Council's website and is updated as necessary.

2.17

SCHEDULE 1 – DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the Executive Arrangements.:

- (a) Article 6 (2.06) (Scrutiny Committees) and the Scrutiny Procedure Rules (4.06);
- (b) Article 7 (2.07) (The Cabinet) and the Cabinet Procedure Rules.(2.05)
- (c) Article 10 (2.10) (Area Committees and Forums) – where area committees have functions delegated to them by the Cabinet
- (d) Article 11 (2.11) (Joint arrangements) – where area committees have functions delegated to them by the Cabinet
- (e) Article 13 (2.13) (Decision making) and the Access to Information procedure rules (4.02).
- (f) Part 3 (Responsibility for Functions).



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RESPONSIBILITY FOR FUNCTIONS AND SCHEME OF DELEGATION

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3.01

SUMMARY AND EXPLANATION

3.01.01 INTRODUCTION

One of the primary purposes of the Constitution is to make it clear where responsibility for functions lie and in respect of decisions to be made, to identify which body or person makes those decisions which result in actions either being taken or not i.e.

- (a) The Council
- (b) The Cabinet
- (c) Regulatory and other Committees
- (d) Officers

3.01.02 THE COUNCIL

The Council will have the responsibility for approving or adopting the Policy Framework and the Budget.

3.02

MEANINGS

3.02.01 POLICY FRAMEWORK

(a) Policy Framework. The Policy Framework means the plans, schemes and strategies not to be the sole responsibility of the Authority's Executive in accordance with current legislation

3.02.02 BUDGET

The Budget includes the allocation of financial resources to different services or 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 provisions of the 'Prudential Code' will also impact upon the process.

3.03

FUNCTIONS OF THE COUNCIL

3.03.01 Only the Council will exercise the following functions:

1. Adopting and changing the Constitution;
2. Approving or adopting the policy framework and the budget.
3. Subject to the urgency procedure contained in the Access to Information Procedure Rules and Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet 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 the budget;
4. Appointing the Chairperson of the Cabinet (The Chairperson of the Cabinet shall be the Leader of the Council); removing the Leader and removing members of the Cabinet (not being the Leader). The Leader can also remove from office other members of the Cabinet (see 2.07.04)
5. Appointing the Chairperson, Vice Chairperson and Members of the Scrutiny Committees;
6. Appointing the Vice Chairperson and members of the Audit Committee. The Audit Committee is to appoint the person who is to chair the committee;
7. Appointing Chairperson, Vice Chairperson and Members of the Democratic Services Committee. The functions of the Democratic Services Committee are to be performed by the Audit Committee;
8. Appointing the Chairperson, Vice Chairperson and Members of the Planning Regulatory and Licensing Committee;
9. Appointing the Chairperson, Vice Chairperson and Members of the Statutory Licensing Committee
10. Appointing Members of the Appeals Committee and the Councillor Members to the Standards Committee

11. Appointing Councillor Members to the Cwm Taf Public Services Board; and to the Cwm Taf Public Services Board Joint Overview and Scrutiny Committee
12. Agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
13. Appointing representatives to outside bodies unless the appointment has been delegated by the Council;
14. Adopting an allowances scheme under Article 2.02.05;
15. Changing the name of the area, conferring the freedom of the County Borough;
16. Making the appointment of the Chief Executive, the Deputy Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Chief Officers in accordance with the Officer Employment Rules in Part 4 of the Constitution;
17. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
18. Power to determine applications for planning permission.
19. Power to determine applications to develop land without compliance with conditions previously attached.
20. Power to grant planning permission for development already carried out.
21. Power to decline to determine application for planning permission.
22. Duties relating to the making of determinations of planning applications.
23. Power to determine applications for planning permission made by a local authority, alone or jointly with another person
24. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
25. Power to enter into planning obligation, regulating development or use of land.

26. Power to issue a certificate of existing or proposed lawful use or development.
27. Power to serve a completion notice.
28. Power to grant consent for the display of advertisements.
29. Power to authorise entry onto land.
30. Power to require the discontinuance of a use of land.
31. Power to serve a planning contravention notice, breach of condition notice or stop notice.
32. Power to issue an enforcement notice.
33. Power to apply for an injunction restraining a breach of planning control.
34. Power to determine applications for hazardous substances consent, and related powers.
35. 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.
36. Power to require proper maintenance of land.
37. Power to determine applications for listed building consent, and related powers.
38. Power to determine applications for conservation area consent.
39. Duties relating to applications for listed building consent and conservation area consent.
40. Power to serve a building preservation notice, and related powers.
41. Power to issue a listed building enforcement notice.
42. Powers to acquire a listed building in need of repair and to serve a repairs notice.
43. Power to apply for an injunction in relation to a listed building.

44. Power to execute urgent works.
45. Power related to mineral working.
46. Power related to footpaths and bridleways.
47. Power as to certification of appropriate alternative development.
48. Duties in relation to purchase notices
49. Powers related to blight notices
50. Power to issue licences authorising the use of land as a caravan site ("site licences").
51. Power to license the use of moveable dwellings and camping sites.
52. Power to license hackney carriages and private hire vehicles.
53. Power to license drivers of hackney carriages and private hire vehicles.
54. Power to exercise licensing functions pursuant to the Licensing Act 2003
55. Power to exercise licensing functions pursuant to the Gambling Act 2005
56. Power to license operators of hackney carriages and private hire vehicles.
57. Power to register pool promoters.
58. Power to grant track betting licences.
59. Power to license inter-track betting schemes.
60. Power to grant permits in respect of premises with amusement machines.
61. Power to register societies wishing to promote lotteries.
62. Power to grant permits in respect of premises where amusements with prizes are provided.
63. Power to issue entertainments licences.
64. Power to license sex shops and sex cinemas.
65. Power to license performances of hypnotism.

66. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.
67. Power to license pleasure boats and pleasure vessels.
68. Power to license market and street trading.
69. Duty to keep list of persons entitled to sell non-medicinal poisons.
70. Power to license dealers in game and the killing and selling of game.
71. Power of register and license premises for the preparation of food.
72. Power to license scrap yards.
73. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.
74. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.
75. Duty to promote fire safety
76. Power to license premises for the breeding of dogs.
77. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
78. Power to register animal trainers and exhibitors.
79. Power to license zoos.
80. Power to license dangerous wild animals.
81. Power to enforce regulations in relation to animal by-products
82. Power to license the employment of children.
83. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.
84. 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).

85. Power to register variation of rights of common.
86. Power to issue a permit to conduct charitable collections.
87. Power to grant consent for the operation of a loudspeaker.
88. Power to grant a street works licence.
89. Duty to register the movement of pigs.
90. Power to enforce regulations in relation to the movement of pigs.
91. Power to issue a licence to move cattle from a market.
92. Power to sanction use of parts of buildings for storage of celluloid.
93. 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.
94. Functions in respect of establishing a Licensing Committee.
95. Duty to appoint an electoral registration officer.
96. Power to assign officers in relation to requisitions of the registration officer.
97. Power to dissolve community councils.
98. Power to make orders for grouping communities.
99. Power to make orders for dissolving groups and separating community councils from groups.
100. Duty to appoint returning officer for local government elections.
101. Duty to provide assistance at European Parliamentary elections.
102. Duty to divide constituency into polling districts.
103. Power to divide electoral divisions into polling districts at local government elections.
104. Powers in respect of holding of elections.

105. Power to pay expenses properly incurred by electoral registration officers.
106. Power to fill vacancies in the event of insufficient nominations.
107. Duty to declare vacancy in office in certain cases.
108. Duty to give public notice of a casual vacancy.
109. Power to make temporary appointments to community councils.
110. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.
111. 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.
112. Power to change the name of a county or county borough.
113. Power to change the name of a community.
114. Power to confer title of honorary alderman or to admit to be an honorary freeman.
115. Power to petition for a charter to confer county borough status.
116. Functions relating to local government pensions, etc.
117. Functions relating to pensions, allowances and gratuities.
118. 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.
119. 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).
120. Functions relating to sea fisheries.
121. Powers relating to the preservation of trees.
122. Powers relating to the protection of important hedgerows.
123. Power to make standing orders.

124. Appointment and dismissal of Council staff
125. Power to make standing orders as to contracts.
126. Power to consider reports from the Public Services Ombudsman for Wales.
127. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
128. Powers in respect of registration of motor salvage operators.
129. Power to appoint officers for particular purposes (appointment of “proper officers”).
130. Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.
131. Duty to designate an officer as the monitoring officer and to provide staff, etc.
132. Duty to determine affordable borrowing limit.
133. Approval of annual investment strategy in accordance with guidance.
134. Duty to make arrangements for proper administration of financial affairs.
135. To determine the level and any change in the level of remuneration to be paid to a Chief Officer (excluding the Head of Democratic Services).
136. All other matters which, by law, must be reserved to Council.

3.04

THE CABINET

3.04.01 Apart from:-

- decisions reserved for the full Council (see 3.02 and 3.03 above)
- decisions to be taken by Regulatory and other Committees (see 3.05 below)
- decisions to be taken by Officers (see 3.06 and 3.07 below)

all other decisions in relation to the various functions of the Council (including the functions of the Social Services Committee) will be taken by the Cabinet or by individual members of the Cabinet or Committees of the Cabinet.

The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) specify which local authority functions must not be, need not be, or are not solely to be executive functions. The Cabinet will discharge those functions and responsibilities which are reserved to it in the regulations together with all “local choice functions save as is mentioned in 3.02 and 3.03 above”.

3.04.02 The Cabinet has established the following Portfolios:-

- Cabinet Member Without Portfolio – Leader of Council
- Cabinet Member for Governance, Performance, Business Change and Corporate Services
- Cabinet Member for Social Services
- Cabinet Member for Learning and LGES
- Cabinet Member for Neighbourhood Services, Planning and Countryside
- Cabinet Member for Regeneration and Public Protection

Individual members of the Cabinet may be allocated the responsibility for discharging specific functions. Details of these and the terms upon which they have been so allocated are contained in the Scheme of Delegation (Scheme of Allocation of Cabinet Functions to Individual Members of Cabinet).

3.04.03 The Cabinet has also entered into joint arrangements with the executives of other authorities to carry out the following arrangements:

- Catalogue Supplies Service Joint Committee

- Llwydcoed Crematorium Joint Committee
- Glamorgan Archives Joint Committee
- Glamorgan Engineering Consultancy Joint Committee (GEC)
- Education and School Improvement Service Joint Committee (ESIS)
- Welsh Purchasing Management Committee

3.05

REGULATORY AND OTHER MEETINGS

The Council has determined to establish the following Regulatory and other Committees to carry out under powers delegated by the Council the functions indicated.

Appointments, or reconfirmation of appointments of Members and the Chairperson and Vice Chairperson to each Committee will be made by the Council at the Annual Meeting of the Council each year.

3.05.01 PLANNING REGULATORY AND LICENSING COMMITTEE

A Committee of 11 Members. This is to allow for one Councillor from each Electoral Division, unless agreed otherwise by Council. No Member appointed to the Planning Regulatory and Licensing Committee can sit without having undertaken a period of training in planning procedures as specified by the Authority.

Details of the planning and regulatory functions of the Planning Regulatory and Licensing Committee that are delegated to the Chief Officer (Neighbourhood Services), Head of Planning and Countryside, and other officers are contained in the Scheme of Delegation.

Function

- (a) To exercise those Planning and Conservation functions relating to town and country planning and development control as specified:
 - (i) in Part A paragraphs 1 – 32 and Part I paragraphs 3 and 4 of Schedule 1 of The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended).
 - (ii) in regulation 3(2), 3(3) or 3(4) of those Regulations which are not in paragraphs 2 – 9 below unless the responsibility for exercising any of those functions has been delegated by the Council to any other committee, sub committee or other body;
- (b) To exercise those Licensing and Regulatory functions as specified in Part B paragraphs 1 – 32, 35 & 36, 37 – 41 and 43 of Schedule 1 of the

Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007, as amended.

- (c) To make recommendations to the Council in respect of:
 - (i) Departure Applications being those that are required to be referred to the Welsh Government
 - (ii) Applications which accord with Council Policy which the Committee are minded to approve
- (d) To deal with all matters relating to or arising under the regulations for the time being in force governing:
 - (i) the control of advertisements
- (e) To discharge the functions of the Council and to authorise the service of notices and the making of orders pursuant to and in accordance with the powers conferred upon the Council as local planning authority by the Planning (Listed Buildings and Conservation Areas) Act 1990
- (f) To discharge the Council's functions pursuant to:
 - (i) the Planning (Hazardous Substances Act) 1990;
 - (ii) the Building Control Regulations
- (g) To be responsible for:
 - (i) the making of Tree Preservation Orders (TPO's);
 - (ii) the confirmation of TPO's in respect of which there are no objections or representations;
 - (iii) the making of observations on tree felling licences proposed to be granted by the Forestry Commission;
- (h) To approve design briefs and advice notes relating to development control
- (i) To accept tenders for the execution of work, the performance of services or the supply of goods or materials in connection with the exercise of the functions of the Committee
- (j) To determine from time to time any standard conditions applicable to and detailed policies governing the issue of licences, permits and consents in respect of which the Licensing Committee has delegated

power to hear and determine applications and to deal with detailed matters relating thereto;

- (k) To prescribe guidelines, conditions, limitations of restrictions governing the grant of applications for Hackney Carriage and Private Hire Vehicle Driver's Licences by Council officers under the powers delegated to them;
- (l) To determine fees charged in respect of those licensing functions within the purview of the Planning Regulatory and Licensing Committee and to hear and determine objections in relation to proposed fee revisions;
- (m) To determine revisions of Hackney Carriage fares and hear and determine objections to proposed revisions;

Quorum

- (a) The Quorum for the Planning, Regulatory and Licensing Committee (and any Planning sub-committees) will be at least half of the total number of members of the committee, rounded up to the nearest whole number. Substitute members cannot attend in the absence of appointed members.

3.05.02 LICENSING SUB COMMITTEE

A Committee of 3 Members consisting of the Chairperson and/or Vice Chairperson of the Planning Regulatory and Licensing Committee together with 1 or 2 Members (as the case may be) drawn on a rota basis from the Members of the Planning Regulatory and Licensing Committee.

In the event that more than one Committee is required and needs to be convened then Chairperson of the Planning Regulatory and Licensing Committee together with 2 Members will sit as one Committee and the Vice Chairperson of the Planning Regulatory and Licensing Committee together with 2 members will sit as another Committee.

Details of the regulatory functions of the Licensing Committee that are delegated to the Chief Officer (Neighbourhood Services) or other officers are contained in the Scheme of Delegation.

Function

- (a) To hear and determine applications and to deal with all detailed matters applicable thereto (including the transfer, modification, variation, suspension and revocation of licences) relating to:

- (i) Hackney Carriage and Private Hire Vehicle Licences, Drivers' Licences and Operators' Licences;
 - (ii) Street Trading Licences and Consents;
 - (iii) Sex Establishment;
 - (iv) Street Collections;
 - (v) House to House Collections
 - (vi) To discharge all licensing functions under the Zoo Licensing Act 1981
 - (vii) To discharge all licensing functions under the Animal Boarding Establishments Act 1963
 - (viii) To discharge all licensing functions under the Breeding of Dogs Act 1973 And 1991
 - (ix) To discharge all licensing functions under the Highways Act 1980
 - (x) To discharge all licensing functions under the House to House Collections Act 1939
 - (xi) To discharge all licensing functions under the Local Government (Miscellaneous Provisions) Acts 1972, 1976 & 1982
 - (xii) To discharge all licensing functions under the Pet Animals Act 1951
 - (xiv) To discharge all licensing functions under the Police, Factories etc (Miscellaneous Provisions) Act 1916
 - (xv) To discharge all licensing functions under the Riding Establishments Acts 1964 and 1970
- (b) To determine matters of detail of the Customer Care Course for Hackney Carriage and Private Hire Vehicle Drivers including the making of any charges deemed appropriate
- (c) To determine all applications received in respect of stands and grounds Safety of Sports Ground Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987
- (d) To hear and determine applications for the grant or renewal of approvals of premises for the solemnisation of marriages in pursuance of section 26(1) (bb) of the Marriage Act 1949, or to revoke such approvals, in circumstances in which the Council Officer to whom the power to determine such applications, or to revoke such approvals, has declined to exercise the delegated power

Quorum

- (a) The Quorum for the Licensing Sub Committee will be all 3 committee members drawn on a rota basis from the Members of the Planning Regulatory and Licensing Committee.

3.05.03 STATUTORY LICENSING COMMITTEE

A Committee of 11 Members. This is to allow for one Councillor from each Electoral Division, unless agreed otherwise by Council. Details of the Statutory Licensing Committee functions that are delegated to the Chief Officer (Neighbourhood Services), and other officers are contained in the Scheme of Delegation.

Function

- (a) To discharge all Licensing functions pursuant to the Licensing Act 2003 and any associated regulations, in particular to review in line with guidance the Council's Licensing Policy prior to its submission to Full Council for approval.
- (b) To discharge all Licensing functions pursuant to the Gambling Act 2005 and any associated regulations, in particular to review in line with guidance the Council's Gambling Act Policy prior to its submission to Full Council for approval.

Any proceedings of this committee shall be governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees) (Premises Licences and Provisional Statements)(England and Wales) Regulations 2007.

3.05.04 STATUTORY LICENSING SUB COMMITTEE

A Committee of 3 Members consisting of the Chairperson and/or Vice Chairperson of the Statutory Licensing Committee together with 1 or 2 Members (as the case may be) drawn on a rota basis from the Members of the Statutory Licensing Committee.

Function

- (a) To hear and determine applications and to deal with all detailed matters applicable thereto (including the transfer, modification, variation, suspension and revocation of licences) relating to the Licensing Act 2003,
- (b) To hear and determine applications and to deal with all detailed matters applicable thereto (including the transfer, modification, variation, suspension and revocation of licences) relating to the Gambling Act 2005

Quorum

- (a) The Quorum for the Statutory Licensing Sub Committee will be all 3 committee members drawn on a rota basis from the Members of the Planning Regulatory and Licensing Committee.

3.05.05 APPEALS COMMITTEE

A Committee of 10 Members

Function

- (a) To hear and determine an appeal by the Chief Executive and the Deputy Chief Executive in respect of the following employment decisions namely. dismissal and grievance.
- (b) To hear and determine appeals by employees (except the Chief Executive and Deputy Chief Executive) in respect of any local employment decision e.g. conditions of service and grading of posts.
- (c) To hear and determine appeals against decisions of the Licensing Committee (where appropriate).

3.05.06 OBJECTIONS AND APPEALS SUB COMMITTEE

A Committee of 3 Members consisting of the Chairperson and/or Vice Chairperson of the Appeals Committee together with 1 or 2 Members (as the case may be) drawn on a rota basis from the Members of the Appeals Committee.

Function

- (a) To determine whether or not proposed orders in pursuance of any provision contained in the enactments listed below (or any statutory modification, re-enactment or amendment thereof) in respect of which objections and/or representations have been received should be made as proposed; to refer (where necessary) any proposed order to a local public inquiry; to amend, vary or modify any proposed order; to uphold the objections and withdraw any proposed order:
 - (i) Road Traffic Regulation Act 1984
 - (ii) Road Traffic Regulation (Special Events) Act 1994
 - (iii) Town Police Clauses Act 1847
- (b) To determine whether or not Tree Preservation Orders in respect of which objections have received should be confirmed and, if so, whether with or without modifications.
- (c) To hear and determine objections to and representations regarding any proposed designation or re-designation of streets within the County

Borough for purposes of street trading and to determine against refusal of street trading consents or licences.

- (d) To hear and determine appeals against the decision of any Council Officer to whom power to determine applications for the grant or renewal of premises for the solemnisation of marriages in pursuance of section 26(1) (bb) of the Marriage Act 1949, or to revoke such approvals, has been delegated to refuse to grant or renew such an approval or to revoke such an approval.

3.05.07 RIGHTS OF WAY COMMITTEE

A Committee of 5 Members consisting of the Chairperson and/or Vice Chairperson of the Planning Regulatory and Licensing Committee together with 3 or 4 Members (as the case may be) drawn on a rota basis from the Members of the Council.

Details of the functions that are delegated to the Chief Officer (Neighbourhood Services) and other officers are contained in the Scheme of Delegation.

Function

- (a) To approve the making of applications for and the making, modification or variation of Orders relating to rights of way in pursuance of any provision contained in the following enactments (or any statutory modification, re-enactment or amendment thereof):
- (i) Highways Act 1980
 - (ii) Town and Country Planning Act 1990
 - (iii) Wildlife and Countryside Act 1981
 - (iv) Cycle Tracks Act 1984
- (b) To confirm, where the Council has power to do so, any proposed Order made in accordance with the above to which there are no objections or in respect of which any objections made are withdrawn.
- (c) Where the Council does not have power to determine any proposed Order to refer the proposed Order to such determining body (i.e. Welsh Government, the Magistrates' Court or County Court) as appropriate in the circumstances.
- (d) To dedicate rights of way over land in council ownership.

3.05.08 STANDARDS COMMITTEE

A Committee of 3 Members, 5 Independent Persons and 1 Community Council representative.

Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;
- (b) assisting the Councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct and associated local protocols;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct and associated local protocols;
- (d) monitoring and reviewing the operation of the Members' Code of Conduct and associated local protocols;
- (e) developing for recommendation to the Council local protocols to supplement the Members' Code of Conduct;
- (f) enforcing local protocols and applying sanctions in respect of breaches as appropriate;
- (g) advising, training Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct and associated local protocols;
- (h) 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 and associated local protocols;
- (i) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred to that officer by the Public Services Ombudsman for Wales;
- (j) to keep under review, amend and make additional provisions to the Protocol on Councillor/Officer relations;
- (k) to monitor the Officers' Code of Conduct to ensure consistent application and enforcement Council-wide;

- (l) general overview of probity matters arising from the Public Services Ombudsman for Wales reports, Monitoring Officer reports and Audit reports.

3.05.09 AUDIT COMMITTEE

A Committee of 10 Members and 1 Lay Member. (See also 2.08.02 Audit Committee.)

The Council has established a Democratic Services Committee and the functions of the Democratic Services Committee will be performed by the Audit Committee, excluding the Independent Lay Member.

Function

The Audit Committee will:

- (a) review and scrutinise the authority's financial affairs,
- (b) make reports and recommendations in relation to the authority's financial affairs,
- (c) review and assess the risk management, internal control and corporate governance arrangements of the authority,
- (d) make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
- (e) oversee the authority's internal and external audit arrangements, and
- (f) review the financial statements prepared by the authority.
- (g) consider the effectiveness of the authority's control environment and associated anti-fraud and anti-corruption arrangements.
- (h) seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
- (i) be satisfied that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
- (j) approve (but not direct) internal audit's strategy, plan and monitor performance.
- (k) review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.

- (l) receive the annual report of the Audit Manager.
- (m) consider the reports of external audit and inspection agencies.
- (n) ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is actively promoted.
- (o) review the financial statements, external auditor's opinion and reports to members, and monitor management action in response to the issues raised by external audit.

In addition, the Committee may wish to make recommendations to the Council in respect of the following:

- (a) To promote Internal Controls.
- (b) To raise awareness of the importance of Internal Controls across the Authority.
- (c) To support an Anti-Fraud and corruption culture across the Authority.
- (d) To monitor compliance with the Councils Financial Procedure Rules and Procurement and Contracting Procedure Rules.
- (e) Monitoring the Auditees.
 - (i) Monitoring Responses to Audit Recommendations.
 - (ii) The Committee may review the response of Departments to Audit reports and recommendations, and it will have the powers to call relevant persons to explain any failure to respond or take recommended action.
 - (iii) Monitoring the relationship between Internal Audit, External Audit and the Auditees.
 - (iv) The Committee may ensure that a good professional working relationship exists between officers of the Authority and both the Internal Auditors and External Auditors, to ensure co-operation, e.g. that required information and documents are made available by all services, and that a sufficiently high profile and proper recognition is given to the work of the Auditors by the Authority.
- (f) Monitoring the Auditors.

- (i) Review of Audit Plans.
The Committee should review the Audit plans of both the Internal and External Auditor. The Committee can also bring to the attention of the Auditors any matters of concern which would be taken into account in their risk assessment process when determining their plans.
 - (ii) Level of Performance.
The Committee should ensure that an acceptable level of service is achieved through consideration of regular progress reports from both the Internal Auditors and External Auditors. This will provide a means of monitoring performance by ensuring that work is on schedule and that audit reports are produced promptly whilst bearing in mind the impact of Special Investigations or other unplanned work. The committee should also consider the resourcing of Internal Audit on a periodic basis.
 - (iii) Communication with the External Auditor. The Committee should aim to ensure good communication and co-operation between the External Auditors and Internal Auditors in order that the Authority gains maximum benefit from the Audit resources by minimising duplication and encouraging joint working where appropriate and feasible.
- (g) Carry out spending reviews of budgets to report upon present policy etc.;
 - (h) Consider the Annual External Audit Letter;
 - (i) Receive Wales Audit Office studies and review their relevance to the Authority;
 - (j) The review of efficiency, effectiveness and economy of service delivery;
 - (k) Review Performance Indicators;
 - (l) Consider comparative studies including benchmarking;
 - (m) Consider Fraud work including the National Fraud Initiative;
 - (n) Consider Corporate Governance and Risk Management Issues

It must be noted that nothing referred to above precludes neither Internal or External Audit from reporting to the Cabinet/Council or other relevant Committee as appropriate.

3.05.10 DEMOCRATIC SERVICES COMMITTEE

The functions of the Democratic Services Committee will be performed by the Audit Committee, excluding the Independent Lay Member. (See also 2.08.03 – Democratic Services Committee)

Function

- (a) to designate an officer as the Head of Democratic Services,
- (b) to review the adequacy of provision of staff, accommodation and other resources to discharge democratic services functions, and
- (c) to make reports and recommendations to Council, at least annually, in relation to such provision.

3.05.11 JOINT NEGOTIATING AND CONSULTATIVE GROUP (COMMITTEE)

A negotiation and consultative group with members of the Council and representatives of Trade Unions to promote joint participation in all matters of common interest and concern relating to employer/employee relations. The group shall act in accordance with the signed agreement between the Council, the GMB, Unison and Unite and the group's adopted constitution.

Group membership

- (a) The group will consist of 5 elected members, to include the Cabinet Member with Portfolio for Governance, Performance, Business Change and Corporate Services who will Chair the group, and 4 other elected members.
- (b) The group members must reflect the political balance of the authority.
- (c) The Unions' representation shall consist of one officer from GMB, one officer from UNISON and one officer from Unite.
- (d) The group shall have Council Officer representation which shall consist of the Human Resources Manager and one other Deputy Chief Executive/ Chief Officer/Head of Service to be nominated by the Head of Paid Service.

Function

- (a) The group shall engage, consult and negotiate on all matters pertaining to Council staff terms and conditions of service, staff policies and procedures and employment issues.
- (b) The group will have no decision making powers. It will have the power to make recommendations in accordance with group's adopted constitution.

3.05.12 INFORMATION GOVERNANCE FORUM

Purpose

- (a) To ensure that the Authority has effective policies and management arrangements in place to cover all aspects of information governance.
- (b) To report to the Corporate Management Team and Audit Committee all matters in relation to the strategic development, implementation, management and monitoring of the Council's information governance arrangements.

Group membership

The Forum is Chaired by the Council's Senior Information Risk Owner (Deputy Chief Executive), and has representation from Information Security / ICT, Legal Services, Human Resources & Development, Social Services, the Schools Department and Union representatives as required.

3.06

SCHEME OF DELEGATION TO OFFICERS

3.06.01 GOVERNING PRINCIPLES

- (a) Any Officer exercising delegated functions
- (i) shall comply with
 - the Council's Constitution
 - all relevant resolutions, orders and directions of the Council and/or the
 - Cabinet and/or any Committee or Sub-Committee, in so far as these comply with the Council's Constitution
 - the Budget and Policy Framework.
 - (ii) whenever appropriate shall consult
 - Officers in other Services before discharging any functions which affects
 - services or activities for which the latter is responsible, and in particular shall
 - consider and consult in relation to the legal, financial, property or personnel
 - implications of discharging the functions
 - the Chief Executive where corporate issues are involved.
 - (iii) shall act only within the budgets approved by the Council, as amended by virement approved under the Constitution subject to any variation which is permitted by the Council's Constitution.
- (b) Each Officer exercising delegated powers shall maintain close liaison with the appropriate Member of the Cabinet or Regulatory Committee Chairperson or Vice-Chairperson or the Chief Executive, or Deputy Chief Executive in respect of any matter which in the opinion of the Officer might be regarded as sensitive or contentious.
- (c) The delegations under these arrangements shall in addition to and not in derogation from those contained elsewhere in the Council's Constitution.
- (d) The Cabinet or a Regulatory Committee to which functions are delegated may delegate any of such functions to an Officer on such terms as they think fit. However such further delegation shall be subject to the same conditions as relate to the Cabinet or Regulatory Committees.

- (e) Any reference to any Act, Order, regulation rule or by-law shall be deemed to include a reference to any amendment, replacement, extension or re-enactment of it.
- (f) Subject to the previous provisions of these Governing Principles and to any other provisions which might have been or might in future be applied in respect of any particular matter Officers exercising delegated powers are expected to make such decisions to initiate such action as they deem necessary in the interests of the efficient running of their departments and the functions discharged by them within the objectives, policies, budgets and programmes of the Council.
- (g) Reference in the general principles to the Cabinet or Regulatory Committee shall be deemed to refer to any such Committees or Sub-Committees of the Cabinet or Regulatory Committees.

3.06.02 GENERAL DELEGATION: CHIEF EXECUTIVE

- (a) Where an appointment is required (other than on an annual basis at the Annual Meeting of the Council) the Chief Executive, after agreement with the Chairperson of the Cabinet and Leaders of the Opposition Groups will have the authority to make and give effect to appointments to bodies to exercise advisory and other functions on the Council's behalf and to make appointments to outside bodies.

3.06.03 GENERAL DELEGATION: CHIEF EXECUTIVE, DEPUTY CHIEF OFFICER, CHIEF OFFICERS, CHIEF FINANCE OFFICER AND MANAGERS.

- (a) The Chief Executive, Deputy Chief Executive, Chief Officers, Chief Finance Officer and Heads of Service shall as and when required (after agreement with the Chairperson of the Cabinet, Member of the Cabinet or the Chairperson of any relevant Committee) take all necessary steps for protecting the interests or advancing the business of the Council.
- (b) The Chief Executive, Deputy Chief Executive, Chief Officers, Chief Finance Officer and Heads of Service are authorised to act on behalf of the Council in relation to any matter within the service area for which he/she is responsible subject to the overriding provision in paragraph 3.06.03(c).
- (c) Any action by the Chief Executive, Deputy Chief Executive, Chief Officers, Chief Finance Officer and Heads of Service under delegated powers shall be in accordance with:

- (i) The overall policies approved by the Council or the Cabinet;
 - (ii) The Budget and Policy Framework;
 - (iii) The requirements of this Constitution including the Financial Procedure Rules and the Procurement and Contracting Procedure Rules
- (d) Each Manager shall have power to implement and arrange for the enforcement of legislation and other legal requirements relevant to their respective service area including the service of statutory notices and the authorisation and institution of legal proceedings in consultation with the Chief Executive or the Head of Legal and Governance or the Senior Solicitor.
- (e) Where the exercise of a delegated power is likely to affect more than one service area, consultation shall take place with the Chief Executive, Deputy or the Chief Executive, or the Chief Officers of the service area affected, or the Chief Finance Officer, or the Head of Service or Manager whose service area is likely to be affected.
- (f) The Chief Executive, Deputy Chief Executive, Chief Officers, Chief Finance Officer and Heads of Service are expected in appropriate cases to:
 - (i) Maintain a close liaison with the appropriate Member of the cabinet;
 - (ii) Ensure that the Councillor(s) for the local electoral division is consulted on or advised of the exercise of delegated power;
 - (iii) Consult the Monitoring Officer and Chief Finance Officer where any matter has legal or financial implications;
 - (iv) Ensure that (where appropriate) the Chief Executive is consulted.

3.06.04 DELEGATION TO SPECIFIC OFFICERS

- Chief Executive
- Deputy Chief Executive
- Chief officer (Learning) / Chief Education Officer
- Chief Officer (Social Services)
- Chief officer (Neighbourhood Services)
- Chief Officer (Community Regeneration)
- Chief Finance Officer
- Monitoring Officer

- Heads of Service and other designated officers

As set out in the Scheme of Delegation.

Scheme A

SCHEME FOR THE ALLOCATION OF CABINET FUNCTIONS TO INDIVIDUAL MEMBERS OF CABINET

1. In accordance with the duty to make executive arrangements placed upon it by Part II of the Local Government Act 2001 the Council has adopted the Executive Arrangements and established an Executive which it has resolved to be known as “the Cabinet” and has made provision by means of this Scheme for the allocation of functions which are the responsibility of the Cabinet to individual Members of Cabinet.
2. In this Scheme:
 - (a) “the Cabinet” means the Executive established by the Council;
 - (b) “Members of Cabinet” means the Chairman of the Cabinet and the Members of the Cabinet;
 - (c) “Cabinet functions” means the functions for which the Cabinet is responsible;
 - (d) “Chief Officer” means any of the following:
 - Chief Executive;
 - Deputy Chief Executive
 - Chief officer (Learning) / Chief Education Officer
 - Chief Officer (Social Services) / Director of Social Services
 - Chief Officer (Neighbourhood Services)
 - Chief Officer (Community Regeneration)
 - Chief Finance Officer
 - Monitoring Officer
 - (e) Words importing the singular number only shall include the plural number and vice versa;
 - (f) References to any enactment shall include any statutory modification or re-enactment thereof for the time being in force and any subordinate legislation made thereunder.

3. The Cabinet functions described in the attached Schedule are hereby allocated to the Member of the Cabinet who is specified in the Schedule in respect of each function or, if the specified Member of the Cabinet is absent or otherwise unable to act, to the Member of the Cabinet who is designated in the Schedule to act in his or her place.
4. None of the Cabinet functions so allocated may be discharged by the specified Member of the Cabinet unless there has been prior consultation with the Council Member or Members and/or the Council Officer or Officers specified in the Schedule in respect of that function.
5. Member of the Cabinet with a personal interest in a matter in relation to which they are empowered to make a decision in accordance with the functions hereby allocated to them must notify the Council's Monitoring Officer of the existence and nature of the interest and, unless they have been granted a dispensation by the Council's Standards Committee entitling them to make the decision notwithstanding the existence of the personal interest, must withdraw from involvement in the decision and refer the matter for decision by another Member of the Cabinet empowered to make the decision or by the Cabinet.
6. Member of the Cabinet making decisions in accordance with the functions hereby allocated to them:
 - (a) must do so on the basis of the merits of the circumstances involved and the public interest;
 - (b) must have regard to any relevant advice provided by Council Officers, in particular by:
 - (i) the Council's Chief Finance Officer acting in pursuance of that Officer's duties under Section 114 of the Local Government Finance Act 1988;
 - (ii) the Council's Monitoring Officer acting in pursuance of that Officer's duties under Section 5 of the Local Government and Housing Act 1989;
 - (iii) the Solicitor to the Council (if not also the Monitoring Officer), who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council; where the legal consequences of action or failure to act by the Council might have important repercussions;
 - (c) must comply with any conditions or restrictions on the exercise of their discretion which have been laid down either by the Council or the Cabinet; and

- (d) must take account of any previous decision of the Council or the Cabinet on any relevant policies or procedures.
- 7. In discharging the Cabinet functions allocated to them Members of the Cabinet shall comply with the Council's Procurement and Contracting Procedure Rules and Financial Procedure Rules in Part 4 of the Council's Constitution, and shall not discharge any function if to do so would have the effect of:
 - (a) causing revenue expenditure to be incurred, unless it is incurred in accordance with the Council's approved revenue estimates or the provisions relating to virement contained in the Financial Procedure Rules; or
 - (b) causing capital expenditure to be incurred, other than capital expenditure on the acquisition of land or on preliminary or design work or in connection with a scheme which appears in the Council's approved capital estimates.
- 8. The allocation of a Cabinet function to a Member of the Cabinet shall in each case include the power to utilise on the Cabinet's behalf any statutory power available to the Council as a local authority that will facilitate the discharge of the allocated function.
- 9. Any Member of the Cabinet to whom a Cabinet function is allocated may decline to make a decision in connection with the discharge of that function in relation to any particular matter and may instead refer the matter for decision to the Cabinet.
- 10. The Council's Chief Finance Officer and/or the Council's Monitoring Officer may require any Member of the Cabinet to cease to discharge all or any of the Cabinet functions allocated to that Member pending a report to the next meeting of the Cabinet.
- 11. **Unless it is inappropriate to do so for reasons of urgency specified in the written statement referred to in paragraph 12 below, before making a decision in connection with the discharge of any of the functions described in the attached Schedule the Member of the Cabinet proposing to make the decision shall:**
 - (a) instruct the proper officer for the time being appointed by the Council to prepare a written summary containing all the information required to be included in the written statement referred to in paragraph 12 below, other than the date of the proposed decision, and to make the statement available for inspection by Council Members generally;

- (b) not make a final decision in discharge of the allocated Cabinet function until a period of five working days shall have elapsed from the date on which the written summary was first made available for inspection by Council Members generally, excluding the day on which it was first made so available;
 - (c) take into consideration, in addition to the views expressed by the Council Member(s) and/or Council Officer(s) specified as consultee(s) in the attached Schedule, any views expressed by any Council Member in relation to the proposed decision prior to making a final decision.
12. As soon as practicable after a Member of the Cabinet has made a decision in connection with the discharge of a Cabinet function allocated to him/her under this Scheme the Member of the Cabinet shall instruct the proper officer to produce a written statement of that decision which includes the following information:
- (a) the date on which the statement is publicised in accordance with paragraph 15 below;
 - (b) a record of the decision including the date it was made;
 - (c) a record of the reasons for the decision;
 - (d) a record of any interest declared by any Member of the Cabinet who is consulted by the Member of the Cabinet discharging the allocated function in relation to the decision and of any interest declared by any Member of the Cabinet who would have been the decision-maker except for the declaration of such an interest;
 - (e) in respect of any declared interest a note of any dispensation granted by the Council's Standards Committee;
 - (f) details of any consultation undertaken in accordance with the Council's Procedural Rules and Constitution and where such consultation has not taken place the reasons why that is the case;
 - (g) a record of any reasons for urgency which led to the implementation of the decision before the preparation of the written statement or after the preparation of the statement but before the expiry of 5 working days after the publication of the decision;
 - (h) a statement that the decision will take effect, and may then be implemented, on the expiry of 5 working days after the publication of the decision unless the proposed decision is called in.

13. The written statement of a decision made by a Member of the Cabinet in connection with the discharge of a Cabinet function allocated to him/her shall be signed by the Member of the Cabinet making the decision.
14. The written statement of a decision made by a Member of the Cabinet in connection with the discharge of a Cabinet function allocated to him/her shall be retained by the proper officer for a period of six years from the date of the decision.
15. As soon as reasonably practicable after a decision is made by a Member of the Cabinet in connection with the discharge of a Cabinet function allocated to him/her copies of the written statement of that decision shall be publicised by being:
 - (a) made available by the proper officer for inspection by Council Members generally;
 - (b) made available by the proper officer for public inspection provided the statement does not contain “exempt information” of any of the descriptions in Schedule 12A of the Local Government Act 1972 or “confidential information” as defined in Section 100A(3) of the said Act;
 - (c) sent by the proper officer to the Council Member(s) and/or Council Officer(s) who were required to be consulted before the decision was made;
 - (d) sent by the proper officer to the Chairperson of the relevant Scrutiny Committee.
16. A decision made by a Member of the Cabinet in connection with the discharge of a Cabinet function allocated to him/her (other than an urgent decision to which the call-in procedure contained in the Scrutiny Procedure Rules in Part 4 of the Council’s Constitution does not apply) shall not take effect until a period of 5 working days after the publication of the written statement of the decision has elapsed and unless the decision has not during that period been objected to and called in by a Scrutiny Committee. If a decision is so objected to and called in it shall take effect if at all in accordance with the Scrutiny Procedure Rules.
17. The written statement of a decision made by a Member of the Cabinet in the discharge of a Cabinet function allocated to him/her which has taken effect shall be formally reported by the proper officer to the Cabinet as soon as reasonably practicable after the decision takes effect.
18. In the event of a Member of the Cabinet to whom a Cabinet function is allocated by this Scheme being unable for whatever reason to discharge that function, and the Member of the Cabinet who is authorised by this

Scheme to discharge that function in his/her place also being unable to discharge that function, the Member of the Cabinet to whom the function is allocated may arrange for its discharge by a Council Officer designated in writing by him or her.

19. In the event of any Council Member or Council Officer who is designated in the attached Schedule as a consultee being absent or for any other reason being unable to act as such the Council Member or Council Officer may nominate in writing another Council Member or Council Officer (as the case may be) to act as consultee in his/her place.
20. Each written designation made by a Member of the Cabinet in accordance with paragraph 18 above or written nomination made by a Council Member or Council Officer in accordance with paragraph 19 above shall be retained by the proper officer for a period of six years from the date of the decision in respect of which the designation or nomination was made.

Scheme A

1. Functions allocated to each member of the Cabinet (or if any of them is absent or otherwise unable to act to the Cabinet Member (Governance and Corporate Services)

<u>Allocated Functions</u>	<u>Consultee(s)</u>
1.1 The Member of the Cabinet may make decisions on any matters falling within the Member of the Cabinet's portfolio (other than decisions which are contrary to the Budget and Policy Framework or contrary to or not wholly in accordance with the approved Budget) which, if delayed, would seriously prejudice the Council's or the public's interests. The Member of the Cabinet may also make any decision on any matter referred to him by the Deputy Chief Executive or Chief Officer responsible for the function in respect of which the decision is required where that Chief Officer does not wish to exercise the delegated power granted to him.	Chief Officer responsible for the function in respect of which the decision is required. Chief Executive Chief Finance Officer
1.2 To authorise the submission of applications for grant aid to the Welsh Government and other appropriate bodies for purposes connected with matters falling within the Member of the Cabinet's portfolio provided that such application is in accordance and complies with the Council's External Funding Policy.	Chief Officer responsible for the service in respect of which the application is proposed to be submitted; Chief Finance Officer
1.3 To authorise the acceptance of grant aid from the Welsh Government or other appropriate bodies for purposes connected with matters falling within the Member of the Cabinet's portfolio.	Chief Officer responsible for the service in respect of which the application is proposed to be submitted; Chief Finance Officer
1.4 In respect any proposed contract relating to Council services falling within the Member of the Cabinet's	Chief Officer responsible for the

<u>Allocated Functions</u>	<u>Consultee(s)</u>
portfolio having an estimated value exceeding Level 'C' but not exceeding Level 'D':	service in respect of which the contract is to be concluded;
(1) To authorise the invitation of tenders; and	Chief Finance Officer,
(2) To accept the lowest tender received where payment is to be made by the Council or the highest tender received where payment is to be received by the Council.	
1.5 In respect of any proposed contract relating to Council services falling within the Member of the Cabinet's portfolio having an estimated value exceeding Level 'C' but not exceeding Level 'D' to accept a tender other than the lowest tender received where payment is to be made by the Council or the highest tender received where payment is to be received by the Council where there are special reasons approved by the Chief Finance Officer for not accepting the lowest tender or the highest tender as the case may be.	Chief Officer responsible for the service in respect of which the contract is to be submitted. Chief Finance Officer
1.6 In connection with services falling within the Member of the Cabinet's portfolio to authorise the submission of tenders for the supply of goods, works or services to another local authority or a public body in accordance with the powers conferred upon the Council by the Local Authorities (Goods and Services) Act 1970 where the estimated value of the proposed tender exceeds Level 'C' but does not exceed Level 'D'.	Chief Officer responsible for the service in respect of which the application is proposed to be submitted; Chief Finance Officer
1.7 To authorise the disposal of surplus goods acquired in connection with services falling within the Member of the Cabinet's portfolio having an estimated total value exceeding Level 'C' but not exceeding Level 'D'.	Chief Officer responsible for the service in connection with which the goods were acquired; Chief Finance Officer
1.8 To declare land or buildings utilised in connection with services falling within the Member of the	Chief Officer responsible for the

<u>Allocated Functions</u>	<u>Consultee(s)</u>
Cabinet's portfolio surplus to the requirements.	service in connection with which the land or buildings were formerly utilised.
1.9 To approve:	
(1) Fees and charges for new services in accordance with any relevant charging policy approved by the Cabinet; and	Chief Officer responsible for the service in respect of which the fees and charges are payable;
(2) Increases in existing fees and charges which are in accordance with any relevant charging policy approved by the Cabinet and which are necessary to reflect either inflation or other increases in costs.	Chief Finance Officer
1.10 To approve applications for grants to voluntary organisations in accordance with any policy approved from time to time by the Council or the Cabinet where the amount of the grant exceeds £10,000 provided that such application is in accordance and complies with the Council's External Funding Policy.	Chief Officer responsible for the service in respect of which the application is proposed to be submitted;
	Chief Finance Officer
2. Function allocated to member(s) of the Cabinet (Governance and Corporate Services)	
<u>Allocated Functions</u>	<u>Consultee(s)</u>
2.1 To authorise the exercise of rights of pre-emption vested in the Council.	Chief Finance Officer
3. Functions allocated the Member of Cabinet (Neighbourhood Services and Public Protection)	
<u>Allocated Functions</u>	<u>Consultee(s)</u>
3.1 (a) To approve the making of applications for orders in pursuance of Section 116 of the	Deputy Chief Executive or Chief

<u>Allocated Functions</u>	<u>Consultee(s)</u>
<p>Highways Act 1980 and Sections 247, 248 and 249 of the Town and Country Planning Act 1990 and to approve the making, modification or variation of orders in pursuance of any provision contained in the following enactments (or any statutory modification, re-enactment or amendment thereof):</p> <p>Road Traffic Regulation Act 1984; Road Traffic Regulation (Special Events) Act 1994; Town Police Clauses Act 1847;</p> <p>(b) To confirm, where the Council has power to do so, any proposed Order made in accordance with paragraph (a) above to which there are no objections or in respect of which any objections made are withdrawn;</p> <p>(c) Where the Council does not have power to determine any proposed Order to refer the proposed Order to such determining body (i.e. the Welsh Government, the Magistrate's Court or the County Court) as is appropriate in the circumstances.</p>	<p>Officer (Neighbourhood Services)</p>
<p>3.2 To decide the name and/or numbering of a street, or to change or alter the name and/or numbering of a street, in accordance with the relevant provisions of the Town Improvement Clauses Act 1847 and the Public Health Act 1925, and to authorise any action considered appropriate as a result of making such a decision.</p>	<p>Deputy Chief Executive or Chief Officer (Neighbourhood Services)</p>
<p>3.3 To determine requests for the use of Council car parks for purposes not authorised by the relevant Off-Street Parking Places Order and to suspend the use of any parking place or part thereof when considered appropriate.</p>	<p>Deputy Chief Executive or Chief Officer (Neighbourhood Services)</p>

4. Functions allocated to the Member of Cabinet (Social Services)

<u>Allocated Functions</u>	<u>Consultee(s)</u>
<p>4.1 To approve increases in the Council's Standard Price Schedule relating to placements in Independent Sector Residential and Nursing Care</p>	<p>Chief Executive or Chief Officer (Social Services)</p>

<u>Allocated Functions</u>	<u>Consultee(s)</u>
Homes which are necessary to reflect either inflation or other increases in costs.	
4.2 To approve increases in the rates of grants and allowances for Children and Young People in Foster and Residential Care which are necessary to reflect either inflation or other increases in costs.	Chief Executive or Chief Officer (Social Services)

Scheme B

SCHEME FOR THE ALLOCATION OF CABINET FUNCTIONS TO COUNCIL OFFICERS

- 1 In accordance with the duty to make executive arrangements placed upon it by Part II of the Local Government Act 2001 the Council has adopted the Executive Arrangements and established an Executive which it has resolved to be known as “the Cabinet” and has made provision by means of this Scheme for the allocation of functions which are the responsibility of the Cabinet to Council Officers.
- 2 In this Scheme:
 - (a) “the Cabinet” means the Executive established by the Council;
 - (b) “Member of the Cabinet” means the Chairman of the Cabinet and the Members of the Cabinet;
 - (c) “Cabinet functions” means the functions for which the Cabinet is responsible;
 - (d) “Chief Officer” means any of the following:
 - Chief Executive;
 - Deputy Chief Executive
 - Chief officer (Learning) / Chief Education Officer
 - Chief Officer (Social Services) / Director of Social Services
 - Chief Officer (Neighbourhood Services)
 - Chief Officer (Community Regeneration)
 - Chief Finance Officer
 - Monitoring Officer
 - (e) “JNC Officer” means an officer who has been designated by the Council as falling within the scope of the Joint Negotiating Committee for Chief Officers of Local Authorities;
 - (f) Words importing the singular number only shall include the plural number and vice versa;

- (g) References to any enactment shall include any statutory modification or re-enactment thereof for the time being in force and any subordinate legislation for the time being made thereunder.
- 3 The Cabinet functions described in the attached Schedule are hereby allocated to the Council Officer(s) specified in the Schedule in respect of each Cabinet function or, if a Council Officer so specified is absent or otherwise unable to act, to the Council Officer (if any) designated in the Schedule to act in his place.
- 4 Part I describes the Cabinet functions so allocated to the Chief Executive, the Deputy Chief Executive, the Chief Officer (Learning), the Chief Officer (Social Services), the Chief Officer (Neighbourhood Services), the Chief Officer (Community Regeneration), the Chief Finance Officer and the Managers which may not be discharged by the specified or designated Officer unless there has been prior consultation with the Members of the Cabinet or Members and/or the Council Officer or Officers specified in the Schedule as consultee(s) in respect of that function.
- 5 Part II describes the Cabinet functions so allocated to the Chief Executive, Deputy Chief Executive, the Chief Officer (Learning), the Chief Officer (Social Services), the Chief Officer (Neighbourhood Services), the Chief Officer (Community Regeneration), the Chief Finance Officer and the Managers which may be discharged by the specified Officer without prior consultation.
- 6 Part III describes the Cabinet functions so allocated to Council Officers which may be discharged by the specified Council Officer without prior consultation.
7. Council Officers making decisions in connection with the discharge of the functions hereby allocated to them:
- (a) must do so on the basis of the merits of the circumstances involved and the public interest;
 - (b) must have regard to any relevant advice provided by other Council Officers, in particular by:
 - (i) the Council's Chief Finance Officer acting in pursuance of that Officer's duties under Section 114 of the Local Government Finance Act 1988;
 - (ii) the Council's Monitoring Officer acting in pursuance of that Officer's duties under Section 5 of the Local Government and Housing Act 1989;

- (iii) the Solicitor to the Council (if not also the Monitoring Officer), who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council; where the legal consequences of action or failure to act by the Council might have important repercussions;
 - (c) must comply with any conditions or restrictions on the exercise of their discretion which have been laid down either by the Council or the Cabinet; and
 - (d) must take account of any previous decision by the Council or the Cabinet relating to any relevant policies or procedures.
- 8. In discharging the Cabinet functions allocated to them Council Officers shall comply with the Council's Procurement and Contracting Procedure Rules and Financial Procedure Rules in Part 4 of the Council's Constitution, and shall not discharge any function if to do so would have the effect of:
 - (a) causing revenue expenditure to be incurred, unless it is incurred in accordance with the Council's approved revenue estimates or the provisions relating to virement contained in the Financial Procedure Rules in Part 4 of the Council's Constitution; or
 - (b) causing capital expenditure to be incurred, other than capital expenditure on the acquisition of land or on preliminary or design work or in connection with a scheme which appears in the Council's approved capital estimates.
- 9. The allocation of a Cabinet function to a Council Officer shall in each case include the power to utilise on the Cabinet's behalf any statutory power available to the Council as a local authority that will facilitate the discharge of the allocated function.
- 10. The Council Officer to whom a Cabinet function is allocated shall be appointed the Council's proper officer for the purpose of deciding whether the written record referred to in paragraph 14 below of a decision made in connection with the discharge of that function contains "exempt information" of any of the descriptions in Schedule 12A to the Local Government Act 1972 which the Cabinet is entitled to withhold from the public.
- 11. Any Council Officer to whom a function is allocated may decline to make a decision in connection with the discharge of that function in relation to any particular matter and may instead refer the matter to the Cabinet for decision.

12. The Council's Chief Finance Officer and/or the Council's Monitoring Officer may require any Council Officer to cease to discharge all or any of the functions allocated to that Officer pending the submission of a report to the next meeting of the Cabinet.
13. **Before making a decision in connection with the discharge of any of the Cabinet functions listed in Part I of the Schedule hereto (other than a proposed decision by the Chief Executive to settle civil proceedings on a consent basis or to withdraw civil or criminal proceedings) the Council Officer proposing to make the decision shall:**
 - (a) prepare a written summary containing all the information required to be included in the written record referred to in paragraph 14 below, other than the date of the proposed decision, and shall send a copy of the summary to the Council's Chief Executive to enable him to make the summary available for inspection by Council Members generally;
 - (b) not make a final decision in connection with the discharge of the allocated Cabinet function until a period of five working days, excluding the day on which it was sent, shall have elapsed from the date on which the written summary was sent to the Chief Executive;
 - (c) take into consideration, in addition to the views expressed by the Council Members(s) and/or Council Officer(s) specified as consultee(s) in Part I of the Schedule hereto, any views expressed by any Council Members in relation to the proposed decision prior to making a final decision in connection with the discharge of the allocated Cabinet function.
14. Every Council Officer making a decision in connection with the discharge of a Cabinet function allocated to him/her under this Scheme (other than a decision involving the consideration of "personal data" as defined by Section 1(1) of the Data Protection Act 1998 held for the purposes of the Council's education, housing or social services functions) shall ensure that a written record is made:
 - (a) specifying the allocated function in connection with which the decision was made and the date of the decision;
 - (b) summarising:
 - (i) the decision taken;
 - (ii) the factual information upon which it was based;

- (iii) any advice received, whether from other officers or otherwise;
 - (iv) any persons or bodies consulted before the decision was made;
 - (c) stating whether the written record contains “exempt information” which the Cabinet is entitled to withhold from the public and, if so, specifying the relevant paragraph(s) of Part I of Schedule 12A to the Local Government Act 1972 which apply;
 - (d) stating whether the written record contains “confidential information” as defined in section 100A (3) of the Local Government Act 1972.
15. The written record of a decision made in connection with the discharge of a function allocated to a Council officer shall be signed by the Council Officer making the decision.
16. The written record of a decision made in connection with the discharge of a Cabinet function allocated to a Council Officer by virtue of this Scheme shall be retained for a period of six years from the date of the decision by the Chief Officer who made the decision or in whose directorate the Council Officer who made the decision was employed.
17. As soon as reasonably practicable after a decision is made in connection with the discharge of a Cabinet function allocated to him/her copies of the written record of the decision shall be sent by the Council Officer who made the decision to the Chief Executive for the purpose of enabling it to be made available for inspection and perusal by Council Members generally, unless it contains “exempt information” of any of the descriptions in Schedule 12A of the Local Government Act 1972 or “confidential information” as defined in Section 100A(3) of the said Act, to be made available for public inspection.
18. As soon as reasonably practicable after a decision is made in connection with the discharge of a Cabinet function described in Part I of the Schedule hereto copies of the written record of it shall be:
- (a) sent by the Council Officer making the decision to the Council Members(s) and/or Council Officer(s) who were required to be consulted before the decision was made;
 - (b) sent by the Council Officer making the decision to the Chairperson of each of the Scrutiny Committees responsible for scrutinising decisions made in connection with the discharge of the Cabinet function in respect of which the decision was made;
 - (c) formally reported to the Cabinet by the Council Officer making the decision or his/her Chief Officer.

19. In the event of any Council Members or Council Officer who is designated in Part I of the Schedule hereto as a consultee being absent or for any other reason being unable to act as such the Council Members or Council Officer concerned may nominate in writing another Council Members or Council Officer to act as consultee in his/her place.
20. Each written nomination made by a Council Members or Council Officer in accordance with paragraph 19 above shall be retained for a period of six years from the date of the decision in respect of which the nomination was made by the Chief Officer who made the decision or in whose directorate the Council Officer who made the decision was employed.

Scheme B

Part I

CABINET FUNCTIONS ALLOCATED TO THE CHIEF EXECUTIVE, , THE DEPUTY CHIEF EXECUTIVE, THE CHIEF OFFICER (LEARNING), THE CHIEF OFFICER (SOCIAL SERVICES), THE CHIEF OFFICER (NEIGHBOURHOOD SERVICES), THE CHIEF OFFICER (COMMUNITY REGENERATION), THE CHIEF FINANCE OFFICER AND MANAGERS WHICH MAY NOT BE DISCHARGED UNLESS THERE HAS BEEN PRIOR CONSULTATION WITH SPECIFIED COUNCIL MEMBER(S) AND/OR COUNCIL OFFICER(S)

CHIEF EXECUTIVE

- 1. Functions allocated to the Chief Executive (or if he/she is absent or otherwise unable to act) to the Head of Legal and Governance.**

<u>Allocated Functions</u>	<u>Consultee(s)</u>
1.1 To instruct counsel in relation to any legal matter which affects the Council where the cost of doing so is estimated to exceed £25,000.	Member of the Cabinet for Governance and Corporate Services
1.2 To engage external solicitors to act on behalf of the Council in connection with any matter where the estimated fees payable exceed £25,000.	Member of the Cabinet for Governance and Corporate Services
1.3 To authorise the settlement of civil proceedings on a consent basis where the amount payable by or to the Council exceeds £10,000 but does not exceed £50,000.	Member of the Cabinet for Governance and Corporate Services

- 2. Functions allocated to the Chief Executive (or if he/she is absent or otherwise unable to act) to the Chief Officer (Learning) or Head of School Improvement**

<u>Allocated Functions</u>	<u>Consultee(s)</u>
2.1 To issue and serve public notice of proposals to open and to close schools and to consult on such	Member of the Cabinet for

<u>Allocated Functions</u>	<u>Consultee(s)</u>
proposals.	Learning
2.2 To determine appeals against decisions to refuse applications for financial support by students.	Member of the Cabinet for Learning
2.3 To authorise emergency expenditure in respect of school buildings and associated services.	Member of the Cabinet for Learning
2.4 To appoint and dismiss LA Governors	Member of the Cabinet for Learning

DEPUTY CHIEF EXECUTIVE

1. Functions allocated to the Deputy Chief Executive.

<u>Allocated Functions</u>	<u>Consultee(s)</u>
1.1 To authorise the making of discretionary payments to applicants for Mandatory Disabled Facilities Grants, and Improvement Grants in excess of the prescribed maximum amount of grant.	Member of the Cabinet for Regeneration, Planning and Countryside
1.2 To increase or decrease any of the rates payable by the Council in respect of Improvement Grant works.	Member of the Cabinet for Regeneration, Planning and Countryside
1.3 To increase the professional fees payable to agents engaged by the Council in connection with the administration of Improvement Grants.	Member of the Cabinet for Regeneration, Planning and Countryside

2. Functions allocated to the Deputy Chief Executive (or if he/she is absent or otherwise unable to act) to the Chief Officer (Neighbourhood Services)

<u>Allocated Functions</u>	<u>Consultee(s)</u>
2.1 To authorise the service of notices terminating	Member of the

<u>Allocated Functions</u>	<u>Consultee(s)</u>
leases and tenancies (including those relating to business premises covered by Part II of the Landlord and Tenant Act 1954 where it is not intended to oppose the grant of a new lease or tenancy) and of notices to remedy breaches of covenant.	Cabinet for Neighbourhood Services and Public Protection
2.2 To recommend the commencement of forfeiture or other legal proceedings against lessees / tenants to the Director of Corporate Services.	Member of the Cabinet for Neighbourhood Services and Public Protection
2.3 To authorise the service of appropriate notices and counter notices and the taking of any other steps required to protect the Council's interests as lessor or lessee.	Member of the Cabinet for Neighbourhood Services and Public Protection
2.4 To authorise, and agree terms for, the disposal of land whether by way of a freehold sale or the grant of a lease in consideration of the payment of a premium:- (a) Having an estimated value exceeding £50,000 but not exceeding £250,000 by way of formal tender or auction; or (b) Having an estimated value exceeding £50,000 but not exceeding £250,000 in value otherwise than by way of a formal tender or auction.	Member of the Cabinet for Neighbourhood Services and Public Protection
2.5 To authorise, and approve the terms of, any lease to be granted to or by the Council in consideration of the payment of a rent, including any rent in excess of £50,000 per annum payable but not exceeding £250,000:- (a) by the Council; or (b) to the Council.	Member of the Cabinet for Neighbourhood Services and Public Protection
2.6 To authorise and agree the release of restrictive covenants in favour of or binding the Council for sums exceeding £50,000 but not exceeding £250,000.	Member of the Cabinet for Neighbourhood Services and Public

<u>Allocated Functions</u>	<u>Consultee(s)</u>
	Protection
2.7 To authorise and agree the terms of the surrender of leases by or to the Council including the payment or receipt of a premium exceeding £50,000 but not exceeding £250,000.	Member of the Cabinet for Neighbourhood Services and Public Protection

3. Functions allocated to the Deputy Chief Executive (or if he/she is absent or otherwise unable to act) to the Chief Officer (Neighbourhood Services).

<u>Allocated Functions</u>	<u>Consultee(s)</u>
3.1 To approve or amend programmes for the preparation of policy documents required by Part II of the Town and Country Planning Act 1990 estimated to exceed £25,000.	Member of the Cabinet for Regeneration, Planning and Countryside
3.2 To make arrangements for publicity and public consultation for all policy documents prepared under the requirements of Part II of the Town and Country Planning Act 1990.	Member of the Cabinet for Regeneration, Planning and Countryside
3.3 To make arrangements for publicity and public consultation for all Council policy documents relating to Local Agenda 21, Bio Diversity and Urban Renewal.	Member of the Cabinet for Regeneration, Planning and Countryside
3.4 Upon consultation to provide formal observations, including, where appropriate, objections, to neighbouring planning authorities in respect of documents prepared by them to meet requirements of Part II of the Town and Country Planning Act 1990.	Member of the Cabinet for Regeneration, Planning and Countryside
3.5 To discuss and express views on behalf of the Council on the development of Strategic Planning Guidance for South East Wales and Waste Planning Policy for South West Wales with other persons and bodies involved in the formulation of national and regional planning policies.	Member of the Cabinet for Regeneration, Planning and Countryside
3.6 To provide observations on behalf of the Council to	Member of the

<u>Allocated Functions</u>	<u>Consultee(s)</u>
the Welsh Government upon proposals to amend “Planning Guidance Wales” and related Technical Advice Notes.	Cabinet for Regeneration, Planning and Countryside
3.7 To provide observations on behalf of the Council to the appropriate Government Department upon proposals to amend national planning and environmental policy.	Member of the Cabinet for Regeneration, Planning and Countryside
3.8 In conjunction with the Director of Customer Services to approve service level agreements with the Countryside Council for Wales, Glamorgan Gwent Archaeological Trust, Groundwork Merthyr Tydfil and Rhondda Cynon Taf and Coed Cymru.	Member of the Cabinet for Regeneration, Planning and Countryside
3.9 To initiate projects for environmental education improvement and management within the County Borough.	Member of the Cabinet for Regeneration, Planning and Countryside
3.10 To make arrangements for publicity and public consultation for all Council Policy Documents relating to countryside access and management and building conservation.	Member of the Cabinet for Regeneration, Planning and Countryside
3.11 To authorise the service of Building Preservation Notices on the owners and occupiers of buildings pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 3 and 4.	Member of the Cabinet for Regeneration, Planning and Countryside
3.12 To make arrangements for publicity and public consultation on projects for environmental education, improvement and management within the County Borough.	Member of the Cabinet for Regeneration, Planning and Countryside
3.13 To increase or decrease the fees chargeable under the Building Regulations by not more than 10%.	Member of the Cabinet for Regeneration, Planning and Countryside

Allocated Functions

Consultee(s)

Chief Finance
Officer

4. Functions allocated to the Deputy Chief Executive (or if he/she is absent or otherwise unable to act) to the Chief Officer (Neighbourhood Services)

Allocated Functions

Consultee(s)

- | | | |
|-----|--|--|
| 4.1 | To authorise the carrying out of Land Reclamation and Land Drainage schemes not exceeding an estimated value of £250,000. | Member of the Cabinet for Neighbourhood Services and Public Protection |
| 4.2 | To enter into agreements to enable highways to become maintainable at the public expense in accordance with Part IV of the Highways Act 1980. | Member of the Cabinet for Neighbourhood Services and Public Protection |
| 4.3 | To authorise the making of Orders relating to highways (other than Orders relating to the creation, stopping up or diversion of public footpaths and bridleways) and the modification or variation thereof in accordance with the provisions contained in the following enactments:

Highways Act 1980;
Road Traffic Act 1991;
Road Traffic Regulation Act 1984;
Road Traffic Regulation (Special Events) Act 1994;
Town and Country Planning Act 1990;
Town Police Clauses Act 1847;
Wildlife and Countryside Act 1981. | Member of the Cabinet for Neighbourhood Services and Public Protection |

5. Functions allocated to the Deputy Chief Executive (or if he/she is absent or otherwise unable to act) to the Emergency Planning Officer.

Allocated Functions

Consultee(s)

- | | | |
|-----|--|---|
| 5.1 | To make a decision upon any matter relating to the Council's emergency planning functions which, for reasons of urgency, cannot await the next meeting of the Cabinet. | Member of the Cabinet for Governance and Corporate Services |
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6. Functions allocated to the Deputy Chief Executive (or if he/she is absent or otherwise unable to act) to the Chief Officer (Neighbourhood Services)

<u>Allocated Functions</u>	<u>Consultee(s)</u>
6.1 To authorise the carrying out of civic amenity schemes.	Member of the Cabinet for Neighbourhood Services and Public Protection
6.2 To discuss and express views on behalf of the Council on the development of strategic waste planning policies at inter-authority meetings.	Member of the Cabinet for Neighbourhood Services and Public Protection
6.3 To initiate projects of Sustainable Waste Management within the County Borough.	Member of the Cabinet for Neighbourhood Services and Public Protection
6.4 To make arrangements for publicity for and public consultation on all waste policy documents.	Member of the Cabinet for Neighbourhood Services and Public Protection

7. Functions allocated to the Deputy Chief Executive (or if he/she is absent or otherwise unable to act) to the Chief Officer (Neighbourhood Services)

7.1 To increase or decrease any of the fees and charges levied within Council leisure premises to positively promote recreation and sports facilities.	Member of the Cabinet for Neighbourhood Services and Public Protection
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CHIEF FINANCE OFFICER

1. Function allocated to the Chief Finance Officer (or if he/she is absent or otherwise unable to act) to the Chief Officer (Community Regeneration)

<u>Allocated Functions</u>	<u>Consultee(s)</u>
1.1 To review the prescribed limits of financial	Member of the

<u>Allocated Functions</u>	<u>Consultee(s)</u>
assistance provided under the grant schemes operated by the Council pursuant to its economic development powers.	Cabinet for Governance and Corporate Services
<u>CHIEF EXECUTIVE, THE DEPUTY CHIEF EXECUTIVE, THE CHIEF OFFICER (LEARNING), THE CHIEF OFFICER (SOCIAL SERVICES), THE CHIEF OFFICER (NEIGHBOURHOOD SERVICES), THE CHIEF OFFICER (COMMUNITY REGENERATION), AND CHIEF FINANCE OFFICER</u>	

1. Functions delegated to each Chief Officer (or if the chief officer is absent or otherwise unable to act:

- (a) To the Deputy Chief Executive in consultation with the Chief Finance Officer if the chief officer who would normally discharge the function is the Chief Executive; or
- (b) To the Managers responsible for the service in connection with which the function is to be discharged in the case of any other chief officer)

<u>Allocated Functions</u>	<u>Consultee(s)</u>
1.1 In respect of any proposed contract relating to services for which the Chief Officer concerned is responsible and which have an estimated value exceeding Level 'C' but not exceeding Level 'D': (1) To authorise the invitation of tenders; and (2) To accept the lowest tender received where payment is to be made by the Council or the highest tender received where payment is to be received by the Council.	The Members of the Cabinet responsible for the service in respect of which the contract is to be concluded; Chief Finance Officer
1.2 In respect of any proposed contract relating to services for which the Chief Officer concerned is responsible and which have an estimated value exceeding Level 'C' but not exceeding Level 'D' to accept a tender other than the lowest tender received where payment is to be made by the Council or the highest tender received where payment is to be received by the Council where there are special reasons approved by the Chief Finance Officer for not accepting the lowest tender or the highest tender as the case may be.	The Members of the Cabinet responsible for the service in respect of which the contract is to be concluded; Chief Finance Officer

HEAD OF PUBLIC PROTECTION & HOUSING

1. Functions allocated to the Head of Public Protection & Housing

Allocated Functions

- | | | |
|-----|--|---|
| 1.1 | To amend any condition adopted by the Council in relation to the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014. | Member of the Cabinet responsible for Licensing |
| 1.2 | To take all steps to facilitate an Enforced Sale under the Law of Property Act 1925 to include the serving of notices pursuant to s103 of the Law of Property Act 1925 and the issue of a sealed resolution to the Land Registry | Member of the Cabinet responsible for Public Protection and the Head of Legal & Democratic Services |

Scheme B

Part II

CABINET FUNCTIONS ALLOCATED TO THE CHIEF EXECUTIVE, CHIEF OFFICER (LEARNING), CHIEF OFFICER (SOCIAL SERVICES), CHIEF OFFICER (NEIGHBOURHOOD SERVICES), NEIGHBOURHOOD SERVICES (COMMUNITY REGENERATION), CHIEF FINANCE OFFICER AND MANAGERS WHICH MAY BE DISCHARGED WITHOUT PRIOR CONSULTATION

- 1. Functions allocated to each Chief Officer (or if the Chief Officer is absent or otherwise unable to act):**
 - (a) To the Chief Executive in consultation with the Chief Finance Officer if the chief officer who would normally discharge the function is the Chief Executive; or
 - (b) To the Manager responsible for the service in connection with which the function is to be discharged in the case of any other chief officer)

Allocated Functions

- 1.1 To authorise the submission of applications for grant aid to the Welsh Government and other appropriate bodies for purposes connected with matters falling within the Member of the Cabinet's portfolio for which the Chief Officer is responsible where the amount of the grant to be applied for is not estimated to exceed £150,000 provided that such application is in accordance and complies with the Council's External Funding Policy.
- 1.2 To authorise the disposal of surplus goods acquired in connection with services for which the Chief Officer is responsible having an estimated total value not exceeding £150,000 in consultation with the Chief Finance Officer.
- 1.3 To exercise the powers conferred upon them under the Council's Disciplinary and Grievance Procedures.

Allocated Functions

- 1.4 To invite tenders for any contract having an estimated value not exceeding Level 'C' and:
 - (a) to accept the lowest tender received where payment is to be made by the Council and the highest tender received where payment is to be received by the Council; or
 - (b) to accept a tender other than the lowest tender received where payment is to be made by the Council or the highest tender received where payment is to be received by the Council where there are special reasons approved by the Chief Finance Officer for not accepting the lowest tender or the highest tender as the case may be.
 - 1.5 To authorise the submission of tenders for the supply of goods, works or services to another local authority or a public body in accordance with the powers conferred upon the Council by the Local Authorities (Goods and Services) Act 1970 where the estimated value of the proposed tender does not exceed Level 'C'.
 - 1.6 To respond to government papers and circulars relating to matters within their respective areas of responsibility.
 - 1.7 To approve amendments to existing staffing structures (other than directorate, departmental or other divisional reviews of establishment) which can be funded within existing budgets and/or with the benefit of any additional funding receivable.
 - 1.8 To determine applications by staff for special leave of absence.
 - 1.9 To authorise surveillance in accordance with the requirements of the Regulation of Investigatory Powers Act 2000 in consultation with the relevant Manager (unless it has been delegated elsewhere in the scheme of delegation) and in accordance with the Councils Regulation of Investigatory Powers Act policy.
 - 1.10 To approve honoraria and additional duties payments provided they can be funded within existing budgets and/or with the benefit of any additional funding receivable.
- 2 Functions allocated to the Chief Finance Officer and to the Chief Officer (Community Regeneration).**

Allocated Functions

- To approve applications by eligible businesses for financial assistance under the grant schemes operated by the Council pursuant to its economic development**
- 2.1

Allocated Functions

powers.

- 2.2 To authorise expenditure upon marketing and participation in appropriate economic development activities and events.
- 2.3 To determine applications for grant assistance under the Inner Urban Areas Act 1978 for improvements to properties in Industrial and Commercial Improvement Areas in accordance with the rules approved by or on behalf of the Council.
- 3. **Functions allocated to the Chief Executive, Deputy Chief Executive, Chief Officer (Learning), Chief Officer (Social Services), Chief Officer (Neighbourhood Services), Chief Officer (Community Regeneration), Chief Finance Officer and to the Head of Corporate Services**

Allocated Functions

- 3.1 To institute the commencement of criminal proceedings in respect of the Council Tax Reduction Scheme in consultation with the Chief Executive or the Head of Legal and Governance
- 3.2 In consultation with the Head of Paid Service and Monitoring Officer to consider referring cases of financial impropriety by Council staff or elected Members to the Police for investigation.
- 3.3 To determine applications from persons or bodies for financial assistance which no other officer has been delegated the power to determine.
- 3.4 To authorise and approve agreed BIFFA schemes submitted in accordance with Council policy where all Electoral Divisional Councillors have agreed the allocation
- 4. **Functions allocated to the Deputy Chief Executive and Chief Officer (Neighbourhood Services).**

Allocated Functions

- 4.1 To determine applications by tenants for the Council's consent as landlord for:
 - (a) the assignment of their leasehold interests;

Allocated Functions

- (b) the subletting or parting with possession of the whole or part of the premises let;
- (c) the change of use of the premises let provided the proposed use:
 - (i) falls within the same use class as defined in the Town and Country Planning (Use Classes) Order 1987 as the current use or
 - (ii) is a change of use for which planning permission has been granted either specifically or by the Town and Country Planning (General Permitted Development) Order 1995.

subject to any arrears of rent being paid and any other breaches of covenant being remedied;

- (d) the creation of a mortgage or charge over their leasehold interests;
 - (e) the making of internal and external alterations and the erection of additions and extensions subject to the tenant obtaining all necessary statutory consents and complying with such other conditions as may be considered appropriate.
- 4.2 To authorise the grant of a lease or tenancy in circumstances in which the identity of the proposed tenant has changed since the terms of the transaction were approved by or on behalf of the Council.
- 4.3 To authorise and agree terms for the letting of all properties by or to the Council (including the rent payable) at a rent not exceeding £50,000 per annum.
- 4.4 To approve the settlement of statutory compensation claims.
- 4.5 To appoint Estate Agents to market for sale Council land or property.
- 4.6 To authorise, and where appropriate accept terms for, the disposal of land or buildings having an estimated value not exceeding £150,000 by way of tender or auction.
- 4.7 To authorise, and agree terms for, the disposal of land or buildings having an estimated value not exceeding £150,000 otherwise than by way of tender or auction.
- 4.8 To authorise, and agree terms for, the acquisition of land or buildings in connection with a scheme which appears in the Council's approved capital estimates.
- 4.9 To agree the terms of all rent reviews relating to properties leased by and

Allocated Functions

to the Council.

- 4.10 To decide that the rent review provisions contained in a lease of property in the Council's ownership should not be implemented when a rent review is deemed inappropriate due to special circumstances.
- 4.11 To agree terms for the renewal of all leases granted by or to the Council.
- 4.12 To authorise and agree terms for the grant of easements and wayleaves and of licences to occupy land by or to the Council.
- 4.13 To make planning applications in respect of land which the Council is proposing to dispose of.
- 4.14 To arrange for title indemnity insurance to be effected in suitable circumstances
- 4.15 To authorise the service of notices terminating leases or tenancies (including those of business premises covered by Part II of the Landlord and Tenant Act 1954) where the Council does not oppose the grant of a new lease or tenancy.
- 4.16 To determine and approve applications for the transfer of Council mortgages and applications by mortgagors for the release of a part of a mortgaged property from the mortgage.
- 4.17 To grant consent for properties to be extended as a condition of sale under the Rights to Buy provisions of the Housing Act.
- 4.18 To authorise and agree terms for settling rating appeals submitted by or on behalf of the Council.
- 4.19 To authorise and agree the release of restrictive covenants in favour of or binding the Council for sums up to a limit of £50,000.
- 4.20 To authorise and agree terms for the surrender of leases by or to the Council, including the payment or receipt of a premium not exceeding £50,000.
- 4.21 To authorise and agree terms for the resolution of dilapidation claims made by or against the Council.
- 4.22 To authorise and agree terms for the acquisition of land or buildings having an estimated capital or annual value not exceeding £50,000.
- 4.23 To approve the variation of existing lease terms.

Allocated Functions

- 4.24 To exercise the powers conferred upon the Council under the Commons Act 1899 or any other statutory provision in respect of regulated commons, other than the power to make, revoke or alter any byelaws.

5. Functions allocated to the Chief Executive and to the Head of Legal and Governance.

Allocated Functions

- 5.1 To institute and defend all civil and criminal proceedings (including appeals) on behalf of the Council, including proceedings in respect of which any other Council officer has been allocated a similar function, and to take any other steps in connection with the conduct of proceedings as he deems appropriate, including their withdrawal or discontinuance.
- 5.2 To authorise the settlement of proceedings on a consent basis where the amount payable by or to the Council does not exceed £10,000.
- 5.3 Without prejudice to the generality of the power delegated by paragraph 5.1 above to take any steps necessary to secure the removal of trespassers on land occupied by the Council and to issue directions in circumstances in which such a power is given to a local authority by the Criminal Justice and Public Order Act 1994.
- 5.4 To instruct Counsel or to engage external solicitors in connection with any legal matter affecting the Council where the estimated cost of so doing does not exceed £10,000.
- 5.5 To institute and conduct legal proceedings on behalf of any Council employee assaulted or threatened with assault during the course of his/her employment.
- 5.6 To authorise any member of staff to appear on behalf of the Council in county court or magistrates' court proceedings in accordance with Section 60 of the County Court Act 1984, Section 27 of the Courts and Legal Services Act 1990 and Section 223 of the Local Government Act 1972.
- 5.7 To authorise any member of staff to make statements of truth, to swear affidavits and to make statutory declarations on behalf of the Council.
- 5.8 To issue and serve Notices to Treat, Notices of Entry, Warrants for Possession and any other notices of whatever kind which may be necessary to give effect to a confirmed Compulsory Purchase Order made by the Council and to refer any dispute as to the compensation payable on

Allocated Functions

- compulsory acquisition to the Lands Tribunal.
- 5.9 To give any certificate or notice required for the purpose of registering any statutory or other charge at H. M. Land Registry on behalf of the Council.
 - 5.10 To take appropriate action to enforce any statutory charge over premises existing in the Council's favour.
 - 5.11 To issue and serve notices terminating leases and tenancies (including those of business premises covered by Part II of the Landlord and Tenant Act 1954) and notices to remedy breaches of covenant.
 - 5.12 To issue and serve appropriate notices and counter notices to protect the Council's interests as either lessor or lessee.
 - 5.13 To approve requests for consent to the transfer of mortgage interests when satisfied that the transferee has sufficient resources to meet the mortgage repayments and the mortgage account is clear of arrears.
 - 5.14 To issue and serve statutory notices requisitioning information in respect of interests in and/or the use of land.
 - 5.15 To issue and serve any notices which the Council is entitled to serve under any contract as employer.
 - 5.16 To exercise any powers available to the Council under the provisions of any contract relating to the determination or forfeiture of the contract.
 - 5.17 To issue and serve Advance Payments Code Notices in accordance with the Highways Act 1980.
 - 5.18 To issue and serve any notices which the Council may serve under the provisions of the Housing Act 1985 conferring a right to buy on secure tenants.
 - 5.19 To maintain and keep under review a list of Proper Officer functions.
- 6. Functions allocated to the Chief Executive (or if he/she is absent or otherwise unable to act) to the Chief Officer (Learning) or the Head of School Improvement who is responsible for the aspect of the services provided by his/her department in respect of which the function is to be discharged).**

Allocated Functions

- 6.1 To institute proceedings for failures in school attendance pursuant to Section

Allocated Functions

444 of the Education Act 1996.

- 6.2 To approve, following appropriate consultation, amendments to the Council's funding formula for schools.
To approve, following appropriate consultation, amendments to the Council's schools admissions policy.
- 6.3 ***To make discretionary awards to students in circumstances falling outside normal guidelines considered by finance and awards.***
- 6.4 ***To act as the designated officer under the local complaints procedure established under Section 23 of the Education Reform Act 1988.***
- 6.5 ***To determine the annual central budgets for repairs and maintenance and the school meals service.***
- 6.6 ***To determine and authorise expenditure on projects for which specific approval has been granted by the Welsh Government.***
- 6.7
- 6.8 To approve applications for grants to voluntary organisations in accordance with the policy approved by the Cabinet or the Council where the amount of the grant does not exceed £10,000.

7. Functions allocated to the Deputy Chief Executive, the Chief Officer (Neighbourhood Services) and to the Head of Planning and Countryside.

Allocated Functions

- 7.1 To do anything which the Council has a power or duty to do under the provisions of the Building Regulations and of the Building Act 1994 regarding the passing (with or without conditions) or rejection of deposited plans, the giving of notices that deposited plans are of no effect and the removal or alteration of offending work.
- 7.2 To authorise the execution of work to dangerous buildings and to recover expenses incurred in accordance with the Building Act 1984, Section 77.
- 7.3 To do anything which the Council has a power or duty to do under the provisions of the following enactments or any subordinate legislation made thereunder:-

Provision

Summary of Effect

Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 2

Power to publish lists of listed buildings

Allocated Functions

Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 3	Power to serve notice of listing on owner and occupier
Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 54-60	Power to execute urgent works to preserve a listed building and to recover expenses
Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 57-58	Power to determine applications for grant assistance towards repair or maintenance of historic buildings
Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 76	Power to execute urgent works and preserve an unoccupied building in a conservation area and to recover expenses
Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 79-80	Power to determine applications for grant assistance towards repair or maintenance of historic buildings in a town scheme
Building Act 1984 – Section 77	Power to execute work to dangerous buildings and recover expenses.
Building Act 1984 – Section 78	Emergency measures for dealing with dangerous structures

8. Functions allocated to the Deputy Chief Executive and/or the Chief Officer (Neighbourhood Services).

Allocated Functions

- 8.1 To take any action as is necessary to declare highways to be maintainable at the public expense including where considered appropriate accepting requests for dedication of highways.
- 8.2 To undertake and maintain all works (including alteration and removal where necessary) for highway purposes in accordance with Part V of the Highways Act 1980, and to enter into any agreements in respect of any of the works referred to in Part V of the Highways Act 1980.
- 8.3 To provide services and amenities over a highway and to give consents to other parties as to execution of works and use of objects in accordance with Paragraph VIIA of the Highways Act 1980.
- 8.4 To take such action as is necessary to prevent or remove the unlawful interference with, annoyance or nuisance upon, or obstruction of highways

Allocated Functions

including the service of relevant notices where appropriate.

- 8.5 To give consent where required for interference with or obstruction of a highway in accordance with Part IX of the Highways Act 1980.
- 8.6 To exercise all powers contained in Part XI of the Highways Act 1980 (other than the power contained in Section 205 of that Act) as to making up of Private Streets including powers to enter into agreements and the issuing of notices and determination of payments together with any consents or permissions required.
- 8.7 To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby allocated to them.
- 8.8 To exercise the Council's powers under the relevant provisions of the Town Improvement Clauses Act 1847 and the Public Health Act 1925 in respect of street naming, the change or alteration of a street name and the numbering or re-numbering of a street.
- 8.9 To take such action as is necessary to stop up private means of access to the highway in accordance with Part VIII of the Highways act 1980.
- 8.10 To do anything which the Council has a power or duty to do that is necessary for the enforcement of any of the provisions contained in the enactments listed below (other than any of those provisions the enforcement of which is not a Cabinet function) to institute criminal proceedings arising from any breach of those provisions in consultation with the Deputy Chief Executive.

Animals Act 1971

Highways Act 1980

Land Drainage Act 1991

Mines, Quarries and Tips Act 1969

National Parks and Access to the

Countryside Act 1949 – Section 57

New Roads and Streetworks Act 1991 – Part III

Reservoir Act 1975

Road Traffic Act 1991

Road Traffic Regulation Act 1984

Road Traffic Regulation (Special Events) Act 1994

Town and Country Planning Act 1990

Town Police Clauses Act 1847

Transport Act 1985

Transport Act 2000

Wildlife and Countryside Act 1981

Allocated Functions

- 8.11 To authorise the making of emergency Traffic Orders under the Road Traffic Regulation Act 1984.
- 8.12 ***To make suitable contractual arrangements for the provision of school transport.***
- 8.13 ***To terminate school transport contracts in circumstances in which the contractor is in breach of contract.***
- 8.14 To do anything which the Council has a power or duty to do under the provisions of the following enactments or any subordinate legislation made thereunder:-

Provision

Summary of Effect

Building Act 1984 – Section 77	Power to execute work to dangerous buildings and recover expenses.
Building Act 1984 – Section 78	Emergency measures for dealing with dangerous structures
Highways Act 1980 – Section 37	Provision whereby highway created by dedication may become maintainable at public expense
Highways Act 1980 - Section 38	Power of highway authorities to adopt by agreement
Highways Act 1980 – Section 57	Default powers of highways authorities in respect of non-repair of privately maintainable highways.
Highways Act 1980 – Section 59	Recovery of expenses due to extraordinary traffic
Highways Act 1980 – Section 73	Power to prescribe improvement line for widening street
Highways Act 1980 – Section 74	Power to prescribe Building Line.
Highways Act 1980 – Section 122	Power to make temporary diversion where highway about to be repaired or widened.
Highways Act 1980 – Section 146	Duty to maintain stiles etc. on footpaths and bridleways.

Allocated Functions

Highways Act 1980 – Section 147	Power to authorise the erection of stiles etc. on footpaths and bridleways.
Highways Act 1980 – Section 278	Contributions towards highway works by persons deriving special benefit from them.
Highways Act 1980 – Section 286	Power to require angles of new buildings at corners of street to be rounded off.
Highways Act 1980 – Section 287	Power to erect barriers in streets in cases of emergency etc.
Highways Act 1980 – Section 288	Power to require gas and water pipes to be moved
Highways Act 1980 – Section 289	Powers of entry of Highway Authority for purposes of survey.
Highways Act 1980 – Section 290	Supplementary provisions as to powers of entry for the purpose of survey.
Highways Act 1980 – Section 291	Powers of entry of highway authority for purpose of maintaining, etc., certain structures and works.
Highways Act 1980 – Section 292	Compensation for damage resulting from, and offences connected with, exercise of powers of entry etc. under Section 289 or 291.
Highways Act 1980 – Section 293	Powers of entry for purposes connected with certain orders relating to footpaths and bridleways.
Highways Act 1980 – Section 294	Entry etc., of premises by highway authority or council for certain purposes.
Highways Act 1980 – Section 295	Power of councils to dispose of certain materials.
Highways Act 1980 – Section 296	Power of highway authority or Council to execute certain works on

Allocated Functions

	behalf of other person.
Highways Act 1980 – Section 297	Power of highway authority or council to require information as to ownership of land.
Highways Act 1980 – Section 305	Recovery of expenses by Councils and highway authorities.
Local Government (Miscellaneous Provisions) Act 1976 – Sections 23 and 24.	Powers to deal with dangerous trees.
Local Government (Miscellaneous Provisions) Act 1976 – Sections 25 and 26.	Powers to deal with dangerous excavations.
Mid Glamorgan County Council Act 1987 – Section 10	Power to serve notice to reduce the emission of dust etc. from building operations.
Mid Glamorgan County Council Act 1987 – Section 11	Power to serve notice to reduce dust from movement of coal.
Mid Glamorgan County Council Act 1987 – Section 12	Power to weatherproof walls.
Mid Glamorgan County Council Act 1987 – Section 13	Power to approve of plans etc. of retaining walls.
Mid Glamorgan County Council Act 1987 – Section 14	Power to approve plans etc. of new sewers and to serve notices on persons submitting plans etc.
Mid Glamorgan County Council Act 1987 – Section 15	Power to seize and impound stray animals.
Mid Glamorgan County Council Act 1987 – Section 17	Power to make an order prohibiting the use of residential streets for parking by heavy vehicles.
Mid Glamorgan County Council Act 1987 – Section 19	Power to serve notice requiring works to party or boundary walls.
Mines, Quarries and Tips Act 1969	Inspections and powers in relation to tips.
National Parks and Access to the	Penalty for displaying on public

Allocated Functions

Countryside Act 1949 – Section 57	paths notices deterring public use.
New Roads and Street Works Act 1991 – Part III	Control of street works by public utilities undertakers pursuant to a statutory right or street works licence
Reservoir Act 1975	Inspection and registration of reservoirs.
Road Traffic Regulation Act 1984 – Section 14(1)	Powers to restrict weight and size of vehicles crossing highway bridges.
Wildlife and Countryside Act 1981 – Section 61	Ploughing of public rights of way.

9. Functions allocated to the Chief Executive, the Chief Officer (Social Services) and to senior managers and/or the manager responsible for the aspect of the council's social services functions provided by the service in respect of which the function is to be discharged

Allocated Functions

- 9.1 To assess the need of people who may be in need of care services and, if appropriate, the ability of carers to provide care; to decide, on the basis of the assessment what, if any, services should be provided to meet those needs; and to take all necessary steps to provide those services including the making of contracts for their provision.
- 9.2 To take any steps necessary to ensure that the Council complies with its statutory Social Services obligations to children and adults as set out in the following legislation:

Children Act 1989
Carers (Recognition and Services) Act 1995
Crime and Disorder Act 1998
Family Law Act 1996
Housing Act 1996
Adoption and Children Act 2002
Carers and Disabled Children Act 2000
National Assistance Act 1948
Chronically Sick and Disabled Persons Act 1970
Housing Grants, Construction and Regeneration Act 1996
NHS Act 1977
Community Care (Delayed Discharges) Act 2003
Community Care (Direct Payments) Act 1996

Allocated Functions

Care Standards Act 2000
Mental Health Act 1983: Civil Measures
Mental Health (Patients in the Community) Act 1995
Children (Leaving Care) Act 2000
Children Act 2004
The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

- 9.3 To approve foster parents and other carers.
- 9.4 To receive into guardianship persons who are suffering from a mental disorder.
- 9.5 To approve social workers as having appropriate competence in dealing with persons who are suffering from a mental disorder.
- 9.6 To exercise all the Council's obligations in relation to the facilities it provides itself and the services it purchases under contract.
- 9.7 To make decisions in respect of individual adoption cases, having regard to the recommendations from the Adoption Panel.
- 9.8 To approve levels of maximum funding to voluntary organisations which are subject to a formal service agreement where the amount of the funding does not exceed £150,000.
- 9.9 To authorise the carrying out of works of adaptation in accordance with Section 2(e) of the Chronically Sick and Disabled Persons Act 1970:
 - (a) Up to the value specified from time to time by the Council;
 - (b) In exceptional circumstances and where an urgent decision is required up to the higher value specified from time to time by the Council.

10. *Functions allocated to the Deputy Chief Executive, the Chief Officer (Neighbourhood Services) and to the Head of Public Protection and Housing.*

Allocated Functions

- 10.1 To determine the priority accorded to individual applications to the Housing Register and for Transfers and to allocate Council accommodation in accordance with the Council's policies.

Allocated Functions

- 10.2 To determine on applications from owner/occupiers to the Housing Register, in accordance with the Council's policies.
- 10.3 To determine applications for mutual exchanges.
- 10.4 To determine applications for successions, assignments and tenancy changes.
- 10.5 To determine applications for housing which may not fully comply with the requirements of the Council's Housing Register and Allocation Rules, but are considered to be of a particularly urgent or sensitive nature.
- 10.6 To determine applications for assistance by homeless persons and persons threatened with homelessness pursuant to Part V11 of the Housing Act 1996 and to secure temporary accommodation as appropriate.
- 10.7 In consultation with the Deputy Chief Executive, serve notices of seeking possession for breaches of tenancy other than non-payment of rent or charges and if appropriate to institute proceedings for possession.
- 10.8 In consultation with the Chief Executive or the Head of Legal and Governance, where appropriate, to make all initial decisions under the Data Protection Act 1998 as to whether access to information is to be permitted and whether information is to be corrected or erased.
- 10.9 To submit representations to the Welsh Government for exemption from the right to buy in those instances in which the application to buy a Council dwelling is considered to relate to a dwelling particularly suitable for occupation by elderly persons.
- 10.10 To authorise demolition of Council owned garages.
- 10.11 To take any steps which the Council is empowered to take for the recovery of housing rents and other income due to the Council, including instructing the Head of Legal and Governance to commence County Court proceedings.
- 10.12 To authorise and take any steps necessary for the Council to comply with its obligations in accordance with section 3 and 4 of the Housing Act 2004.
- 10.13 Administer mandatory Disabled Facilities Grants (DFGs)
- 10.14 Deliver the Council's Housing Renewal Programme in relation to declared

11. Functions allocated to the Deputy Chief Executive and to the Chief Officer (Neighbourhood Services)

Allocated Functions

- 11.1 To authorise temporary closures or variations in the opening hours of libraries.
- 11.2 To authorise the waiving, reduction and deferral of payments of set fines and charges and allow the continued use of lending services in the following circumstances:
 - (a) Where the agreed objectives of the service require special measures that would require the suspension of normal lending rules;
 - a) Personal circumstances affecting individuals and communities.
- 11.3 To manage the use of library volunteers and to change where appropriate the Mobile Library routes.

12. Functions allocated to the Deputy Chief Executive and the, the Chief Officer (Neighbourhood Services).

Allocated Functions

- 12.1 The function of doing any act which the Council has a power or duty to do (including the power to authorise officers and such other persons as may be deemed appropriate) and to serve any notice that is necessary for the enforcement of any of the provisions contained in the enactments set out below and to authorise and institute legal proceedings in consultation with the Head of Legal and Governance arising from any breach of those provisions:

Burials Act 1857

Clean Neighbourhoods and Environment Act 2005

Control of Pollution (Amendment) Act 1989

Control of Pollution Act 1974

Cremations Acts 1902 and 1952

Dogs Act 1906

Dogs (Fouling of Land) Act 1996

Environment Act 1995

Environmental Protection Act 1990

Local Authorities Cemeteries Order 1977

Local Government (Miscellaneous Provisions) Act 1976

Prevention of Damage by Pests Act 1949
Public Health Act 1936
Public Health Act 1961
Recycling, Preparation for Reuse and Composting targets (definitions)
(Wales) order 2011
Refuse Disposal (Amenity) Act 1978
Town & Country Planning Act 1990
Waste Minimisation Act 1998
Waste and Emissions Trading Act 2003

- 12.2 To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to him by this Scheme.
- 12.3 To exercise any power conferred upon the Council relating to the management of any area of public open space.
- 12.4 To authorise exhumations subject to any necessary consents being first obtained.

13. Functions allocated to the Deputy Chief Executive and the Chief Officer (Community Regeneration).

Allocated Functions

- 13.1 To consider and adjust individual Improvement Grant rates when deemed appropriate.
- 13.2 To approve applications for grants towards the cost of improvement and repairs of dwellings under the provisions of the Housing Grants, Construction and Regeneration Act 1996 and to determine the payment of reasonable and appropriate fees in connection therewith.
- 13.3 To authorise in appropriate circumstances the waiver of the prior qualifying period for owner-occupiers and tenants specified in the Housing Grants, Construction and Regeneration Act 1996 in relation to applications for Renovation Grants.

14. Functions allocated to the Deputy Chief Executive and to the Chief Finance Officer and to the Head of Corporate Services

Allocated Functions

- 14.1 To take any steps which the Council is empowered to take to recover

Allocated Functions

National Non-Domestic Rates and Council Tax, including the commencement of proceedings and the taking of any steps in connection with the conduct of proceedings.

- 14.2 To determine:
 - (a) applications for discretionary rating relief from charities;
 - (b) applications for rating relief on grounds of hardship.
- 14.3 To determine applications for Housing Benefit and Council Tax Benefit.
- 14.4 To take any steps which the Council is empowered to take for the recovery of sums due under Council mortgages and other income due to the Council, including instructing the Head of Legal and Governance to commence County Court proceedings.
- 14.5 To write off debts and rents not exceeding £1,000 after exhausting recovery procedure in consultation with the Chief Finance Officer.

15. Functions allocated to the Deputy Chief Executive, the Chief Officer (Community Regeneration) and to the Head of Public Protection and Housing.

Allocated Functions

15.1 The function of doing any act which the Council has a power or duty to do (including the power to serve any notice and to authorise officers or other suitably qualified persons) that is necessary for the enforcement of any of the provisions contained in the enactments set out below and any Orders, or Regulations or other instruments

- (a)
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to food safety, animal feedstuffs, consumer and business protection, health protection, metrology, product safety and environmental protection;

and

- (b) any modification or re-enactment and to authorise and institute legal proceedings in consultation with the Head of Legal and Governance arising from any breach of those provisions.

Anti Social Behaviour Act 2003
Births and Deaths Registration Act 1926
Burial Act 1857
Children & Families Act 2014
Consumer Rights Act 2015
Cremation Acts 1902 and 1952
Controlled Waste Regulations 1992
Dogs (Fouling of Land) Act 1996
Environmental Protection Act 1990
Food Act 1984
Health Act 2006 (updated 2009)
Health and Safety at Work Act 1974
Local Authorities Cemeteries Order 1977
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1982
Mid Glamorgan County Council Act 1987
Motorcycle Noise Act 1987
Protection From Eviction Act 1977
Public Health Act 1936
Public Health Act 1961
Psychoactive Substances Act 2016
Refuse Disposal (Amenity) Act 1978

The Regulatory Reform (Housing Assistance) (England and Wales)
Order 2002
The Sunbeds (Regulation) Act 2010
Vehicles (Crime) Act 2001
Water Industries Act 1991

15.2 To exercise the Council's powers under the Refuse Disposal (Amenity) Act 1978 to remove and dispose of abandoned vehicles and to recover the expenses connected therewith.

16. (a) Functions Allocated To The Deputy Chief Executive, the Chief Officer (Community Regeneration) and the Head of Public Protection and Housing.

(b) Functions Allocated To The Head of Public Protection and Housing acting In His Statutory Role As Chief Inspector Of Weights And Measures

Allocated Functions

16.1 The function of doing any act which the Council has a power or duty to do (including the power to serve any notice and to authorise officers or other suitably qualified persons) that is necessary for the enforcement of any of the provisions contained in the enactments set out below and any Orders, or Regulations or other instruments

(a) (i) made there under or
(ii) relating thereto, or
(iv) having effect by virtue of the European Communities Act 1972 relating to food safety, animal feedstuffs, consumer and business protection, health protection, metrology, product safety and environmental protection;

and

(b) any modification or re-enactment and to authorise and institute legal proceedings in consultation with the Head of Legal and Governance arising from any breach of those provisions.

Administration of Justice Acts 1970 and 1985
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Produce (Grading and Marketing) Acts 1928 and 1931
Animals Act 1971
Animal Boarding Establishments Act 1963
Animal Health Act 1981 and 2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006

Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Breeding of Dogs Act 1973
Breeding of Dogs Act 1989 and 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Burial Act 1857
Business Names Act 1985
Cancer Act 1939
Caravan Sites Control of Development Act 1960
Caravan Sites Act 1968
Charities Act 1992
Children & Families Act 2014
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Christmas Day (Trading) Act 2004
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Communications Act 2003
Companies Act 1985 and 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Consumer Rights Act 2015
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright Designs and Patent Act 1988
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dangerous Dogs Act 1989 and 1991
Dogs Act 1871
Dogs Act 1906
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environmental Protection Act 1990
Environment Act 1995
Estate Agents Act 1979
European Communities Act 1972
Explosives Acts 1875 and 1923
Explosives (Age of Purchase) Act 1976
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967

Fireworks Acts 1951, 1964 and 2003
Fire Safety and Places of Sport Act 1987
Food and Environment Protection Act 1985
Food Act 1984
Food Safety Act 1990
Fraud Act 2006
Forgery and Counterfeiting Act 1981
Gambling Act 2005
Game Act 1831
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006 (updated 2009)
Health and Safety at Work etc. Act 1974
Highways Act 1980
House to House Collections Act 1939
Housing Act 1985 and 2004
Housing, Grants, Construction and Regeneration Act 1996
Hypnotism Act 1952
Insurance Brokers (Registration) Act 1971
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Licensing Act 1964 and 2003
Local Government Act 2003
Local Government (Miscellaneous Provisions) Acts 1972
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government and Housing Act 1989
London Olympic Games and Paralympic Games Act 2006
Medicines Act 1968
Mid Glamorgan County Council Act 1987
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948
National Assistance (Amendment) Act 1951
National Lotteries Act 1993
Noise Act 1986
Noise and Statutory Nuisance Act 1993
Nurses Agencies Act 1957
Offices, Shops and Railway Premises Act 1963
Olympic Symbol Etc (Protection) Act 1995
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1972
Police and Justice Act 2006
Police, Factories etc (Miscellaneous Provisions) Act 1916

Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975
Proceeds of Crime Act 2002
Property Misdescriptions Act 1991
Protection Against Cruel Tethering Act 1998
Protection from Eviction Act 1997
Protection of Animals Act 1911
Protection of Animals Act 1934
Protection of Animals (Amendment) Act 1954
Protection of Animals (Anaesthetics) Act 1954
Protection of Animals (Amendment) Act 1988
Protection of Animals Act 1991
Protection of Animals Act 2000
Protection of Children (Tobacco) Act 1986
Psychoactive Substances Act 2016
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Riding Establishments Acts 1964 and 1970
Road Traffic Acts 1988 and 1991
Road Traffic (Foreign Vehicles) Act 1972
Safety at Sportsgrounds Act 1975
Scrap Metal Dealers Act 1964
Shops Act 1950
Slaughter of Poultry Act 1967
The Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Tattooing of Minors Act 1969
Telecommunications Act 1984
The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
Theft Act 1968 and 1978
Timeshare Act 1992
Tobacco Advertising and Promotion Act 1992 and 2002
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representation (Disabled Persons) Acts 1958 and 1972
Unsolicited Goods and Services Acts 1971 and 1975
Vehicle (Crime) Act 2001
Video Recordings Acts 1984 and 1993
Violent Crime Reduction Act 2006
Water Industries Act 1991
Weights and Measures Act 1976
Weights and Measures Act 1985

Zoo Licensing Act 1981

Officers are authorised for other matters as follows:- and any offence under legislation, or at common law, which is of a similar nature or related to the foregoing including offence of aiding, abetting, counselling and procuring, incitement, conspiracy and criminal attempts

- 16.2 To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to him by this Scheme of Delegation.
- 16.3 To exercise the Council's powers under the Refuse Disposal (Amenity) Act 1978 to remove and dispose of abandoned vehicles and to recover the expenses connected therewith.
- 16.4 To grant, issue, amend revoke or refuse the grant or renewal of licences (other than licences in respect of which the said functions are either not Cabinet functions or are allocated under this Scheme to a Council Officer in another directorate); to effect, amend or revoke registrations; and to issue, amend or revoke authorisations in accordance with any of the enactments listed below:

Administration of Justice Acts 1970 and 1985
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Produce (Grading and Marketing) Acts 1928 and 1931
Animals Act 1971
Animal Boarding Establishments Act 1963
Animal Health Act 1981 and 2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti-Social Behaviour Act 2003
Breeding of Dogs Act 1973
Breeding of Dogs Act 1989 and 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Burial Act 1857
Business Names Act 1985
Cancer Act 1939
Caravan Sites Control of Development Act 1960
Caravan Sites Act 1968
Children & Families Act 2014
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Christmas Day (Trading) Act 2004
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Communications Act 2003
Companies Act 1985 and 2006

Consumer Credit Act 1974
Consumer Protection Act 1987
Consumer Rights Act 2015
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright Designs and Patent Act 1988
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dangerous Dogs Act 1989 and 1991
Dogs Act 1871
Dogs Act 1906
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environmental Protection Act 1990
Environment Act 1995
Estate Agents Act 1979
European Communities Act 1972
Explosives Acts 1875 and 1923
Explosives (Age of Purchase) Act 1976
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fireworks Acts 1951, 1964 and 2003
Fire Safety and Places of Sport Act 1987
Food and Environment Protection Act 1985
Food Act 1984
Food Safety Act 1990
Fraud Act 2006
Game Act 1831
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006 (updated 2009)
Health and Safety at Work etc. Act 1974
Highways Act 1980
Housing Act 1985 and 2004
Housing, Grants, Construction and Regeneration Act 1996
Insurance Brokers (Registration) Act 1971
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Licensing Act 1964 and 2003
Local Government Act 2003
Local Government (Miscellaneous Provisions) Act 1976

Local Government (Miscellaneous Provisions) Act 1982
Local Government and Housing Act 1989
Medicines Act 1968
Mid Glamorgan County Council Act 1987
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948
National Assistance (Amendment) Act 1951
National Lotteries Act 1993
Noise Act 1986
Noise and Statutory Nuisance Act 1993
Nurses Agencies Act 1957
Offices, Shops and Railway Premises Act 1963
Olympic Symbol Etc (Protection) Act 1995
Performing Animals (Regulation) Act 1925
Pesticides Act 1998
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1972
Police and Justice Act 2006
Pollution Prevention and Control Act 1999
Prevention from Eviction Act 1997
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975
Proceeds of Crime Act 2002
Property Misdescriptions Act 1991
Protection of Animals Act 1911
Protection of Animals (Amendment) Act 1988
Protection of Children (Tobacco) Act 1986
Psychoactive substances 2016
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Refuse Disposal (Amenity) Act 1978
Riding Establishments Acts 1964 and 1970
Road Traffic Acts 1988 and 1991
Road Traffic (Foreign Vehicles) Act 1972
Safety at Sportsgrounds Act 1975
Shops Act 1950
Slaughter of Poultry Act 1967
Sunday Trading Act 1994
Tattooing of Minors Act 1969
Telecommunications Act 1984
The Regulatory Reform (Housing Assistance) (England and Wales)
Order 2002
Theft Act 1968 and 1978

Timeshare Act 1992
Tobacco Advertising and Promotion Act 1992 and 2002
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representation (Disabled Persons) Acts 1958 and 1972
Unsolicited Goods and Services Acts 1971 and 1975
Vehicle (Crime) Act 2001
Video Recordings Acts 1984 and 1993
Violent Crime Reduction Act 2006
Water Industries Act 1991
Weights and Measures Act 1976
Weights and Measures Act 1985

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- b) any modification or re-enactment to the foregoing.

16.5 To authorise surveillance in accordance with the requirements of the Regulation of Investigatory Powers Act 2000.

16.6 To act as Disclosure Officer as defined in the Code of Practice for the purposes of the Criminal Procedure and Investigation 1996.

16.7 The statutory role of Chief Inspector of Weights and Measures shall be hereby delegated to the Head of Public Protection and Housing..

17. Functions allocated to the Chief Executive, the Chief Officer (Social Services) and/or to the Head of Childrens Social Services and Safeguarding.

Allocated Functions

17.1 Approve recommendations of Adoption Panel

17.2 Consent to marriage where a Care Order exists

- 17.3 Consent to enlistment in HM forces where a Care order exists
- 17.4 Admission of child to secure accommodation
- 17.5 Placement of a child in care with parents or persons with parental responsibility (Placement of Children with Parents Regulations 1991)
- 17.6 Agreement for a child who is the subject of a Care Order to the regular attendance at or joining a religious organisation, where the parent does not agree
- 17.7 Approval of Foster Carers
- 17.9 All applications to the High Court
- 17.10 Decision on scale of payment for Foster Carer
- 17.11 Urgent increase in scale payment
- 17.12 Authorising a foreign trip/holiday for up to a period in excess of one month for a child who is the subject of a Care Order
- 17.13 Authorising a foreign trip/holiday for up to a period of one month for a child who is the subject of a Care Order
- 17.14 School trips, camps etc., for a child who is the subject of a Care Order where a parent does not agree
- 17.15 Participation of a child who is the subject of a Care Order in hazardous activities e.g. rock-climbing or skiing, where a parent does not agree
- 17.16 Seek an Emergency Protection Order
- 17.17 Accommodated child to travel abroad for periods of less than one month
- 17.18 Accept other Local Authority's request to supervise on their behalf.
- 17.18 Twin tracking decision in relation to adoption
- 17.19 Referral of child to Adoption Panel
- 17.20 Referral of matching of child for adoption and adoptive parents to adoption panel
- 17.21 Agreement for an accommodated child's regular attendance at or joining a religious organisation, where the parent has given verbal agreement

- 17.22 School trips, camps etc (including consent for any necessary emergency medical treatment) for an accommodated child where parent has given verbal agreement
- 17.23 Participation of an accommodated child in hazardous activities (e.g. rock-climbing or skiing) where parent has given verbal agreement
- 17.24 Decision to accommodate a child
- 17.25 Non-routine medical or dental treatment for a Looked After child, where the parent has given verbal agreement
- 17.26 Change of school for a child who is the subject of a Care Order
- 17.27 Change of school for an accommodated child
- 17.28 Request other Local Authorities to supervise on their behalf
- 17.29 Decision to notify Police of missing children
- 17.30 One off emergency additional payments (up to 1 weeks foster carer allowance)
- 17.31 To act as the Adoption Agency decision maker in respect of recommendations made by the County Borough Councils Adoption Agency

18. Functions allocated to the Chief Executive and/or the Chief Officer (Social Services) and/or to the Head of Childrens Social Services and Safeguarding and/or the appropriate Managers.

- 18.1 Agreement to purchase external placement for a Looked After child
- 18.2 Authorisation of Fostering/Adoption Residency/Allowance - following Fostering/Adoption Panel and Placement Panel
- 18.3 Non-routine medical or dental treatment for a child who is the subject of a Care Order, where a parent does not agree
- 18.4 Agreement to suspension of contact
- 18.5 Initiate Care proceedings
- 18.6 Authorising a passport application on behalf of a child who is the subject of a Care Order

- 18.7 Child who is the subject of a Care Order to travel abroad for periods of less than one month
 - 18.8 Referral of a child who is the subject of a Care Order for assessment of Special Educational Needs
 - 18.9 Accommodated child being referred for assessment for a statement of Special Educational Needs
- 19. Functions allocated to the Chief Executive or if he/she is absent or otherwise unable to act to the Chief Officer (Social Services) or the Head of Service / Manager responsible for the service in connection with which the function is to be discharged.**

Allocated Functions

- 19.1 To arrange for the effective operation of the Authority's responsibilities for the purchase and provision of social care services for adults including people with disabilities, older people, people with mental health needs, people with substance misuse problems and people with HIV/AIDS.
- 19.2 To implement the Authority's statutory functions under the National Assistance Act, the NHS and Community Care Act, the Chronically Sick and Disabled Persons Act, the Mental Health Act, the Carers Act and other relevant legislation.
- 19.3 To promote the welfare and independence of, and ensure the protection of vulnerable adults.
- 19.4 Manage the assessment of need process and the arrangement of services and the provision of facilities and assistance where appropriate, to meet those needs, for adults and their carers.
- 19.5 To arrange for consultation on and publication of inter-agency joint service plans and to co-ordinate the Council's contribution to such plans e.g. Health, Social Care and Well-being Strategy.
- 19.6 To represent the Council in joint planning with the Health Service and other agencies, including Joint Planning Groups.
- 19.7 To arrange applications for Government Grants in relation to adults with social care needs on behalf of the Council, e.g. Capacity Grant.
- 19.8 To ensure that contracts and service level agreements for the provision of adult social services are effectively managed and that related approved lists are in place and meet statutory requirements.

- 19.9 To arrange for the identification of adults with learning disabilities within the area of the Authority who are in need and ensure that an appropriate range of services and support are available to meet the needs of those people and their families, including maintaining a register of such persons.
- 19.10 To arrange for the effective operation of the Authority's responsibilities for the purchase and provision of social and health care services for adults with learning disabilities including people with autistic spectrum disorder and a dual diagnosis incorporating mental health needs and learning disability.
- 19.11 To oversee the assessment of need for, and to provide services and residential accommodation for those suffering from a disability, including a mental disability, pursuant to the National Assistance Act 1948, the Mental Health Act, the Chronically Sick and Disabled Persons Act, the Disabled Persons (Services, Consultation and Representation) Act and the National Health Service and Community Care Act.
- 19.12 To oversee the receipt of payments from the Local Health Authority towards expenditure incurred by them in connection with any of their functions pursuant to Section 28A of the National Health Services Act 1977 and Section 31 of the National Health Services Act 1999.

Scheme B

Part III

CABINET FUNCTIONS ALLOCATED TO COUNCIL OFFICERS WHICH MAY BE DISCHARGED WITHOUT PRIOR CONSULTATION

1.0 DEPUTY CHIEF EXECUTIVE

The functions listed in Table 1 below shall be allocated to the Chief Officer (Community Regeneration) in addition to the other Council officers to whom the said functions are allocated by this Scheme:

TABLE 1

Allocated Functions

- 2.1.1 **To approve applications by eligible businesses for financial assistance under the grant schemes operated by the Council pursuant to its economic development powers.**
- 2.1.2 To authorise expenditure upon marketing and participation in appropriate economic development activities and events.
- 2.1.3 To determine applications for grant assistance under the Inner Urban Areas Act 1978 for improvements to properties in Industrial and Commercial Improvement Areas in accordance with the rules approved by the Council.

The functions listed in Table 2 below shall be allocated to the Senior Estates Surveyor in addition to any other Council officers to whom the said functions are allocated by this Scheme:

TABLE 2

Allocated Functions

- 2.2.1 To determine applications by tenants for the Council's consent as landlord for:
- (a) the assignment of their leasehold interests;
 - (b) the subletting or parting with possession of the whole or part of the premises let;
 - (c) the change of use of the premises let provided the proposed use:
 - (i) falls within the same use class as defined in the Town and Country

Allocated Functions

Planning (Use Classes) Order 1987 as the current use or

- (ii) is a change of use for which planning permission has been granted either specifically or by the Town and Country Planning (General Permitted Development) Order 1995 subject to any arrears of rent being paid and any other breaches of covenant being remedied;
 - (d) the creation of a mortgage or charge over their leasehold interests;
 - (e) the making of internal and external alterations and the erection of additions and extensions subject to the tenant obtaining all necessary statutory consents and complying with such other conditions as may be considered appropriate.
- 2.2.2 To authorise the grant of a lease or tenancy in circumstances in which the identity of the proposed tenant has changed since the terms of the transaction were approved by or on behalf of the Council.
- 2.2.3 To authorise and agree terms for the letting of all properties by or to the Council (including the rent payable) at a rent not exceeding £50,000 per annum.
- 2.2.4 To approve the settlement of statutory compensation claims.
- 2.2.5 To appoint Estate Agents to market for sale any r types of Council land or property.
- 2.2.6 To authorise, and where appropriate accept terms for, the disposal of land or buildings having an estimated value not exceeding £150,000 by way of formal tender or auction.
- 2.2.7 To authorise, and agree terms for, the disposal of land or buildings having an estimated value not exceeding £150,000 otherwise than by way of formal tender or auction.
- 2.2.8 To authorise, and agree terms for, the acquisition of land or buildings in connection with a scheme which appears in the Council's approved capital estimates.
- 2.2.9 To agree the terms of all rent reviews relating to properties leased by and to the Council.
- 2.2.10 To decide that the rent review provisions contained in a lease of property in the Council's ownership should not be implemented when a rent review is deemed inappropriate due to special circumstances.
- 2.2.11 To agree terms for the renewal of all leases granted by or to the Council.
- 2.2.12 To authorise and agree terms for the grant of easements and wayleaves and of licences to occupy land by or to the Council.

Allocated Functions

- 2.2.13 To make planning applications in respect of land which the Council is proposing to dispose of.
- 2.2.14 To arrange for title indemnity insurance to be effected in suitable circumstances.
- 2.2.15 To authorise the service of notices terminating leases or tenancies (including Those of business premises covered by Part II of the Landlord and Tenant Act 1954) where the Council does not oppose the grant of a new lease or tenancy.
- 2.2.16 To determine and approve applications for the transfer of Council mortgages and applications by mortgagors for the release of a part of a mortgage property from the mortgage.
- 2.2.17 To authorise and agree terms for settling rating appeals submitted by or on behalf of the Council.
- 2.2.18 To authorise and agree the release of restrictive covenants in favour of or binding the Council for sums up to a limit of £50,000.
- 2.2.19 To authorise and agree terms for the surrender of leases by or to the Council, including the payment or receipt of a premium not exceeding £50,000.
- 2.2.20 To authorise and agree terms for the resolution of dilapidation claims made by or against the Council.
- 2.2.21 To authorise and agree terms for the acquisition of land or buildings having an estimated capital or annual value not exceeding £50,000.
- 2.2.22 To approve the variation of existing lease terms.
- 2.2.23 To appoint an expert or arbitrator to determine a rent review or any dispute under the provisions of an existing lease.
- 2.3 The functions listed below shall be allocated to the Group Leader Development Control, the Group Leader Policy (Implementation) and the Senior Building Control Officer in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Allocated Functions

- 2.3.1 To do anything which the Council has a power or duty to do under the provisions of the following enactments or any subordinate legislation made thereunder:-

Provision

Summary of Effect

Planning (Listed Buildings and

Power to publish lists of listed

Conservation Areas) Act 1990 – Section 2	buildings
Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 3	Power to serve notice of listing on owner and occupier
Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 54-60	Power to execute urgent works to preserve a listed building and to recover expenses
Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 57-58	Power to determine applications for grant assistance towards repair or maintenance of historic buildings
Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 76	Power to execute urgent works and preserve an unoccupied building in a conservation area and to recover expenses
Planning (Listed Buildings and Conservation Areas) Act 1990 – Sections 79-80	Power to determine applications for grant assistance towards repair or maintenance of historic buildings in a town scheme
2.3.2	To do anything which the Council has a power or duty to do under the provisions of the Building Regulations and of the Building Act 1994 regarding the passing (with or without conditions) or rejection of deposited plans, the giving of notices that deposited plans are of no effect and the removal or alteration of offending work.
2.3.3	To authorise the execution of work to dangerous buildings and to recover expenses incurred in accordance with the Building Act 1984, Section 77.
2.3.4	To take emergency measures for dealing with dangerous structures in accordance with the Building Act 1984, Section 78.
2.4	The functions listed below shall be allocated to the Head of Engineering, Head of Public Protection and Housing, Environmental Health Manager, Group Leader Traffic and Transportation, Group Leader Drainage/Land Reclamation/Design and Group Leader Highways Maintenance in addition to any other Council officers to whom the said functions are allocated by this Scheme:
<i><u>Allocated Functions</u></i>	
2.4.1	To take any action as is necessary to declare highways to be maintainable at the public expense including where considered appropriate accepting requests for dedication of highways.

- 2.4.2 To undertake and maintain all works (including alteration and removal where necessary) for highway purposes in accordance with Part V of the Highways Act 1980, and to enter into any agreements in respect of any of the works referred to in Part V of the Highways Act 1980.
- 2.4.3 To provide services and amenities over a highway and to give consents to other parties as to execution of works and use of objects in accordance with Paragraph VIIA of the Highways Act 1980.
- 2.4.4 To take such action as is necessary to prevent or remove the unlawful interference with, annoyance or nuisance upon, or obstruction of highways including the service of relevant notices where appropriate.
- 2.4.5 To give consent where required for interference with or obstruction of a highway in accordance with Part IX of the Highways Act 1980.
- 2.4.6 To exercise all powers contained in Part XI of the Highways Act 1980 as to making up of Private Streets (other than the power contained in Section 205 of that Act) including powers to enter into agreements and the issuing of notices and determination of payments together with any consents or permissions required.
- 2.4.7 To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby allocated to them.
- 2.4.8 To exercise the Council's powers under the relevant provisions of the Town Improvement Clauses Act 1847 and the Public Health Act 1925 in respect of street naming, the change or alteration of a street name and the numbering or re-numbering of a street.
- 2.4.9 To take such action as is necessary to stop up private means of access to the highway in accordance with Part VIII of the Highways act 1980.
- 2.4.10 To do anything which the Council has a power or duty to do that is necessary for the enforcement of any of the provisions contained in the enactments listed below (other than any of those provisions the enforcement of which is not a Cabinet function) and to institute legal proceedings in consultation with the Deputy Chief Executive arising from any breach of those provisions:

Animals Act 1971

Highways Act 1980

Land Drainage Act 1991

Mines, Quarries and Tips Act 1969

National Parks and Access to the

Countryside Act 1949 – Section 57

New Roads and Streetworks Act 1991 – Part III

Reservoir Act 1975

Road Traffic Act 1991
Road Traffic Regulation Act 1984
Road Traffic Regulation (Special Events) Act 1994
Town and Country Planning Act 1990
Town Police Clauses Act 1847
Transport Act 1985
Transport Act 2000
Wildlife and Countryside Act 1981

- 2.4.11 To do anything which the Council has a power or duty to do under the provisions of the following enactments or any subordinate legislation made thereunder:-

<u>Provision</u>	<u>Summary of Effect</u>
Building Act 1984 – Section 77	Power to execute work to dangerous buildings and recover expenses.
Building Act 1984 – Section 78	Emergency measures for dealing with dangerous structures
Highways Act 1980 – Section 37	Provision whereby highway created by dedication may become maintainable at public expense
Highways Act 1980 - Section 38	Power of highway authorities to adopt by agreement
Highways Act 1980 – Section 57	Default powers of highways authorities in respect of non-repair of privately maintainable highways.
Highways Act 1980 – Section 59	Recovery of expenses due to extraordinary traffic
Highways Act 1980 – Section 73	Power to prescribe improvement line for widening street
Highways Act 1980 – Section 74	Power to prescribe Building Line.
Highways Act 1980 – Section 122	Power to make temporary diversion where highway about to be repaired or widened.
Highways Act 1980 – Section 146	Duty to maintain stiles etc. on footpaths and bridleways.
Highways Act 1980 – Section 147	Power to authorise the erection of

<u>Provision</u>	<u>Summary of Effect</u>
	stiles etc. on footpaths and bridleways.
Highways Act 1980 – Section 278	Contributions towards highway works by persons deriving special benefit from them.
Highways Act 1980 – Section 286	Power to require angles of new buildings at corners of street to be rounded off.
Highways Act 1980 – Section 287	Power to erect barriers in streets in cases of emergency etc.
Highways Act 1980 – Section 288	Power to require gas and water pipes to be moved
Highways Act 1980 – Section 289	Powers of entry of Highway Authority for purposes of survey.
Highways Act 1980 – Section 290	Supplementary provisions as to powers of entry for the purpose of survey.
Highways Act 1980 – Section 291	Powers of entry of highway authority for purpose of maintaining, etc., certain structures and works.
Highways Act 1980 – Section 292	Compensation for damage resulting from, and offences connected with, exercise of powers of entry etc. under Section 289 or 291.
Highways Act 1980 – Section 293	Powers of entry for purposes connected with certain orders relating to footpaths and bridleways.
Highways Act 1980 – Section 294	Entry etc., of premises by highway authority or council for certain purposes.
Highways Act 1980 – Section 295	Power of councils to dispose of certain materials.
Highways Act 1980 – Section 296	Power of highway authority or Council to execute certain works on behalf of other person.

<u>Provision</u>	<u>Summary of Effect</u>
Highways Act 1980 – Section 297	Power of highway authority or council to require information as to ownership of land.
Highways Act 1980 – Section 305	Recovery of expenses by Councils and highway authorities.
Local Government (Miscellaneous Provisions) Act 1976 – Sections 23 and 24.	Powers to deal with dangerous trees.
Local Government (Miscellaneous Provisions) Act 1976 – Sections 25 and 26.	Powers to deal with dangerous excavations.
Mid Glamorgan County Council Act 1987 – Section 10	Power to serve notice to reduce the emission of dust etc. from building operations.
Mid Glamorgan County Council Act 1987 – Section 11	Power to serve notice to reduce dust from movement of coal.
Mid Glamorgan County Council Act 1987 – Section 12	Power to weatherproof walls.
Mid Glamorgan County Council Act 1987 – Section 13	Power to approve of plans etc. of retaining walls.
Mid Glamorgan County Council Act 1987 – Section 14	Power to approve plans etc. of new sewers and to serve notices on persons submitting plans etc.
Mid Glamorgan County Council Act 1987 – Section 15	Power to seize and impound stray animals.
Mid Glamorgan County Council Act 1987 – Section 17	Power to make an order prohibiting the use of residential streets for parking by heavy vehicles.
Mid Glamorgan County Council Act 1987 – Section 19	Power to serve notice requiring works to party or boundary walls.
Mines, Quarries and Tips Act 1969	Inspections and powers in relation to tips.

<u>Provision</u>	<u>Summary of Effect</u>
National Parks and Access to the Countryside Act 1949 – Section 57	Penalty for displaying on public paths notices deterring public use.
New Roads and Street Works Act 1991 – Part III	Control of street works by public utilities undertakers pursuant to a statutory right or street works licence
Reservoir Act 1975	Inspection and registration of reservoirs.
Road Traffic Regulation Act 1984 – Section 14(1)	Powers to restrict weight and size of vehicles crossing highway bridges.
Wildlife and Countryside Act 1981 – Section 61	Ploughing of public rights of way.

- 2.5 The functions listed below shall be allocated to the Housing and Community Safety Manager and all other Council officers delegated with duties by the said manager to whom the said functions are allocated by this Scheme:

To do anything which the Council has a power or duty to do that is necessary for the enforcement of any of the provisions contained in the enactments listed below (other than any of those provisions the enforcement of which is not a Cabinet function) and to institute legal proceedings in consultation with the Deputy Chief Executive arising from any breach of those provisions:

Housing Act 2004 Sections 3 & 4

- 2.6 The powers of entry, inspection, removal and of authorising emergency works conferred upon the Council by any of the enactments listed below shall be allocated to the Council Officers who for the time being occupy the posts listed in Table 3 in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Animals Act 1971
Highways Act 1980
Land Drainage Act 1991
Mines, Quarries and Tips Act 1969
National Parks and Access to the Countryside Act 1949 – Section 57
New Roads and Streetworks Act 1991 – Part III
Reservoir Act 1975
Road Traffic Act 1991

Road Traffic Regulation Act 1984
Road Traffic Regulation (Special Events) Act 1994
Town and Country Planning Act 1990
Town Police Clauses Act 1847
Wildlife and Countryside Act 1981

TABLE 3

Designation of Posts to which Functions Allocated

Engineering, Highways & Transport Manager
Group Leader Traffic and Transportation
Group Leader Drainage/Land Reclamation/Design
Group Leader Highways Maintenance
Public Protection and Housing Manager
Team Leader Traffic/Adoptions
Team Leader Drainage
Senior Assistant Engineer Land Reclamation
Team Leader Design
Team Leader Structures
Team Leader Highways Inspection
Highways Inspector
Street Lighting Chargehand
Rights of Way Officer

- 2.7 The functions listed below shall be allocated to the Group Leader – Planned Maintenance/Grants in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Allocated Functions

- 2.7.1 To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to him by this Scheme of Delegation.
- 2.7.2 To consider and adjust individual Improvement Grant rates when deemed appropriate.
- 2.7.3 To approve applications for grants towards the cost of improvement and repairs of dwellings under the provisions of the Housing Grants, Construction and Regeneration Act 1996 and to determine the payment of reasonable and appropriate fees in connection therewith.
- 2.7.4 To authorise in appropriate circumstances the waiver of the prior qualifying period for owner-occupiers and tenants specified in the Housing Grants, Construction and Regeneration Act 1996 in relation to applications for Renovation Grants.

- 2.8 The functions listed in Table 4 below shall be allocated to the Council Officers who for the time being occupy the posts listed in the said Table in addition to any other Council officers to whom the said functions are allocated by this Scheme:

TABLE 4

<u>Allocated Functions</u>	<u>Designation of Posts to which Functions Allocated</u>
(1) To approve applications for grants towards the cost of improvement and repairs of dwellings under the provisions of the Housing Grants, Construction and Regeneration Act 1996 and to determine the payment of reasonable and appropriate fees in connection therewith;	Group Leader – Planned Maintenance/Grants
(2) To authorise in appropriate circumstances the waiver of the prior qualifying period for owner-occupiers and tenants specified in the Housing Grants, Construction and Regeneration Act 1996 in relation to applications for Renovation Grants.	

- 2.9 The functions of doing anything which the Council has a power or duty to do (including the power to serve any notice) that is necessary for the enforcement of any of the provisions contained in the enactments listed below (other than any of those provisions the enforcement of which is not a Cabinet function), and to institute legal proceedings in consultation with the Deputy Chief Executive arising from any breach of those provisions shall be allocated to the Group Leader Bereavement Services in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Births and Deaths Registration Act 1926
Burial Act 1857
Cremation Acts 1902 and 1952
Controlled Waste Regulations 1992
Dogs (Fouling of Land) Act 1996
Environmental Protection Act 1990
Health and Safety at Work Act 1974

Local Authorities Cemeteries Order 1977
Local Government Act 1972
Local Government (Miscellaneous Provisions) Act 1982
Mid Glamorgan County Council Act 1987
Public Health Act 1936
Public Health Act 1961
Refuse Disposal (Amenity) Act 1978
Water Industries Act 1991.

- 2.10 The functions listed in Table 5 below shall be allocated to the Council Officers who for the time being occupy the posts listed in the said Table in addition to any other Council officers to whom the said functions are allocated by this Scheme:

TABLE 5

<u>Allocated Functions</u>	<u>Designation of Posts to which Functions Allocated</u>
Notification of Burials under Births and Deaths Registration Act 1926	Group Leader Bereavement Services
Memorial Permits under the Local Authorities Cemeteries Order 1977	Group Leader Bereavement Services
Notification of Burial under Births and Deaths Registration Act 1926	Group Leader Bereavement Services
Memorial Permits under the Local Authorities Cemeteries Order 1977	
Notice of Transfer of Duty of Care under Control of Waste Regulations 1992	Head of Waste Services
Notice of Intention to Remove Abandoned Vehicles under the Refuse Disposal (Amenity) Act 1978	Head of Public Protection and Housing Environmental Health Manager Environmental Health Officer(s) Environmental Technician(s)
Enforcement of provisions of Dogs (Fouling of Land) Act 1996 and Environmental Protection Act 1990	Dog Warden(s) Environmental Health Officer(s) Environmental Technician(s)

- 2.11 The functions of granting, issuing, amending, revoking or refusing the grant or renewal of licences issued (other than licences in respect of which the said functions are either not Cabinet functions or are allocated under this Scheme to a Council Officer in another directorate); of effecting, amending or revoking registrations; and of issuing, amending or revoking authorisations under or in accordance with any of the enactments listed below shall be allocated to the Trading Standard Officer (s), Senior Fair Trading Officer (s), Fair Trading Officer (s) Licensing Officer (s), Senior Licensing Officer and Animal Health Officer (s) in addition to any other Council Officers in the Environmental Health Service or Environmental Services to whom the said functions are allocated by this Scheme:

Administration of Justice Acts 1970 and 1985
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Produce (Grading and Marketing) Acts 1928 and 1931
Animals Act 1971
Animal Boarding Establishments Act 1963
Animal Health Act 1981, 1998 and 2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Breeding of Dogs Act 1973
Breeding of Dogs Act 1989 and 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Burial Act 1857
Business Names Act 1985
Cancer Act 1939
Caravan Sites Control of Development Act 1960
Caravan Sites Act 1968
Charities Act 1992
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Christmas Day (Trading) Act 2004
Clean Air Act 1993
Clean Neighbourhood and Environment Act 2005
Climate Change Act 2008
Communications Act 2003
Companies Act 1985 and 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright Designs and Patent Act 1988
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994

Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dangerous Dogs Act 1989 and 1991
Dogs Act 1871
Dogs Act 1906
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environmental Protection Act 1990
Environment Act 1995
Estate Agents Act 1979
European Communities Act 1972
Explosives Acts 1875 and 1923
Explosives (Age of Purchase) Act 1976
Factories Act 1961
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fireworks Acts 1951, 1964 and 2003
Food and Environment Protection Act 1985
Food Safety Act 1990
Fraud Act 2006
Gambling Act 2005
Game Act 1831
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006 (updated 2009)
Health and Safety at Work etc. Act 1974
Highways Act 1980
House to House Collections Act 1939
Housing Act 1985 and 2004
Housing, Grants, Construction and Regeneration Act 1996
Hypnotism Act 1952
Insurance Brokers (Registration) Act 1971
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Licensing Act 2003
Local Government (Miscellaneous Provisions) Acts 1972
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government and Housing Act 1989
Medicines Act 1968
Mid Glamorgan County Council Act 1987
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948

National Lotteries Act 1993
Noise and Statutory Nuisance Act 1993
Nurses Agencies Act 1957
Offices, Shops and Railway Premises Act 1963
Olympic Symbol Etc (Protection) Act 1995
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1972
Police, Factories etc (Miscellaneous Provisions) Act 1916
Police and Justice Act 2006
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975
Proceeds of Crime Act 2002
Property Misdescriptions Act 1991
Protection from Harassment Act 1997
Protection of Animals Act 1911
Protection of Animals (Amendment) Act 1988
Protection of Children (Tobacco) Act 1986
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Riding Establishments Acts 1964 and 1970
Road Traffic Acts 1988 and 1991
Road Traffic (Foreign Vehicles) Act 1972
Shops Act 1950
Slaughter of Poultry Act 1967
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Tattooing of Minors Act 1969
Telecommunications Act 1984
Theft Act 1968 and 1978
Timeshare Act 1992
Tobacco Advertising and Promotion Act 2002
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representation (Disabled Persons) Acts 1958 and 1972
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Violent Crime Reduction Act 2006
Water Industries Act 1991
Weights and Measures Act 1976
Weights and Measures Act 1985

Zoo Licensing Act 1981

and

- (a) any Orders, or Regulations or other instruments
 - (j) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

2.12 In addition to any other Council officers to whom the said functions are allocated by this Scheme the Trading Standards and Licensing Manager is hereby allocated the functions of doing any act which the Council has a power or duty to do that is necessary for the enforcement of any of the provisions contained in the enactments set out below and to institute legal proceedings in consultation with the Deputy Chief Executive or the Head of Public Protection and Housing arising from any breach of those provisions:

Administration of Justice Acts 1970 and 1985

Agriculture Act 1970

Agriculture (Miscellaneous Provisions) Act 1968

Agriculture Produce (Grading and Marketing) Acts 1928 and 1931

Animals Act 1971

Animal Boarding Establishments Act 1963

Animal Health Act 1981, 1998 and 2002

Animal Health and Welfare Act 1984

Animal Welfare Act 2006

Anti Social Behaviour Act 2003

Anti-Social Behaviour, Crime and Policing Act 2014

Breeding of Dogs Act 1973

Breeding of Dogs Act 1989 and 1991

Breeding and Sale of Dogs (Welfare) Act 1999

Business Names Act 1985

Cancer Act 1939

Charities Act 1992

Children and Young Persons Act 1933

Children and Young Persons (Protection from Tobacco) Act 1991

Christmas Day (Trading) Act 2004

Clean Air Act 1993

Clean Neighbourhood and Environment Act 2005

Climate Change Act 2008

Communications Act 2003
Companies Act 1985 and 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright Designs and Patent Act 1988
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Dangerous Dogs Act 1989 and 1991
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dogs Act 1871
Dogs Act 1906
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Acts 1875 and 1923
Explosives (Age of Purchase) Act 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fireworks Acts 1951, 1964 and 2003
Food and Environment Protection Act 1985
Food Safety Act 1990
Fraud Act 2006
Gambling Act 2005
Game Act 1831
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006 (updated 2009)
Health and Safety at Work etc. Act 1974
Highways Act 1980
House to House Collections Act 1939
Hypnotism Act 1952
Insurance Brokers (Registration) Act 1971
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Local Government (Miscellaneous Provisions) Acts 1972
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
London Olympic Games and Paralympic Games Act 2006
Medicines Act 1968
Mid Glamorgan County Council Act 1987

Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948
National Lotteries Act 1993
Nurses Agencies Act 1957
Olympic Symbol Etc (Protection) Act 1995
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1972
Police, Factories etc (Miscellaneous Provisions) Act 1916
Police and Justice Act 2006
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975
Proceeds of Crime Act 2002
Property Misdescriptions Act 1991
Protection from Harassment Act 1997
Protection of Animals Act 1911
Protection of Animals (Amendment) Act 1988
Protection of Children (Tobacco) Act 1986
Public Health Act 1936
Public Health (Control of Diseases) Act 1984
Riding Establishments Acts 1964 and 1970
Road Traffic Acts 1988 and 1991
Refuse Disposal (Amenity) Act 1978
Road Traffic (Foreign Vehicles) Act 1972
Shops Act 1950
Slaughter of Poultry Act 1967
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Tattooing of Minors Act 1969
Telecommunications Act 1984
Theft Act 1968 and 1978
Timeshare Act 1992
Tobacco Advertising and Promotion Act 2002
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representation (Disabled Persons) Acts 1958 and 1972
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Violent Crime Reduction Act 2006
Water Industries Act 1991
Weights and Measures Act 1976
Weights and Measures Act 1985

Zoo Licensing Act 1981

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

2.13 The powers of entry, inspection, testing, sampling and seizure conferred upon the Council by any of the enactments listed below shall be allocated to the Council Officers who for the time being occupy the posts listed in Table 6 in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Administration of Justice Acts 1970 and 1985
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Produce (Grading and Marketing) Acts 1928 and 1931
Animals Act 1971
Animal Boarding Establishments Act 1963
Animal Health Act 1981, 1998 and 2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Breeding of Dogs Act 1973
Breeding of Dogs Act 1989 and 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Business Names Act 1985
Cancer Act 1939
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Clean Air Act 1993
Clean neighbourhoods and Environment Act 2005
Climate Change Act 2008
Companies Act 1985 and 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright Designs and Patent Act 1988

Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Dangerous Dogs Act 1989 and 1991
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dogs Act 1871
Dogs Act 1906
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Acts 1875 and 1923
Explosives (Age of Purchase) Act 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fireworks Acts 1951, 1964 and 2003
Food and Environment Protection Act 1985
Food Safety Act 1990
Fraud Act 2006
Game Act 1831
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006 (updated 2009)
Health and Safety at Work etc. Act 1974
Highways Act 1980
Insurance Brokers (Registration) Act 1971
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
London Olympic Games and Paralympic Games Act 2006
Medicines Act 1968
Mid Glamorgan County Council Act 1987
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Assistance Act 1948
National Lotteries Act 1993
Nurses Agencies Act 1957
Olympic Symbol Etc (Protection) Act 1995
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936

Poisons Act 1972
Police and Justice Act 2006
Prices Acts 1974 and 1975
Proceeds of Crime Act 2002
Property Misdescriptions Act 1991
Protection from Harassment Act 1997
Protection of Animals Act 1911
Protection of Animals (Amendment) Act 1988
Public Health Act 1936
Public Health (Control of Diseases) Act 1984
Regulation of Investigatory Powers Act 2000
Riding Establishments Acts 1964 and 1970
Road Traffic Acts 1988 and 1991
Road Traffic (Foreign Vehicles) Act 1972
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Act 1968 and 1978
Timeshare Act 1992
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representation (Disabled Persons) Acts 1958 and 1972
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Violent Crime Reduction Act 2006
Weights and Measures Act 1976
Weights and Measures Act 1985

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iv) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

TABLE 6

Designation of Post

Trading Standard Officer(s)

Trading Standards and Licensing Manager

- 2.14 The powers of entry, inspection, testing, sampling and seizure conferred upon the Council by any of the enactments listed below shall be allocated to the Council Officers who for the time being occupy the posts listed in

Table 7 in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Produce (Grading and Marketing) Acts 1928 and 1931
Animals Act 1971
Animal Boarding Establishments Act 1963
Animal Health Act 1981, 1998 and 2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Breeding of Dogs Act 1973
Business Names Act 1985
Cancer Act 1939
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Clean Neighbourhoods and Environment Act 2005
Climate Change Act 2008
Companies Act 1985 and 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Copyright Designs and Patent Act 1988
Criminal Justice Act 1988
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dogs Act 1871
Dogs Act 1906
Dog (Fouling of Land) Act 1996
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Estate Agents Act 1979
European Communities Act 1972
Explosives (Age of Purchase) Act 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fireworks Acts 1951, 1964 and 2003
Food and Environment Protection Act 1985
Food Safety Act 1990
Fraud Act 2006
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006 (updated 2009)
Health and Safety at Work etc. Act 1974
Insurance Brokers (Registration) Act 1971
Intoxicating Substances (Supply) Act 1985

Knives Act 1997
Local Government (Miscellaneous Provisions) Act 1976
Medicines Act 1968
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Lotteries Act 1993
Nurses Agencies Act 1957
Olympic Symbol Etc (Protection) Act 1995
Poisons Act 1972
Police and Justice Act 2006
Prices Acts 1974 and 1975
Property Misdescriptions Act 1991
Protection from Harassment Act 1997
Protection of Animals Act 1911
Protection of Animals (Amendment) Act 1988
Public Health (Control of Diseases) Act 1984
Regulation of Investigatory Powers Act 2000
Riding Establishments Acts 1964 and 1970
Road Traffic Acts 1988 and 1991
Road Traffic (Foreign Vehicles) Act 1972
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Act 1968 and 1978
Timeshare Act 1992
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representation (Disabled Persons) Acts 1958 and 1972
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Violent Crime Reduction Act 2006

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

TABLE 7

Designation of Post

Senior Fair Trading Officer(s)

- 2.15 The powers of entry, inspection, testing, sampling and seizure conferred upon the Council by any of the enactments listed below shall be allocated to the Council Officers who for the time being occupy the posts listed in Table 8 in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Administration of Justice Acts 1970 and 1985
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Agriculture Produce (Grading and Marketing) Acts 1928 and 1931
Animal Health Acts 1981, 1998 and 2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Business Names Act 1985
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Clean neighbourhoods and Environment Act 2005
Climate Change Act 2008
Companies Act 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Copyright Designs and Patent Act 1988
Criminal Justice Act 1988
Criminal Justice and Police Act 2001
Development of Tourism Act 1969
Dogs Act 1906
Education Reform Act 1988
Energy Conservation Act 1981
Enterprise Act 2002
Estate Agents Act 1979
European Communities Act 1972
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Health Act 2006 (updated 2009)
Hallmarking Act 1973
Health and Safety at Work etc. Act 1974
Insurance Brokers (Registration) Act 1971
Intoxicating Substances (Supply) Act 1985
Knives Act 1997
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982

Medicines Act 1968
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
National Lotteries Act 1993
Offensive Weapons Act 1996
Poisons Act 1972
Police and Justice Act 2006
Prices Acts 1974 and 1975
Property Misdescriptions Act 1991
Protection Against Cruel Tethering Act 1998
Protection from Harassment Act 1997
Protection of Animals Acts 1911, 1934, 1991 and 2000
Protection of Animals (Amendment) Acts 1954 and 1988
Protection of Animals (Anaesthetics) Act 1954
Regulation of Investigatory Powers Act 2000
Road Traffic Acts 1988 and 1991
Road Traffic (Foreign Vehicles) Act 1972
Sunbeds (Regulation) Act 2010
Telecommunications Act 1984
Theft Act 1968 and 1978
Timeshare Act 1992
Tobacco and Promotion Act 1992
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trade Marks Act 1994
Trading Representation (Disabled Persons) Acts 1958 and 1972
Unsolicited Goods and Services Acts 1971 and 1975
Vehicle Crimes Act 2001
Video Recordings Acts 1984 and 1993
Violent Crime Reduction Act 2006

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- b) any modification or re-enactment to the foregoing.

TABLE 8

Designation of Post

Consumer Advisor

Consumer Protection Officer

Fair Trading Officer
Intelligence Officer

- 2.16 The powers of entry, inspection, testing, sampling and seizure conferred upon the Council by any of the enactments listed below shall be allocated to the Council Officers who for the time being occupy the posts listed in Table 9 in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Animal Health Acts 1981, 1998 and 2002
Animal Health and Welfare Act 1984
Animal Welfare Act 2006
Dogs Act 1906
European Communities Act 1972
Food Safety Act 1990
Fraud Act 2006
Protection Against Cruel Tethering Act 1998
Protection of Animals Acts 1911, 1934, 1991 and 2000
Protection of Animals (Amendment) Acts 1954 and 1988
Protection of Animals (Anaesthetics) Act 1954
Regulation of Investigatory Powers Act 2000
Road Traffic Acts 1988 and 1991
Trade Descriptions Act 1968

and

- (a) any Orders, or Regulations or other instruments
- (i) made there under or
(ii) relating thereto, or
(iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

TABLE 9

Designation of Post

Animal Health Officer

- 2.17 The powers of entry, inspection, testing, sampling and seizure conferred upon the Council by any of the enactments listed below shall be allocated to the Council Officers who for the time being occupy the posts listed in Table 10 in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Animal Boarding Establishments Act 1963

Breeding of Dogs Act 1973 And 1991
Charities Act 1992
Criminal Justice and Police Act 2001
Dangerous Wild Animals Act 1976
Gambling Act 2005
Highways Act 1980
House to House Collections Act 1939
Hypnotism Act 1952
Licensing Act 2003
Local Government (Miscellaneous Provisions) Acts 1972,1976 & 1982
Pet Animals Act 1951
Police, Factories etc (Miscellaneous Provisions) Act 1916
Riding Establishments Acts 1964 and 1970
Town Police Clauses Act 1847
Zoo Licensing Act 1981

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

TABLE 10

Designation of Post

Licensing Officers

- 2.18 The powers of entry, inspection, testing, sampling and seizure conferred upon the Council by any of the enactments listed below shall be allocated to the Council Officers who for the time being occupy the posts listed in Table 11 in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Business Names Act 1985
Clean Neighbourhood and Environment Act 2005
Companies Act 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Criminal Justice Act 1988
Enterprise Act 2002

Estate Agents Act 1979
European Communities Act 1972
Fraud Act 2006
Police and Justice Act 2006
Prices Acts 1974 and 1975
Road Traffic Acts 1988 and 1991
Road Traffic (Foreign Vehicles) Act 1972
Trade Descriptions Act 1968
Unsolicited Goods and Services Acts 1971 and 1975
Video Recordings Acts 1984 and 1993
Violent Crime Reduction Act 2006

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

TABLE 11

Designation of Post

Student Trading Standard Officer

- 2.19 The functions listed in Table 12 below shall be allocated to the Council Officers who for the time being occupy the posts listed in the said Table in addition to any other Council officers to whom the said functions are allocated by this Scheme:

TABLE 12

Allocated Functions

To do anything which the Council has a power or duty to do under the provisions of the Building Regulations and of the Building Act 1994 regarding the passing (with or without conditions) or rejection of deposited plans, the giving of notices that deposited plans are of no effect and the removal or alteration of offending work.

Designation Of Posts to which Function Allocated

Principal Building Control Officer;
Senior Building Control Officer;
Senior Building Control Officer.

2.20 The powers conferred upon the Council:

- (a) To execute works to dangerous buildings in accordance with the Building Act 1984, Section 77; and
- (b) To take emergency measures for dealing with dangerous structures in accordance with the Building Act 1984, Section 78;
- (c) To authorise the execution of work to dangerous buildings and to recover expenses incurred in accordance with the Building Act 1984, Section 77;

shall be allocated to Principal Building Control Officer in addition to any other Council officers to whom the said function is allocated by this Scheme.

2.21 The functions of granting, issuing, amending, revoking or refusing the grant or renewal of licences issued (other than licences in respect of which the said functions are either not Cabinet functions or are allocated under this Scheme to a Council Officer in another directorate); of effecting, amending or revoking registrations; and of issuing, amending or revoking authorisations under or in accordance with any of the enactments listed below shall be allocated to the Environmental Officer(s), the Environmental Health Manager and the Occupational Health Technical Officer in addition to any other Council Officers in the Customer Services Directorate to whom the said functions are allocated by this Scheme.

Administration of Justice Acts 1970 and 1985

Animal Boarding Establishments Act 1963

Animal Health Act 1981 and 2002

Animal Health and Welfare Act 1984

Anti-Social Behaviour Act 2003

Breeding of Dogs Act 1973

Breeding of Dogs Act 1989 and 1991

Breeding and Sale of Dogs (Welfare) Act 1999

Building Act 1984

Burial Act 1857

Business Names Act 1985

Cancer Act 1939

Caravan Sites Control of Development Act 1960

Caravan Sites Act 1968

Children and Young Persons Act 1933

Children and Young Persons (Protection from Tobacco) Act 1991

Christmas Day (Trading) Act 2004

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Communications Act 2003
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dangerous Dogs Act 1989 and 1991
Dogs Act 1871
Dogs Act 1906
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Environmental Protection Act 1990
Environment Act 1995
Estate Agents Act 1979
European Communities Act 1972
Factories Act 1961
Fire Safety and Places of Sport Act 1987
Food and Environment Protection Act 1985
Food Act 1984
Food Safety Act 1990
Game Act 1831
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006 (updated 2009)
Health and Safety at Work etc. Act 1974
Highways Act 1980
Housing Act 1985
Housing Act 2004
Housing, Grants, Construction and Regeneration Act 1996
Licensing Act 1964 and 2003
Local Government Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government and Housing Act 1989
Medicines Act 1968
Mid Glamorgan County Council Act 1987
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
National Lotteries Act 1993
Noise Act 1986
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Pesticides Act 1998
Pet Animals Act 1951

Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1972
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Protection from Eviction Act 1997
Protection of Children (Tobacco) Act 1986
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Refuse Disposal (Amenity) Act 1978
Riding Establishments Acts 1964 and 1970
Safety at Sportsgrounds Act 1975
Scrap Metal Dealers Act 1964
Shops Act 1950
Slaughter of Poultry Act 1967
Sunday Trading Act 1994
Tattooing of Minors Act 1969
Telecommunications Act 1984
Theft Act 1968 and 1978
Tobacco Advertising and Promotion Act 1992 and 2002
Town Police Clauses Act 1847
Vehicle (Crime) Act 2001
Water Industries Act 1991

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

2.22 In addition to any other Council officers to whom the said functions are allocated by this Scheme the Environmental Health Manager is hereby allocated the functions of doing any act which the Council has a power or duty to do that is necessary for the enforcement of any of the provisions contained in the enactments set out below and to institute legal proceedings in consultation with the Director of Customer Services and the Public Protection and Housing Manager arising from any breach of those provisions:

Administration of Justice Acts 1970 and 1985
Animal Boarding Establishments Act 1963
Animal Health Act 1981 and 2002

Animal Health and Welfare Act 1984
Anti-Social Behaviour Act 2003
Anti-Social Behaviour, Crime and Policing Act 2014
Breeding of Dogs Act 1973
Breeding of Dogs Act 1989 and 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Building Act 1984
Burial Act 1857
Business Names Act 1985
Cancer Act 1939
Caravan Sites Control of Development Act 1960
Caravan Sites Act 1968
Children and Young Persons Act 1933
Children and Young Persons (Protection from Tobacco) Act 1991
Christmas Day (Trading) Act 2004
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Climate Change Act 2008
Communications Act 2003
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Criminal Justice and Police Act 2001
Criminal Justice and Public Order Act 1994
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dangerous Dogs Act 1989 and 1991
Dogs Act 1871
Dogs Act 1906
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Environmental Protection Act 1990
Environment Act 1995
Estate Agents Act 1979
European Communities Act 1972
Factories Act 1961
Fire Safety and Places of Sport Act 1987
Food and Environment Protection Act 1985
Food Act 1984
Food Safety Act 1990
Game Act 1831
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006 (updated 2009)
Health and Safety at Work etc. Act 1974
Highways Act 1980

Housing Act 1985
Housing Act 2004
Housing, Grants, Construction and Regeneration Act 1996
Licensing Act 1964 and 2003
Local Government Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government and Housing Act 1989
Medicines Act 1968
Mid Glamorgan County Council Act 1987
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
National Lotteries Act 1993
Noise Act 1986
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Pesticides Act 1998
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1972
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Protection from Eviction Act 1997
Protection of Children (Tobacco) Act 1986
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Refuse Disposal (Amenity) Act 1978
Regulation of Investigatory Powers Act 2000
Riding Establishments Acts 1964 and 1970
Safety at Sportsgrounds Act 1975
Shops Act 1950
Slaughter of Poultry Act 1967
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Tattooing of Minors Act 1969
Telecommunications Act 1984
Theft Act 1968 and 1978
Tobacco Advertising and Promotion Act 1992 and 2002
Town Police Clauses Act 1847
Vehicle (Crime) Act 2001
Water Industries Act 1991

and

- (a) any Orders, or Regulations or other instruments
- (i) made there under or

- (ii) relating thereto, or
- (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

2.23 The powers of entry, inspection, testing, sampling and seizure conferred upon the Council by any of the enactments listed below shall be allocated to the Council Officers who for the time being occupy the posts listed in Table 13 in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Administration of Justice Acts 1970 and 1985

Animal Boarding Establishments Act 1963

Animal Health Act 1981 and 2002

Animal Health and Welfare Act 1984

Anti-Social Behaviour Act 2003

Breeding of Dogs Act 1973

Breeding of Dogs Act 1989 and 1991

Breeding and Sale of Dogs (Welfare) Act 1999

Building Act 1984

Burial Act 1857

Business Names Act 1985

Cancer Act 1939

Caravan Sites Control of Development Act 1960

Caravan Sites Act 1968

Children and Young Persons Act 1933

Children and Young Persons (Protection from Tobacco) Act 1991

Christmas Day (Trading) Act 2004

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Climate Change Act 2008

Communications Act 2003

Consumer Protection Act 1987

Control of Pollution Act 1974

Control of Pollution (Amendment) Act 1989

Criminal Justice and Police Act 2001

Criminal Justice and Public Order Act 1994

Dangerous Wild Animals Act 1976

Development of Tourism Act 1969

Dangerous Dogs Act 1989 and 1991

Dogs Act 1871

Dogs Act 1906

Dogs (Fouling of Land) Act 1996

Education Reform Act 1988

Energy Act 1976

Energy Conservation Act 1981
Environmental Protection Act 1990
Environment Act 1995
Estate Agents Act 1979
European Communities Act 1972
Factories Act 1961
Fire Safety and Places of Sport Act 1987
Food and Environment Protection Act 1985
Food Act 1984
Food Safety Act 1990
Game Act 1831
Guard Dogs Act 1975
Hallmarking Act 1973
Health Act 2006 (updated 2009)
Health and Safety at Work etc. Act 1974
Highways Act 1980
Housing Act 1985
Housing Act 2004
Housing, Grants, Construction and Regeneration Act 1996
Licensing Act 1964 and 2003
Local Government Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Local Government and Housing Act 1989
Medicines Act 1968
Mid Glamorgan County Council Act 1987
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
National Lotteries Act 1993
Noise Act 1986
Noise and Statutory Nuisance Act 1993
Offices, Shops and Railway Premises Act 1963
Pesticides Act 1998
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1972
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Protection from Eviction Act 1997
Protection of Children (Tobacco) Act 1986
Public Health Act 1936
Public Health Act 1961
Public Health (Control of Diseases) Act 1984
Refuse Disposal (Amenity) Act 1978
Riding Establishments Acts 1964 and 1970
Safety at Sportsgrounds Act 1975
Shops Act 1950

Slaughter of Poultry Act 1967
Sunbeds (Regulation) Act 2010
Sunday Trading Act 1994
Tattooing of Minors Act 1969
Telecommunications Act 1984
Theft Act 1968 and 1978
Tobacco Advertising and Promotion Act 1992 and 2003
Town Police Clauses Act 1847
Vehicle (Crime) Act 2001
Water Industries Act 1991

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

TABLE 13

Designation of Post

Environmental Health Manager
Environmental Health Officer
Occupational Health Technical Officer

- 2.24 The powers of entry, inspection, testing, seizure and sampling conferred by any of the enactments listed below shall be allocated to the holder for the time being of the posts of Dog Warden, Pest Control Officer and Environmental Technician in addition to any other Council officers to whom the said functions are allocated by this Scheme:

Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Animals Act 1971
Animal Boarding Establishments Act 1963
Animal Health Act 1981
Animal Health and Welfare Act 1984
Breeding of Dogs Act 1973
Breeding of Dogs Act 1989 and 1991
Breeding and Sale of Dogs (Welfare) Act 1999
Business Names Act 1985

Dangerous Dogs Act 1989 and 1991
Dangerous Wild Animals Act 1976
Dogs Act 1871
Dogs Act 1906
Dog (Fouling of Land) Act 1996
Environmental Protection Act 1990
European Communities Act 1972
Food Safety Act 1990
Guard Dogs Act 1975
Local Government Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Mid Glamorgan County Council Act 1987
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Prevention of Damage by Pests Act 1949
Protection of Animals Act 1911
Protection of Animals (Amendment) Act 1988
Public Health (Control of Diseases) Act 1984
Riding Establishments Acts 1964 and 1970
Road Traffic Act 1988 (dogs on leads)
Tattooing of Minors Act 1969
Town Police Clauses Act 1847

and

- (a) any Orders, or Regulations or other instruments
 - (i) made there under or
 - (ii) relating thereto, or
 - (iii) having effect by virtue of the European Communities Act 1972 relating to measuring instruments; food safety, animal feedstuffs, consumer and business protection, animal health and welfare, product safety and environmental protection;

and

- (b) any modification or re-enactment to the foregoing.

2.25 The functions listed in Table 14 below shall be allocated to the Council Officers who for the time being occupy the posts listed in the said Table in addition to any other Council officers to whom the said functions are allocated by this Scheme and furthermore the Authority indemnifies its officers under Section 26 Health and Safety at Work Act in respect of any act done in the execution of the relevant enactments.

TABLE 14

Allocated Functions

Designation Of Posts to which Functions Allocated

- | | |
|---|--|
| <p>(1) Service of Improvement Notices, Emergency Prohibition Notices and Improvement Notices under the following enactments:</p> <p>Food Safety Act, Section 10(1);
Food Safety Act, Section 12(1).
Health and Safety at Work etc Act 1974
Section 21
Section 22</p> <p>2) Empowerment to deal with any article or substance which is a potential cause of danger of serious personal injury under the following enactments:-
Food Safety Act Section 9
Health and Safety at Work Act 1974 Section 25</p> | <p>Environmental Health Manager and
Occupational Health Technical Officer
Environmental Health Officer</p> |
|---|--|

2.26 The functions listed in Table 15 below shall be allocated to the Council Officers who for the time being occupy the posts listed in the said Table in addition to any other Council officers to whom the said functions are allocated by this Scheme:

TABLE 15

<u>Allocated Functions</u>	<u>Designation Of Posts to which Functions Allocated</u>
Service of statutory notices in respect of:	Environmental Health Manager and Occupational Health Technical Officer Environmental Health Officer
(a) Blocked sewers under Local Government (Miscellaneous Provisions) Act 1976, Section 35(1);	
(b) Stopped up drains, private sewers, water closets, waste pipes or soil pipes under Public Health Act 1961, Section 17(3).	

2.27 The function listed in Table 16 below shall be allocated to the Council Officers who for the time being occupy the posts listed in the said Table in addition to any other Council officers to whom the said functions are allocated by this Scheme:

TABLE 16

<u>Allocated Function</u>	<u>Designation Of Posts to which Function Allocated</u>
The service of abatement notices under the Environmental Protection Act, Section 80 and Section 80A, in respect of statutory nuisances arising from:	Environmental Health Manager and Occupational Health Technical Officer Environmental Health Officer
(a) noise emitted, or considered likely to be emitted, from premises so as to be prejudicial to health or a nuisance; or	
(b) noise that is prejudicial to health or a nuisance and is emitted from or caused by, or is considered likely to be emitted from or caused by, a vehicle, machinery or equipment in a street.	
2.28 The powers of entry, inspection, testing, sampling and seizure conferred upon the Council by any of the enactments listed below including the issuing of fixed penalty notices shall be allocated to the Council Officers who for the time being occupy the posts listed in Table 17 in addition to any other Council Officers to whom the said functions are allocated by this scheme.	
Burials Act 1857	
Clean Neighbourhoods and Environment Act 2005	
Control of Pollution (Amendment) Act 1989	
Control of Pollution Act 1974	
Cremations Acts 1902 and 1952	
Dogs Act 1906	
Dogs (Fouling of Land) Act 1996	
Environment Act 1995	
Environmental Protection Act 1990	
Local Authorities Cemeteries Order 1977	
Local Government (Miscellaneous Provisions) Act 1976	
Prevention of Damage by Pests Act 1949	
Public Health Act 1936	
Public Health Act 1961	
Refuse Disposal (Amenity) Act 1978	
Town & Country Planning Act 1990	
Waste Minimisation Act 1998	
Waste and Emissions Trading Act 2003	

TABLE 17

Designation of Post

Waste Operations Manager
Team Leader
Playground/Technical Inspector
Technical Assistant
Charge Hand
Trade Waste Officer
Recycling Wardens,
Waste Operations Supervisor.
Grounds Maintenance Operative
Street Scene Operative
Waste Services Operative
Principal Environmental Performance/Control Officer
Principal Environmental and Street Scene Officer
Principal Environmental Waste Services Officer
Environmental Services Manager

- 2.29 The functions listed in Table 18 shall be allocated to the Council Officers who for the time being occupy the posts listed in the said Table in addition to any other Council Officers to whom the said functions are allocated by this Scheme:

TABLE 18

<u>Allocated Functions</u>	<u>Designation of Posts to which Functions Allocated</u>
2.30.1 To determine the priority accorded to individual applications to the Housing Register and for Transfers and to allocate Council accommodation in accordance with the Council's policies.	Team Leader – Homelessness/Housing Advice Strategic Housing and Community Safety Manager
2.30.2 To determine on applications from owner/occupiers to the Housing Register, in accordance with the Council's policies.	Team Leader – Homelessness/Housing Advice Strategic Housing and Community Safety Manager
2.30.3 To determine applications for mutual exchanges.	Team Leader – Homelessness/Housing Advice Strategic Housing and Community Safety Manager

- | | | |
|--------|---|---|
| 2.30.4 | To determine applications for successions, assignments and tenancy changes. | Team Leader –
Homelessness/Housing Advice

Strategic Housing and Community
Safety Manager |
| 2.30.5 | To determine applications for assistance by homeless persons and persons threatened with homelessness pursuant to Part VII of the Housing Act 1996 and to secure temporary accommodation as appropriate. | Team Leader –
Homelessness/Housing Advice

Strategic Housing and Community
Safety Manager |
| 2.30.6 | In consultation with the Director of Corporate Services, where appropriate, to make all initial decisions under the Data Protection Act 1998 as to whether access to information is to be permitted and whether information is to be corrected or erased. | Team Leader –
Homelessness/Housing Advice

Strategic Housing and Community
Safety Manager |
- 2.31 The function listed in Table 19 below shall be allocated to the Council Officers who for the time being occupy the posts listed in the said Table:

TABLE 19

Allocated Function

Designations of Posts

to issue “Residents’ Parking Only” permits in accordance with Sections 32 and 35 of the Road Traffic Regulation Act 1984.

Traffic Management Engineer

3.0 COMMUNITY SERVICES DIRECTORATE

- 3.1 The function listed in Table 1 below shall be allocated to the Council Officers who for the time being occupy the posts listed in the said Table:

TABLE 1

Allocated Function

Designations of Posts

to institute proceedings for failures in school attendance pursuant to Section 444 of the Education Act 1996.

(1) Principal Education Welfare Officer

3.2 The functions listed below shall be allocated to the Principal Managers for Intake and Assessment, Services that Support Permanency and Youth Offending Services Manager in addition to any other Council officers to whom the said functions are allocated by this Scheme:

- Twin tracking decision in relation to adoption
- Referral of child to Adoption Panel
- Referral of matching of child for adoption and adoptive parents to adoption panel
- Agreement for an accommodated child's regular attendance at or joining a religious organisation, where the parent has given verbal agreement
- School trips, camps etc (including consent for any necessary emergency medical treatment) for an accommodated child where parent has given verbal agreement
- Participation of an accommodated child in hazardous activities (e.g. rock-climbing or skiing) where parent has given verbal agreement
- Decision to accommodate a child
- Non-routine medical or dental treatment for a Looked After child, where the parent has given verbal agreement
- Change of school for a child who is the subject of a Care Order
- Referral of a child who is the subject of a Care Order for assessment of Special Educational Needs
- Change of school for an accommodated child
- Accommodated child being referred for assessment for a statement of Special Educational Needs
- Request other Local Authorities to supervise on their behalf
- Decision to notify Police of missing children
- One off emergency additional payments (up to 1 weeks foster carer allowance)
- Seek an Emergency Protection Order
- Accept other Local Authority's request to supervise on their behalf
- Agreement to purchase external placement for a Looked After child
- Authorisation of Fostering/Adoption Residency/Allowance - following Fostering/Adoption Panel and Placement Panel
- Non-routine medical or dental treatment for a child who is the subject of a Care Order, where a parent does not agree
- Agreement to suspension of contact

- Initiate Care proceedings
- Authorising a passport application on behalf of a child who is the subject of a Care Order
- Child who is the subject of a Care Order to travel abroad for periods of less than one month
- Referral of a child who is the subject of a Care Order for assessment of Special Educational Needs

- Accommodated child being referred for assessment for a statement of Special Educational Needs

Scheme C

SCHEME OF DELEGATION OF FUNCTIONS OTHER THAN CABINET FUNCTIONS TO COUNCIL OFFICERS

1. This Scheme provides for the delegation to Council Officers of functions other than those which are the responsibility of the Executive which it has resolved to be known as “the Cabinet” established by the Council in accordance with the duty to make executive arrangements placed upon the Council by Part II of the Local Government Act 2001.
2. This Scheme has been approved by the Council in accordance with the power to arrange for the discharge of any of their functions by Council Officers conferred upon them by Section 101 of the Local Government Act 1972.
3. In this Scheme:
 - (a) “Chief Officer” means any of the following:

Chief Executive;

Deputy Chief Executive
 - (b) “JNC Officer” means an officer who has been designated by the Council as falling within the scope of the Joint Negotiating Committee for Chief Officers of Local Authorities;
 - (c) Words importing the singular number only shall include the plural number and vice versa;
 - (d) References to any enactment shall include any statutory modification or re-enactment thereof for the time being in force and any subordinate legislation for the time being made thereunder.
4. The functions described in the attached Schedule are hereby delegated to the Council Officer(s) specified in the Schedule in respect of each such function or, if a Council Officer so specified is absent or otherwise unable to act to the Council Officer (if any) designated in the Schedule to act in his place.
5. Part I of the Schedule describes the functions so delegated to the Chief Executive, the Deputy Chief Executive, the Chief officer (Learning, the Chief Officer (Social Services), the Chief Officer (Community Regeneration) the Chief Officer (Neighbourhood Services), the Chief Finance Officer, the Monitoring Officer, and the Managers which may not be discharged by the specified or designated Officer unless there has

been prior consultation with the Council Member or Members and/or the Council Officer or Officers specified in the Schedule as consultee(s) in respect of that function.

6. Part II of the Schedule describes the functions so delegated to Chief Executive, the Deputy Chief Executive, the Chief officer (Learning, the Chief Officer (Social Services), the Chief Officer (Community Regeneration) the Chief Officer (Neighbourhood Services), the Chief Finance Officer, the Monitoring Officer, and the Managers which may be discharged by the specified Officer without prior consultation.
7. Part III of the Schedule describes the functions so delegated to Council Officers which may be discharged by the specified Council Officer without prior consultation.
8. Council Officers making decisions in connection with the discharge of the functions hereby delegated to them:
 - (a) must do so on the basis of the merits of the circumstances involved and the public interest;
 - (b) must have regard to any relevant advice provided by other Council Officers, in particular by:
 - (i) the Council's Chief Finance Officer acting in pursuance of that Officer's duties under Section 114 of the Local Government Finance Act 1988;
 - (ii) the Council's Monitoring Officer acting in pursuance of that Officer's duties under Section 5 of the Local Government and Housing Act 1989;
 - (iii) the Solicitor to the Council (if not also the Monitoring Officer), who should be consulted when there is any doubt as to the Council's power to act, or as to whether the action proposed lies within the policy framework agreed by the Council; where the legal consequences of action or failure to act by the Council might have important repercussions;
 - (c) must comply with any conditions or restrictions on the exercise of their discretion which have been laid down either by the Council or by any Committee or other body established by the Council to which council has also delegated the function in connection with which the decision is being made;
 - (d) must take account of any previous decision by the Council or by any Committee or other body established by the Council with power to make decisions relating to any relevant policies or procedures.

9. In discharging the functions delegated to them Council Officers shall comply with the Council's Procurement and Contracting Procedure Rules and Financial Procedure Rules in Part 4 of the Council's Constitution, and shall not exercise those functions if to do so would have the effect of:
 - (a) causing revenue expenditure to be incurred, unless it is incurred in accordance with the Council's approved revenue estimates or the provisions relating to virement contained in the Financial Procedure Rules; or
 - (b) causing capital expenditure to be incurred, other than capital expenditure on the acquisition of land or on preliminary or design work or in connection with a scheme which appears in the Council's approved capital estimates.
10. The delegation of a function to a Council Officer shall in each case include the power to utilise on the Council's behalf any statutory power available to it as a local authority that will facilitate the discharge of the delegated function.
11. The Council Officer to whom a function is delegated shall be appointed the Council's proper officer for the purpose of deciding whether the written record referred to in paragraph 15 below of a decision made in connection with the discharge of that function contains "exempt information" which the Council is entitled to withhold from the public.
12. Any Council Officer to whom a function is delegated may decline to make a decision in connection with the discharge of that function in relation to any particular matter and may instead refer the matter for decision to the Council or any Committee or other body to which the Council has also delegated the function in connection with which a decision is required.
13. The Council's Chief Finance Officer and/or the Council's Monitoring Officer may require any Council Officer to cease to discharge all or any of the functions delegated to that Officer pending the submission of a report to the next meeting of the Council.
14. Before making a decision in connection with the discharge of any of the functions listed in Part I of the Schedule (other than a proposed decision by the Chief Executive in relation to any matter which, for reasons of urgency, cannot await the next meeting of the Council, or a proposed decision by the Head of Legal and Governance to settle civil proceedings on a consent basis or to withdraw civil or criminal proceedings) the Council Officer proposing to make the decision shall:
 - (a) ensure that a written summary of the proposed decision containing all the information required to be included in the written record

- referred to in paragraph 15 below, other than the date of the proposed decision, and shall send a copy of the summary to the Head of Legal and Governance to enable him/her to make a copy of the summary available for perusal by Council Members generally;
- (b) not make a final decision in connection with the discharge of the delegated function until a period of five working days, excluding the day on which it was sent, shall have elapsed from the date on which the summary was sent to the Head of Legal and Governance
 - (c) take into consideration, in addition to the views expressed by the Council Member(s) and/or Council Officer(s) specified as consultee(s) in Part I of the Schedule, any views expressed by any Council Member in relation to the proposed decision prior to making a final decision in connection with the discharge of the delegated function.
15. Every Council Officer making a decision in connection with the discharge of a function delegated to him under this Scheme (other than a decision involving the consideration of “personal data”, as defined by Section 1(1) of the Data Protection Act 1998, held for the purposes of the Council’s education, housing or social services functions or the determination of a planning application) shall ensure that a written record is made:
- (a) specifying the delegated function in connection with which the decision was made and the date of the decision;
 - (b) summarising:
 - (i) the decision taken;
 - (ii) the factual information upon which it was based;
 - (iii) any advice received, whether from other officers or otherwise;
 - (iv) any persons or bodies consulted before the decision was made;
 - (c) stating whether the written record contains “exempt information” which the Council is entitled to withhold from the public and specifying the relevant paragraph(s) of Part I of Schedule 12A to the Local Government Act 1972 which apply;
 - (d) stating whether the written record contains “confidential information” as defined in Section 100A (3) of the Local Government Act 1972.
16. The written record of a decision made in connection with the discharge of a function delegated to a Council Officer by virtue of this Scheme shall be signed by the Council Officer making the decision.

17. The written record of a decision made in connection with the discharge of a function delegated to a Council Officer by virtue of this Scheme shall be retained for a period of six years from the date of the decision by the Officer who made the decision, by the department in which the Council Officer who made the decision was employed.
18. As soon as reasonably practicable after a decision is made in connection with the discharge of a function delegated to him copies of the written record of the decision shall be sent by the Council Officer who made the decision to the Head of Legal and Governance to enable it to be made available for viewing by Council Members generally and, unless it contains “exempt information” of any of the descriptions in Schedule 12A of the Local Government Act 1972 or “confidential information” as defined in Section 100A(3) of the said Act, to be made available for public inspection.
19. As soon as reasonably practicable after a decision is made by a Council Officer in connection with the discharge of a delegated function prior to the making of which the Council Officer was required to consult with a Council Member or Members, the decision taken in connection with the discharge of the delegated function shall be:
 - (a) sent by the Council Officer making the decision to the Council Member(s) or Council Officer(s) who were required to be consulted before the decision was made;
 - (b) sent by the Council Officer making the decision to the Chairperson of the Scrutiny Committee responsible for scrutinising decisions made in connection with the discharge of the function in respect of which the decision was made;
 - (c) formally reported by the Council Officer making the decision or his/her Chief Officer to the Council or to any Committee or other body to which the Council has also delegated the function in connection with which the decision was made.
20. In the event of any Council Member or Council Officer who is designated in Part I of the Schedule as a consultee being absent or for any other reason unable to act as such he/she may nominate in writing another Council Member or Council Officer to act as consultee in his/her place.
20. Each written nomination made by a Council Member or Council Officer in accordance with paragraph 20 above shall be retained for a period of six years from the date of the decision in respect of which the nomination was made by the Chief Officer who made the decision or in whose directorate the Council Officer who made the decision was employed.

Scheme C

Part I

FUNCTIONS OTHER THAN CABINET FUNCTIONS DELEGATED TO THE CHIEF EXECUTIVE, DEPUTY CHIEF EXECUTIVE, CHIEF OFFICER (LEARNING), CHIEF OFFICER (SOCIAL SERVICES), CHIEF OFFICER (COMMUNITY REGENERATION), CHIEF OFFICER (NEIGHBOURHOOD SERVICES), CHIEF FINANCE OFFICER AND MANAGERS, WHICH MAY NOT BE DISCHARGED UNLESS THERE HAS BEEN PRIOR CONSULTATION WITH SPECIFIED COUNCIL MEMBER(S) AND/OR COUNCIL OFFICER(S)

1. Functions delegated to each chief officer (or if the chief officer is absent or otherwise unable to act:

- a. To the Chief Officer (Community Regeneration) in consultation with the Head of Legal and Governance and the Chief Finance Officer if the chief officer who would normally discharge the function is the Chief Executive;

OR

- (b) To the Manager responsible for the service in connection with which the function is to be discharged in the case of any other chief officer

Delegated Functions

Consultee(s)

- 1.1 To authorise the submission of applications for grant aid to the National Assembly for Wales and other appropriate bodies for purposes relating to matters falling within the responsibilities of the Chief Officer concerned provided that such application is in accordance and complies with the Council's External Funding Policy.

The Chairman of any committee or other body to which the Council has also delegated the function in respect of which includes the service in respect of which the application is proposed to be submitted or, if there is no such committee or other body, the Mayor.

Chief Finance

<u>Delegated Functions</u>	<u>Consultee(s)</u>
1.2 To authorise the acceptance of grant aid from the National Assembly for Wales or other appropriate bodies for purposes relating to matters falling within the responsibilities of the Chief Officer concerned.	officer The Chairman of any committee or other body to which the Council has also delegated the function which includes the service in respect of which the application is proposed to be submitted or, if there is no such committee or other body, the Mayor.
1.3 In respect of any proposed contract relating to services for which the Chief Officer concerned is responsible and which have an estimated value exceeding Level C but not exceeding Level D: (3) To authorise the invitation of tenders; and To accept the lowest tender received where payment is to be made by the Council or the highest tender received where payment is to be received by the Council.	Chief Finance Officer The Chairman of any committee or other body to which the Council has also delegated the function which includes the service in respect of which the contract is to be concluded or, if there is no such committee or other body, the Mayor.
1.4 In respect of any proposed contract relating to services for which the Chief Officer concerned is responsible and which have an estimated value exceeding Level C but not exceeding Level D to accept a tender other than the lowest tender received where payment is to be made by the Council or the highest tender received where payment is to be received by the Council where there are special reasons approved by the Director	Chief Finance Officer The Chairman of any committee or other body to which the Council has also delegated the function which includes the service in respect of which the contract is to be

<u>Delegated Functions</u>	<u>Consultee(s)</u>
of Finance, for not accepting the lowest tender or the highest tender as the case may be.	concluded or, if there is no such committee or other body, the Mayor. Chief Finance Officer
1.5 To authorise the disposal of surplus goods acquired in connection with services for which the Chief Officer concerned is responsible having an estimated total value not exceeding £250,000.	The Chairman of any committee or other body to which the Council has also delegated the function which includes the service in connection with which the goods were acquired or, if there is no such committee or other body, the Mayor; Chief Finance Officer
1.6 To approve fees and charges for new services and increases in existing fees and charges which are in accordance with any adopted charging policy and which are necessary to reflect either inflation or other increases in costs.	The Chairman of any committee or other body to which the Council has also delegated the function which includes the service in respect of which the fees or charges will be payable or, if there is no such committee or other body, the Mayor. Chief Finance Officer
1.7 To approve directorate, departmental or other divisional reviews of establishment which can be funded within existing budgets and/or with the benefit of any additional funding receivable.	Either the Member of the cabinet responsible for the function in respect

<u>Delegated Functions</u>	<u>Consultee(s)</u>
<p>1.8 To authorise the appointment of consultants providing a professional service whose fees are estimated to exceed £25,000.</p>	<p>of which the amendments to existing staffing structures are required, if none, either of:</p> <p>(a) The Chairman of any Committee or other body to which the Council has also delegated the function which includes the service in respect of which the staff concerned are employed; or</p> <p>(b) If there is no such committee or other body, the Mayor;</p> <p>Member of the Cabinet for Chief Executives</p> <p>Chief Finance Officer Head of Human Resources.</p> <p>The Chairman of any committee or other body to which the Council has also delegated the function which includes the service in respect of which the fees or charges will be payable or, if there is no such committee or other body, the Mayor</p> <p>Chief Finance</p>

Delegated Functions

Consultee(s)

Officer

2. Function delegated to the Chief Executive (or if he is absent or otherwise unable to act) to the Head of Legal and Governance

Delegated Functions

Consultee(s)

- 2.1 To make a decision upon any matter which, for reasons of urgency, cannot await the next meeting of the Council or of any Committee or other body to which the Council has delegated the function in connection with which a decision is required (other than a decision which must by law be taken by the Council itself).

The Chairman of any committee or other body to which the Council has delegated the function in respect of which the decision is required or, if there is no such committee or other body, the Mayor;

The leader(s) of each political group into which the members of the Council are divided;

The Chief Officer(s) (if any) responsible for the function in respect of which the decision is required.

The Chairman of respective Scrutiny Committee.

3. Functions allocated to the Chief Executive and to the Head of Legal and Governance and Senior Solicitor(s)

<u>Delegated Functions</u>	<u>Consultee(s)</u>
3.1 To instruct counsel in relation to any legal matter which affects the Council where the cost of doing so is not estimated to exceed £25,000.	The Chairman of any committee or other body to which the Council has delegated the function in respect of which it is proposed to instruct counsel or, if there is no such committee or other body, the Mayor.
3.2 To authorise the settlement of civil proceedings on a consent basis where the amount payable by or to the Council exceeds £10,000 but does not exceed £50,000.	The Chairman of any committee or other body to which the Council has delegated the function to which the proceedings relate or, if there is no such committee or other body, the Mayor.
3.3 To determine applications for the grant or renewal of approvals of premises for the solemnization of marriages in pursuance of section 26 (1) (bb) of the Marriage Act and to revoke such approvals.	The Chairman and Vice-Chairman of the Licensing Committee.

4. Functions delegated to the Director of Customer Services and to the Head of Town Planning.

<u>Delegated Functions</u>	<u>Consultee(s)</u>
4.1 To provide observations to other authorities when the Council is consulted on planning applications in neighbouring areas and there is insufficient time to report such proposals to the Council.	Chairperson of the Planning Regulatory and Licensing Committee.

<u>Delegated Functions</u>	<u>Consultee(s)</u>
4.2 To issue an injunction in accordance with the provisions of the Town and Country Planning act 1990.	Chairperson of the Planning Regulatory and Licensing Committee.
5. Function delegated to the Director of Community Services and to the Head of Engineering and Highways.	
<u>Delegated Functions</u>	<u>Consultee(s)</u>
5.1 To enter into agreements to create footpaths and bridleways in accordance with Part III of the Highways Act 1980.	Chairperson and Vice-Chairperson of Rights of Way Committee.
6. Function delegated to the Director of Customer Services	
<u>Delegated Functions</u>	<u>Consultee(s)</u>
6.1 To determine applications for the grant or renewal of approvals of premises for the solemnization of marriages in pursuance of section 26(1) (bb) of the Marriage Act 1949, and to revoke such approvals.	Chairperson and Vice-Chairperson of the Planning Regulatory and Licensing Committee.
7. Function delegated to the Chief Finance Officer	
<u>Delegated Functions</u>	<u>Consultee(s)</u>
7.1 To authorise and approve agreed BIFFA schemes submitted in accordance with Council policy where Councillors have declared a personal interest.	Leader of the Council and if he is unavailable or unable to act the Mayor
8. <i>Function delegated to the Director of Community Services or Chief Education Officer or Head of School Improvement.</i>	

<u>Delegated Functions</u>	<u>Consultee(s)</u>
8.1 To take such decisions as are appropriate should the SACRE Committee be inquorate	Chair of the SACRE Committee
9. Function delegated to both the Public Protection Housing Manager and the Trading Standards and Licensing Manager	

<u>Delegated Functions</u>	<u>Consultee(s)</u>
9.1 To determine applications to re-license Hackney Carriage & Private Hire drivers and Hackney Carriage & Private Hire vehicles made up to three days after the expiry of the previous licence	The Chair or Vice Chair of Planning, Regulatory & Licensing Committee and the Head of Legal & Democratic Services

Scheme C

Part II

FUNCTIONS OTHER THAN CABINET FUNCTIONS DELEGATED TO THE CHIEF EXECUTIVE, DIRECTORS, CHIEF FINANCE OFFICER AND MANAGERS WHICH MAY BE DISCHARGED WITHOUT PRIOR CONSULTATION

- 1. Functions delegated to the Chief Executive, the Deputy Chief Executive, Chief Officers and the Chief Finance Officer (or if the Chief Officers or the Chief Finance Officer is absent or otherwise unable to act) to the Manager responsible for the service in connection with which the function is to be discharged)**

Delegated Functions

- 1.1 To approve shortlists for and make permanent and temporary appointments to all posts within their respective directorates.
- 1.2 To exercise the powers conferred upon them under the Council's Disciplinary and Grievance Procedures.
- 1.3 To approve amendments to existing staffing structures (other than directorate, departmental or other divisional reviews of establishment) which can be funded within existing budgets and/or with the benefit of any additional funding receivable.
- 1.4 To determine applications by staff for special leave of absence.
- 1.5 To invite tenders for any contract having an estimated value not exceeding £100,000 and:
 - (a) to accept the lowest tender received where payment is to be made by the Council and the highest tender received where payment is to be received by the Council; or
 - (b) to accept a tender other than the lowest tender received where payment is to be made by the Council or the highest tender received where payment is to be received by the Council where there are special reasons approved by the Chief Finance Officer for not accepting the lowest tender or the highest tender as the case may be.
- 1.6 To respond to government papers and circulars relating to matters within their respective areas of responsibility.

Delegated Functions

- 1.7 To authorise the appointment of consultants providing a professional service whose fees do not exceed £25,000.

2. Functions delegated to the Chief Executive and to the Head of Legal and Governance and to the Senior Solicitor

Delegated Functions

- 2.1 To institute and defend all civil and criminal proceedings (including appeals) on behalf of the Council, including proceedings in respect of which any other Council officer has been allocated a similar function, and to take any other steps in connection with the conduct of proceedings as he deems appropriate, including their withdrawal or discontinuance.
- 2.2 To authorise the settlement of proceedings on a consent basis where the amount payable by or to the Council does not exceed £10,000.
- 2.3 To instruct Counsel or external legal advisors in relation to any legal matters which affect the Council where the cost of doing so does not exceed £25,000.
- 2.4 To institute and conduct legal proceedings on behalf of any Council employee assaulted or threatened with assault during the course of his/her employment.
- 2.5 To authorise any member of staff to appear on behalf of the Council in county court or magistrates' court proceedings in accordance with Section 60 of the County Court Act 1984, Section 27 of the Courts and Legal Services Act 1990 and Section 223 of the Local Government Act 1972.
- 2.6 To authorise any member of staff to make statements of truth, to swear affidavits and to make statutory declarations on behalf of the Council.
- 2.7 To issue and serve Notices to Treat, Notices of Entry, Warrants for Possession and any other notices of whatever kind which may be necessary to give effect to a confirmed Compulsory Purchase Order made by the Council and to refer any dispute as to the compensation payable on compulsory acquisition to the Lands Tribunal.
- 2.8 To give any certificate or notice required for the purpose of registering any statutory or other charge at H. M. Land Registry on behalf of the Council.

Delegated Functions

- 2.9 To take appropriate action to enforce any statutory charge over premises existing in the Council's favour.
- 2.10 To issue and serve statutory notices requisitioning information in respect of interests in and/or the use of land.
- 2.11 To issue and serve any notices which the Council is entitled to serve under any contract as employer.
- 2.12 To exercise any powers available to the Council under the provisions of any contract relating to the determination or forfeiture of the contract.
- 2.13 To confirm unopposed tree preservation orders under Section 199 of the Town and Country Planning Act 1990.
- 2.14 To exercise the functions of the Council following the service of a Purchase Notice or Blight Notice, including the issue and service of notices or counter notices.
- 2.15 To appoint authorised officers in connection with the licensing of hackney carriages and private hire vehicles for the purposes of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.16 To maintain and keep under review a list of Proper Officer functions.

3. Functions delegated to Deputy Chief Executive and to the Head of Town Planning.

Delegated Functions

- 3.1 To exercise the following Council's powers to determine or otherwise all planning (and other) applications with the exception of:-
 - i) Applications that the Head of Town Planning considers are likely to be of significant public interest;
 - ii) Applications where a Councillor requests in writing during a specified consultation period of 21 days that a matter should be considered by the Planning Regulatory and Licensing Committee stating their reasons and justification for such a request; **NOTE: Ward Members will be notified by telephone and email when objections are received to an application in order to give them the opportunity to consider whether or not they wish for the application to be considered at Committee.**

- iii) The application is a “major development” as defined by the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- iv) Applications that are contrary to the provisions of the adopted Local Development Plan, where the recommendation is to approve.
- v) Applications submitted by or on behalf of a Councillor, any member of the Council’s Planning Division, or Council staff involved in the processing/commenting upon applications (or the spouse or partner of any of these).

The exceptions detailed at i) – v) above shall be presented to the Planning Regulatory and Licensing Committee for determination.

3.2 To exercise the following Council’s powers:

To deal with minor amendments to planning applications;
To issue written authorisation to appropriate officers to enable them to exercise powers of entry;
To issue notices requiring information as to interests in land;
To issue Provisional Tree Preservation Orders and to include in the order a direction that it shall take effect immediately without previous confirmation;
The service of tree replacement notices;
To authorise works in compliance with conditions imposed on planning permissions;
Authorisation to discharge the requirement of conditions imposed on earlier consents by written agreement;
To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to her by this scheme of delegation;
The service of planning contravention notice and consideration of any offers or representations made in person in response to such a notice;
The issuance of enforcement notices including Listed Building enforcement notices;
The service of stop notices;
The service of breach of condition notices;
The power to decline to accept applications, determine the need for an Environmental Statement, accept formal withdrawal of planning applications; determine planning applications as invalid;
Hazardous Substance Contravention Notices;
Section 215 of the Town and Country Planning Act Notices;
Notices in respect of unlawful advertisements;
Powers relating to the protection of important hedgerows

3.3 To determine Building Regulation applications submitted in accordance with the relevant provisions of the Building Act 1984.

- 3.4 To determine applications for the relaxation and dispensation of the Building Regulations.

4. Function delegated to the Chief Finance Officer.

Delegated Functions

- 4.1 To authorise and approve agreed BIFFA schemes submitted in accordance with Council policy.

5. (a) Functions allocated to the Deputy Chief Executive, and the Public Protection and Housing Manager.

(b) Functions allocated to the Public Protection and Housing Manager acting in his statutory role as Chief Inspector of Weights and Measures

Allocated Functions

- 5.1 The function of doing any act which the Council has a power or duty to do (including the power to serve any notice and to authorise officers or other suitably qualified persons) and falls within the service area that is necessary for the enforcement of any of the provisions contained in Schedule 1 of the The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and to authorise and institute legal proceedings in consultation with the Head of Legal and Governance arising from any breach of those provisions.
- 5.2 To grant, issue, amend revoke or refuse the grant or renewal of licences (other than licences in respect of which the said functions are Cabinet functions or are allocated under this Scheme to a Council Officer in another directorate); to effect, amend or revoke registrations; and to issue, amend or revoke authorisations as are contained in any of the provisions in Schedule 1 of The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007
- 5.3 To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to him by this Scheme of Delegation.
- 5.4 To authorise surveillance in accordance with the requirements of the Regulation of Investigatory Powers Act 2000.
- 5.5 To act as Disclosure Officer as defined in the Code of Practice for the purposes of the Criminal Procedure and Investigation 1996.

Allocated Functions

- 5.6 The statutory role of Chief Inspector of Weights and Measures shall be hereby delegated to the Public Protection and Housing Manager.
- 5.7 The function of doing any act which the Council has a power or duty to do (including the power to serve any notice and to authorise officers or other suitably qualified persons) and falls within the service area that is necessary for the enforcement of any of the provisions contained in:

Clean Neighbourhoods and Environment Act 2005

Police and Justice Act 2006

Violent Crime Reduction Act 2006

Together with the right to grant, issue, amend revoke or refuse the grant or renewal of licences (other than licences in respect of which the said functions are Cabinet functions or are allocated under this Scheme to a Council Officer in another directorate); to effect, amend or revoke registrations; and to issue, amend or revoke authorisations as are contained in any of the provisions referred to above.

Scheme C

Part III

FUNCTIONS OTHER THAN CABINET FUNCTIONS DELEGATED TO COUNCIL OFFICERS WHICH MAY BE DISCHARGED WITHOUT PRIOR CONSULTATION

The functions listed in Table 1 below shall be delegated to the Deputy Chief Executive and to the person for the time being occupying the post of the Trading Standards, Licensing and Transport Manager (or if he is absent or otherwise unable to act) to the person for the time being occupying the post of Senior Licensing/Enforcement Officer or the Licensing Solicitor:

TABLE 1

Delegated Function(s)

- 1.1 To grant applications for hackney carriage and private hire vehicle licences and operators' licences.
- 1.2 To grant applications for hackney carriage and private hire vehicle drivers' licences in accordance with such guidelines, conditions, limitations or restrictions as may be prescribed by the Planning Regulatory and Licensing Committee.
- 1.3 To revoke existing hackney carriage and private hire vehicle licences when applications by the owners of the vehicles for the grant of new licences in respect of replacement vehicles are granted.
- 1.4 To suspend licences pertaining to hackney carriages and private hire vehicles not presented for pre-arranged six monthly tests after the issue of a formal warning to the owners until such time as the test is carried out.
- 1.5 circumstances in which there is insufficient time for the following applications or other matters to be reported to the Licensing Committee for consideration and where no objections have been received:
 - (a) To approve applications for the grant of:-
 - (i) Public Entertainment Licences;
 - (ii) Sunday Entertainment Licences;
 - (iii) Indoor Sports Entertainment Licences;
 - (iv) Amusements with Prizes Permits (other than those relating to arcades);
 - (v) Certificates of Suitability of Club Premises for Music and Dancing;

Delegated Function(s)

- (vi) Late Night Refreshment House Licences;
 -) To approve applications for the grant of:
 - (i) Occasional Cinema Licences;
 - (ii) Occasional Theatre Licences;
 - (iii) Occasional Public Entertainment Licences (including Sunday Entertainment Licences);
 - (iv) Occasional Indoor Sports Entertainment Licences;
 - (v) Outdoor Public Musical Entertainment Licences.
 - (c) To grant extensions of the permitted hours applicable to Public Entertainment Licences;
 - (d) To vary the conditions attached to Public Entertainment Licences (including the giving of consent for the performance of hypnotism), Sunday Entertainment Licences, Indoor Sports Entertainment Licences and Certificates of Suitability of Club Premises for Music and Dancing;
 - (e) To determine whether the entertainments to which applications for Public Entertainment Licences relate are considered to be of an educational or other like character, or are to be given for a charitable or other like purpose.
- 1.6) approve applications for the renewal and/or transfer of the following where
o objections have been received:
- (a) Public Entertainment Licences;
 - (b) Sunday Entertainment Licences;
 - (c) Indoor Sports Entertainment Licences;
 - (d) Amusements with Prizes permits (other than those relating to arcades);
 - (e) Certificates of Suitability of Club Premises for Music and Dancing;
 - (f) Late Night Refreshment House Licences;
 - (g) Theatre Licences;
 - (h) Cinema Licences.
- 1.7 To determine matters of detail and to ensure the fitness of applicants for House to House Collection Licences.
- 1.8 To determine applications for street collection permits in accordance with the regulations for the time being in force and to do so on a first come first served basis.

Delegated Function(s)

- 1.9 To approve applications made under the Licensing Act 2003 where the Council has received no objection.
- 1.10 To waive advertising requirements for occasional public entertainment licences where these are deemed to be inappropriate having regard to the nature of the premises and the type of event.
- 1.11 To determine applications for the registration of small lotteries under the provisions of the Scrap Metal Dealers Act 1964.
- 1.12 To determine applications for the registration of scrap metal dealers under the provisions of the Lotteries and Amusements Act 1976.

The powers listed in **TABLE 2** shall be delegated to the Chief Executive, the Public Protection & Housing Manager, the Trading Standards, Licensing and Transport Manager, the Senior Licensing and Transport Officer and Licensing Officers

TABLE 2

Delegated function(s)

- 2.1 To suspend or revoke a Private Hire drivers licence and a Hackney Carriage drivers licence where the grounds identified within section 61 of the Local Government (Miscellaneous Provisions) Act 1976 are met.
- 2.2 To suspend or revoke a Private Hire vehicle licence and a Hackney Carriage vehicle licence where the grounds identified within section 60 of the Local Government (Miscellaneous Provisions) Act 1976 are met.

The powers listed in **TABLE 3** shall be delegated to the Chief Executive, the Public Protection & Housing Manager and the Trading Standards, Licensing and Transport Manager

TABLE 3

Delegated function(s)

- 3.1 To suspend and revoke with immediate effect a Private Hire or Hackney Carriage vehicle drivers licence pursuant to section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976 .
- 3.2 To suspend, or revoke a Private Hire operators licences where the grounds identified within section 62 of the Local Government (Miscellaneous Provisions) Act 1976 are met.

The powers listed in **TABLE 4** below together with:

- (a) any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to him by this Scheme of Delegation;
- (b) the power to determine planning applications in accordance with the scheme approved for the time being by the Council;

shall be delegated to the Group Leader Development Control in addition to any other Council officers to whom the said powers are delegated by this Scheme:

TABLE 4

Delegated Functions

- 2.1 To exercise the following Council's powers to determine or otherwise all planning (and other) applications with the exception of:-
 - i) Applications that the Head of Town Planning considers are likely to be of significant public interest;
 - ii) Applications where a Councillor requests in writing during a specified consultation period of 21 days that a matter should be considered by the Planning Regulatory and Licensing Committee stating their reasons and justification for such a request; **NOTE: Ward Members will be notified by telephone and email when**

objections are received to an application in order to give them the opportunity to consider whether or not they wish for the application to be considered at Committee.

- iii) The application is a “major development” as defined by the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- iv) Applications that are contrary to the provisions of the adopted Local Development Plan, where the recommendation is to approve.
- v) Applications submitted by or on behalf of a Councillor, any member of the Council’s Planning Division, or Council staff involved in the processing/commenting upon applications (or the spouse or partner of any of these).

The exceptions detailed at i) – v) above shall be presented to the Planning Regulatory and Licensing Committee for determination.

2.2 To exercise the following Council’s powers:

To deal with minor amendments to planning applications;
To issue written authorisation to appropriate officers to enable them to exercise powers of entry;
To issue notices requiring information as to interests in land;
To issue Provisional Tree Preservation Orders and to include in the order a direction that it shall take effect immediately without previous confirmation;
The service of tree replacement notices;
To authorise works in compliance with conditions imposed on planning permissions;
Authorisation to discharge the requirement of conditions imposed on earlier consents by written agreement;
To exercise any power conferred upon the Council to recover expenses incurred by it as a result of the exercise of any of the powers hereby delegated to her by this scheme of delegation;
The service of planning contravention notice and consideration of any offers or representations made in person in response to such a notice;
The issuance of enforcement notices including Listed Building enforcement notices;
The service of stop notices;
The service of breach of condition notices;
The power to decline to accept applications, determine the need for an Environmental Statement, accept formal withdrawal of planning applications; determine planning applications as invalid;
Hazardous Substance Contravention Notices;
Section 215 of the Town and Country Planning Act Notices;
Notices in respect of unlawful advertisements;

Powers relating to the protection of important hedgerows

- 2.3 To determine Building Regulation applications submitted in accordance with the relevant provisions of the Building Act 1984.
- 2.4 To determine applications for the relaxation and dispensation of the Building Regulations.



Merthyr Tydfil County Borough Council CONSTITUTION

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RULES OF PROCEDURE

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COUNCIL PROCEDURE RULES

4.01.01 ANNUAL MEETING OF THE COUNCIL

(A) Timing and Business

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

The annual meeting will:

- (a) elect a person to preside if the Mayor is not present;
- (b) elect the Mayor;
- (c) elect the Deputy Mayor;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Mayor and/or Head of Paid Service;
- (f) elect the Leader;
- (g) be told by the Leader of the names of councillors he/she has chosen to be members of the Cabinet;
- (h) appoint Scrutiny Committees, a Standards Committee, a Planning and Regulatory Committee, an Audit Committee, a Democratic Services Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3 of this Constitution);
- (i) appoint Chairperson, Vice Chairperson and Members of the Scrutiny Committee(s). Council will determine which political groups represented at Council are entitled to make which appointments of overview and scrutiny chairpersons. Where any overview and scrutiny chairperson appointments have not been made, Council will determine how the unappointed chairpersons are to be appointed. Any Councillor who is, or is not, a member of any political group, or is, or is not, a member of a

particular political group is not prevented from being appointed as a Scrutiny committee chair;

- (j) appoint Chairperson, Vice Chairperson and Members of the Planning Regulatory and Licensing Committee;
- K appoint Chairperson, Vice Chairperson and Members of Statutory Licensing Committee; The functions of the Statutory Licensing Committee are to be performed by the Planning Regulatory and Licensing Committee
- (l) appoint Vice Chairperson and Members of the Audit Committee. The Audit Committee is to appoint the person who is to chair the committee;
- (m) appoint Chairperson, Vice Chairperson and Members of the Democratic Services Committee. The functions of the Democratic Services Committee are to be performed by the Audit Committee;
- (n) appoint the Members of the Appeals Committee and the Councillor Members of the Standards Committee;
- (o) agree such part of the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree;
- (p) approve a programme of ordinary meetings of the Council for the year; and
- (q) consider any business set out in the notice convening the meeting.

(B) Selection Of Councillors On Committees And Outside Bodies

At the annual meeting, the Council meeting 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 and outside body; and

-
- (e) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

4.01.02 ORDINARY MEETINGS

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

- (a) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (b) approve the minutes of the last meeting;
- (c) deal with any business from the last Council Meeting
- (d) receive any declarations of interest from Members;
- (e) receive any announcements from the Mayor, Chairperson of the Cabinet, members of the Cabinet or the Head of Paid Service;
- (f) receive questions from and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (g) receive questions from Members and Rule 11;
- (h) consider motions notice of which have been properly received;
- (i) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (k) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committees for debate;
- (l) deal with any business from the last Council meeting.

4.01.03 SPECIAL OR EXTRAORDINARY MEETINGS

(A) Calling A Special Or Extraordinary Meetings.

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

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer;
- (d) any five Members of the Council if they have signed a requisition presented to the Mayor 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.

(B) Business

At a special or extraordinary meeting, the scope of motions (in accordance with Rule 4.01.12) shall be limited to matters arising for consideration at that meeting.

4.01.04 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

(A) Allocation

As well as allocating seats on committees and sub-committees, the Council may allocate seats in the same manner for substitute members.

However the Council cannot appoint substitute members to the Planning Regulatory and Licensing Committee (or any sub committees) (The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017).

(B) Number

For each committee or sub-committee, the Council may appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee.

(C) Powers And Duties

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

(D) Substitution

Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the designated substitute;
- (b) where the ordinary member will be absent for the whole of the meeting; and
- (c) after notifying the proper officer by mid-day on the day of the meeting of the intended substitution.

4.01.05 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer and notified in the summons.

4.01.06 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 Rules. At least three clear days before a meeting, the proper officer will send a summons signed by him or her by post (or other appropriate means) to Councillor's home addresses (or other specified address) 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.

4.01.07 CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to Committee and Sub-Committee meetings, references to the Mayor also include the Chairperson of Committees and Sub-Committees.

4.01.08 QUORUM

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Mayor 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 Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.01.09 DURATION OF MEETING

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.01.10 QUESTIONS BY THE PUBLIC

(A) General

Citizens may ask questions of Members of the Cabinet at ordinary meetings of the Council (these rules will also be applicable to Cabinet). Question time will normally be limited to 30 minutes in Council and the Cabinet subject to any discretion determined by the Mayor or Chairperson as stipulated in 4.01.10(D)).

(B) Order Of Questions

Questions will be asked in the order notice of them was received, except that the Mayor (or Chairperson) may group together similar questions.

(C) Notice Of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than midday five clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Cabinet to whom it is to be put.

(D) Number Of Questions And Time Allocation

At any one meeting no person may submit more than 3 questions and no more than 3 such questions may be asked on behalf of one organisation. Each element of multi-part questions will be treated as a separate question. A maximum of five minutes will normally be allowed for each questioner or organisation to submit their questions(s), unless agreed otherwise by the Mayor (or Chairperson). Where the Mayor (or Chairperson) accedes to a longer question period then the questioner must be advised prior to commencement. Other questioners must also have equity of time allocation.

(E) Scope Of Questions

The proper officer may reject a question if it:

-
- (a) is not about a matter in which the local authority has powers or duties or which affects the county borough;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - (d) requires the disclosure of confidential or exempt information.

(F) Record Of Questions

The proper officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

(G) Asking The Question At The Meeting

The Mayor (or Chairperson) will invite the questioner to put the question to the Member of the Cabinet named in the notice. If a questioner who has submitted a written question is unable to be present, the Mayor (or Chairperson) can ask the question on their behalf and a written reply will be given and copied to all Councillors. The Mayor (or Chairperson) may also decide, in the absence of the questioner, that the question will not be dealt with.

(H) Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Member of the Cabinet who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor (or Chairperson) may reject a supplementary question on any of the grounds in Rule 4.01.10(F) above.

(I) Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member of the Cabinet to whom it was to be put, will be dealt with by a written answer.

(J) Reference Of Question To The Cabinet Or A Committee

Unless the Mayor (or Chairperson) decides otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.

4.01.11 QUESTIONS BY COUNCILLORS

(A) On Reports Of The Cabinet Or Committees

A Councillor may ask the Chairperson of the Cabinet, a Member of the Cabinet or the Chairperson of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

(B) Questions On Notice At Ordinary Council

Subject to Rule 4.01.11(D), a Councillor may ask:

- (a) the Mayor;
- (b) a member of the Cabinet; or
- (c) the Chairperson of any Committee or Sub-Committee

a question on any matter in relation to which the Council has powers or duties or which specifically affects the county borough.

(C) Questions On Notice At Committees And Sub-Committees

Subject to Rule 4.01.11(D), a member of a committee or sub-committee may ask the chairperson of it a question on any matter in relation to which the Council has powers or duties or which affect the county borough and which falls within the terms of reference of that committee or sub-committee.

(D) Notice Of Questions

A Councillor may only ask a question under Rule 4.01.11(B) or 4.01.11(C) if either:

- (a) they have given notice of the question in writing or by email to the proper officer within five clear working days before the day of the meeting; or
- (b) the question relates to urgent matters, they have the consent of the Mayor (or Chairperson) as to whom the question is to be put and the content of the question is given to the proper officer by 10.00 a.m. on the day of the meeting in the case of an afternoon meeting or by 1.00 p.m. on the working day preceding the day of the meeting in the case of a morning meeting.

(E) Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

(F) Supplementary Questions

If an explanation of a reply is required, the questioner may ask one supplementary question without notice of the Councillor to whom the first question was asked. The supplementary questions must arise directly out of the original question or the reply.

4.01.12 MOTIONS ON NOTICE

(A) Notice

Except for motions which can be moved without notice under Rule 4.01.13, written notice of every motion signed by at least two Councillors must be delivered to the proper officer not later than 12 noon eight working days before the date of the meeting. These will be entered in a book open to public inspection.

(B) 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 Councillor giving notice states, in writing or by e-mail, that they propose to move it to a later meeting or withdraw it.

(C) Scope

Motions must be about matters in which the Council has powers or duties or which specifically affect the county borough.

4.01.13 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairperson 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 Councillor arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;

- (o) not to hear further a Councillor named under Rule 4.01.21(C) or to exclude them from the meeting under Rule 4.01.21(D); and
- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) to extend the meeting beyond three hours in duration.

4.01.14 RULES OF DEBATE

(A) 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.

(B) Right To Require Motion In Writing

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

(C) Seconded's Speech

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

(D) 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 5 minutes without the consent of the Mayor (or Chairperson), save in the case of a mover of a motion to receive and adopt a report or a motion under Rule 4.01.11, or a Member of the Cabinet or the Chairperson of a Committee replying to an amendment, who shall be entitled to speak for not longer than 10 minutes.

(E) When A Councillor May Speak Again

A Councillor who has spoken on any motion or amendment may not speak again whilst it is the subject of debate, except:

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

(F) 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; or
 - (ii) to leave out words; or
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add wordas 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 Mayor (or Chairperson) will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

(G) Alteration Of Motion

- (a) A Councillor 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 Councillor 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 have been made as an amendment to the motion may be made.

(H) Withdrawal Of Motion

A Councillor 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 Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

(I) Right Of Reply

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

(J) Motions Which May Be Moved During Debate

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

- (a) to withdraw a motion;

- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Councillor named under Rule 4.01.21(C) or to exclude them from the meeting under Rule 4.01.21(D).
- (i) to extend the meeting beyond the defined limit of three hours.

(K) Closure Motions

- (a) A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor (or Chairperson) thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor (or Chairperson) 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 Mayor (or Chairperson) 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.

(L) Point Of Order

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

(M) Personal Explanation

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

4.01.15 STATE OF THE COUNTY BOROUGH DEBATE

(A) Calling Of Debate

The Chairperson of the Cabinet will call a state of the county borough debate annually on a date and in a form to be agreed with the Mayor.

(B) Form Of Debate

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

(C) Chairing Of Debate

The debate will be chaired by the Mayor or Deputy Mayor (in the Mayor's absence) or such other person as may be elected in the absence of the Mayor and Deputy Mayor.

(D) Results Of Debate

The results of the debate will be:

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

4.01.16 PREVIOUS DECISIONS AND MOTIONS

A resolution of the Council shall not be rescinded or altered except on the adoption of a recommendation of the Cabinet or of a Committee of the Council, specifying the proposed rescission or alteration.

(A) Motion To Rescind A Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 5 Councillors.

(B) 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 5 Councillors. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for a further six months.

4.01.17 VOTING

(A) Majority

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

(B) Mayor's Casting Vote

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

(C) Method of voting

Unless a ballot or recorded vote is demanded under Rules 4.01.17(D), 4.01.17(E) or 4.01.17(F), the Mayor (or Chairperson) will take the vote by any one of the following means:

- by utilising an electronic voting system; or
- by show of hands; or
- if there is no dissent, by the affirmation of the meeting.

(D) Ballots

The vote will take place by ballot if 5 Councillors present at the meeting demand it. The Mayor (or Chairperson) will announce the numerical result of the ballot immediately the result is known.

(E) Recorded Vote

If 5 Councillors 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.

(F) Right To Require Individual Vote To Be Recorded

Where any Councillor 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.

(G) 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. Each Councillor shall have one vote only at each voting, subject to the Mayor (or Chairpersons) right to give a casting vote.

4.01.18 MINUTES

(A) Signing The Minutes

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

(B) 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.

(C) Form Of Minutes

Minutes will contain all motions and amendments in the exact form and order the Mayor (or Chairperson) put them.

4.01.19 RECORD OF ATTENDANCE

All Councillors present during the whole or part of a meeting must sign their names in the Attendance Sheet before the conclusion of every meeting to assist with the record of attendance.

4.01.20 EXCLUSION OF PUBLIC

Citizens and press may be excluded only in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 4.01.22 (Disturbance by Public).

4.01.21 COUNCILLORS' CONDUCT

(A) Standing To Speak

A Councillor speaking at full Council may stand and address the meeting through the Mayor (or Chairperson). If more than one Councillor stands, the Mayor (or Chairperson) will ask one to speak and the others must sit or wait until the Mayor

(or Chairperson) indicates. Other Councillors must remain seated whilst a Councillor is speaking except to make a point of order or a point of personal explanation.

(B) Mayor Standing

When the Mayor (or Chairperson) stands or indicates clearly during a debate, then any Councillor speaking at the time must stop and sit down. The meeting must be silent.

(C) Councillor Not To Be Heard Further

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

(D) Councillor To Leave The Meeting

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

(E) General Disturbance

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

(F) General Conduct

In any meeting of the Council, Committees and Sub-Committees the highest standard of behaviour will be expected from Councillors at all times. Besides matters set-out in 4.01.21(A)-(E) Councillors will be required to refrain from using foul language and to act in a manner that conforms with good behaviour. A Councillor who displays any unruly conduct or unacceptable behaviour at a meeting may also be referred to the Council's Standards Committee or to the Public Services Ombudsman for Wales (the Ombudsman). Where a co-opted member(s) attend Committee and Sub Committee meetings then the provisions set out 4.01.21(A)-(F) above will apply to them.

4.01.22 DISTURBANCE BY PUBLIC

(A) Removal Of Member Of The Public

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

(B) Clearance Of Part Of Meeting Room

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

4.01.23 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

(A) Suspension

All of these Council Rules of Procedure except Rule 4.01.17(F) and 4.01.18(B) may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting.

(B) 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 to which the proper officer will submit a report.

4.01.24 WEBCASTING OF COUNCIL MEETINGS

Certain meetings are subject to live web transmission ('webcasting') or are be recorded for subsequent broadcast. Fixed cameras are located within the Council Chamber for this purpose.

- a) The Mayor has the absolute discretion to terminate or suspend the webcast at any time and for any reason which the Mayor deems reasonable. Such circumstances where the Mayor may deem suspension reasonable may include, but are not limited to:
 - (i) Public disturbance or other suspension of the meeting;
 - (ii) Exclusion of public and press being moved and supported;
 - (iii) Any other reason moved, seconded and supported by the Council/Committee

- b) No exempt or confidential agenda items shall be webcast.
- c) Subject to paragraph d) below, all archived webcasts will be available to view on the Council's website for a period of six months.
- d) Archived webcasts or parts of webcasts may be removed from the Council's website if, in the reasonable opinion of the Monitoring Officer, it may prejudice the Council's, or the public's, interests. Content may also be removed if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is, or is likely to be, in breach of any statutory provision or common law doctrine (for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information).

Agenda Front Sheets and Signage at Meetings - On the front of each agenda and on signs to be displayed inside and outside the meeting room there will be a notice stating that the meeting may be filmed for live or subsequent broadcast via the Council's website on the internet.

Conduct of Meetings - At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being, or may be, webcast by the Mayor.

Cessation of Webcasting for Private Sessions - No part of any meeting held will be webcast after Members have passed a resolution excluding the public and the press because there is likely to be disclosure of exempt or confidential information. The Mayor will ensure that filming and/or recording of the meeting has ceased before any discussion of exempt or confidential matters is commenced.

Formal Record - Webcasting and the retention of any filmed material does not replace the formal record of the meeting and the decisions made. The only formal record of any meeting of a local authority is its minutes and agendas, which are required to be maintained and retained for a six year period.

4.01.25 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. Rules 4.01.5 - 4.01.14 and 4.01.16 - 4.01.25 (but not rule 4.01.21(A)) apply to meetings of any Committees and Sub-Committees of the Council. In those the reference to the Mayor is to be read as the approved 'Chairperson' of the meeting. None of

these rules (other than 4.01.25) apply to meetings of the Cabinet, which is subject to its own Rules of Procedure.

4.01.26 PETITIONS

All petitions received will be referred to the appropriate Member of the Cabinet, Chief Executive, Deputy Chief Executive), or Chief Officer, and Electoral Division Councillors. The appropriate Officer in turn will send an information report to all Councillors giving details of the petition and following consideration of the petition a report be presented to the Cabinet in due course setting out the officer's findings and recommendations

4.01.27 PHOTOGRAPHS, RECORDING, BROADCASTING AND USE OF SOCIAL MEDIA AT MEETINGS

- (i) Proceedings at meetings may not be photographed, videoed, sound recorded, broadcast or transmitted in any way outside the meeting by individual Members, the Press or the public without prior permission in writing from, and granted by the Proper Officer in advance of the meeting save as provided in (ii) below.
- (ii) Use of text based social media such as Twitter, Facebook etc., and SMS text messaging by Members who are not appointed to the body whose meeting they are attending, the Press and the public, is permitted during meetings provided that this does not cause a nuisance or annoyance to others attending the meeting.

If any activity permitted as above creates a nuisance or annoyance to others attending the meeting, Standing Orders may be invoked relating to Disorderly Conduct and Disturbance of meetings to resolve the issue.

4.01.28 OTHER GENERAL MATTERS

Councillors are required to ensure that they do not eat or smoke at any meeting. Additionally Councillors are required to ensure that they switch-off any mobile phones or any other form of communication (unless required for work call-out or personal emergencies) and additionally that they ensure that no unofficial recording of any of the proceedings will be undertaken

4.02

ACCESS TO INFORMATION PROCEDURE RULES

4.02.01 SCOPE

These rules apply to all meetings of the Council, Cabinet, Scrutiny Committees, Area Committees/Forums (if and when determined), the Standards Committee, Planning and Regulatory Committee, other Committees and Sub-Committees.

4.02.02 ADDITIONAL RIGHTS TO INFORMATION

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

4.02.03 RIGHTS TO ATTEND MEETINGS

Citizens may attend all meetings subject only to the exceptions in these rules.

4.02.04 NOTICES OF MEETING

The Council will give at least three clear days notice of any meeting by posting details of the meeting at the offices of Council (the Civic Centre).

4.02.05 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

4.02.06 SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

4.02.07 ACCESS TO MINUTES ETC AFTER THE MEETING

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

- (a) the minutes of the meeting, 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.

4.02.08 BACKGROUND PAPERS

(A) List of background papers

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 4.02.10).

(B) 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.

4.02.09 SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices.

4.02.10 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

(A) Public and private meetings of the executive

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

(B) 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.

(C) Exempt information – discretion to exclude public

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998

establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

(D) 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.

(E) Meaning of exempt information

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

Information which -

- (a) falls within any of paragraphs 12 to 15, 17 and 18 below; and
- (b) is not prevented from being exempt by virtue of the 'qualifications' below,

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.

Category	Condition
12. Information relating to a particular individual.	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
13. Information which is likely to reveal the identity of an individual.	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
14. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	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.

Category	Condition
<p><i>“financial or business affairs” includes contemplated, as well as past or current, activities;</i></p>	<p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under –</p> <ul style="list-style-type: none"> (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993
<p>15.Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p> <p><i>“labour relations matter” means —</i></p> <ul style="list-style-type: none"> (a) <i>any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992(1) (matters which may be the subject of a trade dispute, within the meaning of that Act);</i> or (b) <i>any dispute about a matter falling within paragraph (a) above;</i> 	<p>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</p>
<p>16.Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	

Category	Condition
<p>17.Information which reveals that the authority proposes —</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	<p>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</p>
<p>18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>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</p>
<p>(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):</p> <p>18A. Information which is subject to any obligations of confidentiality.</p> <p>18B. Information which relates in anyway to matters concerning national security.</p> <p>18C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it."</p>	<p>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</p>

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

4.02.11 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 4.02.10, 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.

4.02.12 APPLICATION OF RULES TO THE CABINET

Rules 4.02.13-4.02.24 apply to the Cabinet and its Committees or individual Councillors. If the Cabinet or its Committees or individual Councillors meet to take a Key Decision then it must also comply with Rules 4.02.1-4.02.11 unless Rule 4.02.15 (general exception) or Rule 4.02.16 (special urgency) apply. A Key Decision is one made in the course of developing proposals to amend the Policy Framework or one which is likely

- to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

The criteria adopted by the Council to be applied in identifying Key Decisions are set out at the end of these Rules.

If the Cabinet or its Committees or individual Councillors meet to discuss a Key Decision to be taken collectively, with an officer present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Rules 1 – 11. A Key Decision is as defined above. This requirement does not include meetings whose sole purpose is for officers to brief Councillors.

No Key Decision or other decision taken by the Cabinet or an individual Councillor of the Cabinet shall be taken except upon a written report (which will include, as a minimum, the issue to be decided, the facts upon which any decision must be based, the options available to the decision-taker, the outcome of any consultation undertaken, the financial implications, the extent of compliance with the Policy Framework and other Council plans and strategies, and a recommendation (and the reasons supporting it) in respect of the proposed decision).

4.02.13 THE FORWARD WORK PROGRAMME

(A) Period of Forward Work Programme

The Forward Work Programme will be prepared by the proper officer to cover a period of twelve months. It will be updated quarterly.

(B) Contents of Forward Work Programme

The Forward Work Programme will contain matters which the Cabinet, Scrutiny Committees and Full Council are likely to consider. It will contain information on:

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

The Forward Work Programme will be published at least 14 days before the start of the period covered. The proper officer will publish a notice on the Council's website stating that the Forward Work Programme has been published and giving details of where it may be consulted or obtained.

CONSULTATION ON PROPOSALS TO BE CONSIDERED BY THE CABINET

At least (2 - 6 weeks] should be permitted in the forward plan timetable for consultation with relevant Scrutiny Committees and Electoral Division members where a matter is to be considered by the executive and is not urgent (as defined below) or confidential or exempt.

A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last forward work programme was produced and a decision is required within (the minimum time provided for consultation as specified above).

A decision can only be treated as urgent if the decision taker (if an individual) or the chair of the body making the decision obtains the agreement of the chair of a relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant Scrutiny Committee, or if the chair of

each relevant Scrutiny Committee is unable to act, then the agreement of the chairperson of the Council, or in his/her absence the vice chairperson will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

4.02.14 RECORD OF DECISIONS

A written record will be made of every Cabinet decision made by the Cabinet and its committees (if any) and individual Councillors, and of any joint committees and joint sub-committees whose Councillors are all members of a local authority Cabinet.

(A) The decision record

After any meeting of the Cabinet or any of its Committees or by any individual Member of Cabinet, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will record:

- (a) the decision made
- (b) the date the decision was made
- (c) the reasons for that decision;
- (d) any alternative options considered and rejected at that meeting.
- (e) any personal interest declared;
- (f) any dispensation to speak granted by the authority's standards committee;
- (g) the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why,

and as soon as practicable and make it available to all Councillors via the proper officer.

(B) Preparing the decision record

- (a) The proper officer or his or her representative shall attend any meeting of the Cabinet, a committee of the Cabinet or a joint committee or joint sub-committee where all its Councillors are members of a local authority Cabinet, and shall as soon as reasonably practicable after the meeting produce a decision record.
- (b) Where an individual Councillor has been allowed to make a delegated decision,

- i. that Councillor shall as soon as reasonably practicable instruct the proper officer to produce a decision record; and
 - ii. the decision shall not be implemented until that decision record has been produced, subject to (c) below.
 - (c) Where the date by which a Cabinet decision made by an individual Councillor 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 chairperson of the relevant Scrutiny Committee, or
 - ii. if there is no such person or that person is unable to act, the Mayor of the local authority, or
 - iii. if there is no chairperson of the relevant Scrutiny Committee or Mayor of the local authority, the Deputy Mayor of the local authority
- that the making of the decision is urgent and cannot reasonably be deferred.

4.02.15 DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

(A) Reports intended to be taken into account

Where an individual Member of the Cabinet receives a report which he/she intends to take into account in making any decision, then he/she will not make any decision unless the said report is taken into consideration and note is made in the delegated power proforma.

(B) Provision of copies of reports to Scrutiny Committees.

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

(C) The decision recording rules in 4.02.14 will apply.

4.02.16 SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS

(A) Rights of Access

Subject to Rule 4.02.16(B) below, the Scrutiny Committees will be entitled to access to any document which is in the possession or control of the Cabinet or its Committees or individual Councillors and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or its Committees; or
- (b) any decision taken by an individual Member of the Cabinet.

(B) Limit on rights

Scrutiny Committees will not be entitled to:

- (a) confidential or exempt information.
- (b) advice provided by a political adviser or assistant;

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review is being undertaken in a Programme of work by a Scrutiny Committee or sub-committee..

4.02.17 ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

(A) Rights of access

All Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its Committees or individual Councillors which relates to any business or Key Decision transacted at a meeting of a decision making body or by an individual Councillor or officer.

(B) Limitation of rights

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

- (a) it would disclose exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information.
- (b) it would disclose the advice of a political advisor or assistant.

(C) Nature of rights

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

4.03

FORWARD PROGRAMME – KEY DECISIONS - CRITERIA

Having regard to the underlying principle of accountable decision-making that the following criteria to be applied in identifying Key Decisions:

“TEST 1”

A Key Decision is one which is likely to result in significant expenditure or savings which fall outside the provisions and plans made by the Council in approving its annual revenue budget and capital programme. The limits for such a Key Decision are:

- **Revenue, where the annual budget is less than £2M** – the net full year cost/saving is more than £50,000 per annum;
- **Revenue, where the annual budget exceeds £2M** – the net expenditure/saving exceeds £100,000 per annum;
- **Capital, where the capital programme provision is less than £2M** – more than £100,000 ;
- **Capital, where the capital programme provision exceeds £2M** – more than £200,000.

Notes:

1. *Decisions are only to be considered Key if they fall outside the budget already agreed or where a choice of specific schemes to be progressed within unallocated, general provisions has to be made, (e.g. major highway maintenance schemes)..*
2. *What comprises a service budget will need to be considered on its merits. It should normally be capable of being defined as a discrete activity and in many instances will reflect the Council’s statutory duties.*
3. *These limits are not intended to apply to transactions carried out as part of the efficient administration of the Council’s finances e.g. Treasury management activities, where actions taken within the Council’s agreed policy for this area will not be construed as Key Decisions.*

“TEST 2”

A Key Decision is one which is likely to be significant in terms of its effects on communities living or working in one or more Electoral Divisions.

Notes:

- 1. Consideration should be given to the strategic nature of the decision and whether the outcome will have an impact, for better or worse, on the amenity or well-being of the community or the quality of service provided by the authority to a significant number of people living or working in the electoral division affected (which will normally be at least 10% of them).*
- 2. Effects may be direct or indirect and be of various kinds (e.g. social, economic, environmental).*
- 3. In assessing the impact on a community, due regard will also be had to “communities of interest” who may be dispersed over a wide area geographically but be affected significantly by, for example, the closure of a facility.*

A Key Decision is also one

- which is made in the course of developing proposals to Council to amend the Policy Framework ; or
- to amend the Policy Framework within the authority delegated to the Cabinet by the Council (as set out in Budget and Policy Framework Procedure Rule 6).

4.04

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

4.04.01 THE FRAMEWORK FOR CABINET DECISIONS

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

The Cabinet (operating collectively or individually) will also have regard to other plans and strategies approved by the Council and other community stakeholders.

4.04.02 PROCESS FOR DEVELOPING THE FRAMEWORK

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

- (a) The Cabinet will publicise by publishing on the Website and in the Local Press taking whatever other steps it deems appropriate a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairs of the Scrutiny Committees will also be notified. The consultation period shall in each instance normally be not less than 8 weeks.
- (b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the relevant Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny Committees have responsibility for fixing their own work programmes, 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 Cabinet will take any response from the Scrutiny Committees 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 Cabinet's response.
- (c) Once the Cabinet 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 Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration or, in principle, substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Chairperson of the Cabinet.
- (g) An in-principle decision will automatically become effective 5 days from the date of the Council's decision, unless the Chairperson of the Cabinet informs the proper officer in writing within 5 days that he/she objects to the decision becoming effective and provides reasons why.
- (h) In that case, the proper officer will either refer the matter to the next available Council meeting or call a special or extraordinary Council meeting, using his/her judgment as to how quickly a final decision is required. The Council at the meeting will be required to reconsider its decision and the Chairperson of the Cabinets written submission. The Council may
 - i) approve the Cabinet'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 Cabinet by a simple majority.
 - iii) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.
 - (v) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

4.04.03 DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) Subject to the provisions of paragraph 4.04.05 (virement) the Cabinet, Committees of the Cabinet, individual Members of the Cabinet and any

officers or joint arrangements discharging Cabinet 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 4.04.04 below.

- (b) If the Cabinet, Committees of the Cabinet, individual Members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Head of Paid Service and/or the Monitoring Officer and/or 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 any of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4.04.04 (urgent decisions outside the budget and policy framework) shall apply.

4.04.04 URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) The Cabinet, a Committee of the Cabinet, an individual Member of the Cabinet or officers, or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- i) if it is not practical to convene a quorate meeting of the full Council; and
 - ii) if the Chairperson of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairperson of the Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairperson of the relevant Scrutiny Committee the consent of the Mayor or, in the absence of both, the Deputy Mayor, will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.04.05 VIREMENT

The Council is responsible for agreeing procedures for virement of expenditure between budget headings. Those procedures are detailed in the Financial Procedure Rules of the Authority.

4.04.06 IN-YEAR CHANGES TO POLICY FRAMEWORK

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

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

4.04.07 CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

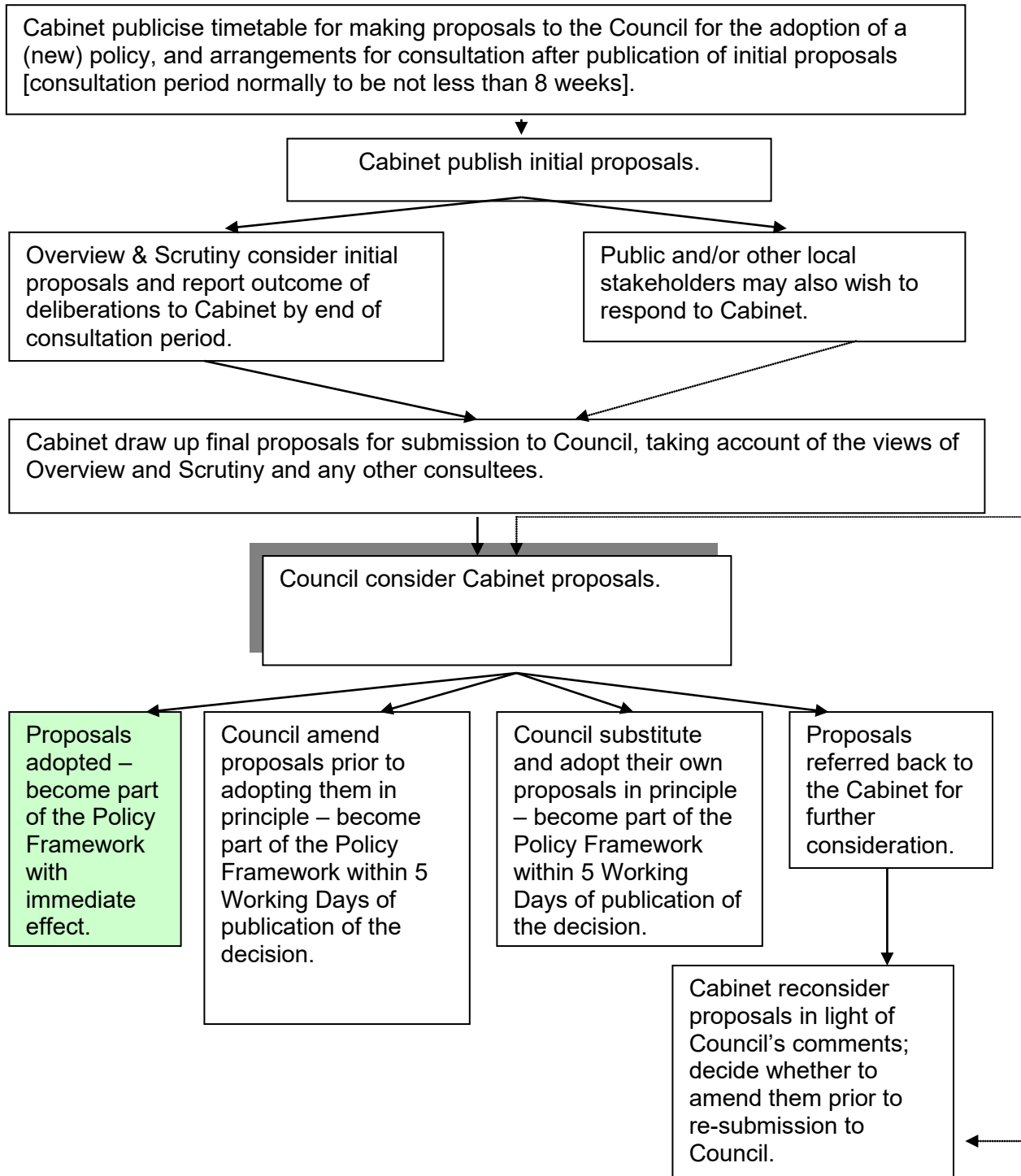
- (a) Where a Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, and the decision was not taken in accordance with the principles set out in Article 13, then it shall seek advice from the Head of Paid Service and/or Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Head of Paid Service's report and/or the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every Councillor. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Head of

Paid Service's/Monitoring Officer's/Chief Finance Officer's report and to prepare a report to Council in the event that the Head of Paid Service or the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the relevant Scrutiny Committee if the Head of Paid Service or 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 Head of Paid Service and/or 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, and the decision was not taken in accordance with the principles set out in Article 13, the relevant Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet as soon as practicable after receipt of the request by the relevant Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Head of Paid Service and/or the Monitoring Officer and/or the Chief Finance Officer. The Council may:
- i) endorse a decision or proposal of the Cabinet 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 the policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet 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 Cabinet to reconsider the matter in accordance with the advice of the Head of Paid Service/Monitoring Officer/Chief Finance Officer; or

4.04.08 POLICY DEVELOPMENT PROCESS

(in respect of policies that form part of the Policy Framework)



NB. Same principles apply to the development/preparation of the Budget.

4.05

CABINET PROCEDURE RULES

4.05.01 HOW DOES THE CABINET OPERATE?

(A) Who may make Cabinet decisions?

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

- (a) the Cabinet as a whole;
- (b) a Committee of the Cabinet;
- (c) an individual Member of the Cabinet;
- (d) an officer;
- (e) an Area Committee/Forum;
- (f) joint arrangements; or
- (g) another local authority.

(B) Sub-delegation of Cabinet functions

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

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

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

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

(C) The Council's scheme of delegation and Cabinet functions

- (a) Subject to (b) below the Council's Scheme of Delegation will be subject to adoption by the Council and may be amended only by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) If the Leader is able to decide whether to delegate Cabinet functions, he/she may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the proper 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, committee or the Cabinet as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

(D) Conflicts of Interest

Declarations of interest will be dealt with in accordance with the Councillors' Code of Conduct set out in Part 5 of this Constitution. If the exercise of a Cabinet function has been delegated to an individual Councillor 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.

(E) Cabinet meetings – when and where?

The Cabinet will normally meet at on a fortnightly basis and at such times agreed by the Chairperson. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Chairperson.

(F) Public or private meetings of the Cabinet?

All meetings of the Cabinet will normally be held in public except where confidential or exempt information is being considered (as set out in the Access to Information Rules in Part 4 of this Constitution).

(G) Quorum

The quorum for a meeting of the Cabinet shall be three Members of the Cabinet, including the Chairperson or the Councillor appointed by him/her to preside in his/her absence.

(H) How are decisions to be taken by the Cabinet?

- (a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- (c) In taking decisions, the Cabinet (including individual Councillors) will have regard to the plans and strategies set out in Budget and Policy Framework Procedure Rule 4.04.01 and will abide by the protocols referred to in 4.05.02 below, and any other such protocols that are approved by the Council.

4.05.02 HOW ARE CABINET MEETINGS CONDUCTED?

(A) Who presides?

The Chairperson will preside at any meeting of the Cabinet or its Committees at which he/she is present. Otherwise, the Deputy Cabinet Chairperson is to preside in his/her absence.

(B) Who may attend?

All meetings of the Cabinet and its Committees will be open to the public, subject only to the exceptions set out in the Access to Information Rules in Part 4 of this Constitution.

(C) What business?

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

- (a) apologies;
- (b) declarations of interest, if any;

-
- (c) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution, if any;
 - (d) consideration of reports from Scrutiny Committees, if any; and
 - (e) any other matters set out in the agenda for the meeting.

In respect of (c) and (d), the relevant Scrutiny Committee Chairperson (or his/her representative) shall be allowed to introduce and speak on the matter/report and participate in any ensuing debate but not allowed to vote.

(D) Consultation

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

(E) Who can put items on the Cabinet agenda?

The Chairperson of Cabinet will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Councillor or officer in respect of that matter. The proper officer will comply with the Chairperson's requests in this respect.

Any Member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the proper officer will comply.

There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny Committees, however there may only be up to two such items per Cabinet meeting.

Any Councillor of the Council may ask the Chairperson to put an item on the agenda of a Cabinet meeting for consideration, and if the Chairperson agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Head of Paid Service 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 Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet 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.

4.06

SCRUTINY PROCEDURE RULES

4.06.01 WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR SCRUTINY COMMITTEES

The Council will have the Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Scrutiny Committees may appoint "Task and Finish" Sub Committees to be established for a fixed period, on the expiry of which they shall cease to exist.

Although they will normally be expected to meet in public, any Task and Finish Groups that may be established will not be bound by the Access to Information Procedure Rules.

The following terms of reference are common to all Scrutiny Committees and should be known as the 'scrutiny role':

- a) To consider and call in decisions relating to the discharge of Cabinet functions before those decisions are put into effect. The relevant Scrutiny committee can ask the Cabinet to reconsider any such decision, or, exceptionally, refer it to full Council (if the Committee believes it to be contrary to the policy Framework/Budget and not made in accordance with the principles set out in Article 13, or considers that it was a Key Decision but not dealt with as such by the Cabinet).
- b) To exercise a right to refer back Cabinet recommendations once only. Reference back must contain details of the concerns of the relevant Scrutiny Committee, together with any proposed revisions.
- c) To scrutinise the performance of outside organisations in terms of their impact on the people of Merthyr Tydfil County Borough and within the Committees particular terms of reference. This includes scrutiny of outside organisations in which the Authority has a direct involvement, including joint authorities and joint Cabinets, as well as completely independent organisations such as public utilities.
- d) To invite attendance by appropriate individuals, within guidance approved by the Council, to advise or assist the Committee in exercising its role. Such individuals will have experience or expertise in the area subject to scrutiny, e.g. they may be a service user or a professional in the relevant discipline.

- e) To make recommendations to Cabinet on proposals to commission and fund public consultation work related to the delivery of Council services or conduct of outside bodies (Cabinet required to respond with recommendations to Council within six (6) weeks).
- f) To question Members of the Cabinet, related to the scrutiny of Cabinet recommendations and decisions and the performance of Council services. (In the case of Cabinet recommendations, scrutiny will take place before the recommendations are considered by full Council). Members of the Cabinet, accompanied by such officers as appropriate, are required to be available to attend meetings of the relevant Scrutiny Panel.
- g) To question senior (accountable) Council officers, related to the scrutiny of service performance and reports on which the Cabinet decisions are based. More junior officers may be asked to attend meetings as 'witnesses', but they cannot and must not be held accountable for service delivery and performance.
- h) To require attendance by the Council's 'Section 41' representatives (joint authorities) in connection with the scrutiny of those bodies.
- i) To request attendance by senior representatives of outside organisations, where necessary in accordance with the Committees particular terms of reference.
- j) To make recommendations to the Council on issues arising from scrutiny of Cabinet recommendations, decisions and performance, including, for example, recommendations that an area of Council policy should be reviewed. Such recommendations must be contained in a report which the Cabinet will see and have the opportunity to comment on, in draft form before it is finalised and submitted to Council. It will be important to ensure that, in expressing the reasons why a policy review is considered necessary, reports of Scrutiny Committees do not seek to undertake a policy review or pre-empt the outcome of any review. If Cabinet and/or Council agrees that a policy review is required, this may be taken forward via a Policy Workshop formed by both Cabinet and Scrutiny.
- k) To submit reports to Council on the activities of outside organisations, within the Scrutiny Committee's particular terms of reference. The outside organisation concerned, and the Cabinet, will see and have the opportunity to comment on, any such reports in draft form, before the reports are finalised and submitted to Council.
- l) To appoint Scrutiny Committees for the following (the terms of reference are not exhaustive and are used for illustrative purposes only):

•

1) Governance, Performance, Business Change & Corporate Services Scrutiny Committee

Corporate Communications; Information Technology; Print & Design; Emergency Planning; Business Change; Accountancy; Insurance; Procurement; Creditors; Corporate Finance; Customer Contact Centre; Service Support; CCTV / Lifeline; Parking Administration, Enforcement Freedom of Information

2) Neighbourhood Services, Planning and Countryside Scrutiny Committee

Corporate Property & Estates; Waste Management; Highways & Engineering; Fleet Management; Grounds Maintenance; Street Cleansing / Tidy Towns; Environmental Cleansing and Enforcement; Parks & Bereavement Services; Planning & Countryside; Development Control; Building Control (Building Regulations & Dangerous Structures); Planning Policy & Implementation (Local Development Plan; Built Heritage Conservation, Landscape; Ecology & Biodiversity; G.I.S.

3) Regeneration and Public Protection Scrutiny Committee

Physical Regeneration; Economic Development; Tourism; Employment / Employability Services; European and External Funding; Destination Management Plan; Public Protection & Housing; Housing Services (Strategic/Housing Solutions/ Homelessness); Housing Renewal Area; Disabled Facility Grants; Licensing; Trading Standards / Licensing; Environmental Health; Home to School / Subsidised Transport; Registry Service; Community Safety. To undertake the role of the Councils "Crime and Disorder Committee".

4) Learning and LGES Scrutiny Committee

School Improvement, Inclusion & Governance; School Planning & Support Services; Additional Learning Needs; Inclusion & Wellbeing; Governor Services; School Information / Capita One; Admissions & School Places; Local Management of Schools & School Resource; Catering; Health & Safety /Cleaning (Schools)

5) Social Services Scrutiny Committee

Adults Social Services; Children's Social Services; Community Development; Safeguarding; Wellbeing & Early response including Advocacy & Leaving Care Services; Supporting Permanence; Merthyr Tydfil Family Centre; Family Support; Children with Disabilities; Looked After Children; Fostering & Adoption LAC Education Support

(LACES); Cwm Taf Youth Offending Service; Intake including Enhanced Child in Need Service & Children's Multi Agency Safeguarding Hub; Integrated Family Support; Supported Housing; Initial Support Services; Day Services; Older People Disability; Psychiatry of Old Age; Complaints (Bernadette Jenkins) Assessment & Charging; Contracting; Social Care Workforce Development; Community Occupational Therapy; Communities First; Families First; Early Years / Youth Service; Flying Start

6) Joint Scrutiny Committee

This committee comprises all Members of the five scrutiny committees as above (1-5) and will meet when items need to be considered by all the scrutiny committee as above.

4.06.02 MEMBERSHIP OF THE SCRUTINY COMMITTEES

The Council will appoint at its Annual General Meeting non Members of the Cabinet to each of the Scrutiny Committees, including the appointment of Chairpersons and Vice Chairpersons.

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

The position of Chair of the Audit Committee is included in the membership of the Governance, Performance, Business Change and Corporate Services Scrutiny Committee.

CO-OPTED MEMBERS

Each Scrutiny Committee may include in its membership co-opted members as shown below.

1 Governance, Performance, Business Change & Corporate Services Scrutiny Committee

2 Public appointed co-opted members (non-voting) appointed by public advert for a term of office of not more than four years.

1 Voluntary Sector co-opted member (non-voting)

1 Youth Forum Co-opted Member (non-voting)

2 Neighbourhood Services, Planning and Countryside Scrutiny Committee

2 Public appointed co-opted members (non-voting) appointed by public advert for a term of office of not more than four years.

- 1 Voluntary Sector co-opted member (non-voting)
- 1 Youth Forum Co-opted Member (non-voting)

3 Learning and LGES Scrutiny Committee.

- 2 Public appointed co-opted members (non-voting) appointed by public advert for a term of office of not more than four years.
- 1 Voluntary Sector co-opted member (non-voting)
- 1 Youth Forum Co-opted Member (non-voting)
- Education representatives as shown in 4.06.03 below.

4 Social Services Scrutiny Committee.

- 2 Public appointed co-opted members (non-voting) appointed by public advert for a term of office of not more than four years.
- 1 Voluntary Sector co-opted member (non-voting)

5 Regeneration and Public Protection Scrutiny Committee

- 2 Public appointed co-opted members (non-voting) appointed by public advert for a term of office of not more than four years.
- 1 Voluntary Sector co-opted member (non-voting)
- 1 Youth Forum Co-opted Member (non-voting)

6 Joint Scrutiny Committee

This committee comprises all Members (Councillors and Co-opted Members) of the five scrutiny committees as above (1-5).

All co-opted members are expected to follow the Authority's Code of Conduct for Members and Co-opted members.

Co-opted members shall hold office until:

- they resign from office; or
- they are removed from office by the organisation they represent: or
- they fail to attend a meeting of the scrutiny committee of which he or she is a member for a continuous period of six months beginning with the date of a meeting shall, on the expiry of that period, cease to be qualified to hold that office: or
- 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
- they are removed from office by resolution of the Council: or
- they are removed from office by resolution of a scrutiny Committee.

Voluntary Sector Co-opted Members (non-voting) are nominated by Merthyr Tydfil Voluntary Action (VAMT) for a term of office of not more than four years.

Youth Forum Co-opted Members (non-voting) - The appointments are to be agreed on the basis that the representatives are members of the Merthyr Tydfil Borough Wide Youth Forum and subject to change by the Merthyr Tydfil Borough Wide Youth Forum itself. The term of office is not more than four years.

4.06.03 EDUCATION REPRESENTATIVES

The Learning and LGES Scrutiny Committee will appoint:

- i. 1 Diocese representative;
- ii. 1 Parent Governor Primary representative; and
- iii. 1 Parent Governor Secondary/Special representative,

and may appoint (non voting):

- i. 1 Teacher Union representative; and
- ii. 1 Merthyr Tydfil Association of School Governors representative

as representatives to the Committee, in addition to the two Public appointed coopted members, the Voluntary Sector co-opted member, and Youth Forum Co-opted Member

All 3 Education Representatives (Diocese and Parent Governor representatives) can only vote on matters that relate directly to the Education functions.

4.06.04 FREQUENCY OF MEETINGS

There shall be at least 8 ordinary meetings of each of the Scrutiny Committees in each year and in addition extraordinary meetings may be called from time to time as and when appropriate. Meetings may be called by the Chairperson or in his/her absence by the Vice Chairperson or by any 3 Members of the Committee or by the Scrutiny Services Team Leader or Proper Officer if he/she considers it necessary or appropriate.

4.06.05 QUORUM

The quorum for the Neighbourhood Services, Planning and Countryside Scrutiny Committee; the Learning and LGES Scrutiny Committee; the Social Services Scrutiny Committee and the Regeneration and Public Protection Scrutiny Committee shall be at least 3 Councillors present.

The quorum for the Governance, Performance, Business Change & Corporate Services Scrutiny Committee shall be at least 4 Councillors present.

The quorum for the Joint Scrutiny Committee will be at least half the Councillor membership of the Committee eligible to be present; to include at least one Councillor Member from each of the other scrutiny committees

4.06.06 WORK PROGRAMME

The Scrutiny Committees will be responsible for setting their own work programme and in doing so shall take into account wishes of members on that committee in determining the work programme.

4.06.07 AGENDA ITEMS

Any member of a Scrutiny Committee or Sub Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee or Sub Committee to be included on the agenda for, and to be discussed at, a meeting of the Scrutiny Committee or Sub Committee.

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

4.06.08 BUDGETS

The role of Scrutiny 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.

4.06.09 REPORTS FROM SCRUTINY COMMITTEES

Once a Scrutiny Committee's report and recommendations have been formed from its investigations, it will prepare a formal report for Cabinet. At the draft stage of the report however the appropriate Member of the Cabinet and Chief Executive / Director will be consulted to agree facts to ensure there are no inaccuracies. The appropriate Member of the Cabinet and Chief Executive / Director may also be requested to give evidence to the Scrutiny Committee during the course of its investigations. The report will be submitted for consideration by the Cabinet (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 cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

The Council or the Cabinet shall consider the report of the Scrutiny Committee within one month of it being submitted to the proper officer.

4.06.10 AREA COMMITTEES AND FORUMS (WHEN CONSTITUTED)

A Scrutiny Committee in reviewing and scrutinising decisions of the Cabinet will seek views from Area Committees or forums (when constituted) to assess the impact of the Cabinet decisions on different areas in the Authority.

Where a Councillor or co-opted Member of a Scrutiny Committee is also a Member of an Area Committee or forum he/she must declare their interest orally prior to the relevant agenda item.

Where a Councillor or co-opted Member of a Scrutiny Committee is an active participant in other community or pressure group then they should be cognisant of the rules relating to 'declaration of interest.'

4.06.11 RIGHTS OF THE SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

In addition to their rights as Councillors, Scrutiny Committee Members have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules within this Constitution.

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

4.06.12 COUNCILLORS AND OFFICERS GIVING ACCOUNT

The Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the head of paid service, the proper officer and/or any senior officer to attend before it to explain in relation to matters within their remit:

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

iii. their performance.

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

Where any Councillor or officer is required to attend any Scrutiny Committee under this provision, the Chairperson of that Committee will inform the proper officer or Director. The proper officer or Director shall inform the Councillor or officer in writing giving at least 10 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 Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, then the Scrutiny Committee shall in consultation with the Councillor or officer arrange an alternative date for attendance.

4.06.13 ATTENDANCE BY OTHERS

A Scrutiny Committee may invite people other than those people referred to in paragraph 4.06.12 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, external stakeholders experts within a particular field and Members and officers in other parts of the public sector and shall invite such people to attend. Attendance of course is entirely optional.

A Scrutiny Committee may require the provision of information from, and attendance before the committee by, any such person or organisation under a statutory duty to comply as per the Local Government (Wales) Measure 2011

4.06.14 CALL IN

Call-in should only be used in exceptional circumstances. These are where Members of a Scrutiny Committee have evidence which suggests that the Council or the Cabinet did not take the decision in accordance with the principles set out in Article 13 and the policy and budgetary framework or within the key decision forward plan process.

- a. When a decision is made by the Cabinet, A Cabinet Member or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or an Area Committee/Forum or

- under joint arrangements, the decision (not detailed minute) shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chairperson of the Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- b. The written record or the decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a Scrutiny Committee objects to it and calls it in.
 - c. During that period, the Proper Officer shall call-in a decision for scrutiny by the committee if so requested by the Chair of the relevant Scrutiny Committee or any 5 Councillors (who are not all members of the same political party) and shall then notify the decision-taker of the call-in. The Proper Officer shall call a meeting of the committee on such date as he/she may determine, where possible after the consultation with the Chair of the Committee, and in any case within 5 days of the decision to call-in.
 - 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 within a further 5 working days, amending the decision or not, before adopting a final decision.
 - e. If following an objection to the decision, the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny meeting, or the expiry of that period, whichever is the earlier.
 - f. If the matter is 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 either take the decision itself, in which case the decision will be effective or the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of, a meeting will be convened to consider within 5 working days of the

Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.

- g. If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- h. Where a Cabinet decision has been taken by an Area Committee or Forum then the right of call-in shall extend to any other Area Committee which resolves to refer a decision which has been made but not implemented to a relevant Scrutiny Committee for consideration in accordance with these provisions. An Area Committee or Forum may only request the proper officer or Director to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call-in shall apply as if the call-in had been exercised by Members of a relevant Scrutiny Committee.

Exceptions

- i. In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use.
 - i) that a Scrutiny Committee may only call-in a maximum of 3 decisions per three month period;
 - ii) 5 Councillors from a least two political parties are needed for a decision to be called in.

4.06.15 CALL IN AND URGENCY

The call-in procedure set out in paragraph 4.06.14 above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would e.g. seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Council's Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the proper officer or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

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.

4.06.16 PROCEDURE AT SCRUTINY COMMITTEE MEETINGS

Scrutiny Committees shall consider the following business:

- a. declarations of interest (including whipping declarations);
- b. consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
- c. responses of the Cabinet to reports of the Scrutiny Committee; and
- d. the business otherwise set out on the agenda for the meeting,

Where the Scrutiny Committees conduct investigations (e.g. with a view to policy development), that Committee may also ask other citizens or experts 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.

Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

4.06.17 PARTY WHIP

In this rule, “party whip” means any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on the specific manner before the Council or any committee or sub-committee, or the application or threat to supply any sanction by the group in respect of that Councillor should he/she speak or vote in that particular manner.

At each meeting of a scrutiny committee, each member of the committee must declare any prohibited party whip which the member has been given in relation to the meeting.

The minutes of each meeting of a scrutiny committee will record all such declarations of prohibited party whips made at the meeting.

It is for the person chairing a meeting of a scrutiny committee to determine whether a member of the committee has been given a prohibited party whip in relation to the meeting.

4.06.18 MATTERS WITHIN THE REMIT OF MORE THAN ONE SCRUTINY COMMITTEE

Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee(s), then:-

- (i) the Committee conducting the review shall invite the Chairperson of the other Committee(s) (or his/her nominee) to attend its meetings when the matter is being reviewed.

or

- (ii) the scrutiny committees shall meet jointly, or set up a joint task and finish group, to consider the matter (or those parts of the matter which are within the terms of reference of both committees). At the joint meetings of the scrutiny committees a chairperson from amongst the chairpersons of the participating scrutiny committees will be appointed.

4.06.19 DECLARATION OF INTERESTS

Where members of the Scrutiny Committee have a personal interest in a decision or policy under review, they must disclose it in accordance with the code of conduct adopted by the authority. In addition it is a fundamental principle of accountability that Councillors cannot scrutinise their own decisions. Even if a Councillor or co-opted member does not have a personal interest (as defined by the code of conduct) in a decision which is being scrutinised by the committee, if they were involved in taking that decision (e.g. as a Member of an Area Forum with delegated functions) they must disclose that fact and withdraw from discussion except to provide such information as the Committee may require. They must not take part in the approval of any report from the Committee on that issue.

4.06.20 LOCATION OF MEETINGS

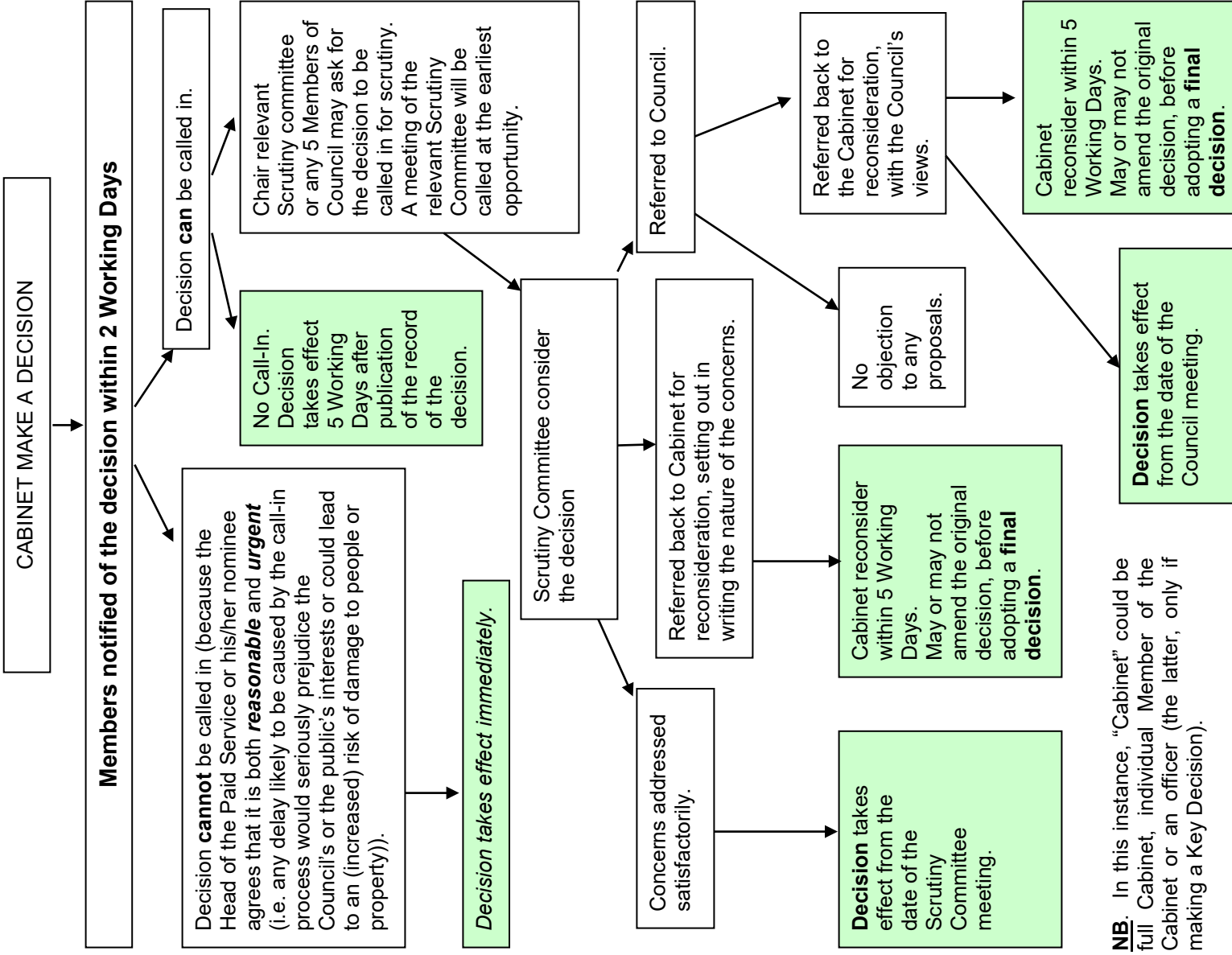
All meetings of the Scrutiny Committees will be held at the Civic Centre other than when the respective Chairperson consider it easier for Members of the public and organisations to hold those meetings within the community.

4.06.21 JOINT SCRUTINY COMMITTEES

- i) Two or more principal councils may set up one or more joint overview and scrutiny committees (JOSC), and arrange for the committee or committees to make reports or recommendations to any of the principal councils setting up the committee, and to the executives of those councils. (See Local Government (Wales) Measure 2011 and the statutory guidance issued under Section 58 Local Government (Wales) Measure 2011.
- ii) **The Cwm Taf Public Services Board Joint Overview and Scrutiny Committee.** A Joint Overview and Scrutiny Committee (JOSC) between Merthyr Tydfil County Borough Council and Rhondda Cynon Taf County Borough Council has been established to scrutinise the Cwm Taf Public Services Board in accordance with legislation as per (i) above and the Well-being of Future Generations (Wales) Act 2015.

4.06.22 OPERATION OF “CALL-IN”

See over



4.07

FINANCIAL PROCEDURE RULES

4.07.01 STATUS OF FINANCIAL PROCEDURE RULES

Financial Procedure Rules provide the framework for managing the authority's financial affairs. They apply to every member and officer of the authority and anyone acting on its behalf.

The rules identify the financial responsibilities of the Council, Cabinet and Scrutiny Members, the Chief Executive, the Chief Finance Officer and Directors. Members of the Cabinet and Directors should maintain a written record where decision-making has been delegated to Members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, such as school governors, references to the Director in the rules should be read as referring to them.

All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedure Rules to the Council and/or to the Cabinet or Audit Committee or equivalent.

Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the authority's Financial Procedure Rules and other internal regulatory documents, such as the Procurement and Contracting Rules and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their departments.

The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedure Rules that Members, officers and others acting on behalf of the authority are required to follow.

As stated above these Rules represent Council policy on managing the authority's financial affairs and therefore it is important to emphasise that they apply to **all** Members and Staff, irrespective of status or Department and must be strictly adhered to at all times. Any breach of these Rules will be investigated by

the Internal Audit Division and depending on the severity of the breach appropriate disciplinary action will be taken.

The Fair Funding: Scheme For Financing Schools may contain different Rules in some instances. For avoidance of doubt where this occurs the Fair Funding: Scheme For Financing Schools will supersede these Rules.

4.07.02 FINANCIAL MANAGEMENT

(A) Introduction

Financial management covers all financial accountabilities in relation to the running of the authority, including the policy framework and budget.

(B) The Council

The Council is responsible for adopting the authority's constitution and Members' code of conduct and for approving the policy framework and budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the authority's overall framework of accountability and control. The framework is set out in its constitution. The Council is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions.

The Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the council and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution and Scheme of Delegation.

(C) Committees of the Council

The Cabinet

Arrangements for the discharge of Cabinet functions are set out within the Constitution and Scheme of Delegation. The arrangements will provide for Cabinet functions to be discharged by:

- (a) the Cabinet as a whole;
- (b) a Committee of the Cabinet;
- (c) to a limited extent by an individual Member of the Cabinet;
- (d) to an Officer;
- (e) to an area Committee;
- (f) joint arrangements; or
- (g) another local authority.

In taking decisions, the Cabinet (including individual Members) will have regard to the plans and strategies set out in the Policy Framework Procedure and will abide by the protocols approved by the Council.

The Cabinet will also be required to ensure that no 'key decision' is taken unless adequate and proper consultation has been taken with community stakeholders and other members of the Council in accordance with the requirements stipulated by the Welsh Government.

The Scrutiny Committees are responsible for discharging the functions conferred by section 21 of the Local Government Act 2000.

The Scrutiny Committees being;

- a) Governance, Performance, Business Change, and Corporate Services Scrutiny Committee;
- b) Neighbourhood Services, Planning and Countryside Scrutiny Committee;
- c) Regeneration and Public Protection Scrutiny Committee;
- d) Social Services Scrutiny Committee;
- e) Learning and LGES Scrutiny Committee
- f) Joint Scrutiny Committee

A Joint Overview and Scrutiny Committee has also been established with Rhondda Cynon Taf County Borough Council. The "Cwm Taf Public Services Board Joint Overview and Scrutiny Committee". See also 4.06.21

Audit Committee

The Authority has also established an Audit Committee. The purpose of the audit committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Standards Committee

The Standards Committee is established by the Council and is responsible for promoting and maintaining high standards of conduct amongst Members. In particular, it is responsible for advising the Council on the adoption and revision of the Members' code of conduct, and for monitoring the operation of the code.

Planning Regulatory and Licensing Committee

This Committee is responsible for all town and country planning and development control matters plus licensing and other regulatory matters and reports to the Council.

The Statutory Licensing Committee

This Committee is responsible for the discharging of licensing functions pursuant to the Licensing Act 2003 and the Gambling Act 2005

Appeals Committee

This Committee considers appeals, for example, arising from adverse decisions emanating from 2.11 above (except development control determinations, which has a statutory alternative process) plus any local employment decisions and reports to Council.

Democratic Services Committee

In accordance with s11 of the Local Government (Wales) Measure 2001, the Council has a democratic services committee to perform the following roles; carry out the local authority's function of designating the Head of Democratic Services keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, in order to ensure that it is adequate for the responsibilities of the post; and make reports, at least annually, to the full council in relation to these matters.

(D) The Statutory Officers

Statutory Officers and their roles are identified in the Council's Constitution.

(E) Other Financial Accountabilities

Virement

The Council is responsible for agreeing procedures for virement of expenditure between budget headings.

Directors with the agreement of the Chief Finance Officer may approve virement up to the limits set down below. Virements should be sought before there is any commitment to incur expenditure.

Virement Limits £

Individual Transfer	Up to £100,000
Cumulative Transfers	Up to £200,000

There is no upper limit to the amount of virement that may be approved by the Cabinet.

All proposals for virement that exceed the above limits must be considered for approval by the Cabinet. Virement proposals must also be reported if they:

- Imply a change in the policies or programmes of the Council;
- Concern proposals specifically approved in the Revenue Budget;
- Imply additional revenue commitment in future years.

The virement of fortuitous savings to finance continuing expenditure should be avoided to prevent a build-up of future commitments for which there may not be a future budget provision.

(F) Treatment Of Year-End Balances

The Council is responsible for agreeing procedures for carrying forward under and overspendings on budget headings.

(G) Accounting Policies

The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

(H) Accounting Records And Returns

The Chief Finance Officer is responsible for determining the accounting procedures and records for the authority.

(I) The annual statement of accounts

The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC). The Council is responsible for approving the annual statement of accounts.

4.07.03 FINANCIAL PLANNING

(A) Introduction

The Council is responsible for agreeing the authority's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

- Transformational Strategic Plan, Improvement Reports (2004, 2005), Community Strategy, and other specific Strategies and Plans.
- Medium Term Financial Plan (MTFP)
- The Budget
- The Capital Programme.

(B) Policy Framework

The Council is responsible for approving the policy framework and budget. The policy framework comprises many statutory and non statutory plans and strategies which are identified in the Council's Constitution.

The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the Council by the Chief Executive

The Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the council.

(C) Budgeting

Budget format

The general format of the budget will be approved by the Council and proposed by the Cabinet on the advice of the Chief Finance Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget preparation

The Chief Finance Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a general revenue plan on a three-yearly basis

for consideration by the Cabinet, before submission to the Council. The Council may amend the budget or ask the Cabinet to reconsider it before approving it. This will depend on the National Assembly for Wales arrangements for informing Local Government of funding.

The Cabinet is responsible for issuing guidance on the general content of the budget in consultation with the Chief Finance Officer as soon as possible following approval by the Council.

It is the responsibility of Directors to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet

(D) Setting of the Council Tax Rate

When the budget estimates have been approved by the Council the Chief Finance Officer will recommend the Council Tax Rate for the year to a special Council.

(E) Budget Monitoring and Control

The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Cabinet on the overall position on a quarterly basis.

It is the responsibility of the Chief Executive and Directors to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance Officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

(F) Resource Allocation

The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's Policy Framework.

(G) Preparation of the Capital Programme

The Chief Finance Officer is responsible for ensuring that a five year Capital Programme is prepared on an annual basis for consideration by the Cabinet before submission to the Council.

(H) Monitoring of the Capital Programme

The Chief Finance Officer is responsible for providing appropriate financial information to enable the Capital Programme to be monitored effectively. He or she must monitor and control expenditure against the Programme and report to the Cabinet on the overall position on a quarterly basis.

(I) Variation of Capital Schemes

Any Director proposing to vary an approved programme of Capital Expenditure by the addition, deletion or modification which involves an increase in a project in that programme will make such a recommendation to the Cabinet which will then make a proposal to Council or if necessary a Special Council to approve or disapprove such action.

(J) Excess Expenditures Other Than Emergencies

Where, during the course of completion of a project, the approved cost of the scheme is likely to be exceeded, Directors must ensure that the relevant section(s) of the 'Procurement and Contracting Rules' are adhered to.

(K) Emergencies Resulting in Supplementary Estimate or Virements.

In the case of exceptional circumstances, a Director may incur expenditure not provided for in the estimates, however they must ensure that the relevant section(s) of the 'Procurement and Contracting Rules' relating to 'Exemptions due to Emergency works and Special circumstances' are adhered to.

(L) Guidelines

Guidelines on budget preparation are issued to Members and Directors by the Cabinet following agreement with the Chief Finance Officer. The guidelines will take account of:

- Legal requirements
- Medium-term planning prospects

- Transformational Strategic Plan, Improvement Reports, Community Strategy, and other specific Strategies and Plans.
- Available resources
- Spending pressures
- Best value and other relevant government guidelines
- Other internal policy documents
- Cross-cutting issues (where relevant).

(M) Maintenance of reserves

It is the responsibility of the Chief Finance Officer to advise the Cabinet and/or the Council on prudent levels of reserves for the authority.

4.07.04 MANAGEMENT AND CONTROL OF RESOURCES

(A) Introduction

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the authority. This should include the proactive participation of all those associated with planning and delivering services.

(B) Risk Management

The Cabinet is responsible for approving the authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.

The Chief Finance Officer is responsible for preparing the authority's risk management policy statement, for promoting it throughout the authority and for advising the Cabinet on proper insurance cover where appropriate.

(C) Internal Control

Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the authority's assets and interests are safeguarded.

The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and Rules, and other relevant statements of best practice.

They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

It is the responsibility of Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

The Accounts & Audit Regulations (Wales) 2005 Regulation states that Local Authorities are responsible for ensuring that their financial management is adequate and effective and that they have a sound system of internal control which is regularly reviewed.

It is required that a Statement on Internal Control is issued with the financial statements.

(D) Audit Requirements

The Accounts & Audit Regulations (Wales) 2005 require that Local Authorities “maintain an adequate and effective system of internal audit of their accounting records and systems of internal control in accordance with proper internal audit practices”.

Proper practices equate to CIPFA Code of Practice for Internal Audit in Local Government in the UK.

The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.

The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

(E) Preventing fraud and corruption

The Chief Finance Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

(F) Assets

Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of

assets and continuity of service in the event of disaster or system failure are in place.

(G) Treasury Management

The authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.

The Council is responsible for approving the Treasury Management Policy Statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The Policy Statement is proposed to the Council by the Cabinet. The Chief Finance Officer has delegated responsibility for implementing and monitoring the statement.

All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Chief Finance Officer.

The Chief Finance Officer is responsible for reporting to the Cabinet a proposed Treasury Management Strategy for the coming financial year at or before the start of each financial year.

All Cabinet decisions on borrowing, investment or financing will be delegated to the Chief Finance Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.

The Chief Finance Officer is responsible for reporting to the Cabinet annually on the activities of the Treasury management operation.

(H) Staffing

The Council is responsible for determining how officer support for Cabinet and non-Cabinet roles within the authority will be organised.

Directors are responsible for controlling staff numbers by:

- Advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels
- Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs
- The proper use of appointment procedures.

4.07.05 SYSTEMS AND PROCEDURES

(A) Introduction

Sound systems and procedures are essential to an effective framework of accountability and control.

(B) General

The Chief Finance Officer is responsible for the operation of the authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by Directors to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer. However, Directors are responsible for the proper operation of financial processes in their own departments.

Any changes to agreed procedures by Directors to meet their own specific service needs should be agreed with the Chief Finance Officer.

Directors should ensure that their staff receive relevant financial training that has been approved by the Chief Finance Officer.

Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Directors must ensure that staff are aware of their responsibilities under freedom of information legislation.

(C) Income and Expenditure

It is the responsibility of Directors to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on the Director's behalf, or on behalf of the Cabinet, in respect of payments, income collection and placing orders, together with the limits of their authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

(D) Payments to Employees and Members

The Director of Customer Services is responsible for all payments of salaries and wages to all staff, including payments for overtime (which have been sanctioned by the relevant Director) and for payment of allowances to Members.

(E) Taxation

The Director of Customer Services is responsible for advising Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

The Director of Customer Services is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

(F) Trading Accounts/Business Units

It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units.

4.07.06 EXTERNAL ARRANGEMENTS

(A) Introduction

The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion and improvement of the economic, social and environmental well being of its area.

(B) Partnerships

The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The Cabinet can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the authority's constitution. Where functions are delegated, the Cabinet remains accountable for them to the Council.

The Chief Finance Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the authority.

The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure

that the risks have been fully appraised before agreements are entered into with external bodies.

Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

(C) External Funding

The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the authority's accounts. Directors are responsible for ensuring that contracts are not entered into until final approval has been received by the funding body.

(D) Work for Third Parties

The Cabinet is responsible for approving the contractual arrangements for any work for third parties or external bodies.

4.07.07 INTERNAL AUDIT

The requirement for an Internal Audit function for Local Authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities "make arrangements for the proper administration of their financial affairs".

The Accounts & Audit Regulations (Wales) 2005 require that Local Authorities "maintain an adequate and effective system of internal audit of their accounting records and systems of internal control in accordance with proper internal audit practices".

Proper practices equate to CIPFA's Code of Practice for Internal Audit in Local Government in the UK.

Internal Audit is an assurance function that primarily provides an independent and objective opinion to the organisation on the control environment comprising risk management, control and governance by evaluating its effectiveness in achieving the organisations objectives.

It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

The Chief Executive is responsible for maintaining an adequate and effective Internal Audit of this Authority as he is the Responsible Financial Officer of the Council.

In order for Internal Audit to be fully effective the Chief Executive must ensure that the following are complied with:

- That Internal Audit is independent in its planning and operation.
- The Assistant Director Chief Executives has direct access to the Head of Paid Service, all levels of management and directly to Elected Members.
- Internal Auditors comply with the Auditing Practices Board's guideline *Guidance for Internal Auditors*, as interpreted by CIPFA's *Code of Practice for Internal Audit in Local Government in the United Kingdom*.

The Chief Finance Officer and his audit representative have the authority to:

- Access authority premises at reasonable times.
- Access all assets, records, documents, correspondence and control systems.
- Receive any information and explanation considered necessary concerning any matter under consideration.
- Require any employee of the authority to account for cash, stores or any other authority asset under his or her control.
- Access records belonging to third parties, such as contractors, when required.
- Directly access the Head of Paid Service, the Cabinet and Audit Committee (or equivalent).

The Chief Finance Officer must approve the strategic and annual audit plans prepared by the Assistant Director Chief Executives, which take account of the characteristics and relative risks of the activities involved.

The Chief Executive must ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

The Assistant Director Chief Executives must report on the activities of Internal Audit to the Audit Committee or equivalent on a regular basis.

The Assistant Director Chief Executives must co-operate & liaise with the External Auditors on a regular basis in order to maximise audit resources, by ensuring that plans are discussed so that areas of significant risk are covered, and that issues of concern are raised.

All Directors & Managers have responsibilities in relation to Audit matters as follows:

- To ensure that Auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.

- To ensure that Auditors are provided with any information and explanations that they seek in the course of their work.
- To consider and respond promptly to recommendations in audit reports.
- To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- To notify the Chief Finance Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the Director / Manager should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Audit, Performance and Partnerships Manager prior to implementation.

4.07.08 BANKING ARRANGEMENTS AND CHEQUES

All arrangements with the Council's Bankers concerning the Council's banking accounts and the issue of cheques will be made through the Chief Finance Officer.

The Chief Finance Officer will be authorised to operate such subsidiary banking accounts as he thinks necessary.

The Chief Finance Officer will be the sole officer authorised to obtain cheques and will make proper arrangements for their safe custody.

Cheques on the Council's Bank account will bear the facsimile signature of the Chief Finance Officer. Cheques in excess of a prescribed value must also be countersigned by an authorised Officer.

No overdraft will be permitted on any of the Council's Bank accounts, except with the approval of the Chief Finance Officer and the overdraft will not be in excess of the maximum overdraft approved by the Council and agreed with the Bank from time to time.

The Chief Finance Officer will be responsible for all direct debit and credits on the Council's Bank account.

The Chief Finance Officer will report periodically to the Cabinet on the operation of the Council's Bank accounts and to operate same. At intervals to be agreed by Council, negotiations on a selective tender basis are to be conducted between the Banks concerned and the Chief Finance Officer or his nominated representative, with a view to entering into an agreement for the administration of the Authority's Bank accounts over a defined period, such period not to exceed five years.

The Chief Finance Officer is responsible for arranging the reconciliation of the main bank account with the Council's cash accounts.

4.07.09 INCOME

The collection of all monies due to the Council will be under the general control of the Chief Finance Officer. The day to day responsibility of the Officer concerned will be under the general control of the Departmental Director who will at all times take the advice of the Chief Finance Officer in such matters.

The level of Council house rents will be considered at regular intervals by the Council.

The Cabinet will review all other fees and charges annually at the time of setting departmental budgets.

If the Council is able to obtain income from a range of sources then the method of choosing the best value source must be chosen on the basis of a tendering procedure as outlined in the Procurement and Contracting Rules.

Each Director will furnish the Director of Customer Services with such particulars in connection with work done, goods supplied or services rendered, and of all other amounts due as may be required to record correctly all sums due to the Council, and to ensure the prompt rendering of accounts for the recovery of income due. When Departments are responsible for rendering accounts for monies due to the Council, such accounts will be rendered as soon as possible after they become due for collection.

The Director of Customer Services will be notified promptly of all monies due to the Council under contracts, lease or other arrangements, or arrangements entered into which involve the receipt of money by the Council. The Chief Finance Officer will have the right to inspect any documents or other evidence in these matters as he considers necessary. Schools with their own bank account must keep records as authorised by the Chief Finance Officer.

All amounts due to the Council will be claimed on official invoices. Instructions for the cancellation or reduction of invoices for income must be authorised by the appropriate Director or such member of staff specifically designated by him/her for that purpose.

Directors must designate Members of staff to receive monies due and should ensure that all appropriate records are maintained. All monies received by collecting officers will be acknowledged at once by the issue of a numbered official receipt in a form prescribed or agreed by the Chief Finance Officer.

Each Director will ensure that all income due, is promptly collected, correctly receipted, reconciled, accounted for and banked at least weekly and each time £200 or more is held in cash, unless specifically agreed by the Chief Finance Officer.

No disbursements will be made from such monies.

Any shortfall between the amount recorded as collected and that banked by an officer must be made good by that officer immediately, unless agreed otherwise in a specific case by the Chief Finance Officer.

All cash handling staff must be issued with written instructions on cash handling and till operation by the relevant Director and have signed to acknowledge that instructions have been received and understood. These procedures must be agreed by the Chief Finance Officer.

In accordance with the Account and Audit Rules, each Officer who banks money will enter on the paying-in slip and carbon duplicate thereof in the case of each cheque paid in:

- The amount of the cheque;
- Some reference (such as receipt number, account number or the name of the debtor) which will connect the cheque with the debt(s) in discharge or partial discharge of which it was received. On the reverse of all cheques accepted, there will be entered a reference to identify the debt to which the payment refers.

Personal cheques will not be cashed out of money held on behalf of the Council.

Every transfer of official money from one member of staff to another will be evidenced in the records of the Departments concerned by the signature of the receiving Officer.

The Director of Customer Services will, after exhausting recovery procedures, with the agreement of Chief Finance Officer write off irrecoverable rental arrears not exceeding **£1000** (or such other amount that the Council will from time to time determine) which remain upon the termination of a tenancy.

The Director of Customer Services must, with the agreement of the Chief Finance Officer report all irrecoverable arrears in excess of this amount to the Cabinet with a recommendation for authority to write off.

Apart from Housing rental arrears referred to in the preceding paragraphs, all other debts not exceeding £1000 (or such other amount that the Council will

from time to time determine) will after exhausting recovery procedures be written off by the Director of Customer Services.

The Director of Customer Services must not write off any debt without the agreement of Chief Finance Officer and, in excess of £1000 without also receiving prior authorisation from the Cabinet.

The Director of Customer Services will advise the Chief Executive of debts, which have remained unpaid with a view to the institution of legal proceedings in appropriate cases.

Any sum due to the Council will only be discharged by payment or write off.

4.07.10 INVESTMENTS AND BORROWING

All borrowing will be effected in the name of the Council. All Bonds or Deposit Receipts issued as security for monies borrowed by the Council will be signed on behalf of the Council by the Chief Finance Officer or another Officer authorised to do so by the Council.

The Chief Finance Officer or an agent nominated by him will be the Council's registrar of stocks and bonds, and will maintain records of all borrowing of money by the Council.

It will be the duty of the Council to approve the purchase and sale of investments. No transaction in connection therewith will be carried out until it has been reported to and authorised by the Council. All investments of money of Trust Funds under its control will be made in the name of the Council.

All securities, the property of or in the name of the Council, and the title deeds of all property in its ownership, will be held in safe custody by the Chief Executive.

All Officers acting as trustees by virtue of their official position, will deposit all securities relating to the Trust with the Chief Executive, unless the deed otherwise provides.

4.07.11 PURCHASES / LEASING (NOT LAND)

Procedures for all purchasing are as per the Council's 'Procurement and Contract Procedure Rules'.

Directors are not permitted to enter into any lease agreement (except for land which is covered under Section 4.07.32) without the written authorisation of the Chief Finance Officer.

Only the Chief Finance Officer or in his or her absence the Accountancy Manager are authorised to sign lease agreements on behalf of the Council.

4.07.12 ORDERS FOR GOODS AND SERVICES (INCLUDING E-COMMERCE)

Official orders in writing will be issued for goods required or work/services to be performed. Such orders will be in a form prescribed by the Chief Finance Officer and are to be signed only by an Officer authorised by the Director

The names of Officers authorised to sign such official orders, will be sent to the Chief Executive by each Director together with specimen signatures, and will be amended on the occasion of any changes.

Copy signatures, rubber stamps or computer generated / scanned signatures must not be used.

All orders must be written and authorised at the time the order is placed and not when the invoice is received. Where, on the grounds of urgency, an order is placed orally, an official order will be issued within 24 hours, clearly marked as being in confirmation of the earlier verbal instruction.

Before issuing official orders, Officers authorised to sign them must be satisfied that provision for the expenditure has been made in the estimates and that the estimate is sufficient to cover the proposed expenditure. Also, that alternative quotations or tenders have been received as required by the Council's 'Procurement and Contracting Rules' and Best Value principles are applied.

Each order will conform with the directions of the Council with respect to any policy on central purchasing, computer purchasing, standardisation, quality and Environmental Strategy as may from time to time be adopted by the Council. Directors will ensure that all purchases comply with any legal, health and safety requirements.

Official orders will be issued for all works, goods and services supplied to the Council. Exceptions may be made for periodical payments such as rent, rates, gas, electricity, water and telephones, and for petty cash purchases or such other exceptions as the Chief Finance Officer.

All orders placed must clearly show the tender price, negotiated price, catalogue price, accepted quotation or supply agreement together with any trade and/or cash discount.

Payment in advance of receipt of goods or services may be made only where it is essential in order to secure the particular supply required or where beneficial discount would otherwise be lost.

Each Director will be responsible for the validity of all orders issued and for the control and safe custody of the official order books.

Official orders must not be raised for any personal or private purchase, nor must personal private use be made of Council contracts.

E–Commerce will be introduced at the discretion of the Chief Finance Officer who will be responsible for ensuring that procedures are in place and amended as necessary to maintain the security and validity of data for transmitting business electronically.

Directors will be responsible for ensuring that procedures for E – Commerce are strictly adhered to.

4.07.13 PAYMENT OF ACCOUNTS

All payments on behalf of the Council will be made by the Chief Finance Officer with the exception of disbursements from petty cash imprests and from subsidiary bank accounts which have been authorised by the Chief Finance Officer. The normal method of payment of money due from the Council will be by cheque, BACS or other instrument drawn on the Council's banking account. For Schools who have their Budget share paid into a bank account, the above payments will be drawn on that account.

The Chief Finance Officer will be responsible for making safe and efficient arrangements for all payments. All cheques will be dispatched direct to the recipient and will not be returned to the initiating officer authorising the payment, unless specifically authorised by the Chief Finance Officer.

Each Director will be responsible for the submission and certification of accounts for payment in accordance with arrangements made by the Chief Finance Officer. Wherever practicable the respective duties of ordering, receiving goods or services and certifying the account will not be performed by one and the same officer.

Payment will be made only against suppliers invoices or standing journals, not on statements of account. Copy invoices may only be processed provided that the department is satisfied that the original invoice has not previously been passed for payment. A note to this effect will be made on the copy invoice by the certifying officer.

Requisition forms for payment must not be used in place of any invoice, demand, fee note or other written request for payment received from a creditor. Requisitions will only be used for internally generated payments i.e. where no invoice is generated.

Each Director issuing an order is responsible for examining, verifying and certifying the related invoices and similarly for any other payment vouchers or accounts arising from sources in that Department. The names of the Officers authorised to sign such records will be sent to the Chief Executive by each Director together with specimen signature and will be amended on the occasion of any changes.

The Chief Finance Officer or relevant Director or their nominated Officers will be responsible for examining, verifying and certifying all invoices. The certification of the invoice will include:

- That the relevant work, goods or services have been received, carried out, examined and approved;
- That Procurement and Contract Rules have been complied with;
- That prices, calculations, trade and cash discounts, other allowances, credits are correct;
- That the expenditure was incurred under the head of estimates indicated, and was necessary for that purpose;
- That appropriate entries have been made on inventories, stores records or stock books;
- That the account has not been previously passed for payment, and is a proper liability of the Council;
- That payment of the account is in all respects proper.

At least two officers must be involved in completing the payment authorisation stamp.

All sections of the payment authorisation stamp must be completed at all times:-

- Goods received by
This is completed by the person who receives the goods or confirms that works/services have been carried out. In exceptional circumstances where payment is made in advance of works/services e.g. subscription then the member of staff who requests the works/services must sign and add "advance payment".
- Checked and marked off by
When a payment is being made, the details of the payment must be recorded on the official order. The person who marks off the invoice, against the order book and updates the order with details of the invoice should sign this box. If there is no order e.g. Public Utilities Payments

then an appropriate officer must confirm the meter readings before completing this section.

- Certified and date

The certification officer must be an authorised signatory whose name appears on the Authorities official signatory list for that budget area. Invoices must not be certified for payment unless the goods received by and checked/checked off sections on the authorisation stamp have been fully completed. The date of signing must always be entered.

- Input by

This box must be completed by the person who actually input the invoice to the Council's computerized credit system. Invoices must not be input or this section completed unless the goods received by, checked/checked off, certified and date sections of the authorisation stamp have been fully completed.

The person certifying the payment must be different to the person(s) completing the 'checked and Marked off' section of the stamp, and must be a designated authorised signatory. Authorised signatories must sign in their own name and not sign in the name of their Director.

Full signatures must be given and under no circumstances are initials to be accepted. Copy signatures, rubber stamps or computer generated / scanned signatures must not be used.

The Chief Finance Officer will schedule and pay all accounts that are considered satisfactory and in order, to be paid within 30 days of the invoice date or sooner if necessary to comply with contractual terms and to obtain discounts or any other valid reason.

Directors must ensure that payments are made within contractual terms and where such terms do not exist within 30 days from the date of invoice. Where payment is made outside of the 30 days the reason for late payment must be noted on the invoice.

Where Directors have direct access to the Council's computerised creditor system:

- Names and signatures of Officers involved in the input and authorising of invoices and or accounts will be submitted to the Chief Executive by all Directors and will be amended on the occasion of any change therein. Employees authorised to certify invoices should not normally be authorised to input invoices into the system. Each Officer who is authorised to access the creditor system, will have a password which must be confidential and not divulged to any other person.

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- Payment terms (Contractual terms or 30 days payment from invoice date, where such terms do not exist) have been pre set into the system. Therefore to comply with payment terms all Invoices/accounts must be input to the system without delay, ensuring that invoice dates are entered at all times.
 - All invoices/accounts will be filed and stored securely in a manner prescribed by the Chief Finance Officer.
 - Each Director will, at the 1st April, or as required in each year notify the Chief Finance Officer of all outstanding expenditures relating to the previous financial year and comply with any instructions issued in connection with year-end accounting arrangements.

(A) Construction Industry Contractual Payments

No contract is to be awarded to a Contractor who has not registered with the Inland Revenue as a Sub Contractor.

Evidence of such must be received by Merthyr Tydfil County Borough Council prior to being invited to Tender / Quote.

When the Sub Contractor has registered with Inland Revenue they will be allocated a Unique Tax Reference Number.

Together with the Unique Tax Reference Number and the Company's Registration Number or the Individual's National Insurance Number must be present to the Central Payment Division prior to the Order / Contract being awarded.

If the Sub Contractor is deemed by the Inland Revenue to be paid Net at the Standard Rate of Deduction then the ensuing invoice must separately identify both the Materials and Labour content on the invoice so that the correct Tax Deduction can be made. Where the Sub Contractor is identified as a Gross Payment Contractor then the Company may be paid Gross (i.e. Without Deduction of Tax).

To assist in the Council's compliance with the Finance Act, Departments must identify the invoice as being payable to a sub-contractor for payment.

Where a signed contract is required no payments will be made until the contract has been duly signed and sealed by the contractor concerned and received by Council.

Where contracts provide for payment to be made by instalments, the Chief Finance Officer will arrange for the keeping of a contract register or registers to

show the state of account on each contract between the Council and the Contractor, together with any other payments and the related professional fees:

Payments to Contractors on account of contracts will be made only on a certificate issued by the appropriate Director or Consultant where engaged by the Council.

In the case of certification by a Consultant, the appropriate Director will ensure that each certificate is supported by a copy of the Valuation and the Consultant will ensure that it contains no unusual features such as large variations of which the Council has no knowledge.

The Chief Finance Officer will be entitled to make such enquiries and to receive such information and explanations as he may require in order to satisfy himself as to the accuracy of such interim valuations as he considers necessary.

Subject to the conditions of the contract, the final certificate will not be issued until the appropriate Director or Consultant has produced to the Chief Finance Officer a detailed statement of the final account, together with all relevant documents if required. The Chief Finance Officer will, to the extent he considers necessary, examine final accounts for contracts and he will be entitled to make all such enquiries and receive such information and explanations as he may require in order to satisfy himself as to the accuracy of such final accounts. The purpose of these requirements under this paragraph is to assist Directors in ensuring that the accounts are correct, but in no way diminishes their personal responsibility for the contracts.

The Department's responsibilities do not cease with the receipt of material or goods etc. Most contracts give price and/or discounts if paid within a specific period after receipt, and considerable sums of money could be lost if Centralised Purchasing Section or the Chief Finance Officers' Payment Section, as the case may be, are not notified of receipt immediately. It is the duty of each Director to carry out this responsibility.

The Chief Finance Officer will be entitled to apply any check thought desirable, and to receive any such information and explanations as thought required regarding any payment.

4.07.14 PETTY CASH AND IMPREST ACCOUNTS

The Chief Finance Officer, will provide such accounts as considered appropriate for such Officers of the Council as may need them for the purpose of defraying petty cash and other expenses. Except as otherwise agreed between the Chief Finance Officer and the Director concerned, payments out of these accounts will be limited to minor items of expenditure.

Where he/she considers it appropriate the Chief Finance Officer will open an account with the Council's bankers for use by the imprest holder, who will not cause such an account to be overdrawn. It will be a standing instruction to the Council's bankers that the amount of any overdrawn balance on an imprest account will be reported forthwith to the Chief Finance Officer.

Under no circumstances should personal cheques be cashed or money borrowed from imprest accounts.

No salaries or wages payments may be made to employees from an imprest account. No payment must be made to sub-contractors for building or maintenance work unless specifically authorised, in writing, by the Chief Finance Officer.

An officer responsible for an imprest will:

- Obtain and retain vouchers to substantiate each payment from the imprest. Particular care should be taken to obtain a VAT invoice when this tax is charged;
- Ensure the safe custody of the imprest cash, by keeping it securely locked away, preferably in a safe. Guidance on this matter can be obtained from the Internal Audit Division;
- Restrict the amount of each separate payment to £50 or as otherwise agreed by the Chief Finance Officer in a specific case;
- Produce, upon demand, to the Chief Finance Officer or representatives cash and/or vouchers to the total of the imprest;
- When requested, give the Chief Finance Officer a certificate as to the state of the imprest account;
- Where an imprest is operated through a bank account, ensure that the account remains in credit, and that the procedures set out under banking arrangements in these Rules are followed;
- Reconcile and balance the imprest at least monthly. Periodic checks should be made by a senior officer to ensure that this is being properly carried out. Any deficiency must be notified to the Chief Finance Officer and made good by the imprest holder or as otherwise agreed in a specific case by the Chief Finance Officer;
- No income received on behalf of the Council will be banked to an imprest account. Such income must be banked and accounted for as provided elsewhere in these Rules;
- On leaving the employment of the Council or otherwise ceasing to hold an Imprest advance, an Officer will account to the Chief Finance Officer for the amount advanced and make good any deficiency, which may be found.
- On appointment, an Officer responsible for an imprest, will immediately account for the cash and invoices to the value of the advance.

4.07.15 SALARIES AND WAGES

The Chief Executive is the Officer responsible for advising the Council on the efficient utilisation of manpower resources (including training and development), and upon the operation and control of procedures for appointment, discipline, grievance, salaries and wages and general conditions of service as applied nationally, provincial and locally.

Appointments of all employees will be made in accordance with the Rules of the Council and the approved establishments, grades or rates of pay.

The calculation, payment and control of all salaries, wages and other emoluments to all employees of the Council will be made by the Chief Finance Officer, or under arrangements approved and controlled by the said Chief Finance Officer.

Each Director or his authorised representative will notify the Chief Finance Officer as soon as possible and in the form prescribed, of all matters affecting the payment of such emoluments and in particular:

- Of all appointments, resignations, dismissals, suspensions, supervisions, secondments and transfers, and
- Of all absences from duty for sickness, maternity leave, accidents or other reasons, apart from approved leave, and
- Of all authorised and approved changes in remuneration, including normal increments, but excluding pay awards or agreements of general application, and
- Of all changes in standard hours or terms of employment, and
- Of changes to circumstances surrounding the payment of car allowances, including change of vehicle or change of status of payment, and
- Furnish all personnel information necessary to maintain individual records of service for the Superannuation Scheme, Inland Revenue, and other appropriate agencies.

All time records or other pay documents will be in a form prescribed or approved by the Chief Finance Officer and will be certified by signatories by or on behalf of the relevant Director. The names of the Officers authorised to sign such records, **will be sent to the Chief Executive** by each Director together with specimen signatures and will be amended on the occasion of any changes therein.

Each Director will submit to the Chief Finance Officer, weekly for wage earners, a properly completed time sheet for each employee, duly certified as to correctness and validity.

Each Director will submit to the Chief Finance Officer on a weekly and monthly basis for salaried staff, a properly completed time claim form for each

Department or Division of the Department, duly certified as to correctness and validity

4.07.16 TRAVELLING, SUBSISTENCE, EXPENSES AND ATTENDANCE ALLOWANCES

All claims for payment of subsistence allowances, travelling and incidental expenses, which have been properly certified in a form approved by the Chief Finance Officer, will be submitted to the Chief Finance Officer within one month thereof. Payment will be made through Payroll. The names of Officers authorised to sign such records, together with their specimen signatures, will be sent to the Chief Executive by each Director, together with changes of authorised Officers as and when they arise.

Car allowance claims will be made up monthly and submitted for payment within one week thereof.

The certification by or on behalf of the Director will be taken to mean that the certifying Officer is satisfied that the journeys made were necessary and authorised, the expenses properly incurred, the mileages claimed are reasonable, the Claim form is arithmetically correct and that the allowances are properly payable by the Council.

Officers claims submitted more than three months after the expenses were incurred will be paid only with the express approval of the Chief Finance Officer.

Directors must ensure that car details, insurance details and driving licence details, for all new staff and current staff who change cars are immediately notified to the Chief Finance Officer.

Directors must ensure that staff who do not have Insurance cover for business use do not use their car for Council purposes.

Payments to Members including co-opted Members of the Council or its Committees, who are entitled to claim allowances, will be made by the Chief Finance Officer upon receipt of the appropriate claim form duly completed. All claims in respect of the financial year ending on 31 March are to be submitted within one month.

4.07.17 TAXATION

Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe.

The Chief Finance Officer must ensure:

- To complete all Inland Revenue returns (Income Tax and National Insurance Contributions) regarding PAYE.
- To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.
- To provide details to the Inland Revenue regarding the construction industry tax deduction scheme.
- To maintain up-to-date guidance for authority employees on taxation issues in the accounting manual and the tax manual.

It is the responsibility of all Directors:

- To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise Rules.
- To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

All documents identifying Taxation, including proof of payment and banking records, are retained for six years plus the current year to satisfy the requirements of Inland Revenue and Customs and Excise.

4.07.18 INSURANCES

The Chief Finance Officer will be responsible for effecting all the Council's insurance and keeping insured all Council buildings, property, vehicles and plant, and all other necessary insurable risks to such extent as the Council determine.

The Chief Finance Officer will arrange a policy of fidelity insurance of appropriate amount in respect of those employees for whom such is relevant.

The Chief Finance Officer will review all insurance at intervals not less frequently than annually, and will consult with other Directors on matters in their respective Departments.

The Chief Finance Officer will be responsible for obtaining insurance quotations on a selective tender basis at intervals as decided by Council, but such intervals not to exceed 5 years.

The Chief Finance Officer will hold in safe custody all insurance policies of the Council, arrange for payment of premiums by the due date and manage the Council's own Insurance Fund. Procedures for dealing with claims on the Council's own Insurance Fund will be prescribed from time to time by the Chief Finance Officer.

The Chief Finance Officer will be responsible for devising and implementing proper administrative procedures for making claims, and effecting recoveries under the various policy heads. For this purpose, the Chief Finance Officer will be entitled to receive from each Director such information, as he requires to facilitate making insurance claims.

Each Director or his representatives are obliged to notify the Chief Finance Officer or his representative of any matter that may involve insurance claims being made either by or against the Authority, and to comply with the Civil Justice Timescales in relation to personal injury claims.

The Chief Finance Officer will recover all costs / penalties imposed by the Courts from any Department who fails to comply with the Civil Justice Timescales in relation to personal injury claims.

No admission of liability is to be made by any Member or Officer. All questions of liability will be handled by the appropriate Council Claims Handler.

Directors will forthwith notify the Chief Finance Officer, in writing, of any loss, liability or damage or any event likely to lead to a claim and inform the police, where necessary. Directors will submit claims in such form as may be required by the Chief Finance officer.

Insurance records relating to liability policies and related correspondence must be retained indefinitely. Documents relating to other policies and internal funding arrangements must be retained for six years.

Directors will immediately advise the Chief Finance Officer whenever land, buildings, vehicles and plant, office equipment or buildings subject to lease are:

- Acquired
- Disposed of
- Subject to alteration on the structure, heating or occupation.

No Director will give any indemnity on the Council's behalf without first consulting with the Chief Finance Officer and also the Chief Executive.

4.07.19 INVENTORIES

Inventories of the Council's property, other than stores will be kept by the Director of the Department concerned. The extent of the articles to be included on

inventories and the form in which inventories will be kept is to be determined by the Chief Finance Officer in consultation with the relevant Director.

Each Director will be responsible for ensuring that inventories are kept fully up to date, and that an annual check of all items on the inventories is carried out. Any surpluses or deficiencies will be noted on the inventories with a note of action taken in respect of such differences.

The Council's property will not be removed otherwise than in accordance with the ordinary course of the Council's business, or used otherwise than for the Council's purposes, except in accordance with specific directions issued by the Director concerned.

The Chief Finance Officer will, at reasonable times, have access to all property of the Council to audit the inventories.

In line with the requirements of the Council to maintain an asset register, and to enable charges for the use of such items to be calculated in accordance with the capital accounting system, inventories should include for each item information relating to date of purchase, cost, location and any technical features which might affect its value or usefulness.

4.07.20 STORES

All requirements for materials and stores for whatever purpose, other than supplies of Meals on Wheels requirements or other supplies as agreed by the Stores and Purchasing Manager must be channelled through the Central Purchasing Division. This Division will be responsible for the purchasing of all materials and stores on behalf of all Departments either from sources predetermined by Council negotiated contracts, County Borough Supplies, Welsh Purchasing Consortium, C.L.A.W. or as one time buys using current purchasing expertise in accordance with the Procurement and Contracting Rules.

All requirements of material and stores including furniture, fittings, office equipment, stationery, trees, plants, shrubs, tree stakes etc will be channelled through the Central Purchasing Section of the Finance's Department

The contents of the **Pentrebach Depot** will be the responsibility of the Director of Community Services, who will also ensure that:

- Stocks are maintained at adequate levels to meet the needs of user departments;
- Procedures and modern storehouse methods are fully utilised to ensure materials are ordered, received, stored and issued to the highest degree of efficiency and cost;
- Stocks are maintained and ordered only to the levels that will be utilised and required by the Authority;

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- A continuous stocktaking system is undertaken to ensure stocks are correct and fully serviceable to the Council's ledgers. The system should ensure that all stocks are checked at least once per annum.

Each Director, through his nominated officer, will be responsible for the care and custody of stores in his department. He is also responsible for ensuring that the level of stocks held are reasonable, bearing in mind rates of usage and immediate requirements. Departments should not act as a stocking centre unless absolutely unavoidable.

Stores records will be kept in a form to be approved by the Chief Finance Officer. Arrangements for the receipt, issue and control of stores will be agreed by the Director concerned and the Chief Finance Officer.

Directors will arrange for periodical test examination of stocks so as to ensure that all stock items are physically checked at least once a year.

Each Director will certify the stock of stores held in his department at the end of each accounting period, as and when such certificates are required.

The Chief Finance Officer will be entitled to receive from each Director such information as he requires in relation to stores for accounting, costing and financial records.

All surplus and obsolete materials, stores or equipment will be disposed of at best possible prices and in accordance with tender procedures where applicable. The procedure for disposal must be agreed with the Chief Finance Officer.

Adjustment to write off deficiencies or account for surplus must be in accordance with procedures as agreed by the Chief Finance Officer.

Significant deficiencies in stores items will be notified to the Director concerned and to the Chief Finance Officer.

4.07.21 DISPOSAL PROCEDURES

The method of disposal for obsolete vehicles, plant, must be co-ordinated through the Stores and Purchasing Officer.

Methods available are:

- Through a recognised Public Auction for items such as vehicles and plant. co-ordinated through the Stores and Purchasing Officer.
- By open tender advertised in the local press, trade journal.

All other items of equipment, furniture and other assets that are no longer required by the Council may be disposed of by the relevant Director after consultation with Internal Audit.

The sale of scrap materials relating to Central Stores must be controlled by the Chief Finance Officer.

4.07.22 INFORMATION AND COMMUNICATIONS TECHNOLOGY

Where systems are shared, services will have the maximum freedom of information to be held subject to minimum standards necessary to meet corporate and legal obligations.

All non-curricular Computer and Information Technology equipment will be purchased in accordance with specifications laid down by the Assistant Director Customer Services, and will conform to the corporate strategy for information systems and network connections. The Assistant Director Customer Services will maintain a central inventory of Technology equipment and operate the Technology Reserve.

The provision of the Councils Computer Security Policy will apply to all employees of the Council as appropriate to their use of information technology. The Assistant Director Customer Services, in conjunction with Directors, will provide all staff who are responsible for and/or use computer equipment with detailed guidance on their responsibilities within this policy.

It is the responsibility of each Director to implement and monitor the procedures contained in the security policy. All Members of staff must be familiar with, and comply with, the principles of the Data Protection Act 1998, the Copyright, Designs and Patents Act 1988, the Computer Misuse Act 1990 and any other British or European legislation or Council policy which may apply to all employees at any time.

Misuse of computer resources can seriously affect the business interests of the Authority. Such misuse or any breach of security policy will result in disciplinary action being taken.

The Assistant Director Customer Services will be responsible for ensuring that the Councils Internet and E-mail policies are reviewed and amended as and when necessary. Directors will be responsible for ensuring that they are adhered to at all times.

4.07.23 HOSPITALITY, GIFTS AND SPONSORSHIP

Members and employees should only accept offers of modest hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented.

Hospitality should be properly authorised and recorded as follows:

- Members must record both the offer and/or acceptance in the Register of Members Interests and authorised by the Chief Executive or the Monitoring Officer. Employees must record both the offer and/or acceptance in the Register of Officers Interests and authorised by the appropriate Director or Manager.
- Directors should agree with the Chief Executive before accepting hospitality and record any acceptance, together with details of the consultation, in the Register of Officers Interests and authorised by the Chief Executive.
- The Chief Executive should agree with the Monitoring before accepting hospitality and record any acceptance, together with details of the consultation, in the Register of Officers Interests and authorised by the Monitoring Officer.

When hospitality has to be declined the offer should be courteously but firmly informed of the procedures and standards operating within the authority.

Members and employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow Members and employees to keep insignificant items of token value such as pens, diaries, etc.

When receiving authorised hospitality Members and employees should be particularly sensitive as to its timing in relation to decisions which the authority may be taking affecting those providing hospitality.

Acceptance by Members and employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the authority gives consent in advance and where the authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc. are required, Members and employees should ensure that the authority meets the cost of such visit to avoid jeopardising the integrity of subsequent purchasing decisions.

If a Member is in any doubt about the course of action they should take he/she should consult with the Chief Executive or the Monitoring Officer. An entry should be made in the Register of Members Interests to record the matter.

If an employee is in any doubt about the course of action they should take he/she should consult with their Director / Manager and if necessary Internal Audit. An entry should be made in the Register of Officers Interests to record the matter.

Apart from participating in concessionary schemes arranged by trade unions or other groups for their Members, Members and employees will not avail themselves of the services of contractors employed by the Council for acquiring materials, labour or plant at cost, trade or discount prices. While in some cases this may enable a personal saving compared with other courses of supply, the risks to the Member or employee of finding him/herself in an embarrassing situation in a future date cannot be over-emphasized or accepted.

Employees responsible for the purchase of goods and supplies on behalf of the Council should note that any promotional offers given by suppliers are the property of the Council.

Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the authority wishes to sponsor an event or service neither a member or employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate person of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, Members and employees should ensure that impartial advice is given and that there is no conflict of interest involved.

All Members and employees should ensure that they follow their particular Code of Conduct in respect of their particular duties relating to the acceptance of hospitality, gifts and sponsorship, otherwise disciplinary action may result.

4.07.24 SECURITY

Each Director is responsible for maintaining proper security at all times for all property, stocks, stores, furniture, equipment, and cash under his control. He will consult with the Director of Customer Services in any case where security is thought to be defective, or where it is considered that special security arrangements are needed.

Maximum limits for cash holdings will be agreed with the Chief Finance Officer which will not be exceeded without his express permission.

Keys to safes and similar receptacles are to be carried on the person of those responsible at all times. Nominated substitute key holders should be available in the absence of the principal holder. The loss of such keys must be reported to the Chief Finance Officer forthwith. The holders of safe keys will not accept unofficial funds or valuables for depositing in the safe unless authorised by the Chief Finance Officer. In such circumstances it must be made clear to the depositors that the Council is not to be held liable for any loss.

4.07.25 INCOMING MAIL

The opening of incoming mail in which remittances can be expected will be undertaken by at least two responsible officers. Remittances will be written on an approved form of postal remittance register, as prescribed by the Director of Customer Services

4.07.26 UNOFFICIAL FUNDS

The Director concerned will be responsible for the financial management and audit of unofficial funds and will consult the Chief Finance Officer before formulating Rules which will apply to such funds.

Notwithstanding the duties of Directors in this instance, the Chief Finance Officer will have the right to audit any unofficial fund at any time.

An unofficial fund will mean any fund in the management of which an officer of the Council is concerned and which may affect any person or property for which the Council has a responsibility.

4.07.27 PROTECTION OF PRIVATE PROPERTY

The Director of Community Services will in any known case where steps are necessary to prevent or mitigate loss of or damage to moveable property, prepare in a form agreed with the Chief Finance Officer, an itemised inventory in each case, prepared in the presence of two Officers.

All valuables such as jewelry, watches and other small articles of a similar nature and documents of title deposited with the Director of Community Services for safe custody will be recorded in a form agreed by the Chief Finance Officer.

4.07.28 FINANCIAL STATIONERY

All official receipt forms, books, tickets, stores requisitions, official order forms, order books and other documents representative of money or monies worth, will be ordered, controlled and issued under rules approved by the Chief Finance Officer. There will be maintained a register of all receipts and issues of such forms, books etc, and each issue will be acknowledged by the signature of the official to whom the issue is made. The quantity issued will be governed by ascertained needs.

4.07.29 FINANCIAL PROCEDURES

These Financial Procedure Rules will be supplemented by procedures setting out detailed financial procedures as determined from time to time by the Chief Finance Officer.

4.07.30 RETENTION OF FINANCIAL RECORDS

Financial records must be retained for the periods prescribed by statutory or external Rules. In the case of financial records where there are no such requirements the Chief Finance Officer will determine the retention periods.

Directors will ensure that Financial records relating to:

Income	must be retained for	6 years plus the current year,
Payroll	must be retained for	6 years plus the current year,
Superannuation	must be retained for	6 years plus the current year,
Payments -	must be retained for	6 years plus the current year,
Capital Contract	must be retained for	14 years plus the current year,

In the case of all other financial records the Chief Finance Officer will determine the retention periods.

Directors must not destroy or dispose of financial records without the prior agreement of the Chief Finance Officer.

Financial records will not be disposed of other than in accordance with prescribed statutory requirements and as approved by the Chief Finance Officer.

4.07.31 IRREGULARITIES

In any case, where financial irregularity is suspected, the Departmental Director concerned will immediately inform the Chief Executive and the Chief Finance Officer. The Chief Finance Officer will make what investigation he thinks proper

and, if he / she is satisfied that irregularity exists, and if he /she considers it necessary he / she will inform the Chief Executive, the appropriate Portfolio member, the External Auditor and possibly the Police.

4.07.32 ESTATES, LAND, BUILDINGS & DEVELOPMENTS

The Head of Corporate Property and Physical Regeneration will maintain a terrier of all properties owned by the Council in a form agreed with the Chief Finance Officer, recording the holding Department, purpose for which held, location, extent and deed reference, together with enforcement of contractual responsibilities. A register(s) containing purchase details, particulars of nature of interest and rent payable, particulars of tenancies granted together with renewals shall be maintained by the Head of Corporate Property and Physical Regeneration, where the information is available.

The Head of Corporate Property and Physical Regeneration will have custody of all title deeds under secure arrangements agreed with the Chief Finance Officer.

(A) Appointment of Developers and Development Projects

The policy identified below with regard to the 'Acquisition and disposal of land and buildings' is also intended to cover the appointment of developers and development projects. An open and transparent tendering process must be adhered to when appointing developers on the same basis as outlined below.

(B) Acquisition and disposal of land and buildings

This area is controlled by sections 123-127 of the Local Government Act 1972 as amended by the General Disposal Consent 1997.

It requires the Council to achieve the 'best consideration that can be reasonably be obtained.'

In order to achieve this the following procedure must be followed:

All land and buildings, that in the opinion of the Head of Corporate Property and Physical Regeneration are surplus to requirements , after consultation with Director, Chief Executive and Member of the Cabinet and which could be of interest to more than one party, should be offered for sale on the open market, **unless otherwise approved by the Cabinet.**

All surplus land or buildings, (excluding garages, way leaves, easements and grazing land) that are to be let must be offered on the open market, except where those assets may be required to fulfil a statutory obligation or to mitigate compulsory purchase obligations or to support or enhance an existing Council service. Any exception to this policy is to be approved by the Cabinet.

In appropriate cases the Head of Corporate Property and Physical Regeneration after consultation with Directors and Chief Executive may present reports to the Cabinet to agree or otherwise if land or buildings are to be disposed of.

All property to be sold or let on the open market must be advertised on at least two separate occasions within the press, and such other journals or publications that may be considered appropriate. This procedure will also apply in relation to the appointment of developers and development projects.

No land or buildings shall be sold or let without receiving an opinion of value from a suitably qualified Valuer.

In dealing with the disposal of property the Council will adopt the Critchel Down rules. This relates to the disposal of surplus land which was previously acquired by or under threat of compulsory purchase. This places the Authority under obligation to offer land back if surplus, at current open market value to the original vendor where this land had not materially changed in character since acquisition. The current legislation also requires that if land is not returned to its former owner or successor in title, then the former owner is to be reimbursed where the value of land is enhanced by any planning permission given within 10 years of any acquisition completed on or after the 25 September 1991.

Decisions for acceptance will be made by the following:

Valuation Level (not Offer)	Approved By
Under £5,000	Head of Corporate Property and Physical Regeneration
£5,000 and over but under £150,000.	Director
£150,000 and over but under £250,000.	Director & Member of the Cabinet
£250,000 and over	Cabinet

(C) Procedures for receiving and acceptance of offers

It is for the Head of Corporate Property and Physical Regeneration to determine the most appropriate method of disposal of land from the following options unless otherwise agreed by the Cabinet.

(D) Private Treaty Sales

A sequentially numbered 'offer sheet' and a green envelope marked in the top left hand corner with the name of the land or building, must be sent to all who wish to make an offer.

The completed 'offer sheet' must be returned in the green envelope to the Director (Pers, Bus Admin, Org Imp).

Any offer not in the above form will not be accepted.

The green envelope will be opened by the tender Cabinet, consisting of:

- Representative of the Director,
- Representative of the Head of Corporate Property and Physical Regeneration and
- Representative of Internal Audit.

The 'offer sheet' will be signed by all present and the offer entered into the Register of Tenders.

When an offer is received which the Council is mindful of accepting:

- All previous 'offerers' must be written to and asked if they wish to submit a final offer. A closing date and time must be stated.
- Another advert inviting final offers by a closing date and time must be placed in the same journals and publications as previously.
- All final offers received by the stated closing date and time will be opened by the tender Cabinet.
- All offers received after the closing date and time will be opened and marked 'late offer' and returned to the sender.
- No offers will be accepted after the closing date.

(E) Tender

A Notification of Invitation to Tender must be completed for all tenders requested. Copies are to be sent to both the Chief Finance Officer, Administration Officer and Internal Audit. A copy remains in the requesting Department's book.

Once you have prepared your list of tenderers to invite to tender, you need to send out the invitation to tender (ITT) letter. This letter must be formal, it must refer to attachments and it must set out (or refer to) the tendering instructions quite explicitly. The letter must include:

The closing time and date for tenders will be 4.00 p.m. on day of closing. At least 14 working days must be allowed between sending the invitation and the closing date.

In all cases you must enclose a green tender envelope, which bears the words 'Tender' and the name of the contract in the 'top left hand corner' and state that a tender will only be considered if it is received in the sealed green envelope.

It must also state that there must be no mention of the sender's name or any way of identifying her/him from the envelope. THE SENDER MUST NOT BE IDENTIFIED FROM THE ENVELOPE.

Tenders must be returned to **The Director of Customer Services, Merthyr Tydfil County Borough Council, Civic Centre, Merthyr Tydfil CF47 8AN**

It must require tenderers to confirm receipt of the ITT and tender documentation.

You should normally offer a single named point of contact for the tenderer so that you handle all queries consistently.

Once the invitation to tender has been posted to or collected by the proposed tenderers, except as may be provided for in the invitation to tender document, no Council Member or Officer should communicate in any way concerning the contract or the tendering process with any party proposing to tender and except:

- Where it is necessary for an Officer or tenderer to carry out an inspection of the land or buildings.
- To inform parties of a change in the tendering arrangements, including the supply of additional or altered information.
- For clarification. Should you provide clarification to any one tenderer you should also circulate this clarification to all other tenderers.
- You should answer queries promptly and always take account of your overall time-scales.
- You must take great care to offer equal opportunity to all tenderers and not give any preferential treatment. During this period you must not accept any hospitality.
- No other offers will be accepted after the closing date.

(F) By A Reputable Auctioneer At A Public Auction.

Cabinet approval must be obtained prior to any land or building being entered into auction which has a valuation in excess of £250,000.

A suitably qualified independent Valuer must set a reserve price, below which the land or building will not be sold.

All the Laws / Rules and procedures governing Auctions must be adhered to and therefore, acceptance of an offer by the Auctioneer must meet these requirements.

4.08

OFFICER EMPLOYMENT RULES

This section has not been updated (Version December 2014)

4.08.01 PROVISIONS RELATING TO STAFF (LOCAL AUTHORITIES (STANDING ORDERS) (WALES) REGULATIONS 2006 AS AMENDED BY THE LOCAL AUTHORITIES (STANDING ORDERS) (WALES) (AMENDMENT) REGULATIONS 2014

- 1) Subject to paragraphs 2) and 3) below the function of appointment and dismissal of, and the taking disciplinary action against, a member of staff of the Council must be discharged on behalf of the Council by the officer designated under section 4(1) of the Local Government and Housing Act 1989 (the 1989 Act) (designation and reports of head of paid service) as the head of the Council's paid service or by an officer nominated by the head of the Council's paid service details of which are set out in these rules.
- 2) paragraph 1 above does not apply to the appointment or dismissal of, or disciplinary actions against:
 - a) the officer designated as the head of the Council's paid service;
 - b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act;
 - c) a non statutory chief officer within the meaning of section 2(7) of the 1989 Act;
 - d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act;
 - e) a person appointed in pursuance of section 9 of the 1989 Act;
 - f) the Monitoring officer within the meaning of Section 5 of the Local Government & Housing Act 1989 as amended
 - g) the Head of Democratic Services
 - h) a person to whom regulations made under section 35(4) and (5) (provisions with respect to the appointment, discipline, suspension and dismissal of teachers and other staff of schools employed by the local education authority) of the Education Act 2002 apply.

-
- 3) where a committee, sub-committee or officer is discharging, on behalf of the Council the function of the appointment or dismissal of an officer designated as the head of the Council's paid service, the Council must approve that appointment before an offer of appointment is made or as the case may be must approve that dismissal before notice of dismissal is given.
 - 4) Nothing in paragraph 1) prevents a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by a member of staff of the Council against a decision relating to dismissal or the taking of disciplinary action against a member of staff.

4.08.02 RECRUITMENT AND APPOINTMENT

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether they are the:

- Parent
- Brother
- Grandparent
- Sister
- Partner
- Uncle
- Child
- Aunt
- Stepchild
- Nephew
- Adopted Child
- Niece
- Grandchild

of an existing Councillor or officer of the Council; or of the partner of such persons.

- (ii) No candidate so related to a Councillor or employee will be appointed without the authority of the relevant Director or an Officer nominated by him/her.

(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. This rule 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 paragraph (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

4.08.03 RECRUITMENT OF HEAD OF PAID SERVICE (CHIEF EXECUTIVE) AND DIRECTORS

Where the Council proposes to appoint the Head of Paid Service **or a Director** and it is proposed that the appointment be made exclusively from among its existing officers it must:

- (a) Draw up a statement specifying:
 - (i) the duties of the officer/post 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 in paragraph (i) to be sent to any person on request.

Where a post has been advertised as provided in paragraph (b) above, the Council must:

- (i) interview all qualified applicants for the post, or
- (ii) select a short list of such qualified applicants and interview those included on the short list.

Where no qualified person has applied, or if the Council decide to re-advertise the post/appointment, the Council may make further arrangements for advertisement in accordance with paragraph (b) above.

The steps taken above may be taken by a committee, sub-committee or chief officer of the Council;

Any Chief Officer may be appointed by a committee or sub-committee of the Council or a joint committee.

Where the duties of a Chief Officer include the discharge of functions of two or more Council's in pursuance of section 101(5) of the Local Government Act 1972:

- A) the steps taken under paragraph (a), (b) and (c) or (i) and (ii) above may be taken by a joint committee of those Council's , a sub-committee of that committee or a chief officer of any of the Councils concerned; and
- B) any Chief Officer may be appointed by such a joint committee, a sub-committee of that committee or a committee or sub-committee of any of those Council's

4.08.04 APPOINTMENT OF HEAD OF PAID SERVICE (CHIEF EXECUTIVE)

The full Council will appoint the Head of Paid Service in accordance with 4.08.02 above however such appointment is likely to be based on a shortlist and feedback from an initial interview undertaken by a panel (such panel to be appointed by Council) advised by the Head of Human Resources.

4.08.05 APPOINTMENT OF DEPUTY CHIEF EXECUTIVE / CHIEF OFFICERS / CHIEF FINANCE OFFICER / MONITORING OFFICER

The Council will appoint the Deputy Chief Executive, the Chief Finance Officer, the Monitoring Officer and the Chief Officer positions in accordance with 4.08.02 above however such appointment is likely to be based on a shortlist and feedback from an initial interview undertaken by a panel (such panel to be appointed by Council) advised by the Head of Paid Service or his/her nominated representative and the Head of Human Resources.

4.08.06 APPOINTMENTS TO MANAGER POSITIONS

Appointment to these posts are the responsibility of the Head of Paid Service or his / her nominee and Director, in conjunction with the Head of Human Resources.

4.08.07 OTHER APPOINTMENTS

Appointment to these posts is the responsibility of Managers or their nominated representative(s).

N.B. Honorarium payments/acting up appointments can be considered by Executive Board but the decision to do so will be made by the Chief Executive or the appropriate Director. However, such arrangements should not exceed a period of 6 months. Any extension to these arrangements must be made in conjunction with the HR Manager.

4.09.08 CHIEF OFFICER/ DEPUTY CHIEF OFFER APPOINTMENTS

Where the Authority proposes to appoint a Chief Officer or Deputy Chief Officer (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006) and the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum, it must:

- a) Draw up a statement specifying:
 - i) The duties of the officer concerned, and
 - ii) Any qualifications or qualities to be sought in the person to be appointed;
- b) Make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- c) Make arrangements for a copy of the statement mentioned in paragraphs (a) & (b) mentioned in (a) to be sent to any person on request.

The Authority is not required to take the step set out in 4.08.08 (b) i.e. to publicly advertise, if it proposes to appoint the chief officer for a period of no longer than 12 months.

DISCIPLINARY MATTERS

4.08.09 HEAD OF PAID SERVICE (CHIEF EXECUTIVE), MONITORING OFFICER, THE SECTION 151 CHIEF FINANCE OFFICER, AND THE HEAD OF DEMOCRATIC SERVICES

General

No disciplinary action in respect of the Head of the Council's paid service, its Monitoring Officer, its Chief Finance Officer or its Head of Democratic Services may be taken by the Council, or by a committee, a sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council other than in accordance with a recommendation in a report made by the designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).

The action under which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect. The principles of natural justice and of good management practice must govern the conduct of any proceedings against the officers referred to in the above paragraph on the grounds of either alleged misconduct (i.e. 'discipline') or alleged inability to carry out their roles (i.e. 'capability').

Council should also have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.

Disciplinary Procedure – Investigation of alleged misconduct

1. Subject to the above general provisions and in accordance with the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014, where it appears to the Council that an allegation of misconduct which may lead to disciplinary action has been made against:

- a) the head of the Council's paid service;
- b) its monitoring Officer;
- c) its chief finance officer, or
- d) its head of democratic services

("the relevant officer"), as the case may be, the Council must appoint a committee (an investigation committee") to consider the alleged misconduct..

2. The investigation committee must:

- a) consist of a minimum of 3 Councillors of the Council;
- b) be politically balanced in accordance with section 15 of the 1989 Act; and

must within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

3. For the purpose of considering the allegation of misconduct, the investigating 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; and
 - c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.
- 4. Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person ("the designated independent person") for the purposes of these Rules.
- 5. The designated independent person who is appointed:
 - a) must be such person as may be agreed between the Council and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or
 - b) where there is no such agreement, must be such person as is nominated for the purpose by the National Assembly for Wales.
- 6. The designated independent person:
 - a) may direct:
 - i) that the Council terminate any suspension of the relevant officer;
 - ii) that any such suspension is to continue after the expiry of the period of two months;
 - iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
 - iv) that no steps (whether by the Council or any committee, sub-committee or officer acting on behalf of the Council) 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 under sub-paragraph (d);

- b) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council or which the Council has power to authorize the designated independent person to inspect;
 - c) may require any Councillor or member of staff of the Council to answer questions concerning the conduct of the relevant officer;
 - d) must make a report to the Council:
 - 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 Council to take against the relevant officer, and
 - e) must no later than the time at which the report is made under sub-paragraph d) send a copy of the report to the relevant officer.
7. Subject to paragraph 8 below the relevant officer and the Council must after consulting the designated independent person attempt to agree a timetable within which the designated independent person is to undertake the investigation.
8. Where there is no agreement under paragraph 7 above the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
9. The Council must consider the report prepared under paragraph 6 d) above within 1 month of receipt of that report.
10. A Council must pay reasonable remuneration to the designated independent person appointed by the investigation committee and any costs incurred by or in connection with the discharge of the functions under this Rule.

4.08.10 DIRECTORS AND MANAGERS (Assistant Directors and Heads of Service)

Introduction

The procedures relating to discipline and capability apply to chief officers and related posts above Spinal Column Point 49 of the National Pay and Grading

Salary Scales for Local Government Employees (Green Book) with the exception of the Head of Paid Service, Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services. In cases of gross misconduct, it may not be necessary to operate all stages of the disciplinary procedure.

Disciplinary Procedure

1. The Head of Paid Service should undertake a preliminary investigation of any disciplinary complaint against a chief officer or related post. If appropriate, because of prior personal involvement by the Head of Paid Service or for other special reasons the Council may instead arrange for the preliminary investigation to be undertaken by another suitable chief officer.
2. Prior to the appointment of an Investigating Committee, the Chairman of the Council (Mayor), the Leader of the Council and the Cabinet Member with responsibility for Human Resources together with such other nominated Councillors as are needed to satisfy the political balance requirements of the Local Government and Housing Act 1989, shall be empowered to suspend from duty the officer concerned.

Full details of the procedure are contained within the Terms and Conditions of Service for Chief Officers.

4.08.11 GENERAL NOTE

Schedule 3 Part 1 Paragraph 3 (a) to (i) of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) Amendment) Regulations 2014 set out mandatory requirements in respect of disciplinary proceedings relating to specified posts to include (a) the Head of Paid Service; (b) a statutory chief officer, (c) a non-statutory chief officer, (d) a deputy chief officer, (e) a person appointed as an assistant for a political group; (f) a person appointed as a mayor's assistant, (g) a person to whom regulations made under section 35(4) and (5) of the Education Act 2002 apply (g) the Monitoring Officer and (i) the Head of Democratic Services. The provisions relating to these posts also apply to an officer who was, but at the time of the proposed disciplinary action no longer is such an officer, and where the alleged misconduct, or, as the case may be, the reason for the proposal for dismissal, occurred during the period when the officer was such an officer.

4.08.12 OTHER POSITIONS

Power to suspend and discipline employees below chief officer level is the responsibility of Directors and where appropriate Managers. In addition, Managers are authorised to give warnings up to a final written level. Dismissal from service will normally be the responsibility of Directors however in their

absence a Manager can be nominated by the Director. Full details of the procedure are contained within the Disciplinary Policy for Council Employees. All Appeals up to and including dismissal under the Council's Disciplinary Policy, below chief officer level, will be heard by the Chief Executive or in his or her absence by a nominated Director, advised by the Head of Human Resources.

GRIEVANCE MATTERS

4.08.13 HEAD OF PAID SERVICE (CHIEF EXECUTIVE)

Full details are contained within the Terms and Conditions of Service document for Chief Executives.

4.08.14 DIRECTORS, CHIEF FINANCE OFFICER AND MANAGERS

The procedures relating to grievance apply to chief officers and related posts above Spinal Column Point 49 of the National Pay and Grading Salary Scales for Local Government Employees (Green Book) with the exception of the Head of Paid Service. Full details are contained within the Terms and Conditions of Service document for Chief Officers.

4.08.15 OTHER POSITIONS

Power to determine upon grievances below chief officer level is the responsibility of Directors and where appropriate Managers. All Appeals up to and including dismissal under the Council's Grievance Policy, below chief officer level, will be heard by the Chief Executive or in his or her absence by a nominated Director, advised by the Head of Human Resources.

MANAGEMENT AND CONTROL OF SICKNESS ABSENCE

4.08.16 HEAD OF PAID SERVICE (CHIEF EXECUTIVE)

The procedure for capability in terms of medical fitness will be in accordance with the Council's Sickness Absence Procedures. In the case of permanent ill-health an independent person need not be appointed.

4.08.17 DIRECTORS, ASSISTANT DIRECTORS, CHIEF FINANCE OFFICER, MONITORING OFFICER AND MANAGERS.

The procedure for capability in terms of medical fitness will be in accordance with the Council's Sickness Absence Procedures.

4.08.18 OTHER POSITIONS

Power to determine upon sickness absence matters below chief officer level is the responsibility of Directors and Managers. In addition, Managers are authorised to give warnings up to a final written level. Dismissal from service will normally be the responsibility of Directors however in their absence a Manager can be nominated by the Director. All Appeals up to and including dismissal under the Council's Disciplinary Policy (including those for sickness absence), below chief officer level, will be heard by the Chief Executive or in his or her absence by a nominated Director, advised by the Head of Human Resources.

N.B. Any request receive 4.08d in relation to extending an employees sickness pay entitlement will be determined upon by the Chief Executive/ Director/Chief Finance Officer, in conjunction with the Head of Human Resources.

4.08.19 MANAGING CHANGE

Managers are authorised to consult with trade unions on managing change issues e.g. restructures, regradings, employee transfers, in conjunction with the Head of Human Resources.



Part 5 of 8

PROCUREMENT AND CONTRACTING RULES

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Key Messages

- Any Officers delegated with responsibility for the procurement of goods, services (including contracts for consultancy) or works for or on behalf of the Council (in accordance with the Scheme of Delegation) are affected by these Rules.
- The funding for all contracts must be in accordance with approved budgets and comply with Financial Regulations.
- One of the most significant areas of Council contracting is procurement. Procurement is the process by which the Council manages the acquisition of all its Goods, Services (including but not limited to consultants/consultancy services of any type) and Works of all sorts. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts. These 'Contract Procedure Rules' should be read in conjunction with the Council's Procurement Toolkit.
- Procurement by the Council is governed by detailed European and UK legislation, as are other areas of Council contracting. The Law requires all Council procurement and contracting to be conducted transparently, fairly and in a non-discriminatory manner. In the event of statutory or other legal requirement exceeding the requirements contained within these Contract Procedure Rules, then statute shall take precedence over any provision in these Rules.
- Before undertaking any competitive tendering process or before placing any Official Orders on behalf of the Council, Officers **must** make full use of Corporate Contracts and the Procurement Department for other contracts (including National Procurement Service Frameworks / established Framework Agreements / other legally available arrangement).
- Details of all Contracts available for use can be obtained from the Council's Procurement Intranet Site or the Council's Purchase to Pay (P2P) system. If unsure, please contact the Procurement Department on procurement@merthyr.gov.uk.

Aims

These Contract Procedure Rules:

- Aim to support the achievement of value for money for the Council in the market by ensuring provision for securing competition at appropriate levels of expenditure whilst avoiding disproportionate or bureaucratic costs where levels of expenditure are less significant.

- Aim to achieve fullest accountability at all levels whilst ensuring an adequate audit trail.
- Aim to ensure that Officers follow proper and fair procedures for the involvement and selection of Contractors.
- Aim to ensure compliance with EU Procurement Directives.
- Aim to ensure that proper Specification is made by Officers which reflect the appropriate and realistic quality requirements for any defined need, and that offers may be judged by objective criteria.
- Aim to ensure that levels of monitoring and training exist to ensure proper compliance and that these rules are regularly reviewed to take account of new circumstances.

Status

These Contract Procedure Rules:

- Are made under Section 135 of the Local Government Act 1972 and all other powers enabling the Council.
- Are applicable to all parts of the Council's activities, including any type of sub-contracting, apart from contracts for the acquisition and sale of interests in land and the Exempt Contracts described in section 1 below.
- Are applicable where the Council is acting as agent for another body unless the principal directs otherwise.
- Must be adopted by any external contractors empowered to form Contracts on behalf of the Council and by any person who is not an Officer of the Council engaged to manage a Contract on behalf of the Council.
- Shall apply to the selection of nominated suppliers and nominated Sub-contractors for products covered by prime costs and provisional sums in a main contract.
- Shall be interpreted so far as possible to ensure the Aims set out in these rules are achieved.
- Are not applicable to expenditure between Service Areas, Groups or the use of the Council's trading organisations.

Who is affected by these Procedure Rules?

Any Officers delegated with responsibility for the procurement of goods, services (including contracts for consultancy) or works for or on behalf of the Council in accordance with the Scheme of Delegation.

Definitions and Interpretations

In these Rules the following definitions apply:

Authorised Officer	Means the holder for the time being of any post named in the Scheme of Delegations as having delegated powers and duties in respect of the procurement concerned.
Chief Officer	Means any officer in the following categories of officer, Chief Executive, Corporate Director, Chief Officer and/or, Head of Service.
Contract	Means any form of agreement (including, without limitation, official purchase orders) for the supply of Goods, provision of Services or carrying out of Works.
Contract Manager	Means an officer responsible for the delivery of a Contract.
Contracting Authority	Means Merthyr Tydfil County Borough Council or another public body responsible for the procurement of a Contract or Framework.
Contractor	Means any Contractor, supplier or provider with whom the Council enters into a Contract for the carrying out of Works, provision of Services or the supply of Goods.
Framework Agreement	An agreement with one or more Contractors, the purpose of which is to establish the terms (in particular with regard to price and quantity) governing a Contract or Contracts to be awarded during the period for which the framework agreement applies.
Goods	Covers all Goods, supplies, substances and materials that the Council purchases, hires or otherwise obtains.
OJEU Thresholds	Means the financial values at which the European Public Contracts Regulations 2015 require tenders to be advertised in the Supplement to the Official Journal of the European Union ("OJEU"). These thresholds vary from time to time and can be checked on the OJEC website at www.OJEC.com/thresholds
Nominated Officer	Means any officer delegated responsibility by the Procurement Manager for carrying out procurement process(es) detailed in these rules
Procurement	Means the process by which the Council manages the acquisition of all its Goods, Services and Works. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the Contracts.
Procurement	Means the board that is responsible for all procurement

Board	activity across the Council
Procurement Toolkit	Means the procurement guidance for Nominated Officers contained on the Procurement Intranet Pages. This includes, Procurement toolkit, Procurement guide & Contract management framework
Procurement Manager	Means the Manager or any officers under that persons supervision or management who are given delegated authority to carry out any of the obligations, duties or activities required to be performed by that person under these Rules or to act in that person's absence.
Procurement Process	Means the procurement process that spans the whole life cycle, from identification of needs, options appraisal, supplier selection, award, and Contract management through to the end of a Contract or the end of the useful life of the asset, or disposal of the asset.
Rules	Means these Contract Procedure Rules/standing orders.
Services	Includes all services, which the Council purchases or otherwise obtains including advice, specialist consultancy work, agency staff etc.
Tenderer/ Tenderers	Individual, individuals, partnerships, companies or other bodies invited to submit quotes/tenders/prices for providing the Council with Services, supplying Goods or carrying out Works.
Variation & Variations	Means any alteration to a Contract, including additions, omissions, substitutions, alterations, or changes of any other nature.
Works	Includes all works of new construction and repairs in respect of physical assets (buildings, roads, etc.) including all those activities constituting Works for the purposes of the Public Contracts Regulations 2015.

- All values referred to in these Rules are exclusive of VAT.
- Any dispute regarding interpretation of these Rules shall be referred to the Head of Legal and Governance and Procurement Manager for resolution.
- These Rules are not intended as detailed guidance for implementation and they should be read in conjunction with the Council's Constitution as a whole and in particular, in respect of Contract payments, the Council's Financial Procedure Rules, which must be complied with. Guidance is

contained within the Council's Procurement Toolkit which is available on the Intranet.

- The Procurement Manager shall undertake a formal review of these Rules at least every three years.

1. Exempt Contracts

The following Contracts are exempt from the requirements of these Contract Procedure Rules:

- 1.1 Employment Contracts (this exemption does not extend to the recruitment of agency staff or external secondment arrangements).
- 1.2 Contracts relating **solely** to disposal or acquisition of an interest in land and property, for which there is separate protocol contained within the Council's constitution.
- 1.3 In a genuine emergency threatening public health, injury to persons or serious and immediate damage to property, an Authorised Officer can take any necessary action to alleviate the threat. This power is limited to the alleviation of the threat and does not extend to any works beyond what is strictly essential.
- 1.4 In circumstances where a matter, which is not deemed to be an emergency, but nonetheless is considered to be of an urgent nature arises, approval from the appropriate Head of Service must be given in writing. However, should the estimated expenditure exceed £25,000, approval in writing must be sought from the following officers:
 - The appropriate Director and the Section 151 Officer subject to an upper threshold prior to the commencement of the procurement process of OJEU Thresholds for goods or services or £1M for works.
- 1.5 Where it has been necessary to procure under 1.3 or 1.4 stated above, every case must be reported to the next available meeting of the Corporate Management Team.
- 1.6 The award of Contracts for individual placements (for Children and Adult Services) will remain at the discretion of the respective Statutory Director.

2. Exemption Process

- 2.1 Approval of exemption of any of these Contract Procedure Rules shall only be given in exceptional circumstances and, in most cases, following a written report to, consultation with and the written approval of the Procurement Manager and the relevant Director (see Appendix L).
- 2.2 When consulting with the Procurement Manager and relevant Director, the originator of the report requesting the exemption is responsible and accountable for ensuring that the contents of the report are factually correct. The originator of the report should ensure that all supporting documentation is retained on an easily accessible file for auditing

purposes. Should it be found that incorrect information has been knowingly or negligently submitted or omitted in order to obtain approval for an exemption to these Contract Procedure Rules, the originator of the report may be subject to the Council's disciplinary procedure.

- 2.3 An exemption may be sought for 'single tender action' where a single firm or Contractor or a proprietary item or service of a special character is required and justified. However, where the value of the procurement is equal to or exceeds the relevant OJEU Thresholds, councils must also have regard to regulation 10 and regulation 32 (Use of the competitive procedure with negotiation without prior publication of a Contract notice) of the Public Contracts Regulations 2015 which set out limited circumstances in which a competitive tender need not be used.
- 2.4 An exemption form does not need to be completed for any of the reasons stated in section 1 above.

3. Procurement Planning

- 3.1 At the end of each calendar year, Directors shall submit to the Procurement Manager a completed Procurement Forward Plan Notice (see Appendix P) detailing the additional planned procurement activities over £75,000 (new purchasing requirements associated with budget planning for the forthcoming financial year). The Corporate Procurement Unit will use this information for procurement planning, identification of a forward work plan for procurement board, to identify collaborative opportunities, to allocate appropriate resources and to ensure all relevant legislative requirements are observed.

4. Procurement Board

- 4.1 The Procurement board is the governing body for procurement activity across the council. Nominated and/or Authorised Officers across the Council will be required to report to the board for specific projects. No applicable procurement process shall proceed unless approved by the board. Reporting requirements are contained within the board's terms of reference. These thresholds are £75,000 for goods and services and £1million for works. The principles of calculating contract values are the same as those identified in section 8.
- 4.2 The gateway process follows these broad activities
Gateway 1 – Setting the strategy, analysis of options
Gateway 2 – Confirmation of strategy and documentation
Gateway 3 – Post award review
- 4.3 The procurement board reserves the right to call in any officer of the Council that has not followed the procurement processes laid out in these rules.

5. Tendering / Ordering / Advertising

- 5.1 Before undertaking any competitive tendering process or before placing any Official Orders on behalf of the Council, Officers shall make full use of Corporate Contracts and the Corporate Procurement Unit for other Contracts (including National Procurement Service Contracts / established Framework Agreements / other legally available arrangements).
- 5.2 A pre-tender form for works up to £1million must be completed and signed by the Procurement Unit before any tendering activity commences.
- 5.3 Quotations and Tenders up to OJEU Thresholds may be completed by a Nominated Officer, however, any tenders valued above the OJEU Thresholds must be led by the Corporate Procurement Unit.
- 5.4 To comply with the Welsh Procurement Policy Statement, requirements above £25,000 should be advertised to maximise competition and stimulate economic development.
- 5.5 Aligned to the Council's continued modernisation agenda, the Corporate Procurement Unit has implemented a number of Electronic Procurement Systems that should be utilised as corporate solutions to support the cost efficient procurement of goods and services (streamlining the transaction process and reducing unnecessary administration overheads where possible). Please refer to the Council's Procurement intranet site for further information regarding the use of these systems or contact the Corporate Procurement section on procurement@merthyr.gov.uk.

6. Thresholds for Procurement

Thresholds for procurement do not apply within existing framework agreements endorsed for use by the council. See rule 7 below.

- 6.1 All goods & services except works

(please refer to Appendices A to F for process flows and chart):

- Up to £5,000 it is necessary only to demonstrate and record that value for money is being achieved.
- From £5,000 to £75,000, all requirements to be openly advertised on www.sell2wales.gov.uk with exceptions allowed by agreement from the Procurement Manager. At least 3 quotations must be invited. (See Appendix B).
- For Requirements above £25,000 the Welsh Government Sustainability Risk Assessment should be completed.
- All awards related to quotations should be notified to procurement to ensure the corporate contract register is updated.
- From £75,000 to EU thresholds, the gateway process must be followed. If approved by the board, tenders should be advertised on the national procurement website www.sell2wales.gov.uk. If a restricted procedure is

used, a minimum of three tenders must be invited. Above the OJEU Thresholds, the gateway process must be followed. If approved, requirements above this value must be tendered by the Corporate Procurement Unit and advertised in the Official Journal of the European Union (OJEU) via the national procurement website (www.sell2wales.gov.uk). Where a restricted procedure is adopted, a minimum of five tenders must be invited (See Appendix F).

6.2 Works

(please refer to Appendices A to F for process flows and chart):

For any Building Works requirements, departments must consult with Property Services prior to commencing the Procurement process.

Please see and follow guidance on Constructionline at Appendix I for Works related procurement where Constructionline is to be used to pre-qualify.

- Up to £5,000, it is necessary only to demonstrate and record that value for money is being achieved.
- From £5,000 to £75,000, quotations to be requested from firms registered on Constructionline (see appendix I) and the requirement advertised to these firms on www.sell2wales.gov.uk. At least three quotations must be invited (See Appendix B).
- For Requirements above £25,000 the Welsh Government Sustainability Risk Assessment should be completed.
- From £75,000 to £1m, a pre-tender report must firstly be completed and approved (available at Appendix J and on the intranet). If approved, tenders are to be requested from firms registered on Constructionline (see appendix I). Where a restricted procedure is adopted a minimum of three tenders must be invited (see Appendix D).
- From £1m to OJEU Thresholds, the gateway process must be followed. If approved by the procurement board, tenders are to be requested from firms registered on Constructionline (see appendix I) unless a compliant framework is used. Where a restricted procedure is adopted, a minimum of three tenders must be invited (See Appendix E).
- Above the OJEU Thresholds, the gateway process must be followed. If approved by the procurement board, requirements above this value must be tendered by the Corporate Procurement Unit and advertised in the Official Journal of the European Union (OJEU) via the national procurement website (www.sell2wales.gov.uk) unless a compliant framework is used. Where a restricted procedure is adopted, a minimum of five tenders must be invited (See Appendix F).

7. Form of Tender

For all tender processes (above the value of £75,000), a Form of Tender must be completed by all tenderers. This form is a declaration by tenderers of their overall tender price, that they undertake to execute and complete the Goods, Services and/or Works in accordance with the Contract Documents, certification that no canvassing or soliciting of any member, officer or employee of the

council has taken place, and that it is a bona fide tender intended to be competitive and not collusive in any way. The form must be signed by the tenderer. The Form of Tender template is available at Appendix K.

8. Estimating the Contract value

- 8.1 The value of a Contract means the estimated total monetary value over its full duration (not the annual value), including any extensions or other options. Where the duration of a Contract is indeterminate, this should be taken to be the estimated value of the Contract over a period of four years. No procurement may be artificially split to avoid compliance with these Contract procedure rules and European Union Procurement Directives.
- 8.2 If it is known that the Contract duration will be longer than four years, then the Contract value will be the total value over the full term of the Contract.
- 8.3 Where the value is, or may be, equal to or greater than the relevant OJEU threshold, councils should also have regard to the valuation rules in regulation 6 of the Public Contracts Regulations 2015.

9. Framework agreements

- 9.1 Established framework and consortia arrangements endorsed by the Procurement Manager for use by the council shall be mandatory. On occasion, it may be deemed that the framework agreement would not provide best value – this will need to be proven and approved by the Procurement Manager.
- 9.2 The Nominated Officer must ascertain whether there is a Framework Agreement approved by the Procurement Manager for use by the council. Where currently valid frameworks are available, the framework must be used in accordance with the guidance provided by the Corporate Procurement Unit.
- 9.3 The Framework Agreement may include within its terms a requirement for a mini competition exercise between those Contractors who are parties to the Framework Agreement. These shall be tendered in accordance with these Contract Procedure Rules and/or the terms of the Framework Agreement itself.
- 9.4 Where the Council is able to call off from existing Framework Agreements procured by central Government agencies, purchasing consortia or other local authorities or public bodies, then the Council may benefit from using those frameworks without entering into a separate procurement exercise. Where such Framework Agreements contain a number of different Contractors able to provide a particular category of goods or services, a mini competition exercise between those Contractors who are parties to the Framework Agreement may have to be carried out.
- 9.5 However, if such Framework Agreements are used it will be in accordance with the terms of those agreements which may not be appropriate to the particular procurement in question. Under no circumstances should nominated officers direct award from a framework which does not provide that method of appointment. Advice and approval must be sought from the Corporate Procurement Unit prior to commencing the procurement.
- 9.6 The use of all frameworks must be approved by the Corporate Procurement Unit. It is not possible to use a framework unless Merthyr Tydfil County Borough Council has been named on the Contract Notice of said framework.

- 9.7 Any Framework Agreement set up or identified by a client department shall be notified to the Corporate Procurement Unit by the Nominated Officer and must be approved by the Procurement Manager. Upon approval, the Corporate Procurement Unit can incorporate the Framework Agreement onto the Contract Management system to make it available to other departments where applicable.
- 9.8 Any joint procurement arrangements with other local authorities and/or public sector bodies including membership or use of any consortia must be approved by the Procurement Manager.

10. Community Benefits

The inclusion of Community Benefits is mandatory for all tenders valued above £1million. Justification to Welsh Government will be required for Contracts above this level that do not contain Community Benefits. For tenders valued below £1million, Community Benefits can still be included at the Corporate Procurement Unit's or Service Area's discretion. Further information on Community Benefits can be found in the Procurement Toolkit.

11. Supplier Selection

- 11.1 It must be demonstrated that the appropriately experienced, technically competent, and financially competent contractors or suppliers have been shortlisted.
- 11.2 Care must be taken to differentiate supplier selection criteria for short-listing and entry to tender process from tender award criteria.
- 11.3 This demonstration may include, but need not be limited to:
- Eligibility
 - Financial standing, including provisions for insurance and liability
 - Technical or professional capacity and capability
 - Health and Safety
 - Quality Standards including certification by official quality control institutes or agencies of recognised competence and or attesting conformity to quality assurance standards and/or measures
 - Sustainability, including environmental management measures
 - Evidence as to whether they are unsuitable on grounds, e.g., of bankruptcy, criminal conviction or failure to pay taxes.
- 11.4 The Welsh public sector standard supplier selection template is called the Supplier Qualification Information Database (SQuID). This is the template that Merthyr Tydfil County Borough Council will use as standard and Nominated Officers in user departments will need to complete this template with the assistance of the Corporate Procurement Unit.
- 11.5 For all Contracts, it is essential for proof of insurance requirements to be provided. The Contractor's public liability indemnity must be a minimum of £10m. If the form of Contract used contains a clause for a higher indemnity limit then this limit will be required. It is the responsibility of the Director in all cases to ensure that all Insurances which the Contractor is required to effect are examined by the Insurance Officer prior to work commencement. Any deviation from the minimum indemnity requirements in these rules must be recorded as an exemption.

- 11.6 If relevant, evidence of registration under the Construction Industry Tax Scheme must be provided to the Payments Supervisor prior to the Contract being awarded.

12. Tender Evaluation

- 12.1 The Nominated Officer shall examine tenders in accordance with the predetermined evaluation criteria for the tender and identify tenders that best meet the criteria including value for money.
- 12.2 In respect of all tenders where the tender criterion is the most economically advantageous tender, the evaluation criteria or sub-criteria shall as a minimum be listed in the Invitation to Tender documentation in order of importance. Any particular scoring or weighting attributable to any criteria or sub-criteria must be clearly stated. In addition, the criteria shall be strictly observed (and remain unchanged) at all times throughout the evaluation and Contract award procedure.
- 12.3 Please see the Procurement Toolkit for further information on award criteria and weightings.

13. Bonds and Securities

- 13.1 For any requirement valued above £1million, the Legal department, Head of Finance and the Audit Manager shall be consulted and/or undertake a risk assessment to determine whether a performance bond or performance guarantee is required.

14. Parent Company Guarantees

- 14.1 The responsible officer shall seek a Parent Company Guarantee when a candidate is a subsidiary of a parent company and/or:
- The total value is £1million or more;
 - The award is based on evaluation of the parent company;
 - There is some concern over the stability of the candidate.

15. Procurement of Consultants

- 15.1 For the avoidance of doubt, the appointment of consultants shall be made in accordance with the requirements of these Contract Procedure Rules.

16. Electronic Tendering

- 16.1 The tender process including invitation and receipt of tenders will ordinarily be conducted electronically by the Corporate Procurement Unit and/or personnel that have been trained to use the approved e-Sourcing system. The provisions of Rule 17 below will therefore be modified in accordance with the secure electronic tendering system which is to be approved by the Head of Finance.

- 16.2 The Public Contracts Regulations 2015 state that all Tendering activity subject to the Regulations shall be conducted electronically. All Tender processes subject to the Regulations will be managed by Procurement.
- 16.3 All Tendering activity related to a Dynamic Purchasing System (DPS) will be conducted electronically. Opening rules as described in rule 18.7 shall apply to all competitions in a DPS.
- 16.4 All communications related to a tender conducted electronically shall be directed through the e-sourcing system, no communication outside of the system will be allowed unless approved by the Procurement Manager. 'All communications' shall be described as but not limited to – General Enquiries, Clarifications, Addendums, Award and Rejection Notifications.

17. Electronic Tenders and Electronic Auctions

- 17.1 The requirements of 18 below shall be deemed to have been satisfied if the Council's approved Electronic Tendering and or Electronic Auction elements of the Council's e-sourcing system have been used in accordance with appropriate guidance, user documentation and procedures for using the systems. Further information regarding the use of the Council's e-sourcing System may be obtained via Corporate Procurement.
- 17.2 Where an externally hosted e-Sourcing system is to be used to support the tendering process, other than the Council's approved system, prior approval of the Procurement Manager and Head of Finance must be obtained.

18. Sending, Receipt, Custody and Opening of Manual Tenders (above £75,000)

- 18.1 Reminder: Please ensure you have informed and received approval from the Procurement Board for your tender via the gateway process, or the procurement unit (whichever applies).
- 18.2 Manual tendering should only occur where the e-sourcing system is incapable of managing the process
- 18.3 Tenders should be sent to tenderers within 3 working days of a request to participate.
- 18.4 All tenders that are sent to potential Contractors must be recorded on the Tender Register which is found on the procurement intranet. Ensure that all sent tenders contain a Tender Label to comply with receipting rules. Tender labels can be obtained from Corporate Procurement.
- 18.5 Any pre-qualification questionnaires that are sent under a two stage process (selection then tender stages) shall be subject to receipt deadlines.

18.6 Receipt

18.6.1 The Nominated Officer must ensure:

- All tenders are returned to the Procurement Department located in Unit 5, Triangle Business Park, Pentrebach, Merthyr Tydfil, CF48 4TQ using the pre-populated Tender Label . Tenders shall be date stamped and kept unopened in safe custody until the time appointed for opening. Envelopes or packages that do not comply with this Regulation shall be opened as part of the formal opening procedures and recorded as non-compliant.
- The envelope or package is securely sealed and bear the words "Tender for....." followed by the Product, Work or Service(s) to which it relates, using the Tender label available through the Procurement section on the Intranet.
- Returned Tenders are contained in a plain envelope or package with no identifying markings other than the Tender Label (available on the Procurement pages of the Intranet) which it must possess. The only exception to this is if a courier company has placed an identifiable marking on the envelope or package.

18.7 Opening

18.7.1 All received tenders shall be opened by a member of the Procurement Team that has the relevant system profile to open received tenders and an independent officer (usually from Central Services).

18.7.2 Bona fide tenders opened shall be recorded in the Tender Register and should include the name of all contractors or suppliers submitted. The Tender Register eForm must be completed at time of opening.

18.7.3 The Form of Tender must be signed and dated by all Tender opening officers, except where commercial information (price) is required to be withheld to avoid any bias of quality evaluations.

18.7.4 No Tender received after the other Tenders have been opened shall be considered.

18.7.5 A Tender received after the time fixed for receipt but before the other Tenders have been opened may be considered, provided there is evidence that it was posted or dispatched early enough to be received in due time by the normal course of post or dispatch. Where this happens, approval must be obtained from the relevant director.

19. Amendment to Tenders, Errors and Omissions

19.1 As a general rule, no adjustment or qualification to any tender(s) is permitted. Errors found during the examination of tenders shall be dealt with as follows:

- Whether the error contained in an offer appears to be a genuine mistake by typing, printing or arithmetic, or appears to be an eTenderwales technical issue, the tenderer shall be given details of the error(s) and shall be given the option to either agree to the tender being corrected or withdrawing the tender. This rule also applies where the genuine mistake may have been made by the Local Authority.
- The tenderer will be given up to 3 working days to respond.

- If confirmation from the tenderer is not received within 3 working days, the tender will be withdrawn.
 - Invitation to Tender documents must state how errors in Tenders will be dealt with.
 - All correspondence must be in writing.
- 19.2 No request to amend a Tender after the time fixed for receipt shall be accepted.

20. Post Tender Negotiation and Clarification

- 20.1 A Nominated Officer may seek clarification of the information provided (or not provided) by a Tenderer only where this is necessary to aid understanding. The types of clarification will generally be:
- Where a Tenderer has missed a question and not answered it;
 - Where a Tenderer has made an accidental omission such as not including a relevant certificate;
 - Where *ALL* Tenderers responding have misinterpreted a question.
- 20.2 The Contracting Authority will not seek clarifications from individual Tenderers where a question has been misinterpreted and/or poorly answered (this will include where a Tenderer has not followed the format of the Invitation To Tender and/or submitted standard text in place of a fully informed written answer) and other submissions received, fully interpreted and answered in full the same question. A clarification of this nature would not be permissible due to the Tenderer having a second chance at providing information which would alter the evaluation, and be unfair to other Tenderers.
- 20.3 If, for any reason, it is necessary to amend the Specification after Tenders have been received, the Tender procedure shall be repeated unless the Nominated Officer receives written advice from Legal Services which certifies that this is not possible and records the reasons why.
- 20.4 Where procurement is conducted pursuant to the Public Contracts Regulations 2015 through either the open, restricted procedures, no post-tender negotiations are permitted. The authorised officer may seek clarification from tenderers where appropriate in consultation with the Procurement Department.
- 20.5 Where procurements do not exceed the Public Contracts Regulations 2015 thresholds, the Procurement Manager may authorise negotiations if it is in the Council's interest to do so. The Procurement Manager will also establish the timescales for said negotiation procedure. Such actions must not distort competition.
- 20.6 At all times during the procurement process the council shall ensure that all tenderers are treated in accordance with the principles of the Treaty (European Treaty)

21. Reduced Number of Quotations or Tenders

- 21.1 For a procurement with a value between £5,000 and less than £75,000 where a Nominated Officer wishes to invite less than 3 organisations to bid, he/she must seek the approval of the Procurement Manager.
- 21.2 For a procurement in excess of £75,000, where a Nominated Officer wishes to invite less than 3 tenderers to bid, the Nominated Officer must seek the approval of the appropriate Director after consultation with the Procurement Manager. This should be justified in Procurement Gateway 2.
- 21.3 Where the minimum number of tenders stated in these Contract Procedure Rules have not been received, then consideration must be given (which must be recorded in writing) to re-running the procurement. If the Contract is for a sum less than £75,000, the decision can be taken by the relevant Head of Service. If the Contract is for a sum in excess of £75,000, the decision will be taken by the appropriate Director after consultation with the Procurement Manager.

22. Reports on Tenders

- 22.1 Reports must be prepared for all tenders and submitted to the appropriate Officer(s) or Cabinet for decision (see appendices A to F for approval requirements).
- 22.2 The Tender Report template is available at Appendix M and is available on the intranet as an e-form.
- 22.3 The Tender Report can also be used as an approved audit trail for requirements less than £75,000.

23. Contract Award

- 23.1 Every Council Contract shall be in writing in a form and on terms approved by the Head of Legal & Governance and shall specify:
- The work, materials, services or things to be furnished, had, done or disposed of.
 - The price to be paid (or, as appropriate, the sums to be received), with a statement of discounts or other deductions, and where not known, committed estimated price, or the basis upon which the final Contract sum is to be calculated.
 - The time or times within which the Contract is to be performed, together with the termination date of the Contract.
- 23.2 For Works Contracts, it is essential for proof of insurance requirements to be provided.
- 23.3 The Contractor's Public Liability indemnity must be a minimum of £10m. If the form of Contract used contains a clause for a higher indemnity limit, then this limit will be required. At the award stage the Nominated Officer must request current valid insurance evidence.
- 23.4 Evidence of registration under the Construction Industry Tax Scheme must be provided to the Payments Supervisor prior to the Contract being awarded.
- 23.5 The contract formation process shall follow the flowcharts identified in Appendices G (over £75,000) and H (less than £75,000)
- 23.6 You must not allow the successful tenderer to start work until the above processes have been completed by the Legal department.

- 23.7 Where a Contract has been tendered and advertised on the Sell2Wales website, the council shall publish a Contract Award Notice on the Sell2Wales website as soon as possible after the decision to award the Contract has been taken. For above OJEU threshold tenders, the Contract Award Notice must be published within 25 days after the date of award of the Contract.

24. Debriefing

- 24.1 Should the Council receive a request from any supplier who was unsuccessful (at either the selection or tender stage), the Nominated officer shall inform that supplier of the reasons for being unsuccessful and, if the supplier was unsuccessful at the tender stage, the responsible officer shall inform him of the characteristics and relative advantages of the successful tender as well as the name of the business awarded the Contract.
- 24.2 The Council has, in any case, a statutory duty under section 20 of the Local Government Act 1988 and section 55 of the Public Contracts Regulations 2015 to inform unsuccessful tenderers promptly.

25. Contract Management

- 25.1 In addition to the processes by which Contracts are established, there is a need to ensure that Contracts are properly managed during their life. These Contract Procedure Rules therefore cover aspects of Contract Management, which relate to ongoing Contract variation & price control at any time during the Contract period.
- 25.2 If contract terms are to be negotiated, the negotiation plan/strategy should be referred to Legal & Procurement prior to commencing any negotiation.
- 25.3 The Procurement Toolkit contains a Contract Management Framework. This should be followed to ensure that Contracts are adequately managed from a delivery and commercial perspective.

26. Variations to Contract Value

- 26.1 Variation or aggregate value of all variations made to the Contract shall be subject to the thresholds and approval requirements as outlined in Appendices L and M. Contractor claims (unforeseen works for example) are not classed as variations but should be approved in the same manner as any Council requested variation to Contract.
- 26.2 A variation cannot be higher than the original Contract value and must be limited to 50% where the Contract is subject to OJEU rules.
- 26.3 For the avoidance of doubt, no variation may be made to a Contract if the proposed variation would mean the works, services or goods to be added to the original Contract are substantially different in scope or type to those contemplated by the original procurement exercise or would serve to take the Contract outside the budget.
- 26.4 Whether or not it is a requirement of the Contract, every variation (whether having a financial implication or not) will be authorised in writing by the appropriate officer(s). The Nominated officer will keep

detailed records (Appendix O must be completed) of any such variation which shall be open to inspection by the Head of Finance even if approval is not required. The authorisation will be issued before the variation is placed.

- 26.5 As soon as it becomes known or apparent (whichever is the earlier) that the total cost of a scheme including variations will or is likely to exceed the Contract sum by more than **5% or £5000**, whichever is the greater, the Head of Finance must be informed for financial monitoring purposes and may inform the Nominated officer of any further financial requirements to be complied with.
- 26.6 All variations must be forwarded to procurement to ensure that the contract register is updated.

27. Extensions

- 27.1 Where the terms of the Contract and/or original procurement exercise do not expressly provide for extension, then such Contract may only be extended by exceptional circumstances, where legislation permits and value for money issues have been addressed. Such decision shall be made by the relevant authorised officer in consultation with the Procurement Manager and Monitoring Officer. Appendix O must be completed, reported and maintained or dependent upon value and risk, a report to cabinet should be completed for approval.

28. Procurement by consultants

- 28.1 Where the council uses consultants to act on its behalf in relation to any procurement, then the head of service shall ensure that the consultants carry out any procurement in accordance with these Contract procedure rules.
- 28.2 All decisions must be made in accordance with the council's scheme of delegations.
- 28.3 No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to. The head of service shall ensure that the consultant's performance in relation to procurement is in accordance with these Contract procedure rules and all statutory procurement obligations.
- 28.4 Where the council uses consultants to act on its behalf in relation to any procurement, the consultant must declare any potential conflict of interest that may arise to the head of service prior to the commencement of the procurement process or at such time that the Contractor becomes aware of such a potential conflict of interest.
- 28.5 Where the head of service considers that such a conflict of interest is significant, the consultant shall not be allowed to participate in the procurement process.
- 28.6 Note that it is the council, as the Contracting Authority, which is responsible for all actions and decisions of consultants in relation to the conduct of procurements, therefore there need to be proper

governance procedures in place to manage and monitor consultants appropriately.

29. Internal providers

- 29.1 These Contract Procedure Rules are the Council's procedure rules for buying goods and services for the Council. They do not apply to internal purchases or service provision, but to external suppliers and providers.

APPENDIX A

PROCEDURES FOR PURCHASING OF GOODS, SERVICES & WORKS

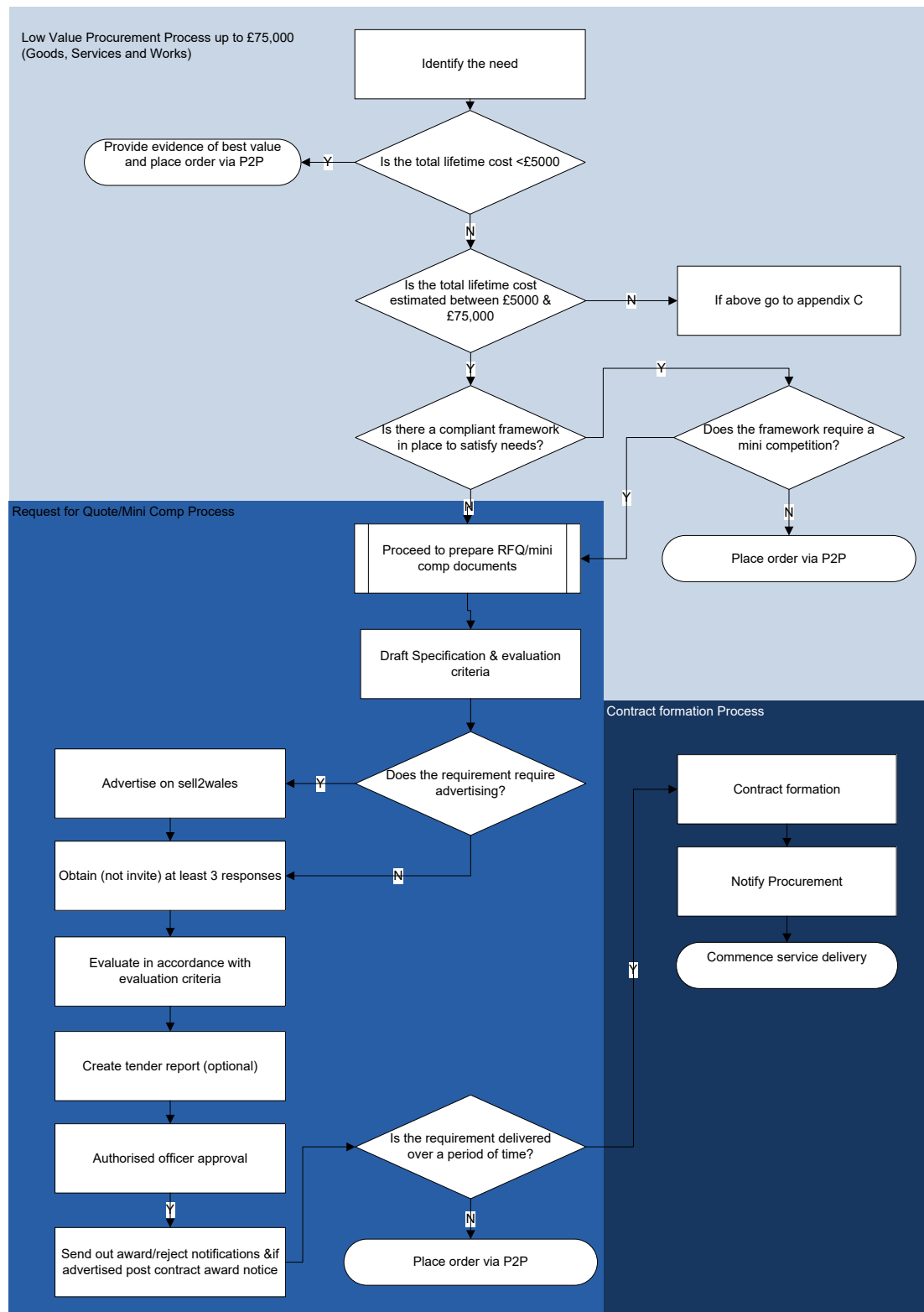
Value	Below £75,000 (Goods, Services & Works)	£75,000 – EU Thresholds (Goods & Services)	£75,000 - £1,000,000 (Works only)	£1,000,000 – EU Threshold (Works Only)	Above EU Thresholds (Goods, Services & Works)
Method	Quotations	Formal Tenders	Formal Tenders	Formal Tenders	Formal EU Tenders
Gateway Report	No	Yes	No – pre tender report only	Yes	Yes
Selection Method & Number for Goods, Services and Works	Goods & Services Prepare specification and scoring criteria, Invite at least 3 Suppliers Works Prepare specification and scoring criteria, Invite at least 3 contractors	Prepare a specification and scoring criteria Advertise on sell2wales Obtain at least 3 tenders using the Councils Electronic Tendering System (where possible)	Prepare a specification and scoring criteria Obtain at least 3 tenders using the Councils Electronic Tendering System (where possible)	Prepare a specification and scoring criteria Obtain at least 3 tenders using the Councils Electronic Tendering System (where possible)	Prepare a specification and scoring criteria Advertise on sell2wales Obtain at least 5 tenders using the Councils Electronic Tendering System (where possible)
Opened by	Nominated Officer	Procurement, Nominated Officer and Central Services	Procurement, Nominated Officer and Central Services	Procurement, Nominated Officer and Central Services	Procurement, Nominated Officer and Central Services
Records to be completed	Quote details kept on file, award & reject letters – notification to procurement of outcome	Gateway 1,2,3, Tender Report, award & reject letters	Gateway 1,2,3, Tender Report, award & reject letters - notification to procurement of outcome	Gateway 1,2,3, Cabinet Report**, award & reject letters	Gateway 1,2,3, Cabinet Report, award & reject letters

Contracts Payment Register for Works	Kept by Individual Departments	Kept by Head of Finance	Kept by Head of Finance	Kept by Head of Finance	Kept by Head of Finance
Contractors Insurances for Services / Works	Confirmed by Insurance Officer prior to Award	Confirmed by Insurance Officer prior to Award	Confirmed by Insurance Officer prior to Award	Confirmed by Insurance Officer prior to Award	Confirmed by Insurance Officer prior to Award
Sub Contractors Tax Registration for Works	Required to be with Payments Division prior to Award	Required to be with Payments Division prior to Award	Required to be with Payments Division prior to Award	Required to be with Payments Division prior to Award	Required to be with Payments Division prior to Award
Variations and Extensions	See Appendix N	See Appendix N	See Appendix N	See Appendix N	See Appendix N
Awarded by	Authorised Officer	Chief Officer and Head of Finance**	Chief Officer and Head of Finance**	Director and Head of Finance**	Cabinet with 10 day standstill
Method of Awarding	Letter of Award	Legal Contract	Legal Contract	Legal Contract	Legal Contract
Report to Cabinet	No	Yes - Information Only*	Yes - Information Only (only Contracts over £250,000)*	Yes – information only	Yes

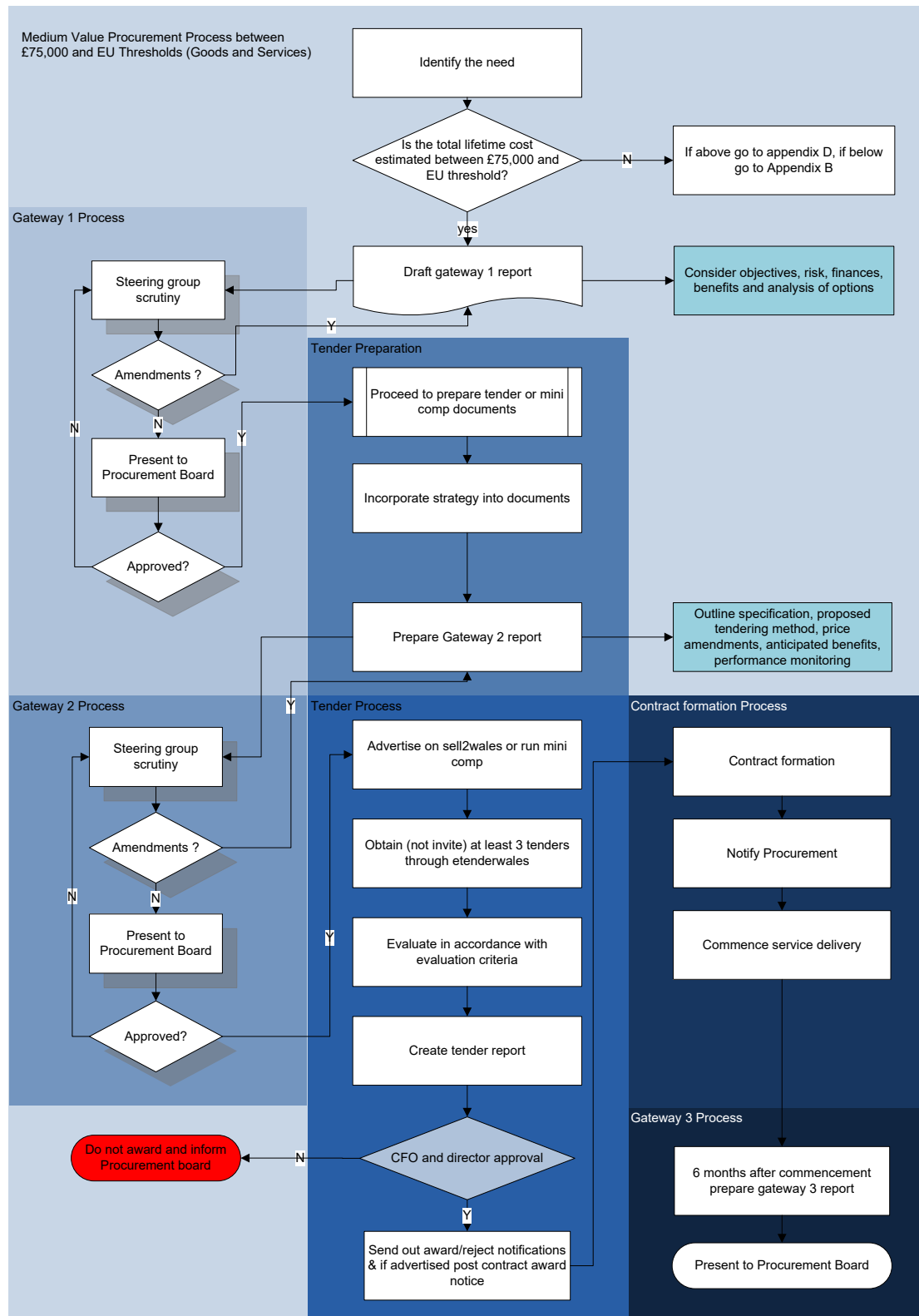
**Information Reports can be completed quarterly*

*** Where a report may have political interest, or to maintain probity, advice must be sought from Chief Officer, Deputy Chief Executive and Head of Finance with regards to a full cabinet report for decision*

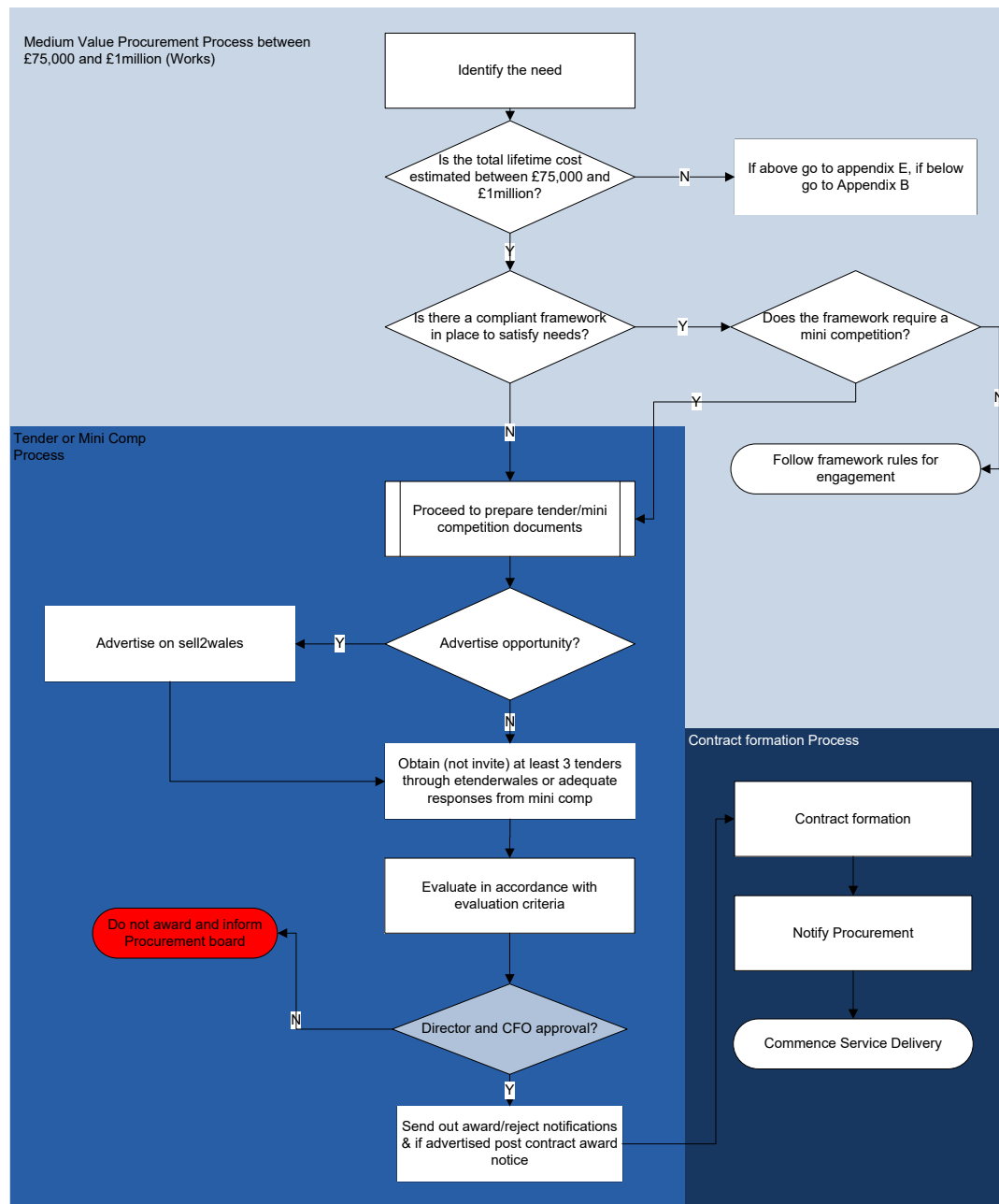
APPENDIX B



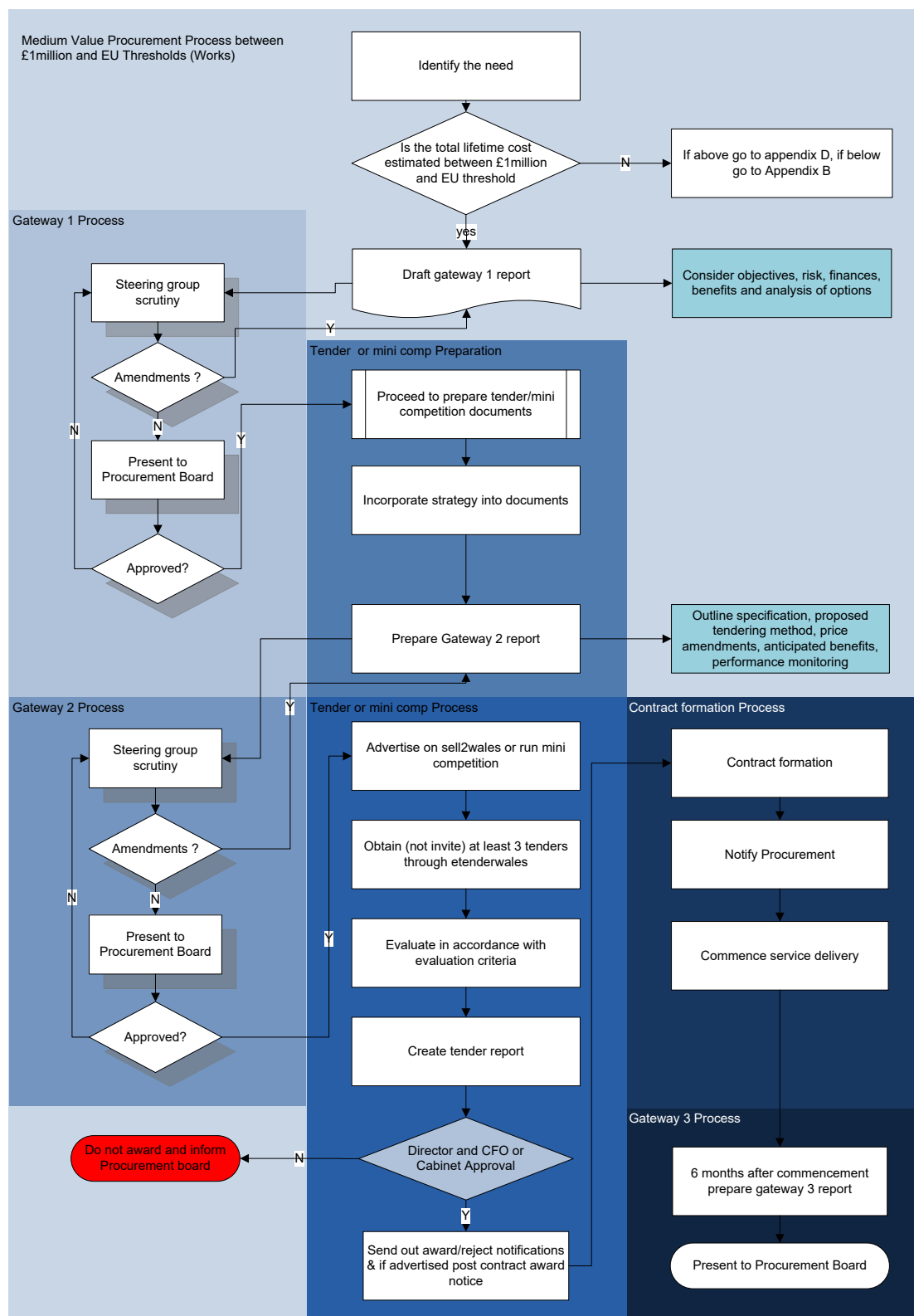
APPENDIX C



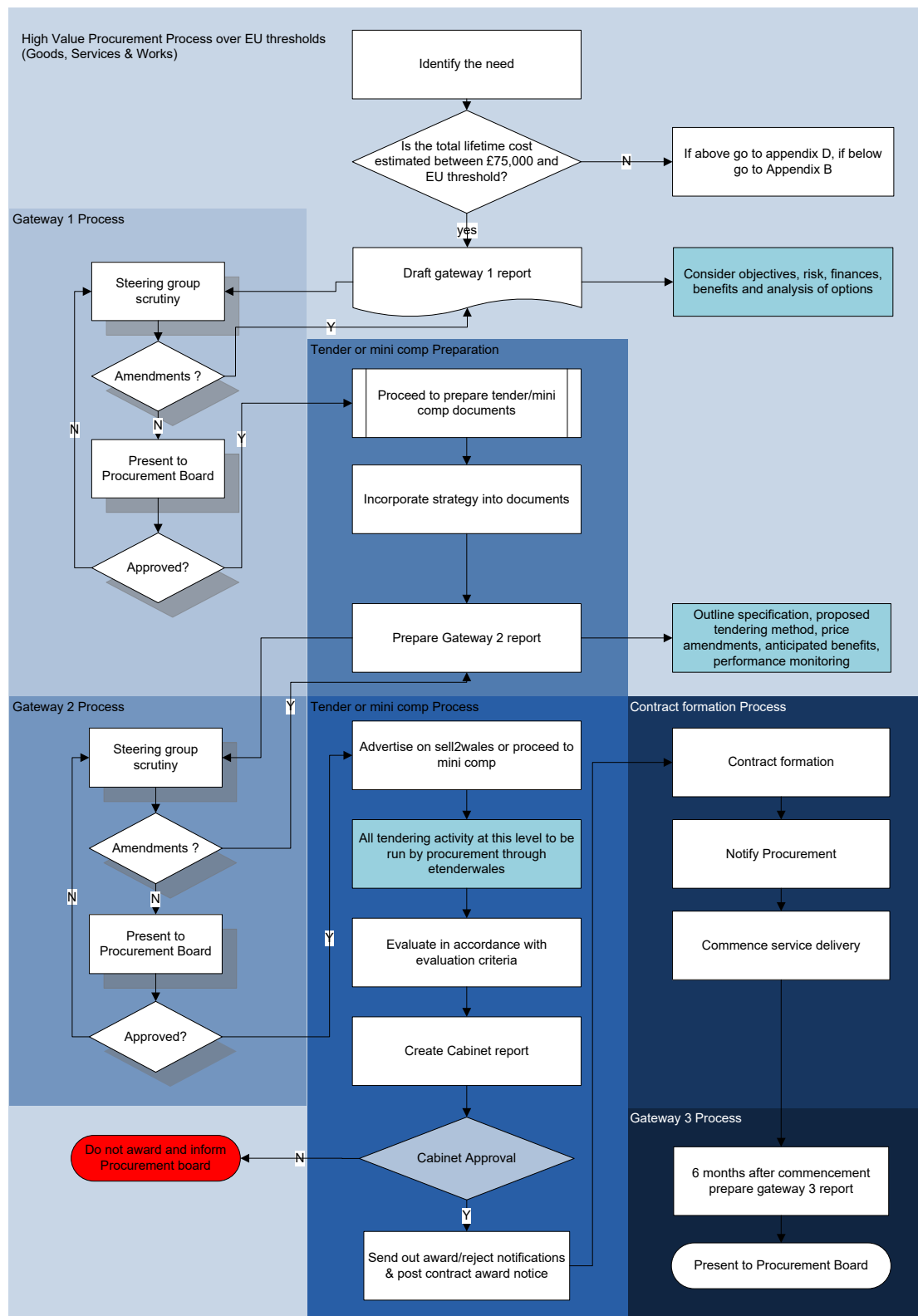
APPENDIX D



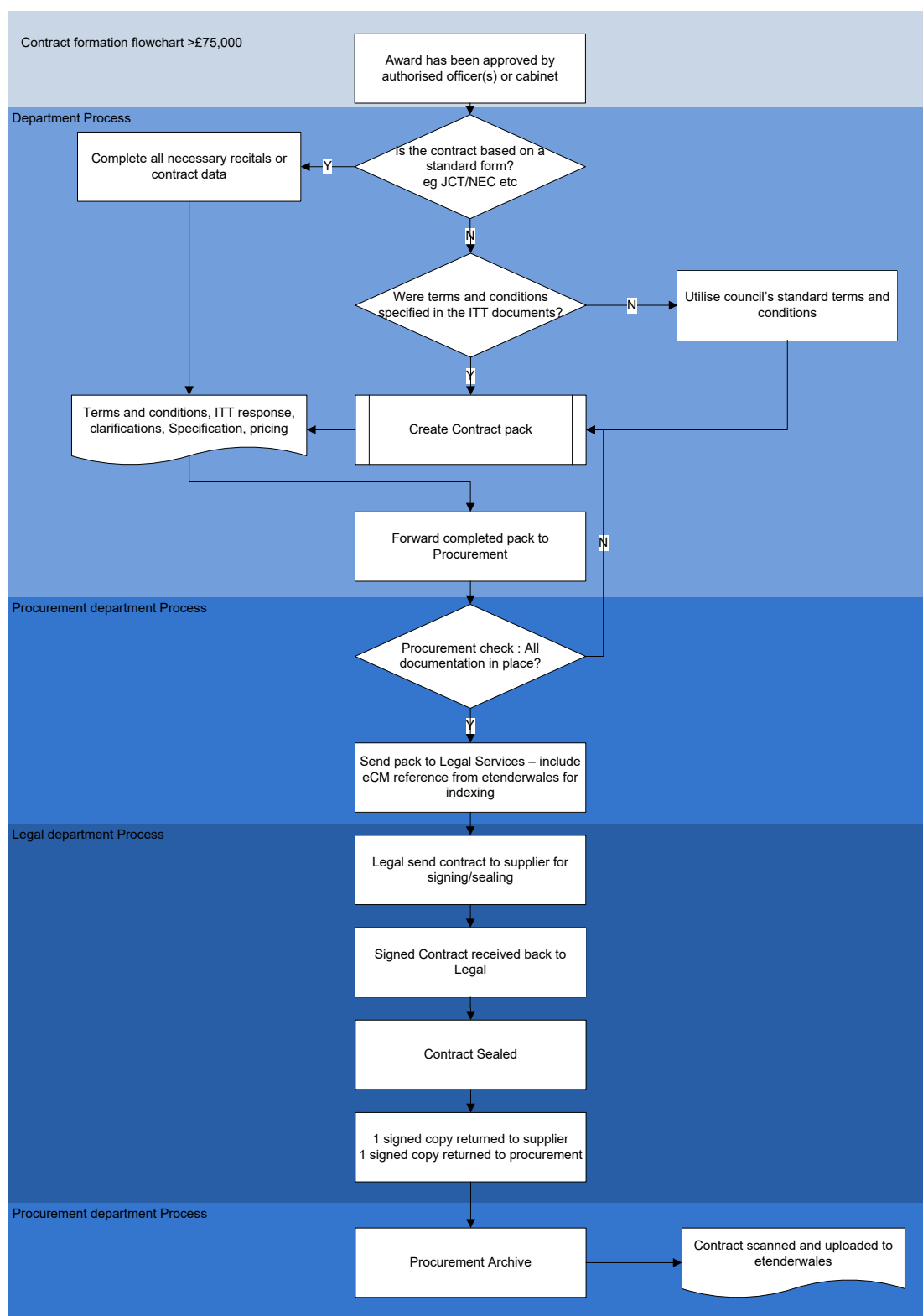
APPENDIX E



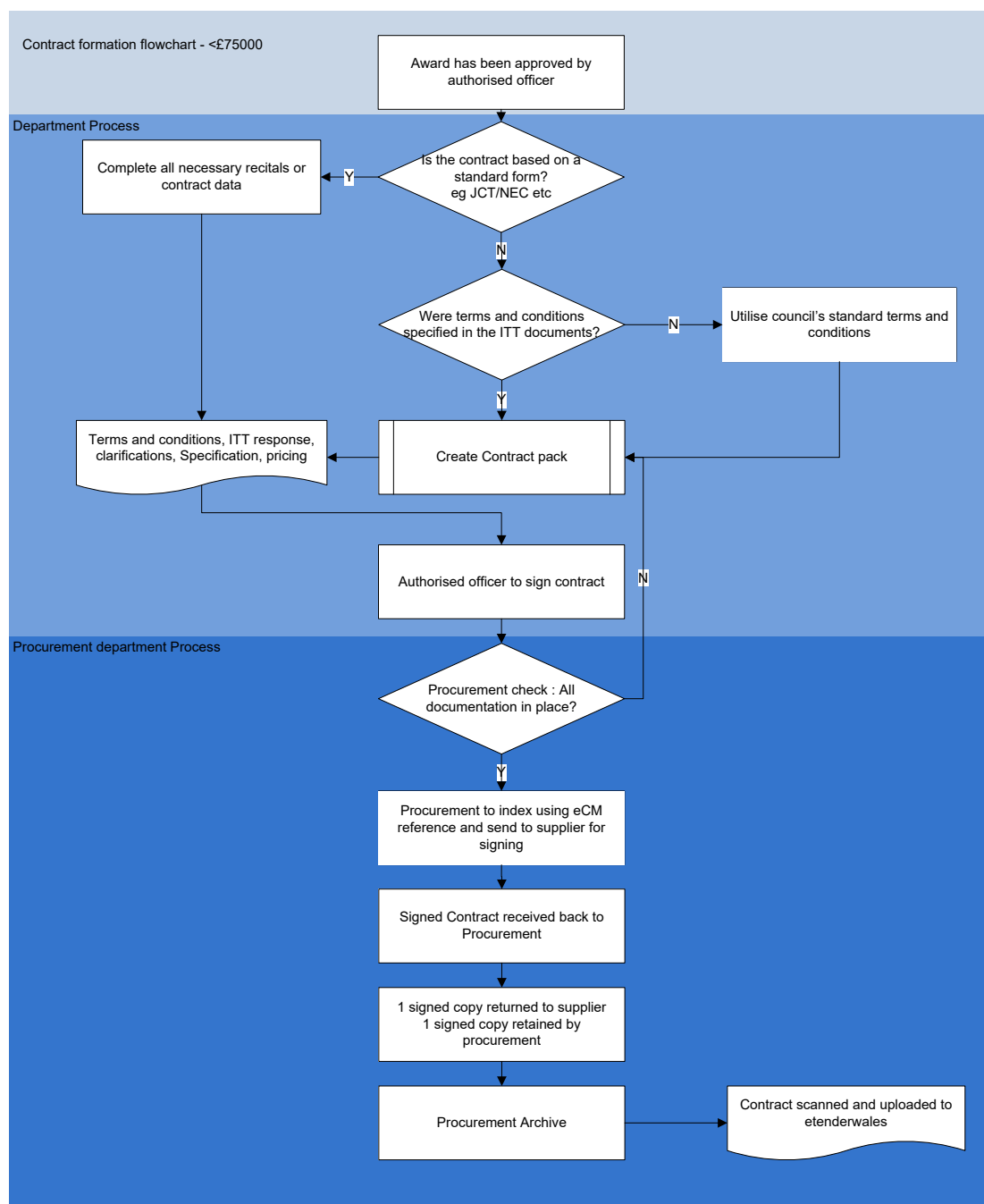
APPENDIX F



APPENDIX G



APPENDIX H



CONSTRUCTIONLINE

The purpose of utilising Constructionline is as a pre-qualification (PQQ) tool for Works tenders or quotations which fall below the OJEU Thresholds for Works (currently £4.3M). This forms only part of the PQQ information required – health and safety information needs to be obtained separately (please contact Property Services for further information).

Constructionline provides information on Contractors' financial standing and insurance levels. Constructionline undertakes regular reviews of Contractors' performance in these areas to ensure all details are kept up-to-date.

Constructionline must be used to select Contractors for inviting to tender/quote below the OJEU Thresholds in one of the following ways:

1. Develop a long list of Contractors (at least 10) you will potentially utilise for the type of tendering/request for quotes you frequently do, ensuring the Contractors meet all of the criteria required for the level (value and/or risk) of tender/quotation. In order to ensure an adequate level of competition is achieved, it is essential that you rotate the Contractors invited to tender/quote on this long list. Invite at least 3 tenders/quotations via Sell2Wales.
2. Choose 3 'preferred' Contractors and then 3 to be randomly selected by Constructionline (to ensure that there is rotation of selection and therefore that a variety of Contractors are given the opportunity to compete for work). Invite these 6 Contractors to tender/quote via Sell2Wales.

If the Works to be conducted are considered 'specialist' and therefore insufficient Contractors are registered on Constructionline, approval in writing must be sought from Corporate Procurement to invite Contractors not registered on Constructionline to quote/tender.

If tendering above the OJEU Thresholds, support must be sought from Corporate Procurement for running the tender who will decide if Constructionline should be utilised.

APPENDIX J

PRE-TENDER REPORT

Procurement of Works over £75,000 but below £1million - Officer Report and Decision Form

Please note that this report should only be used for decisions which are not specifically reserved for Full Council, a Committee of the Council, the Executive or a Statutory Officer.

The decisions made in this report are compliant with the protocol for Executive Decision making.

CONTRACT DETAILS – to be completed by Contract Manager	
Name of Contract Manager:	
Service Area:	
Contract / Project Title:	
Brief Description of Goods / Works / Services:	
Contract Number (provided by Procurement):	
Estimated Spend:	£
Estimated Contract Period:	
Timescales - Contract Start Date:	

Specific companies you wish to ITT (Invite to Tender)	
Name of Company	Address

I have been consulted and grant authorisation to the Contract Manager as the Nominated Officer on the proposed List of Tenderers and I hereby grant approval to invite tenders (including less than the required numbers of Tenderers), in accordance with the Councils' Scheme of Delegations.

Designation	Signature	Date
Procurement Manager		
For all Framework Agreements please refer to the procurement section on the Intranet or contact the Procurement Department.		

FORM OF TENDER

Merthyr Tydfil County Borough Council

[Insert Department Name]

TENDER for [Insert Contract Title]

Amount of Tender £_____

FORM OF TENDER

I/We having read the Tender Documents and Standard Conditions of Contract, do hereby tender and undertake to execute and complete the Goods, Services and/or Works in accordance with the Contract Documents for the sum as set out in the pricing schedule.

- Agree that the insertion of any conditions qualifying this tender or any unauthorised alteration to any of the tender documents shall not affect the Standard Conditions of Contract and that such action may cause the tender to be rejected.
- Agree that this tender shall remain open to be accepted or not by the Council for a period of six months from the closing date for the receipt of tenders stated in the Instructions to Tenderers.
- Unless and until a formal agreement is prepared and executed to which I/We undertake to execute, this tender together with your acceptance thereof in writing, shall constitute a binding Contract between us.
- Understand that you are not bound to accept the lowest or any tender you may receive.
- Certify that this is a bona fide tender.

CANVASSING STATEMENT

I/We certify that no canvassing or soliciting of any member, officer or employee of the council and/or any other companies in the group of which the council forms part, in connection with the award of the tender or any other tender or proposed award of the Tender for the services, goods and/or works and that to the best of our knowledge and belief no person employed by me/us or acting on my/our behalf has done such an act.

Further hereby undertake that no in the future canvassing or soliciting of any member officer or employee of the council in connection with this Tender or any other Tender or proposed Tender for the services, goods and/or works and that no person employed or acting on my behalf will do any such act.

COLLUSIVE TENDERING STATEMENT

In recognition of the principle that the essence of selective tendering is that the council shall receive bona fide competitive tenders from all those tendering.

The tender submitted herewith is a bona fide tender intended to be competitive.

We have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person.

We have not done, and we undertake that we will not do at any time, any of the following acts: -

- Communicate to any person other than the council (as part of formal tender document) the amount or approximate amount of the proposed tender (except where the disclosure, in confidence, of the approximate amount of the tenders was essential to obtain insurance premium quotations required for the preparation of the tender)
- Enter into any agreement with any other person/organisation that may take part in the tendering process
- Offer, pay, give or agree to give any sum of money or valuable consideration to any member, officer or employee of the council or any person/organisation that may take part in the tendering process

DECLARATION

I/We

Of

Hereby confirm that I/We have read and understood the content of this Schedule, that is

1. Form of Tender
2. Canvassing Statement
3. Collusive Tendering Statement

and agree to be bound by the terms herein. I/We hereby submit an offer in respect of this Tender, and offer to perform, fulfil and keep all the obligations of the Contractor in accordance with the Conditions and Specification, all for the sums properly due

under the Contract as calculated in accordance with the prices submitted. I/We confirm that I/We are fully conversant with all Tender Documents, and that this tender is submitted strictly in accordance with such Documents and the Instructions to Tenderers and is without any conditions or qualifications whatsoever. I/We certify that the information supplied by myself/us is accurate to the best of my knowledge.

Signature.....

Date

APPENDIX L

REGISTER OF EXEMPTIONS

Department _____

Directorate _____

Contract _____

Description of work/service _____

Value of work _____

Date exemption requested _____

Reason for exemption _____

*Delete as appropriate

**Create information report for next Cabinet meeting

Exemption requested by: _____ Date _____

Director / Manager / Nominated Officer / Headteacher*

Exemptions for Contracts valued up to £75,000

Decision _____ Exemption agreed – Exemption not agreed*

Authorised by _____ Date _____

Head of Service

**Exemptions for Goods and Services Contracts valued between
£75,000 and OJEU Thresholds**

Decision: _____ Exemption agreed – Exemption not agreed*

Authorised by _____ Date _____

Director**

Authorised by _____ Date _____

Corporate Procurement

**Exemptions for Works Contracts valued between
£75,000 and £1,000,000**

Decision: _____ Exemption agreed – Exemption not agreed*

Authorised by _____ Date _____ <div style="text-align: center; margin-top: 10px;">Director**</div>
Authorised by _____ Date _____ <div style="text-align: center; margin-top: 10px;">Corporate Procurement</div>
Exemptions for works Contracts valued between £1m and <u>OJEU Thresholds</u>
Decision: Exemption agreed – Exemption not agreed* Authorised by _____ Date _____ <div style="text-align: center; margin-top: 10px;">Cabinet</div>
Exemptions for Contracts valued above <u>OJEU Thresholds</u>
Decision: Exemption agreed – Exemption not agreed* Authorised by _____ Date _____ <div style="text-align: center; margin-top: 10px;">Cabinet</div>
<p>INSURANCES MUST BE CONFIRMED BY INSURANCE OFFICER PRIOR TO ORDER AND COMMENCEMENT OF CONTRACT.</p> <p>Insurance Company _____</p> <p>Date Insurance expires _____</p> <p>Date for completion of Contract _____</p> <p>Is the required public liability indemnity limit => £10million? Yes/No <i>(If no, the limit must be signed off by the Insurance officer and Chief Finance Officer)</i></p> <p>Indemnity complies with requirements of the Contract: Yes/No</p> <p>Authorised by: _____</p>

Risk and insurance officer

Authorised by: _____

Chief Finance officer

Date: _____

Additional Notes: _____

SUB CONTRACTORS TAX CERTIFICATES MUST BE PASSED TO THE PAYMENTS OFFICER PRIOR TO ORDER AND COMMENCEMENT OF CONTRACT

Sub Contractors tax certificate no. _____

Expiry date: _____

Received by: _____

Payments officer

APPENDIX M

TENDER REPORT

Department _____

Directorate _____

Contract _____

Description of work/service _____

Finance for the Scheme from _____

TENDERING

Number invited to Tender

Number of Tenders Returned

Closing Date and Time

Tenders received:

TENDERER CHECKING

TENDER AMOUNT AMOUNT AFTER

1) _____
£ _____

£ _____

2) _____
£ _____

£ _____

3) _____
£ _____

£ _____

4) _____
£ _____

£ _____

5) _____
£ _____

£ _____

6) _____
£ _____

£ _____

Evaluation Criteria

Tenders not returned from:

Reason for non-return:

All tenders received have been checked in detail. Summary of findings:

Summary of communications regarding queries arising from examination of tenders

Recommendation to award Contract to:

Contractor: _____

Address: _____

For the sum of £ _____

Reasons for award if not the lowest tender:

Report completed by: _____ Date _____

Contract approved by: _____ Date _____

Director/Chief Officer / Head teacher*

Contract approved by: _____ Date _____

Head of Finance

**delete which does not apply*

APPENDIX N

VARIATIONS AND EXTENSIONS

Goods & Services Contracts

Contract Value	First/Cumulative value of variation up to 10% of original Contract value	First/Cumulative value of variation up to 10% to 20% of original Contract value	First/Cumulative value of variation over 20% of original Contract value
Up to £75,000	Authorised Officer	Authorised Officer	Head of Service
£75,001 to <u>OJEU Thresholds</u>	Head of Service	Head of Service and Head of Finance	Head of Service and Head of Finance
Above <u>OJEU Thresholds</u>	Director, Head of Finance and Legal	Director, Head of Finance and Legal	Cabinet

Works Contracts

Contract Value	First/Cumulative value of variation up to 10% of original Contract value	First/Cumulative value of variation up to 10% to 20% of original Contract value	First/Cumulative value of variation over 20% of original Contract value
Up to £75,000	Authorised Officer	Authorised Officer	Head of Service
£75,001 to £1M	Head of Service and Head of Finance	Head of Service and Head of Finance	Head of Service and Head of Finance
£1M to <u>OJEU Thresholds</u>	Director, Head of Finance and Legal	Director, Head of Finance and Legal	Director, Head of Finance and Legal
Above <u>OJEU Thresholds</u>	Director, Head of Finance and Legal	Director, Head of Finance and Legal	Cabinet

APPENDIX O

REGISTER OF VARIATIONS AND EXTENSIONS TO CONTRACTS

Variations must be requested prior to stage payments being made

(This applies to both MTCBC staff and Consultants)

Please use the Variations & Extensions table at appendix N to ascertain
approval requirements.

Department:		Directorate:	
Contractor:			
Description of Contract:			
Variation Number:			

Variation to Contract Terms & Conditions

Brief description of changes to Contract terms:
(include attachments if necessary, e.g. of additional or changed clauses)

Variation to Contract Value

Previous Cumulative Value of Variations/Extensions:	A
Value of this Variation/Extension:	B
Total Value of Variation/Extension: (A+B)	C
Original Contract Value:	D
Revised Value of Contract: (C+D)	
Percentage Increase on Original Contract Price: (C/D)*100	
Reason for this Variation/Extension:	
How will the variation/extension be funded:	

Variation/Extension Requested By:	Nominated Officer / Head of Service /Head teacher	Date:	
Variation/Extension Authorised By:	Authorised Officer/Head teacher	Date:	
Variation/Extension Authorised By:	Head of Service/Head teacher	Date:	
Variation/Extension	Director/Governing Body minute	Date:	

Authorised By:				
Variation/Extension Authorised By:			Date:	
	Head of Finance			
Variation/Extension Authorised By:			Date:	
	Legal			
Variation/Extension Authorised By Cabinet:	Minute Number:		Date:	

PROCUREMENT FORWARD PLAN NOTICE

Contract Reference	Contract Title	Supplier	Contract Type	Contract Frequency	Start Date	End Date	Directorate	Department Name	Contract Administrator	Procedure	Contract Tender Figure (Value of Contract)	
<i>WPC/JPU/0012</i>	<i>Supply of Lamps</i>	<i>Supplier A</i>	<i>Framework</i>	<i>4 years</i>	<i>01/04/2008</i>	<i>30/03/2012</i>	<i>Customer Services</i>	<i>Street Lighting</i>	<i>A N Other</i>	<i>Open</i>	<i>£21,560.00</i>	<i>Example only</i>



Merthyr Tydfil County Borough Council CONSTITUTION

Part 6 of 8

CODES AND PROTOCOLS

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6.01

MEMBERS CODE OF CONDUCT

6.01.01 INTRODUCTION

The Members Code of Conduct is divided into two sections that consist of:-

- 1) The Principles of Member Conduct.
- 2) The Code of Conduct for Members.

This document must be treated as a composite and all sections herein must, therefore, be read **together** and should be regarded as '*The Merthyr Tydfil County Borough Council Members Code of Conduct*'.

Members should familiarize themselves with the whole document, as it is the individual responsibility of each Councillor to make sure that compliance with the Code is properly followed. Members are reminded that any actual or alleged breach of the Code may result in an investigation being authorized by the Public Services Ombudsman for Wales ('the Ombudsman'). Where a case of breach of the Code is proven then the Member concerned can be censured, publicly warned or even suspended from office.

6.01.02 THE PRINCIPLES OF MEMBER CONDUCT

These principles which must be complied with by all Members have been reproduced directly from the *Welsh Statutory Instrument 2001 No. 2276 The Conduct of Members (Principles) (Wales) Order 2001*.

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.

¹ All references to Members include all Council Members and Council Co-opted Members

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.

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.

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.

Stewardship

In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

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.

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.

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.

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.

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.

6.01.03 CODE OF CONDUCT FOR MEMBERS

This Code of Conduct must be observed by all Members and is reproduced directly from the Welsh Statutory Instrument 2016 No. 84 (W.38) The Local Authorities (Model Code of Conduct) (Wales) Order 2016.

PART 1

INTERPRETATION

1.—(1) In this code —

"co-opted member" ("aelod cyfetholedig"), in relation to a relevant authority, means a person who is not a member of the authority but who

—

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("cyfarfod") means any meeting —

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint subcommittee of the relevant authority or of any such committee, subcommittee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("aelod") includes, unless the context requires otherwise, a coopted member;

"registered society" means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("cofrestr o fuddiannau'r aelodau") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("awdurdod perthnasol") means—

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("chi") means you as a member or co-opted member of a relevant authority; and

"your authority" ("eich awdurdod") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("swyddog priodol") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("pwyllgor safonau") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2

GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

6. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
 - (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
 - (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
 - (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
- (2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
 - (i) imprudently;
 - (ii) in breach of your authority's requirements;
 - (iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3

INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a

child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the

business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4

THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 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.

(* NB the Council has by resolution set its value for gifts, hospitality, material benefit or advantage at nil)

Appendix 1

DISPENSATIONS: REGULATION EXTRACT

'The Standards Committee of a relevant authority may grant dispensations under Section 81(4) of the Act where-

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

Appendix 2

REGISTER OF COUNCILLORS INTERESTS (HOSPITALITY / GIFTS / MEMBERSHIPS / OTHER RELEVANT INTERESTS)

NAME OF COUNCILLOR: _____

DATE OF ENTRY IN REGISTER	NATURE OF INTEREST OR OFFER OF GIFT / HOSPITALITY ** See Note Below **	HOW THIS RELATES TO COUNCIL	WAS GIFT / HOSPITALITY ACCEPTED	SIGNATURE OF CHIEF EXECUTIVE OR DEPUTY CHIEF EXECUTIVE	SIGNED BY COUNCILLOR

**** NOTE ****

This column would include interests in organisations, clubs, societies having dealings with the Council or its Officers and Councillors. Membership of “secret societies”, relationships with people / organisations who have close dealings with the Council which may lead to a potential conflict of interest, and offers of gifts or hospitality whether accepted or otherwise.

Appendix 3

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL



DECLARATION OF ACCEPTANCE OF OFFICE

I NAME having been elected to the office of Councillor of Merthyr Tydfil County Borough Council declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the code for the time being as to the conduct which is expected of Members of Merthyr Tydfil County Borough Council and which may be revised from time to time.

(Signed) _____

Date DATE

This declaration was made and signed before me

(Signed) _____

GARETH W CHAPMAN

Proper Officer of the Council of the County Borough of Merthyr Tydfil

6.02

EMPLOYEES CODE OF CONDUCT

6.02.01 FOREWORD

This document has been prepared taking into account guidance issued by the National Assembly for Wales and builds upon the previous Code for Staff already in place at Merthyr Tydfil County Borough Council.

The Staff Code of Conduct is split into two sections that consist of:-

- (i) The Code of Conduct for Employees as prepared by the National Assembly for Wales.
- (ii) Additional local requirements for Employees of Merthyr Tydfil County Borough Council.

Therefore this combined document including all the sections which must be read **together**, should be regarded as The Merthyr Tydfil County Borough Council Employees Code of Conduct.

All staff must make themselves aware of the contents of this document and abide with its requirements. (This includes Chief Officers, Managers, Manual & APT&C staff, and all staff employed in Schools and Social Services establishments.)

Any queries or questions should be raised with your supervisor/manager in the first instance or alternatively the Internal Audit Section or the Personnel Department.

All relevant Trade Unions have been consulted on the document and any comments received have been considered and incorporated into the document where appropriate.

6.02.02 INTRODUCTION

- 1) The purpose of this Code is to provide a clear framework within which employees are expected to conduct themselves. The public is entitled to expect the highest standards of conduct from employees.

- 2) Merthyr Tydfil County Borough Council strives to maintain a work environment for its staff in which honesty, integrity and respect for fellow employees and their customers/stakeholders are constantly reflected in personal behaviour and standards of conduct.

6.02.03 SCOPE

- 1) The Code relates to all employees acting on behalf of the Council regardless of seniority or role. This includes agency workers and any temporary worker who represents the Council.
- 2) Union representatives have their own Code of Practice. However as employees of the Council all employees in their capacity as union representative must adhere to the Code also.
- 3) Although the Code is not enforceable to third party contractors or partner groups directly, it is expected that contractors/partners observe the Code. If an employee finds that a third party contractor/partner has broken the Code, this should be reported immediately to their manager.
- 4) This Code also covers school based staff (with the exception of teachers). Councillors and teachers have their own Code of Conduct.
- 5) This Code compliments any professional Codes of Practice and conduct that specialist roles are required to adhere to.

6.02.04 STANDARDS OF BEHAVIOUR

The Council has adopted a set of core values and associated behaviours which underpin the way that the organisation operates, these are outlined below:

- **Honesty & Openness.**

All employees are expected to be truthful, open and informative in dealing with colleagues and the public.

Staff must be as open as possible about the decisions and actions you take and be prepared to give reasons for your decisions. You should feel comfortable about expressing your views without fear of reproach.

- **Trust & Respect.**

All employees must treat others with trust and respect so that each can carry out their job role within a supportive framework. Staff should show

mutual respect and consideration for others and where trust or loyalty is abused this will be addressed.

- Accountability.

All employees must work to the best of your ability to support the implementation of the decisions of the Council. Staff must be prepared to be accountable for their actions and be prepared to submit themselves to scrutiny as appropriate.

- Learning.

All employees will have the opportunity to gain skills and knowledge and are encouraged to share practices and learn from others.

- Aspiration.

All employees are encouraged to be proactive so that each is thinking, planning forward and learning lessons from previous experiences and having innovate ideas. You should feel you are working in an environment where you are encouraged to have high aspirations and set yourself challenges in order to overcome barriers to progress.

- Team Working.

All employees are encouraged to share ideas, working practices within your team, department and directorate in order to present a united and common front for the wider public.

- Communication.

All employees will be kept well informed on a timely basis about the range of activities and high profile programmes and projects across the Council. Team meetings are used to provide consistent communication between managers and staff.

6.02.05 ROLES AND RESPONSIBILITIES

- 1.1 Managers at all levels are expected to set a good example to all staff within the Council, by conducting themselves in a way that promotes the Code. Managers should ensure they understand their responsibilities in regards to relevant financial, technological, equalities, political and legal obligations.
- 1.2 Managers should ensure that their own staff have access to the Code of Conduct and that they have been made aware of the content.

- 1.3 Managers, workers and all employees must declare a conflict of interest in any issues that involves them to ensure impartiality and fairness.
- 1.4 Managers must be honest and factual in their assessments of employees when writing references, appraisals and testimonials and ensure decisions can be substantiated.
- 1.5 Managers should undertake a risk assessment on the business where there is opportunity or risk of an employee, including themselves, breaching the Code or being deemed to have breached the Code due to the nature of the business. This could include undertaking the tender process, hospitality, sponsorship, attending community events or receiving financial or non-financial gifts. This is not an exhaustive list.
- 1.6 Managers should ensure that any relevant training is undertaken with all their employees whose work involves areas covered by the Code, to mitigate the risk of breaching the Code. This could be (but is not limited to) awareness of the business constraints, how to manage hospitality or how to tender out/for work.
- 1.7 Managers should continuously monitor and review their area of responsibility to ensure that no risks have been created.
- 1.8 All employees are expected to follow reasonable and lawful instructions from senior staff and report any misconduct issues.
- 1.9 All employees should accept reasonable instructions even if they are not in personal agreement, as long as the instruction does not breach health and safety legislation, conflict of interest, or any legal or ethical principle. If it does the employee should inform the manager of the reason why they cannot fulfil the instruction.
- 1.10 All employees in whatever capacity are expected to show mutual respect to all they come into contact with during their work, whether colleagues, the public, Councillors or third party contractors. Please refer to the **Dignity and Respect at Work Policy** and **Equalities Policy**.
- 1.11 All employees are expected to conduct themselves at all times (inside and outside of work) in such a way that does not put the Council in disrepute.
- 1.12 No manager, union representative, worker or employee must conduct themselves in such a way as to have a negative impact on the running of the Council or negatively cause poor perception of the Council. Conduct which is prejudicial to the operation of the Council will be deemed a disciplinary offence and will be investigated.

- 1.13 All employees regardless of their role are expected to adhere to all the Council's policies in their work.

6.02.06 DISCLOSURE OF INFORMATION

- 1.1 The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Council itself may also decide to be open about other types of information. The Council should therefore make it clear to employees:

- The types of information which must be made available, and to whom;
- The types of information which Council has voluntarily made open, and to whom;
- The types of information which the Council does not wish to be disclosed without specific permission.

The law also requires that personal information held about individuals must be treated in accordance with the Data Protection Act 1998. The Freedom of Information Act 2000 also gives a right of access to information held by public authorities in accordance with the provisions of the Authority's publication scheme.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor, which is personal to the councillor and does not belong to the council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by law.

6.02.07 POLITICAL NEUTRALITY

- 1.1 You should ensure that your right to engage in political or professional activities does not result in actual or perceived conflict of interest with your official duties with the Council. You should ensure that you are able, and be seen to be able, to remain unbiased in the performance of those duties.
- 1.2 This does not prevent you from being a personal member of a political party, but any activity must be outside of your role unless you are

instructed formally within your role to attend any activities. Any outside activity must not compromise the Council or your role within it.

- 1.3 Where qualifying employees in certain posts are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary level they are paid) they must comply with any statutory restrictions on their political activities.
- 1.4 Every employee whether politically restricted or not, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.
- 1.5 All employees must serve the Council as a whole, and must ensure that the individual rights of all councillors are respected.
- 1.6 Employees must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity. *If any allegation is made it is for the employee to demonstrate that any such reward has not been corruptly obtained.*
- 1.7 Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in 5.1 to 5.6. This role does not supersede any discrimination law or the Bribery Act 2010.

6.02.08 PERSONAL INTEREST & CONFLICT OF INTEREST

- 1.1 Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interest of others.
- 1.2 Employees must declare to an appropriate officer/manager and through registering a conflict of interest, any financial or non-financial interests that could bring about the conflict.
- 1.3 The Bribery Act 2010 makes it a criminal offence for an individual employee to give, promise or offer a bribe and to request, agree to receive or accept a bribe. Being found guilty of such an offence could result in between 7 to 10 years imprisonment and an unlimited fine.

6.02.09 RELATIONSHIPS

Councillors

Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should be avoided.

Communities

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service provision to all groups and individuals within that community as defined by all policies, including the Equalities Policy.

Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager.

Orders and contracts will be awarded on merit, using fair completion against tenders with no special favours. The Council's procurement process must be followed at all times.

Employees who engage/procure or supervise contractors or have previously or currently have a relationship privately or domestically should declare the relationship and take appropriate steps to maintain the Council's integrity.

Appointment & employment matters

Employees involved in appointments should ensure that the Council's Recruitment and Selection Policy is adhered to. It would be unlawful for an employee to make an appointment that was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid suggestion of bias, employees should not be involved in appointments of relatives or close friends.

Employees should not be involved in decisions relating to discipline, promotion, pay adjustments or terms and conditions of any employee who is related to them.

6.02.10 OTHER EMPLOYMENT

- 1.1 If an employee wishes to undertake additional (paid or unpaid) work outside of the Council they should seek approval if it could in any way affect the Council's interests. Employees must notify the HR

Department in writing with the details of the additional work they wish to undertake.

- 1.2 Employees must follow the Council's rules on ownership of intellectual property or copyright created during their employment.

6.02.11 USE OF AUTHORITY

- 1.1 You must not use your official position, status or powers of authority to seek to improperly influence a decision or action.
- 1.2 You are expected to give honest, impartial and comprehensive advice regardless of your personal views. If you feel that your political or personal views would conflict with the performance and execution of your duties you should contact your line manager so that it can be resolved.
- 1.3 You should provide Councillors, Chief Executive, Deputy Chief Executive, Chief Officers, managers and colleagues with advice which is frank, honest, independent and comprehensive.
- 1.4 When exercising discretionary power, you should ensure the power is being used properly, impartially, equitably and in line with current legislation, delegations, procedures and guidelines. You must ensure that you are authorized to exercise these powers associated with your employment (either as a statutory power or via a person who has the statutory power and the authority to delegate you).

6.02.12 USING COUNCIL PROPERTY, EQUIPMENT OR FACILITIES

- 1.1 Council property, equipment or facilities are for Council business only and should not be used for personal needs unless express permission has been given.
- 1.2 Reasonable personal use of telephones, photocopies, computers and faxes is allowed as long as you have sought permission from your line manager. However no private work may be carried out in Council time or on Council premises with the use of the Council's equipment.
- 1.3 It will be considered theft if any Council equipment, stationery or tools are removed from the Council premises for personal use.
- 1.4 You are not authorized to use email or internet for personal use in Council time. Please see **ICT Information Security Policy**.

6.02.13 USE OF SOCIAL MEDIA

- 1.1 The Council recognises that many employees make use of social media in a personal capacity. While they are not acting on behalf of the Council, employees must be aware that they can damage the organisation if they make inappropriate comments which can then be associated with the Council.
- 1.2 Employees must refrain from discussing work related issues on social media and making any comments which may be perceived as reflecting negativity on the Council or conflict with corporately held views.

Any communication that employees make in a personal capacity through social media must not:

Bring the Council into disrepute, this could include:

- Making defamatory comments about individuals or other organisations or groups.
- Posting images that are inappropriate or links to inappropriate content.
- Expressing views that could bring the Council's impartiality into question.

Breach confidentiality, this could include:

- Revealing confidential/sensitive information.
- Discussing the Council's internal workings.

Do anything that could be considered discriminatory against, or bullying or harassment of, any individuals, this could include:

- Making offensive or derogatory comments.
- Using social media to bully another individual.
- Posting images that are discriminatory or offensive (or links to such content).

All employees should note that any breach in relation to mis-use of social media may lead to disciplinary action. Please see the **ICT Social Media Policy**.

Serious breaches (for e.g. incidents of bullying of colleagues or social media activity causing serious damage to the Council) may constitute gross misconduct and lead to summary dismissal.

6.02.14 CONTACTS WITH THE MEDIA

- 1.1 In your work with the Council, contact with the media should only take place where this has been authorised by the Council. You must follow the Council's policy in relation to contact with the media.

6.02.15 CRIMINAL CHARGES AND CONVICTIONS

- 1.1 The Council requires all applicants for jobs to disclose all contraventions of, failures to comply with, any provisions of law, whether committed in the UK or elsewhere, unless the Rehabilitation of Offenders Act applies and the rehabilitation period has expired. In some circumstances DBS checks are conducted on all successful applicants for certain positions in the Council, plus additional electronic MTCBC checks may also be undertaken.
- 1.2 Once you are an employee you must notify the Council (via your line manager) in writing of any offence that you are charged with, or convicted of immediately (i.e. next working day). The term 'conviction' refers to a finding of guilt regardless of any conviction being recorded. Failure to notify the Council will constitute the grounds for disciplinary action

6.02.16 DEALING WITH COUNCIL MONEY AND FINANCES

- 1.1 All employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 1.2 Should you have responsibility for budgets and/or purchasing you should ensure you understand and comply with the Council's financial regulations.
- 1.3 When committing council budgets you should ensure there is approved budget for such expenditure and is within your limits of authority to commit.

6.02.17 TENDERING CONTRACTS

- 1.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and

contractor responsibility must be aware of the need for accountability and openness.

- 1.2 You must declare an interest, whether direct or indirect, about any tendering process that you are involved in or are able to influence. This includes if you volunteer for an organization in receipt of a grant from the Council or the organization you volunteer for is involved in tendering for a Council contract.
- 1.3 Employees privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organization.
- 1.4 Employees should ensure that no special favour is shown to current or recently former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them.

6.02.18 CONFIDENTIALITY

- 1.1 Openness in the dissemination of information and decision making is part of the daily business of the Council. However certain information is confidential and sensitive and is therefore not appropriate for discussion with wider audience. Where confidentiality is necessary only the relevant parties should be informed.
- 1.2 A breach of the Data Protection Act 1998 will result in disciplinary action. However employees should be mindful of the Freedom of Information Act 2000 where certain data has to be available for public knowledge. Advice can be obtained from the legal department on this.
- 1.3 If any employee uses data obtained in the course of their employment for personal gain or benefit, or pass it to others for this purpose, it will be deemed a disciplinary offence.
- 1.4 Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is sanctioned by law.
- 1.5 Some staff have a duty of confidentiality under common law (e.g. Social Workers, Occupational Therapists, Solicitors). In practice, this means that all client information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the client. In addition, everyone involved in the provision of these services, and any person who provides managerial, admin or secretarial support, has the same

obligation to ensure the confidentiality of that information. There will be times when duty of confidentiality can be overridden e.g. with consent; where the law requires it; in the public interest.

1.6 This Code does not override any statutory obligations.

6.02.19 EQUALITIES

- 1.1 All Council employees must ensure that policies relating to equality issues agreed by the Council and written into statute are complied with. This includes treating all people that are met in the course of employment with respect.
- 1.2 All managers who are responsible for reviewing, amending and creating policies, procedures and deliver services must comply with the law and undertake Equality Impact Assessments when there is discussion about changing, creating or deleting a service so that the impact on equalities can be tested and mitigated.

6.02.20 HOSPITALITY & GIFTS

- 1.1 You should not accept offers of hospitality unless you can answer 'yes' to the following questions:

“Can I justify this?” and “Can I be sure I will not be subject to legitimate criticism?”

If you are in any doubt, you should seek the advice of your manager.

- 1.2 Employees should only accept offers of hospitality (for e.g. meals, tickets to sporting or cultural events) if there is a genuine need to impart information or represent the Council in the community. Offers to attend functions that are social should be accepted only when these are part of the life of the community, and are properly authorized and recorded as a function that the Council should have representation at.
- 1.3 Any hospitality accepted should be looked at in line with any political sensitivity in regards to its timing or purpose.
- 1.4 Employees should not accept significant personal gifts from contractors and outside suppliers, although the authority may wish to allow employees to keep insignificant items of token such as pens and diaries. These should be declared in the **register of officer interest**, which is attached in the **appendix**.

- 1.5 If it would cause offence to refuse a gift it should be instead passed to the Chief Executive / Deputy Chief Executive / Chief Officer who can arrange for it to be donated to the Mayor's charity or similar cause.
- 1.6 If you are offered a gift and you believe or suspect that the offer is made with the intention of influencing you to give favourable treatment to a service user, potential or actual contractor or supplier you must inform your manager, Chief Officer, Deputy Chief Executive or the Chief Executive.

6.02.21 SPONSORSHIP

- 1.1 When the Council sponsors an event, an employee, partner, spouse or relative cannot benefit from it. Employees must seek guidance if they think that this may occur.
- 1.2 When an outside body or contractor wishes to sponsor a Council event, whether by invitation, tender, negotiation or voluntary, the basic conventions concerning acceptance of gifts or hospitality apply. Extra care should be taken with the tender process.

6.02.22 WHISTLEBLOWING

- 1.1 If an employee becomes aware of activities which he/she 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. The Council's Whistleblowing Policy covers such matters.

6.02.23 RELATED POLICIES

- 1.1 The following policies should be consulted when undertaking Council business where relevant. This is not an exhaustive list:
 - Whistleblowing Policy
 - Financial Procedural Rules
 - Contracting and Procurement Rules
 - Anti-fraud and Corruption Policy
 - Disciplinary Policy

6.02.24 PROCEDURE

- 1.1 The data collected at Appendix A should be sent to HR Administration.

6.02.25 COLLATING REGISTER DATA

- 1.1 The Monitoring Officer will retain the Register of Officers Interests.

APPENDIX A

REGISTER OF OFFICERS INTERESTS

Name of Officer: -----

Directorate: -----

Job Title: -----

Date	Nature of Interest*	How it relates to the Council	Gift/Hospitality accepted?	Authorizing signature	Manager's

- This column includes gifts, tender interests, membership of organisations etc.

6.03

PROTOCOL ON COUNCILLOR / OFFICER RELATIONS

6.03.01 UNDERLYING PRINCIPLES

Councillors and Officers are bound by their respective Codes of Conduct which seek to promote the highest ethical and performance standards. This protocol supports those codes and is intended to promote mutual respect and effective working relationships between Councillors and Officers with regard to their respective roles as set out below and in the Council's Constitution.

6.03.02 THE ROLE OF COUNCILLORS

- To promote the social, economic and environmental well being of the community.
- To represent the Council in the collective discharge of its responsibilities, and to positively promote its role within the community.
- To act as an ambassador for the whole community, and for the whole authority.
- To collectively be the ultimate policy decision makers, and to carry out specified strategic and corporate functions.
- To represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their whole communities.
- To deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.
- To balance different interests identified within the electoral division and represent the electoral division as a whole.
- To be involved in decision making.
- To be available to represent the Council on other bodies.
- To promote the highest standards of conduct and ethics and to treat each other with courtesy and respect.

- To act collectively as the responsible employer of the staff.
- To act in a specific capacity listed below where appointed so to do by the Council in accordance with the Constitution:
 - Mayor of the Council
 - Chairperson of the Cabinet
 - Member of the Cabinet
 - Chairperson of a Scrutiny Committee
 - Councillor on a Scrutiny Committee
 - Chairman of a Committee other than Scrutiny
 - Councillor on a Committee other than Scrutiny
 - Representing the Council on Outside Bodies

6.03.03 THE ROLE OF OFFICERS

- To initiate and to implement the policies set out and the decisions made by or agreed with Councillors.
- To provide professional and technical advice to Councillors.
- To carry out those functions delegated to Officers.
- To be proactive in recommending, or where delegated, taking, improvement or corrective action for the Council's services.
- To provide reasonable help, support and advice to all Councillors.
- To represent the Council on other bodies.
- To act in a specific capacity listed below where appointed so to do by the Council:

The Head of Paid Service (as defined by the Local Government and Housing Act 1989 section 4) has the following functions and duties:

- to prepare proposals for the consideration of the Council as to the coordination of
 - the discharge of the Council's functions;
 - the number and grades of staff that are required to discharge those functions;
 - the organisation of the Council's staff; and
 - the appointment and proper management of the Council's staff.

The Monitoring Officer (as defined by the Local Government and Housing Act 1989 section 5) has the following functions and duties:

- to prepare reports for the consideration of the Council where it appears to him that any proposal, decision or omission by the Council, a Committee, Sub-Committee, or Officer has given rise or is likely to give rise to a contravention of any statute or maladministration or injustice as mentioned in Part III of the Local Government Act 1974.

The Chief Finance Officer (as defined by the Local Government Act 1972 section 151) has the following functions and duties:

- to prepare reports for the consideration of the Council where it appears to him that any Committee, Sub-Committee, or Officer has or is about to make a decision which involves or would involve the Council incurring expenditure which is unlawful; or has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and is likely to cause a loss or deficiency to the Council; or is about to enter an item of account, the entry of which would be unlawful.

6.03.04 THE RELATIONSHIP BETWEEN OFFICERS AND COUNCILLORS

- The relationship between Officers and Councillors should be characterised by mutual respect which is essential to good local government.
- Close personal familiarity between individual Councillors and Officers can damage professional relationships and prove embarrassing to other Councillors and Officers. Situations should be avoided that could give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between Councillors and Officers.
- Any dealing between Councillors and Officers should be conducted with courtesy and respect and neither party should seek to take unfair advantage of their position. Councillors should recognise and pay due regard to their role as an employer in their dealings with Officers.
- The Council has statutory duties with regard to equalities and diversity issues to positively promote equality. Councillors and Officers shall not by their behaviour or speech be discriminatory with regard to a person's ethnicity, gender, disability or sexual orientation. Such principles shall apply to the implementation of all personnel policies, recruitment and promotion as they apply to day to day operations.
- Councillors should not raise matters relating to the conduct or capability of a Council employee or of the employees collectively at meetings held in public or in the Press. Employees have no means of responding to criticism like this in public. (If Councillors feel they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council employee they

should raise the matter with the appropriate Chief Executive / Deputy Chief Executive if they fail to resolve it through direct discussion with the employee.)

- Councillors should not require any Officers to change their professional advice nor take any action which the Officer considers unlawful or illegal or which would amount to maladministration or breach of a statutory code of conduct.
- Councillors should consult with the Monitoring Officer and the Chief Finance Officer about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether the particular decisions were or are likely to be contrary to the policy framework or budget, and the decision was not taken in accordance with the principles set out in Article 13.
- In seeking advice and support Councillors should have due regard to the seniority of the Officer with whom they are dealing and the fact that, while those Officers owe duties to the Council as their employer such duties are first expressed to their respective manager and the Chief Executive and not to any individual Councillor. For this reason Councillors should not give direct instructions to staff unless authorised so to do by the Constitution. If so authorised instructions shall be given to the relevant Chief Executive / Deputy Chief Executive / Chief Officer rather than a more junior member of staff.

6.03.05 THE RELATIONSHIP BETWEEN THE SCRUTINY COMMITTEES AND OFFICERS (WHEN CABINET DECISIONS ARE BEING SCRUTINISED)

- The Council's Scrutiny Committees shall seek the advice of the Monitoring Officer where they consider there is doubt about the legality of Cabinet decisions or the Monitoring Officer and other appropriate Officers where they consider a decision of the Cabinet might be contrary to the budget and policy framework and the decision was not taken in accordance with the principles set out in Article 13
- When considering calling Officers to give evidence the Committees shall not normally, without the consent of the relevant Chief Executive / Deputy Chief Executive / Chief Officer, request the attendance of a Junior Officer to ensure that Junior Officers are not put under undue pressure.
- When asking Officers to give evidence before the Committee questions should be confined, so far as possible, to questions of fact and explanation and professional opinion relating to policies and decisions.
- Where they consider it appropriate, the Committee may ask Officers to explain advice given to Councillors (of the Cabinet) prior to decisions being taken and explain decisions they themselves have taken under the Scheme of Delegation.
- The Committee shall not question Officers in such a manner whereby the nature and frequency of the questions or tone or language used could be considered by a

reasonable person to be harassment, discriminatory or otherwise unacceptable nor deal with matters which are of a possible disciplinary/capability nature.

- Officers shall do their utmost to answer Councillors questions to the best of their ability without compromising their professional standards or ethics and without showing any political bias or evasion. Councillors and Officers must have mutual respect for one another.
- The Committee shall, at all times respect the political impartiality of the Officers and must not expect Officers to give a political view.

6.03.06 OFFICER RELATIONSHIPS WITH PARTY GROUPS

- It must be recognised by all Officers and Councillors that in discharging their duties Officers serve the Council as a whole and not exclusively any political group, combination of groups, or any individual Councillors.
- Officers may properly be called upon to support and contribute to the deliberations of political groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Councillors, treat them in a fair and even handed manner.
- The support provided by Officers can take many forms, ranging from a briefing with the Chairperson of the Cabinet, the Leaders of other political groups, or Chairs of Committees, to a presentation to a full party group meeting.
- Any request for advice given to a political group or Councillor will be treated with strict confidence by the Officers concerned and will not be accessible to any other political groups. Factual information upon which any advice is based will, if requested, be available to all political groups.
- When attendance is requested for political group meetings:
 - the request to attend a group meeting must be made through the Chief Executive;
 - Officers will not attend party group meetings which include persons who are not Councillors of the Council or be present at purely party political discussions;
 - such a request can only be made in relation to Council business;
 - Officers must respect the confidentiality of any party group discussions at which they are present.

6.03.07 COUNCILLORS IN THEIR ROLE AS LOCAL COUNCILLORS

- When acting in their electoral division role Councillors:
 - need to be mindful of their competing roles, i.e. acting for the Council and acting for constituents, and the possible conflicts of interest that can arise and the pressure this can bring on Officer time;
 - recognise the Officer's right to suggest that senior Officers, the Cabinet (Council) or a Committee should authorise additional work requested by individual Councillors.

New **WHISTLEBLOWING POLICY**

Approved at Full Council 8 February 2023

CONFIDENTIAL REPORTING (“WHISTLEBLOWING”) CODE

THIS POLICY REFLECTS THE AUTHORITY’S COMMITMENT TO GOOD PRACTICES, TO VALUING STAFF AND SEEKING CONTINUOUS IMPROVEMENT IN SERVICE DELIVERY AND WILL BE REVIEWED EVERY TWO YEARS OR EARLIER SHOULD RELEVANT LEGISLATION OR GUIDANCE BE ISSUED.

23.1 Introduction

- a) This is the Council’s Policy intended to encourage and enable employees to raise concerns within the Council without fear of victimisation, subsequent discrimination or embarrassment. It reflects the Council’s commitment to good practices, to valuing staff and setting continuous improvement in service delivery.
- b) Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- c) The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council’s work to come forward and voice those concerns. Wherever possible, employees are encouraged to use relevant Council procedures to report issues in an open and transparent way, because that is the type of organisational culture we are trying to foster. It is recognised, however, that some cases will have to proceed on a confidential basis.
- d) This document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. The Confidential Reporting Code is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or “blowing the whistle” outside.

- e) The Code applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing Services under a contract within the Council in their own premises, for example, care homes. The Council will seek to ensure that as part of its procurement processes, this code is brought to the attention of such external contractors, suppliers and services providers (described in this code as “Contractors”).
- f) These procedures are in addition to the Council’s complaints procedures and other statutory reporting procedures applying to some Services. If asked, employees should make service users aware of the existence of these procedures.
- g) This Code has been discussed with the relevant trade unions and professional organisations and has their support.

23.2 Aims and Scope of the Code

- a) This Code aims to:
 - (i) encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
 - (ii) provide avenues for you to raise those concerns and receive feedback on any action taken.
 - (iii) ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
 - (iv) reassure you that you will be protected from possible reprisals or victimisation.
- b) There are existing procedures in place to enable you to lodge a grievance relating to your own employment or you consider that you are being harassed due to your race, sex or age, or if you are concerned about health and safety risks. The Confidential Reporting Code is intended to cover major concerns that fall outside the scope of other procedures.
- c) These include:
 - (i) conduct which is an offence or a breach of law;

- (ii) disclosures related to miscarriages of justice;
 - (iii) health and safety risks, including risks to the public as well as other employees;
 - (iv) damage to the environment;
 - (v) the unauthorised use of public funds;
 - (vi) possible fraud and corruption;
 - (vii) sexual or physical abuse of clients;
 - (viii) any attempt to prevent disclosure of any of the above;
 - (ix) other unethical conduct.
- d) Thus, any serious concerns that you have about any aspects of service provision or the conduct of Officers or Members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Code.
- e) This may be about something that:
- (i) makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to;
 - (ii) is against the Council's Constitution and policies;
 - (iii) falls below established standards of practice;
 - (iv) amounts to improper conduct.

23.3 Safeguards

- a) The Council is committed to good practice and high standards and wants to be supportive of employees.
- b) The Council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and the statement is made in good faith, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

- c) The Council will not tolerate any harassment or victimisation, including informal pressures, and will take appropriate action to protect you when you raise a concern in good faith. This action will depend on the type of concern and specific service arrangements. On very rare occasions, you may be asked whether you would be prepared to obtain further information.
- d) This would be entirely at your discretion and a full risk assessment would be completed, prior to such a course of action being agreed.
- e) Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

23.4 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. Any breach of confidentiality will be regarded as a serious matter and will be dealt with accordingly. At the appropriate time, however, you may need to come forward as a witness. If you wish to be supported by a representative of your choice, then this would be available to you.

23.5 Anonymous Allegations

- a) This Code encourages you to put your name to your allegation whenever possible, however even an anonymous report is considered by the Council to be better than failing to report a concern at all.
- b) Concerns expressed anonymously are much less powerful but will only be considered at the discretion of the Council and in exceptional circumstances if you consider that the disclosure of your identity will give rise to a risk of harm please provide supporting information and the Council will determine whether your identity should be withheld.
- c) In exercising this discretion, the facts to be taken into account would include:
 - (i) the seriousness of the issues raised;
 - (ii) the credibility of the concern; and
 - (iii) the likelihood of confirming the allegation from attributable sources.

23.6 Untrue Allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

23.7 How to Raise a Concern

This procedure applies to Council employees and contractors.

- a) As a first step, you should normally raise concerns with your immediate line manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that senior management is involved, you should approach the Chief Executive, the Monitoring Officer or Chief Finance Officer.
- b) In the case of schools the head teacher and chairperson of the governing body would need to be informed. A decision would then need to be taken as to the investigative action required.
- c) In the case of a fraud or financial irregularity Internal Audit or the Chief Finance Officer must be contacted immediately.
- d) For councillors, concerns must be raised with the Chief Executive / Deputy Chief Executive / Director, the relevant Scrutiny Committee or the Standards Committee.
- e) For concerns in relation to child welfare the preferred route would be via the Director of Social Services.
- f) Alternatively, you can leave a message on the 24-hour Council “Anti-Fraud Line” on 01685 725111 or the Council on fraudline@merthyr.gov.uk. This service is strictly confidential, and you will not be asked to give your name if you do not want to.
- g) Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
 - (i) the background and history of the concern, giving relevant dates;
 - (ii) the reason why you are particularly concerned about the situation.

- h) Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- i) Alternatively, you may wish to seek advice from a person independent of the Council. In this case you should contact the Council's External Auditors (Audit Wales). In addition, advice/guidance on how to pursue matters of concern may also be obtained from:
 - (i) The Public Interest Disclosure Act 1998 allows you to contact the National Audit Office on a special telephone line, the number is 0207 798 7999 or by emailing - enquiries@nao.gsi.gov.uk
 - (ii) For further advice you can contact the charity Protect that provides free and confidential advice for employees on 020 3117 2520 or via their website <https://protect-advice.org.uk/advice-line/>.
- j) You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two or more of you who have had the same experience or concerns.
- k) You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

23.8 How the Council will Respond

- a) 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.
- b) Where appropriate, the matters raised may:
 - (i) be investigated by management, internal audit, or through the disciplinary process;
 - (ii) be referred to the police;
 - (iii) be referred to the external auditor (Wales Audit Office);
 - (iv) form the subject of an independent inquiry.

- c) In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries 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, are 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.
- d) Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- e) Within 10 working days of a concern being raised, the person with whom you have raised your concerns will write to you:
 - (i) acknowledging that the concern has been received;
 - (ii) indicating how we propose to deal with the matter;
 - (iii) giving an estimate of how long it will take to provide a final response;
 - (iv) telling you whether any initial enquiries have been made;
 - (v) supplying you with information on staff support mechanisms; and
 - (vi) telling you whether further investigations will take place and if not, why not.
- f) The amount of contact between the Officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- g) However, should this further information need to be gleaned by you, from another person, without them being made aware of your involvement in the confidential reporting process, specific procedures will need to be applied.
- h) Should a manager believe that this additional information may assist the enquiry, and that the information can only be obtained by you, no action will be taken until the matter has been referred to the Monitoring

Officer, for a decision to be made as to whether such a course of action is both necessary and proportionate.

Important:

- i) Managers must not, under any circumstances, ask an individual to obtain further information covertly, from another person, without following this procedure. Failure to do so may infringe Human Rights and render the Council liable to legal action.
- j) Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.
- k) 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 arrange for you to receive advice about the procedure.
- l) The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

23.9 The Responsible Officer

Corporate Directors and their senior staff who receive concerns will copy the initial complaint to the Monitoring Officer, and keep that Officer informed of the progress and outcome of the investigation. The Monitoring Officer has overall responsibility for the maintenance and operation of the Code. That Officer will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

23.10 How the Matter Can be Taken Further

- a) This Code is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
 - (i) the Council's external auditors (Audit Wales);
 - (ii) Protect charity

- (iii) The National Audit Office
 - (iv) your local Citizens' Advice Bureau;
 - (v) relevant professional bodies or regulatory organisations;
 - (vi) a relevant voluntary organisation;
 - (vii) the police.
- b) If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

23.11 Confidential Reporting Code Form

PRIVATE AND CONFIDENTIAL	
CONFIDENTIAL REPORTING CODE	
To be completed by person to whom the concern is raised	
To be forwarded to Monitoring Officer	
Name of person	
Post Held	
Raising concern (may be anonymous)	
Brief outline of nature of concern and dates	
Names of others involved	
Brief description of outcome, with dates	
Signature	
(of person to whom complaint is raised)	
Please Print Name	
Date	

Appendix 1 to the WHISTLEBLOWING CODE

Extract from the PUBLIC INTEREST DISCLOSURE ACT (PIDA) 1998

Protected disclosures

Meaning of “protected disclosure”

Section 43A a “protected disclosure” means a qualifying disclosure (as defined by section 43B) which is made by a worker in accordance with any of sections 43C to 43H.

Section 43B (1) In this Part a “qualifying disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure is made in the public interest and tends to show one or more of the following –

- (a) that a criminal offence has been committed, is being committed or is likely to be committed,
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) that the health or safety of any individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged, or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

INFORMATION PROVIDED BY:

PROTECT
The Green House
244-254 Cambridge Heath Road
London E2 9DA
Telephone: 020 3117 2520
Email - <https://protect-advice.org.uk/contact-us/>

Summary of PIDA

The Act came into force on 2nd July 1999. It encourages people to raise concerns about malpractice in the workplace and helps ensure that organisations respond by:

- addressing the message rather than the messenger; and
- resisting the temptation to cover up serious malpractice.

Through protecting whistle-blowers from dismissal and victimisation the Act promotes the public interest.

Malpractice

The Act applies to people at work raising genuine concerns about crime, civil offences (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment and the cover up of any of these. It applies whether or not the information is confidential and extends to malpractice occurring overseas.

Individuals Covered

In addition to employees, it covers trainees, agency staff, contractors, home workers, trainees. school governors, councillors and co-opted members The usual employment law restrictions on minimum length of service and age do not apply.

Legal Advice

The Act confirms that workers may safely seek legal advice on any concerns they have about malpractice. This includes seeking advice from Protect.

Internal Disclosures

A disclosure to a manager or the employer will be protected if the whistleblower has a reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur and that the disclosure would be made in the public interest Where a third party is responsible for the matter this same test applies to disclosures made to it.

Disclosures to Ministers

Where someone in the NHS or a public body blows the whistle direct to the sponsoring Department, the disclosure is protected in the same way as an internal one.

Regulatory Disclosures

The Act protects “protected disclosures” made to prescribed bodies such as the Health and Safety Executive, the Inland Revenue and the Financial Services Authority, where the whistleblower reasonably believes that the information and any allegation in it are substantially true.

Wider Disclosures

Wider disclosures (e.g. to the police, the media, MPs and non-prescribed regulators) are protected if, in addition to the tests for regulatory disclosures, they are reasonable in all the circumstances and they meet one of the three preconditions.

Provided they are not made for personal gain, these preconditions are that the whistleblower:

- Reasonably believed they would be victimised if they raised the matter internally or with a prescribed regulator;
- Reasonably believed a cover-up was likely and there was no prescribed regulator; or
- Had already raised the matter internally or with a prescribed regulator.

In deciding the reasonableness of the disclosure, the tribunal will consider the identity of the person to whom it was made, the seriousness of the concern, whether the risk or danger remains, and whether it breached a duty of confidence the employer owed a third party. Where the concern had been raised with the employer or a prescribed regulator, the reasonableness of its response will be particularly relevant. Finally, if the concern has first been raised with the employer, it is relevant whether any whistleblowing policy in the organisation was or should have been used.

Exceptionally Serious Matters

Where the concern is exceptionally serious, a disclosure will be protected if it meets the test for regulatory disclosures and is not made for personal gain. The disclosure must also be reasonable; having particular regard to the identity of the person it was made to.

Full Protection

Where the whistleblower is victimised in breach of the Act he/she can bring a claim to an employment tribunal for compensation. Awards will be uncapped and based on the losses suffered. Additionally, where an employee is sacked, he/she may apply for an interim order to keep their job. It should however be noted that an employment tribunal now has the power to reduce any compensation awarded

to an employee for detriment or dismissal relating to a protected disclosure by up to 25% where the disclosure was not made in good faith.

Gagging Clauses

Gagging clauses in employment contracts and severance agreements are void insofar as they conflict with the Act's protection.

Appendix 2 to the WHISTLEBLOWING CODE

GUIDANCE NOTE FOR EMPLOYEES

The following guidance should be followed if you suspect fraud or corruption in any area of the Council's activities.

Do

1. Make an immediate note of your concerns.

Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of any parties involved.

2. Convey your suspicions to someone with the appropriate authority and experience.

This is usually your line manager or the internal audit service. Alternatively, the Chief Finance Officer or the Head of Human Resources should be contacted.

3. Deal with the matter promptly if you feel your concerns are warranted.

Any delay may cause the Authority to suffer further financial loss.

Don't

1. Do nothing.
2. Be afraid of raising your concerns.

You must not suffer any recrimination as a result of voicing a reasonably held suspicion. The Authority will treat any matter you raise sensitively and confidentially.

3. Approach or accuse any individuals directly.
4. Try to investigate the matter yourself.

There are special rules surrounding the gathering of evidence for use in criminal cases. Any attempt to gather evidence by people who are unfamiliar with these rules may destroy the case.

5. Convey your suspicions to anyone other than those with the proper authority.

Remember the Public Interest Disclosure Act 1998 has the following rules for making a protected disclosure.

- You must believe it to be substantially true.
- Disclosure must be in the public interest.
- You must not seek any personal gain.
- You must **not** commit a criminal offence by making the disclosure.

6.05

PLANNING CODE OF CONDUCT

6.05.01 FOREWORD

This Code of Practice was initially drawn up by Wrexham County Borough Council and has since been adapted and adopted as a 'model' by the Planning Officers Society in Wales, as part of an ongoing development and sharing of best practice techniques amongst Welsh Planning Authorities.

It has been further adapted to suit this Council's particular mode of operation.

6.05.02 INTRODUCTION

This Code of Practice is intended to guide the procedures by which Councillors and Officers of Merthyr Tydfil County Borough Council deal with planning matters and to set standards of probity and conduct which the people of Merthyr Tydfil can expect of them.

The Town and Country Planning system requires the Council to take decisions about proposals for the development and use of land in the public interest. Planning law requires that all planning applications be determined in accordance with the adopted Development Plan unless material planning considerations indicate otherwise. The Council must also take account of representations made by the public, in as far as they relate to material planning considerations.

As planning affects peoples' lives and private interests it can be contentious. It is therefore important that the Customers, Councillors and other Stakeholders understand the system and have confidence in its integrity and transparency and that Councillors and Officers avoid impropriety or even the suspicion of impropriety. This approach is endorsed by the "Committee on Standards in Public Life" (the Nolan Committee); District Audit and the Local Government Association.

Councillors and Officers must not only ensure that their conduct accords with the Council's Codes of Conduct for Councillors and Officers (which cover such matters as declarations of interests, gifts and hospitality), but, when dealing with planning matters, also act in accordance with this Planning Code of Practice.

A breach of this code, while not usually amounting to a breach of criminal law, may adversely affect the standing of the Council. It could result in a decision being judicially reviewed or in a complaint of maladministration or an allegation of a breach of the Code of Conduct being made to the Local Government Ombudsman.

If Councillors or Officers are in doubt about the application of this Code they should seek advice from the Council's Monitoring Officer.

6.05.03 GENERAL ROLES, RESPONSIBILITIES AND CONDUCT

Councillors and Officers have different, but complementary roles in the planning process. Planning, Regulatory and Licensing Committee Councillors have different roles from other Councillors.

(A) Planning, Regulatory & Licensing Committee Councillors

Planning, Regulatory and Licensing Committee Councillors determine planning applications (other than those determined by the Town Planning Manager under his delegated powers) received by the Council and make recommendations on the adoption of planning policy, such as the Development Plan. In doing so they are required to consider all planning proposals against the wider public interest. Planning, Regulatory and Licensing Committee Councillors fulfil a quasi-judicial function which is different from their role as Ward or Cabinet Councillor. This distinction must be borne in mind at all times during the planning decision making process.

The Full Council can, in certain circumstances, carry out the functions of the Planning, Regulatory and Licensing Committee and determine the more significant and contentious planning applications.

Applications are also delegated to the Town Planning Manager to decide in specific circumstances, (described in Paragraph 2.10 below).

Where the Planning, Regulatory and Licensing Committee make decisions contrary to the provisions of the Development Plan then those decisions must be referred to Council.

Planning, Regulatory & Licensing Committee Councillors shall:

- a) act fairly and openly and avoid any actions which would give rise to an impression of bias;

- b) avoid inappropriate social contact with applicants and their agents, objectors and other interested parties;
- c) approach each planning application/issue with an open mind, avoiding pre-conceived ideas;
- d) not organise support nor opposition to a planning application;
- e) not publicly express an opinion in advance of deciding an application which may be taken to indicate that they have made up their minds without hearing all the evidence and arguments which will be presented at the Planning, Regulatory and Licensing Committee.

If a Councillor of the Planning, Regulatory and Licensing Committee publicly supports a particular outcome or expresses a final view on an application prior to the meeting of the Planning, Regulatory and Licensing Committee it will be difficult for that Councillor to argue convincingly, when the Planning, Regulatory and Licensing Committee comes to take a decision, that he or she has carefully weighed the arguments. The proper course of action for such a Councillor would be to make an open declaration prior to the item being considered by the Committee, not speak and not vote. Failure to do so could place the Council in danger of judicial review or complaint to the Commissioner for Local Administration in Wales (Ombudsman).

(‘Publicly’, in this context means any situation where the view expressed might reasonably be expected to gain wider public circulation including a statement to the press, in a letter submitted by the Councillor to the Planning Division, or at a meeting of a Community Council or Community Forum (or one of its Committees), or formally to a person, group/s of people.

- f) carefully weigh up all relevant planning issues before making a decision;
- g) make decisions purely on planning grounds in the public interest and not favour, nor appear to favour, any person, company, group or locality. In this respect, whilst Planning, Regulatory and Licensing Committee Councillors have a special duty to their Ward constituents, including those who did not vote for them, their over-riding duty is to the whole community;
- h) not decide how to vote on applications on the basis of a political ‘whip’, but on the planning merits of each case; (the view of the Ombudsman is that

subjecting a planning decision to the discipline of the political ‘whip’ could amount to maladministration); and

- i) ensure that the reasons for their decisions are clearly stated

Membership of a Community Council or a Community Forum (or one of its Committees) provides an opportunity to listen to local views and does not of itself give rise to a conflict of interest for a Planning, Regulatory and Licensing Committee Councillor, provided he/she maintains an open mind until all the evidence and arguments have been presented at the Planning, Regulatory and Licensing Committee.

If the Councillor is present at a meeting of the Community Council or Community Forum (or one of its Committees) when a planning application/matter is under consideration, he/she can enter into discussion and ask questions, but should not express a view in favour or against the proposal and should not vote.

If a Planning, Regulatory and Licensing Committee Councillor expresses a firm view in support or against an application at a meeting of the Community Council or Community Forum (or one of its Committees), he/she should take no part in the subsequent determination of that application at the Planning, Regulatory and Licensing Committee unless he/she has obtained a dispensation from the Council’s Standards Committee.

(B) Non-Planning, Regulatory & Licensing Committee Councillors

Councillors who are not part of Planning, Regulatory and Licensing Committee represent their Wards and the County Borough as a whole and may exercise their right to attend the Planning, Regulatory and Licensing Committee and Committee site inspections. Whilst they do not act in the quasi-judicial role performed by Planning, Regulatory and Licensing Committee Councillors, they shall: -

- a) act fairly and openly and avoid any actions which would give rise to an impression of bias or undue influence; and
- b) avoid inappropriate social contact with applicants and their agents, objectors and other interested parties

These Councillors may express support for a particular opinion in advance of the matter being considered by the Committee (or by the Town Planning Manager under delegated powers), but should respect the fact that Planning, Regulatory and Licensing Committee Councillors cannot do the same.

(C) All Councillors

Councillors shall not pressure Officers to make particular recommendations in reports.

(D) Officers

The function of Officers is to support and facilitate the Councillors in their work.

The Town Planning Manager makes decisions on the majority of planning applications under delegated powers and makes recommendations on more significant and contentious applications and other planning matters for decision by the Planning, Regulatory and Licensing Committee and the Council. Councillors may ask for any planning matter to be referred to the Planning, Regulatory and Licensing Committee for a decision rather than by the Town Planning Manager under delegated powers. In considering applications and in advising Councillors and the public on planning policy, the determination of planning applications, enforcement and other planning matters, Planning Officers shall:-

- a) act fairly and openly and avoid any actions which would give rise to an impression of bias;
- b) avoid inappropriate social contact with applicants and their agents, objectors and other interested parties;
- c) approach each planning application/issue with an open mind, avoiding pre-conceived ideas;
- d) carefully weigh up all relevant planning issues;
- e) make decisions purely on planning grounds having regard to the development plan and other material considerations;
- f) give professional, objective and consistent planning advice;
- g) provide a comprehensive and accurate analysis of the planning issues;
- h) give a clear recommendation; and
- i) carry out the decisions of the Council or the Planning, Regulatory and Licensing Committee.

The Council's Legal Division advise Councillors on legal and procedural matters. In doing so, they shall: -

- a) act fairly and openly and avoid any actions which would give rise to an impression of bias;
- b) avoid inappropriate social contact with applicants and their agents, objectors and other interested parties;
- c) give professional, objective and consistent advice; and
- d) carry out the decisions of the Council or the Planning, Regulatory and Licensing Committee insofar as they relate to the completion of any legal agreement, institution/defence of proceedings etc.

6.05.04 RE-APPLICATION/DECISION AND ENFORCEMENT DISCUSSIONS

Discussion and negotiation are essential in the planning process as they may bring about improvements which can make an application acceptable or otherwise remedy problems.

Such discussions will normally take place at Officer Level and Councillors shall, wherever possible, refer requests for such advice to the Officers. If Councillors become involved in such discussions they should make clear that their views are personal and provisional. A record should be made of those discussions.

All Officers taking part in such discussions shall:

- a) make clear whether or not they are the decision maker for the purposes of the application/issue under discussion;
- b) make clear that only personal and provisional views can be expressed which will not bind the Council to reach a particular decision when determining an application;
- c) express views in the context of the Development Plan and other material planning considerations;
- d) be consistent in interpreting planning policies; and
- e) advise applicants/neighbours/objectors/other third parties on procedural matters.

Occasionally local people or the Community Council/Community Forum will arrange public meetings to discuss a current application and may invite the applicants, Councillors and Officers to attend. Given the need to avoid pre-determination, Planning, Regulatory and Licensing Committee Councillors and Officers who attend such meetings shall use them for fact-finding; shall not express an opinion for or against the proposal and shall otherwise act in accordance with Paragraphs 2.2 to 2.6 and 3.3 above.

6.05.05 LOBBYING OF PLANNING, REGULATORY & LICENSING COMMITTEE COUNCILLORS

Lobbying is the process by which applicants and their agents, neighbours, non-Planning, Regulatory and Licensing Committee Councillors and other interested parties seek to persuade Councillors on the Planning, Regulatory and Licensing Committee to come to a particular decision. It is a legitimate part of the planning process for them to approach Planning, Regulatory and Licensing Committee Councillors as these discussions can help those Councillors to understand the issues and concerns. As stated in the Nolan Committee Third Report: *“it is essential for the proper operation of the planning system that local concerns are adequately ventilated”*

In responding to approaches of this kind, Planning, Regulatory and Licensing Committee Councillors shall follow the nine principles outlined in Paragraph 2.3 above and may wish to make a record of the discussion, but may also: -

- a) explain the potentially conflicting position they are in if they express an opinion on a proposal before consideration at the Committee/by the Town Planning Manager;
- b) explain the procedures by which representations can be made, the discretionary system of allowing the public to speak at the Committee, should the application come to the Committee for decision, and that a decision will be taken only when all relevant planning considerations have been taken into account;
- c) explain the kinds of planning issues that may be taken into account;
- d) report issues raised to the Officers or direct the public to the Officers so that their views can be considered; and

- e) advise the public to contact non-Planning, Regulatory and Licensing Committee Councillors who may be able to represent local views with less restraint.

6.05.06 PLANNING APPLICATIONS SUBMITTED BY COUNCILLORS, COMMUNITY COUNCILS, COMMUNITY FORUMS (OR ONE OF ITS COMMITTEES) AND OFFICERS

Planning applications submitted by or on behalf of Councillors or Officers employed in the Planning Division or their close relatives where known, shall be decided by the Planning, Regulatory and Licensing Committee and not by the Town Planning Manager under delegated powers. This will also apply where the Councillor or Officer is acting as an agent for another party.

(‘Close relative’ is defined as spouse, partner, parent, child or sibling).

The affected Councillor shall declare an interest and take no part in the decision unless he/she has been granted a dispensation from the Council’s Standards Committee.

The affected Officer shall take no part in the decision.

Where a Community Council or Community Forum (or one of its Committees) submits a planning application, the County Borough Council Councillors who are also Councillors of that Community Council or Community Forum (or one of its Committees) should disclose their interest and not vote on that application when it comes to Committee for decision unless he/she has been granted a dispensation from the Council’s Standards Committee.

Where an application of this kind is submitted, the Town Planning Manager shall inform the Monitoring Officer in writing who, following examination of the file, shall confirm in the Planning, Regulatory and Licensing Committee report that the application has been processed normally.

6.05.07 PLANNING APPLICATIONS SUBMITTED BY THE COUNCIL

It is critical that the Council considers applications for its own development (or a development involving the Council and another party) equally and consistently with all other applications, as well as being seen to do so.

All such proposals will be subject to the same administrative processes, including consultation, as other applications with consideration being made in accordance with policy and any other material planning consideration.

To ensure transparency and openness in dealing with such applications Council proposals (except for discharge of conditions) will not be dealt with under delegated powers, but will be determined by the Planning, Regulatory and Licensing Committee

6.05.08 OFFICER'S REPORTS TO THE PLANNING, REGULATORY & LICENSING COMMITTEE

All planning matters considered by the Planning, Regulatory and Licensing Committee will be the subject of full written reports by the Deputy Chief Executive. One of the prime functions of the planning service is to reconcile often conflicting views relating to the development on and use of land, in the public interest.

In order for this to be achieved in a transparent way, reports to the Planning, Regulatory and Licensing Committee (and Delegated Reports) will:-

- outline the proposal;
- clearly identify the site in its physical context;
- refer to any relevant development control history or relevant legal context;
- identify relevant planning policies and other material planning considerations;
- objectively summarize/analyze statutory and other consultee comments;
- objectively summarize/analyze third party representations;
- analyse all relevant issues;
- arrive at a reasoned conclusion; and
- make recommendations, with reasoned justification.

All reports (incl. Delegated Reports) will be comprehensive, yet succinct, written in plain comprehensible language.

6.05.09 CONDUCT OF COMMITTEE MEETINGS

The Committee agenda will be as follows:

- Welcome
- Apologies
- Declarations of Interest

- Planning Applications
- Other Items for Decision
- Other Items for Information
- Any other Items deemed urgent by the Chairman

If a Councillor has moved a motion in support of the Officer's recommendation and such motion has been seconded, a vote on such a motion must be taken before any subsequent motion. However, if a Councillor subsequently moves a motion other than, or contrary to the Officer's recommendation, as set out in the Report to Committee, such motion shall be seconded before a vote is taken.

6.05.10 COUNCILLOR SEATING AND SPEAKING ARRANGEMENTS

In order to emphasise the quasi-judicial nature of the Committee's proceedings when considering planning applications:-

- When attending meetings of the Planning, Regulatory and Licensing Committee, Councillors who are not Planning, Regulatory and Licensing Committee Councillors shall sit separately from Planning, Regulatory and Licensing Committee Councillors and shall not communicate with the Planning, Regulatory and Licensing Committee Councillors during the meeting.

6.05.11 PLANNING, REGULATORY & LICENSING COMMITTEE SITE INSPECTIONS

(A) Purpose

Planning, Regulatory and Licensing Committee site inspections are fact-finding exercises which add value to the decision making process:-

- by allowing the Planning, Regulatory and Licensing Committee to make a more informed decision than would otherwise be possible from reading the Officer's report and considering the views expressed at the Committee meeting by interested parties;
- are undertaken only if considered necessary on material planning grounds.

(B) Requests

Requests by Councillors for site inspections shall be made to the Planning, Regulatory and Licensing Committee with reasons and the issues/reasons they

would like the Planning, Regulatory and Licensing Committee to inspect while on site.

(C) Criteria

Site visits involve delay in determining the applications concerned and additional cost. While the decision whether to undertake an inspection is a matter for the Planning, Regulatory and Licensing Committee, Councillors shall ensure that such visits are held only where the Committee cannot make an informed decision without seeing the site for themselves and the inspection would have substantial benefit. Examples where a site visit would not normally be appropriate include where:

- a) purely policy matters or issues of principle are at issue;
- b) the Councillor simply disagrees with the conclusion reached in the report;
- c) the Councillor wishes to consider boundary or neighbour disputes;
- d) issues of competition;
- e) loss of property values;
- f) any other issues which are not “material” planning considerations.
- g) where Councillors have already visited the site within the last 12 months, except in exceptional circumstances.

(D) Attendance

Planning, Regulatory and Licensing Committee Councillors will carry out the inspections on the second Wednesday after Committee, but non-Committee Councillors may also attend and address the meeting on issues of fact.

The applicant has a right of attendance at the site, but not to join in the meeting, except to answer questions from the Chairperson of the Committee on issues of fact.

The public does not have a right of attendance at the site, other than from public vantage points, and cannot address the meeting, except to answer questions from the Chairperson of the Committee on issues of fact.

Councillors and the public can attend the Planning, Regulatory and Licensing Committee meeting which follows the site inspections.

(E) Conduct

The inspections will be chaired by the Chairperson of the Planning, Regulatory and Licensing Committee (or in his/her absence by the Vice-Chairperson) who will ensure that they are conducted as a single meeting and in an orderly manner.

Planning, Regulatory and Licensing Committee Councillors attending the site inspection shall not make comments which would create an impression that they have already formed a view on the merits of the application.

Planning, Regulatory and Licensing Committee Councillors shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.

If a Councillor finds it necessary to visit a site alone (perhaps because it was not possible to attend the Committee inspection), he or she shall view it from public vantage points only, seek to avoid discussion with interested parties, and, if discussion occurs, make it clear that a decision will be taken only when it has been discussed by the Planning, Regulatory and Licensing Committee after the site inspections.

(F) Procedure

The procedure for Planning, Regulatory and Licensing Committee site inspections is described in Appendix 1.

6.05.12 PLANNING, REGULATORY & LICENSING COMMITTEE DECISIONS CONTRARY TO OFFICER RECOMMENDATION

From time to time the Planning, Regulatory and Licensing Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. When this occurs the Chairperson of the Planning, Regulatory and Licensing Committee will endeavour to ensure that the following principles are followed: -

- a) Planning, Regulatory and Licensing Committee Councillors shall clearly express the planning reason(s) for their decision. These reasons shall be minuted.
- b) Officers shall be given an opportunity to explain to the Planning, Regulatory and Licensing Committee the planning and/or legal implications of their intended decision before the decision is confirmed.
- c) Where the Planning, Regulatory and Licensing Committee wish to add or amend conditions/reasons, or attach a planning obligation (e.g. Section 106 Agreement) the Officers shall be given the opportunity to explain the planning and/or legal implications before the decision is confirmed.

- d) Where the Planning, Regulatory and Licensing Committee make decisions contrary to the provisions of the Development Plan then those decisions must be referred to Council.
- e) Where the Planning, Regulatory and Licensing Committee are minded to grant planning permission contrary to the Officer's recommendation of refusal the matter should be deferred to allow the Officers to report back to Planning, Regulatory and Licensing Committee with appropriate conditions and reasons for their consideration.

6.05.13 APPEALS AGAINST COUNCIL DECISIONS

Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for Council.

In giving evidence Officers will present the best possible case on behalf of the Council while complying with the RTPI Code of Professional Conduct. (The Royal Town Planning Institute Code of Professional Practice requires, inter alia, that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinions).

In cases where an appeal is against a decision which the Planning, Regulatory and Licensing Committee has made contrary to the Officer's recommendation, the Planning Case-Officer may be able to give evidence, but in some cases, another Officer or Consultants will be employed if the Town Planning Manager considers that the Case-Officer's previously stated views may be unhelpful to presenting a full case.

Councillors may play an important role in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at Informal Hearings or as a witness at Inquiries. In doing so they should state whether they are acting in their Local Councillor capacity or, exceptionally, representing the Council's case.

Where Planning Officers are unable to defend such decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute) they shall make this point known to the Planning, Regulatory and Licensing Committee before the final vote is taken. In such cases the Planning, Regulatory and Licensing Committee shall nominate (at least) two of its Planning,

Regulatory and Licensing Committee Councillors who voted contrary to the recommendation to appear at any appeal and explain the Planning, Regulatory and Licensing Committee decisions and the reasons for them. These should be the proposer and seconder of the proposal which was contrary to the Officer's recommendation.

Officers shall support Councillors who wish to attend the appeal and/or make representations and advise them on preparing and delivering evidence.

6.05.14 TRAINING FOR COUNCILLORS

Planning, Regulatory and Licensing Committee Councillors shall undertake training. This opportunity shall also be offered to all Councillors. No Councillor appointed to the Planning, Regulatory and Licensing Committee can sit at a Planning, Regulatory and Licensing Committee meeting without having undertaken training in planning procedures as specified by the Council.

Planning, Regulatory and Licensing Committee Councillors will be offered core training within three months of appointment to the Planning, Regulatory and Licensing Committee. This will take the form of two one-day sessions covering planning procedures, the Development Plan and material planning considerations, probity and other subjects determined from time to time by Officers in consultation with the Planning, Regulatory and Licensing Committee Councillors.

Other training will be available in the form of additional sessions, short presentations to the Planning, Regulatory and Licensing Committee and the circulation of briefing notes.

Planning, Regulatory and Licensing Committee Councillors shall attend a minimum of three events over two years. Attendance records will be monitored and reported to the Council.

Any Councillor of Planning, Regulatory and Licensing Committee who fails to attend the stated minimum number of training sessions shall be removed or suspended from the Committee by vote of the Full Council at such time as when the attendance records are reported.

6.05.15 REVIEW OF DECISIONS

The Audit Commission's Report '*Building Quality*' recommends that the Planning, Regulatory and Licensing Committee Councillors should visit a sample of

implemented planning permissions to assess the quality of the decisions. The purpose of such a review is not to change decisions, but to assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy.

The Planning, Regulatory and Licensing Committee will undertake an annual review of a sample of planning decisions made by the Planning, Regulatory and Licensing Committee. The review will include examples from a range of development types (e.g. major residential proposals, listed building consents and enforcement cases) and, where it is considered appropriate and beneficial, include visits to the sites.

The Planning, Regulatory and Licensing Committee will formally consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.

The outcome of appeals against the decisions of the Council will be reported regularly to Planning, Regulatory and Licensing Committee.

The outcome of enforcement cases and legal proceedings will also be reported regularly so that the Planning, Regulatory and Licensing Committee is kept abreast of progress.

PLANNING CODE OF CONDUCT

**MERTHYR TYDFIL COUNTY BOROUGH COUNCIL
PROTOCOL ON PLANNING, REGULATORY & LICENSING COMMITTEE SITE
INSPECTIONS**

JUNE 2004

1. INTRODUCTION

- 1.1 This protocol explains the procedure by which the Planning, Regulatory and Licensing Committee conducts site inspections.

2. PROCEDURE

- 2.1 All Councillors will be notified of site inspections.
- 2.2 The applicant will be notified to facilitate access to the site.
- 2.3 A list of site visits and times will be publicised in accordance with the normal arrangements and the statutory requirements for Planning, Regulatory and Licensing Committee meetings.
- 2.4 The Chairperson (or in his absence Vice-Chairperson) will call the meeting to order.
- 2.5 The Town Planning Manager or Planning Officer will give a brief summary of the application and planning issues at the beginning of each inspection
- 2.6 Non-Committee Councillors will be permitted to address the Planning, Regulatory and Licensing Committee on issues of fact.
- 2.7 The applicant and neighbours will not be permitted to address the Committee during the inspection, but may be asked to clarify issues of fact by the Chairperson.
- 2.8 The Planning, Regulatory and Licensing Committee will not discuss the application nor come to a decision on site, but may, through the Chairperson, ask questions of the officers, applicant or public to clarify factual matters. Any such questions put to the applicant or public shall be put so that they can be heard by both parties.

3. DECLARATIONS OF PERSONAL AND PECUNIARY INTERESTS

- 3.1 The law and the Council's Code of Conduct set out requirements and guidance for Councillors on declaring personal interests. Failure to do so constitutes a breach of the Code of Conduct which will give rise to the opportunity for complaint to the Public services Ombudsman for Wales (Ombudsman).
- 3.2 Interests: A register of Councillor's pecuniary interests is maintained by the Democratic Services Team. The register is open to public inspection. If a Councillor is present at a meeting when an item in which they have an interest is being considered, they must declare their interest and withdraw from the meeting.
- 3.3 Personal Interests: Precise definitions of personal interests are contained in the Council's Code of Conduct for Members. Councillors who have a personal interest are prohibited from speaking or voting unless they have obtained a dispensation for the Council's Standards Committee. The responsibility for declaring an interest lies with the individual Councillor. If the Councillor has any doubt whether or not a personal interest exists, the Councillor should always err on the side of caution and declare such an interest and withdraw from the meeting.
- 3.4 Councillors are reminded to seek advice from the Legal Division where they are concerned that there might be a conflict of interests.
- 3.5 There is register of Officers' interests maintained and regularly updated by the Monitoring Officer. Any officer with any personal interest or otherwise in any planning application will take no part in the processing or determination of that application.

4. GIFTS AND HOSPITALITY

- 4.1 Advice to Councillors on registration of all gifts and hospitality is contained within the Council's Code of Conduct for Members and shall be accordingly observed.
- 4.2 Officers during the course of carrying out their duties may be offered hospitality from people with an interest in a planning proposal. Officers should refuse offers of hospitality of any kind. If the receipt of hospitality is unavoidable officers must ensure that the absolute minimum level is accepted and declare its receipt as soon as possible to the Democratic Services Team.



Merthyr Tydfil County Borough Council CONSTITUTION

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MEMBERS' ALLOWANCE SCHEME

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7.01

MEMBERS' ALLOWANCE SCHEME

7.01.01 LOCAL GOVERNMENT (WALES) MEASURE 2011

Under the powers provided by the Measure the Independent Remuneration Panel for Wales has produced a set of Regulations (IRPW Regulations) which came into effect on 1 April 2012 and which apply to payments made to members and co-opted members of local authorities.

7.01.02 BASIC SALARY

All Members are entitled to an Annual Basic Salary and this will be paid to all Councillors in accordance with the appropriate Regulations.

There is no need to claim. One-twelfth is paid automatically each month to each Member in respect of that month. Any Member who wishes not to receive the payment or who wishes to exercise their right not to receive the whole amount **must** notify the Chief Finance Officer in writing.

7.01.03 SENIOR SALARY

A Senior Salary will be paid to the Members of Cabinet, the Chairs of the Scrutiny Committees, the Chair of the Audit Committee (if such Chair is a Councillor of this Authority), and the Chair of the Planning and Regulatory Committee, in accordance with the appropriate IRPW Regulations.

A senior salary must also be paid to the Leader of the largest opposition group, together with any other opposition group leader (subject to the 10% requirement as per the IRP determination).

7.01.04 CIVIC SALARY

Civic Salaries will be paid to the Civic Head (Mayor) and the Deputy Civic Head (Deputy Mayor).

There is no need to claim. One-twelfth is paid automatically each month in respect of that month. Any Member who wishes to

exercise their right not to receive the allowance or who wishes to receive less than the full amount **must** notify the Chief Finance Officer in writing.

All Senior Salaries incorporate the Basic Salary. A Member must not be paid more than one Senior Salary.

7.01.05 CO-OPTED MEMBER PAYMENTS

Co-opted Members with voting rights are entitled to a fee and this will be paid in accordance with the appropriate IRPW Regulations.



Merthyr Tydfil County Borough Council CONSTITUTION

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MANAGEMENT AND STRUCTURES

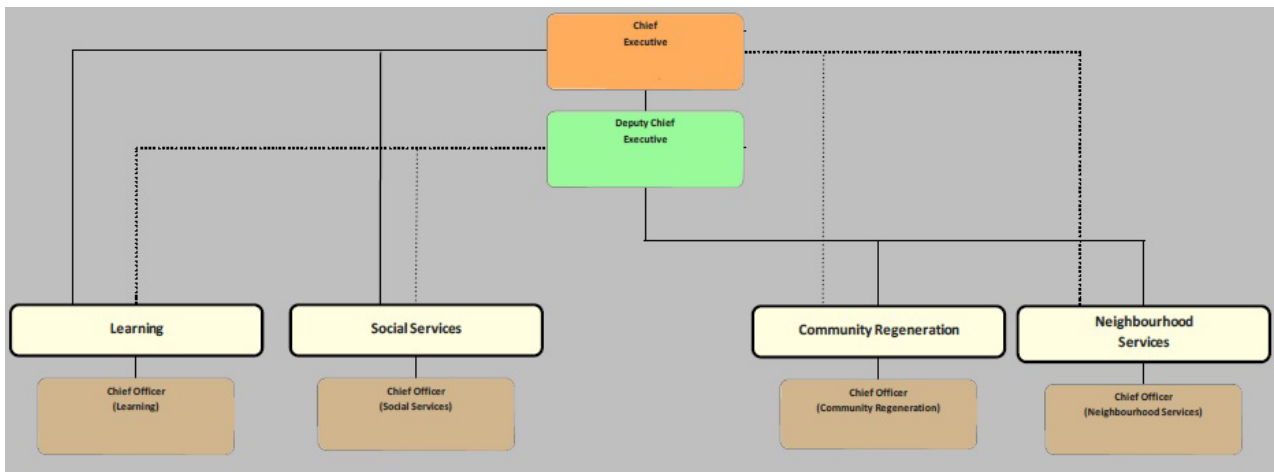
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MANAGEMENT STRUCTURES

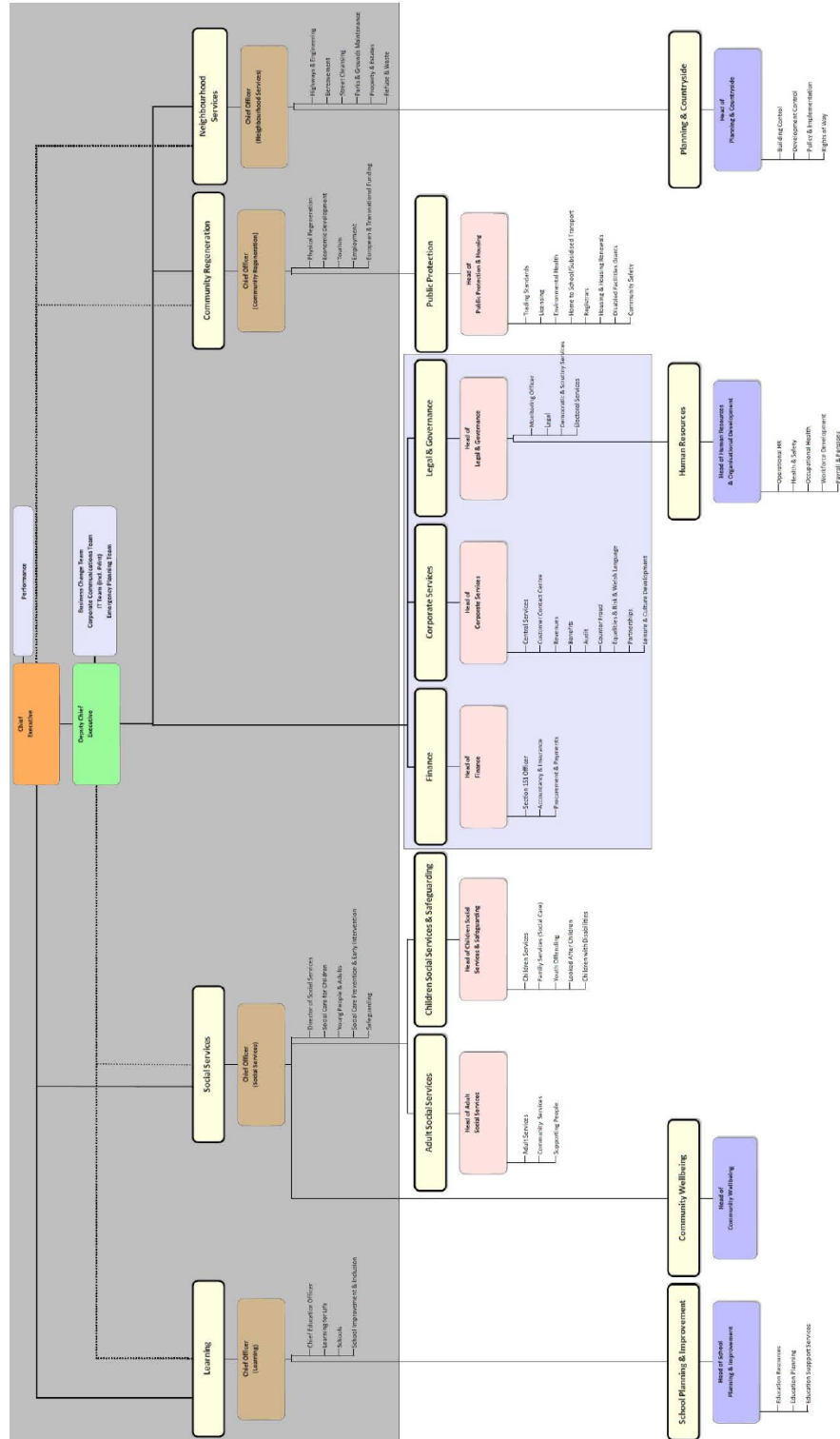
8.01.01 CHIEF EXECUTIVE, DEPUTY CHIEF EXECUTIVE, CHIEF OFFICER (LEARNING), CHIEF OFFICER (SOCIAL SERVICES), CHIEF OFFICER (NEIGHBOURHOOD SERVICES) AND CHIEF OFFICER (COMMUNITY REGENERATION).



8.01.02 CORPORATE STRUCTURE

(See over)

Contact:
The Monitoring Officer



8.02

JOB PROFILES (COUNCILLORS)

8.02.01 CABINET MEMBERS

Councillors appointed to the Cabinet will have a defined portfolio of responsibilities for the discharge of the Council's business, other than the Leader of the Council who will not hold a specific portfolio. These portfolios will be assigned by the Chair of the Cabinet (Council Leader). Cabinet Members will oversee all matters falling within their respective portfolios. They can expect to be kept fully informed by the Chief Executive, Deputy Chief Executive, Chief Officers, Heads of Service and/or Managers concerning service delivery and operations to achieve strategic objectives.

Key **responsibilities** are to:

- function strategically, having regard to the Council's vision, core principles and strategic aims;
- deal with strategic and priority issues in a planned way;
- focus principally on corporate priorities;
- draw purposefully on performance monitoring information;
- provide policy direction for assigned functions, within the framework set by the Cabinet and Council;
- act as the principal spokesperson for their respective functions;
- promote the work and achievements of the Council in respect of the responsibilities of their portfolios;
- liaise and work closely and collectively with other Cabinet Members, particularly in relation to corporate and cross-service issues, and with Councillors generally;
- represent the Council in national, regional or local forums relevant to the responsibilities of their portfolios and, where appropriate, at formal and ceremonial functions;

- act as a focus for the receipt of representations, petitions or complaints about the Council's services and refer any issues arising to officers for attention, subsequently reporting back to those making the representations or complaints, or presenting the petitions, on the decision of the Council and the reasons for it;
- appear before meetings of Scrutiny in respect of matters within their portfolios and answer questions from members of those committees or groups about the discharge of their responsibilities;
- account for their responsibilities to the Council and answer questions from Councillors at meetings;
- comply with the Members' Code of Conduct and maintain the highest standards of conduct and ethics in the way in which they carry out their duties.

Desirable **skills** include:

- effective leadership skills;
- good interpersonal skills;
- the ability to communicate effectively, orally and in writing;
- the ability to maintain impartiality in a cross-party environment;
- effective time management skills;
- skills in the use of ICT.

8.02.02 CHAIRS AND VICE-CHAIRS: SCRUTINY COMMITTEES, PLANNING, REGULATORY & LICENSING COMMITTEE, STANDARDS COMMITTEE, APPEALS COMMITTEE, AUDIT COMMITTEE ETC.

Chairs or, in the Chair's absence, Vice-Chairs of committees and groups are responsible for the effective running of each Committee's business. This involves directing the agenda, managing discussions effectively and maintaining a public image of efficient working.

Key **responsibilities** are to:

- function strategically, having regard to the Council's vision, core principles

and strategic aims;

- deal with strategic and priority issues in a planned way;
- focus principally on corporate priorities;
- draw purposefully on performance monitoring information;
- act impartially to maintain the efficient conduct of business;
- ensure that work is member-led, including leading on the development of a work programme for the committee;
- identify needs and opportunities for training and development to ensure that members have the knowledge and skills needed to contribute effectively to the deliberations of the committee;
- engage all the members of the committee or group, so that discussions are not restricted to the most vocal members;
- ensure that adequate resources (financial and officer support) are provided;
- co-ordinate work with other committees (and share learning) to aid in maintaining a balanced and varied work programme;
- develop a constructive, 'critical friend' relationship with Officers and Cabinet members, especially relevant portfolio holder(s);
- ensure that the committee works in a cross-party manner, outside of the party system;
- ensure that reports to Cabinet present a full picture of discussions and include clear recommendations and timescales for implementation and review;
- where appropriate, produce an annual report of the work undertaken by the committee;
- monitor the implementation of recommendations made by the committee and any task groups.

Desirable **skills** include:

- the ability to think strategically;
- good interpersonal skills;
- the ability to communicate effectively;
- questioning and challenging skills to probe issues;
- a commitment to enhance and extend knowledge and skills across subject areas and cross-cutting issues;
- skills in the use of ICT, including electronic communication;
- effective time management skills.

8.02.03 MEMBERS OF COMMITTEES (OTHER THAN CHAIRS AND VICE-CHAIRS)

Members of committees or panels have a key role to play in ensuring the effective conduct of business. This involves co-operating purposefully with the Chair or Vice-Chair of the appropriate committee, contributing productively to discussions and maintaining a public image of efficient working.

Key **responsibilities** are to:

- function strategically, having regard to the Council's vision, core principles and strategic aims;
- deal with strategic and priority issues in a planned way;
- focus principally on corporate priorities;
- draw purposefully on performance monitoring information;
- make recommendations based on evidence and deliberations;
- identify ways that poor/struggling services can improve as well as acknowledge services that are run well;
- ensure that recommendations made to Cabinet are followed through and implemented;
- undertake training and development as necessary to enhance and extend

knowledge and skills;

- draw on their own and others' expertise to facilitate well-informed reviews/decision making;
- engage, as appropriate, with the council's partners and 'customers';
- comply fully with the Members' Code of Conduct and adopt appropriate working practices.

Desirable **skills** include:

- the ability to think strategically;
- good interpersonal skills;
- the ability to communicate effectively;
- questioning and challenging skills to probe issues;
- a commitment to enhance and extend knowledge and skills across subject areas and cross-cutting issues;
- skills in the use of ICT, including electronic communication;
- effective time management skills.

8.02.04 MEMBERS OF TASK AND FINISH GROUPS

Members of task and finish groups have a specific, time-limited task to undertake. This involves co-operating purposefully with the Chair or Vice-Chair of the appropriate group, contributing productively to discussions and maintaining a public image of efficient working.

Key **responsibilities** are to:

- focus on the agreed scope of work, as specified by the tasks/objectives stated in the terms of reference;
- aim for positive outcomes and tangible outputs, arising from in-depth evaluation of the options available;
- make full and effective use of relevant performance monitoring information;

- maintain good communication with relevant Councillors, Officers and committees;
- monitor the progress and implementation of any recommendations made to committees or groups;
- comply fully with the Members' Code of Conduct and adopt appropriate working practices.

Desirable **skills** include:

- the ability to think strategically;
- good interpersonal skills;
- the ability to communicate effectively;
- questioning and challenging skills to probe issues;
- a commitment to enhance and extend knowledge and skills across subject areas and cross-cutting issues;
- skills in the use of ICT, including electronic communication;
- effective time management skills.

8.02.05 COUNCILLOR CHAMPION FOR COUNCILLORS' TRAINING AND DEVELOPMENT

The demands of the modern Councillor are considerable and in flux. As part of the change programme, Council has accepted the principle of the need to enhance and extend Councillors' capacity as strategic leaders. The intention is to create and deliver a comprehensive programme of training and development for all Councillors, based on both their areas of responsibility and their personal development needs.

As this area of development is significant to both the council as a whole and to individual Councillors, it is appropriate that a Councillor takes on the responsibility as Councillor 'champion', to promote the opportunities available to Councillors and to ensure the relevance and quality of the training and development activities.

Key responsibilities are to:

- work alongside managers and external advisers in the design of the Councillor Training and Development Programme;
- actively promote the relevance and importance of the Councillor Training and Development Programme within Council;
- encourage Councillors to attend training and development events;
- attend events and make visits to other authorities whenever possible;
- informally monitor Councillors' views of the training and development programme;
- in liaison with the Scrutiny Team Leader, monitor the relevance, quality and Councillors' response to the training and development programme;
- report bi-annually to the Cabinet on events, Councillor response and the relative success of the Councillor Training and Development Programme.

Desirable **skills** include:

- the ability to think strategically;
- good interpersonal skills;
- the ability to communicate effectively;
- a commitment to enhance and extend knowledge and skills across subject areas and cross-cutting issues;
- skills in the use of ICT, including electronic communication;
- effective time management skills.

8.02.06 ANNUAL REPORTS BY COUNCILLORS

The Council will make arrangements for annual reports to be prepared and published by Members, in accordance with the requirements of the Local Government (Wales) Measure 2011 and any related guidance issued by the Welsh Government.