Mae'r ddogfen hon ar gael yn Gymraeg hefyd

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SECTION 1 - INTRODUCTION

1.1 Purpose and Content of the Constitution

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

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

1.1.3 You can get a better understanding of what each of the Council's bodies do in Sections 4 to 10 of this Constitution, including Full Council, Cabinet, Overview and Scrutiny Committees, Standards Committee and Regulatory Committees. Section 12 provides information on the management and Officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for functions at Sections 14 say which Council bodies, and which Officers, have authority to make which decisions.

1.1.4 The procedural rules that apply to the different Council bodies are contained in the sections relating to those bodies, eg Full Council (Section 4), the Cabinet (Section 5) and Overview and Scrutiny (Section 7). You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.

1.1.5 Sections 19 to 21 have the Codes of Conduct and Protocols, which Officers and Members have agreed to comply with. They set the standards of behaviour.

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

1.2 How the Council Operates

1.2.1 The Council is comprised of 55 Councillors elected usually every five years. Each Councillor is democratically accountable to the residents of their electoral division as well as all of those who live in Conwy. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.

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

1.2.3 All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the

Council's overall Policy Framework and set the budget each year. The Council appoints the Leader of the Council for the full term of the Council.

The Leader then decides the size and Membership of the Cabinet i.e. the role of individual Members of the Cabinet and arrangements for the exercise and delegation of Cabinet Functions. The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution, together with making decisions within the Budget and Policy Framework set by the Council.

If you need any further help please do not hesitate to contact the Head of Law and Governance, Conwy County Borough Council, Conwy County Borough Council, PO Box 1, Conwy, LL30 9GN

Whilst the Constitution is very long we hope that you will find it easy to use. We have spent a lot of time trying to make it as easy to follow as is possible with such a long and complex legal document. You may find it helpful to read this Constitution in conjunction with the Constitution Guide.

SECTION 2 - PURPOSE, DEFINITION INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

2.1 Purpose of the Constitution

The purpose of the Constitution is to:

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

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

2.1.3 help Councillors represent their constituents more effectively;

2.1.4 enable decisions to be taken efficiently and effectively;

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

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

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

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

2.2 Definitions in the Constitution

2.2.1 The Constitution of the Council is this document (Sections 0 to 24).

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

"Budget"	the overall revenue and capital budget approved by Full Council (Section 4);
"Chief Executive"	an Officer who must be appointed by law to carry out certain functions. See Section 12 for more details.
"Chief Officer"	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who: reports directly to the Chief Executive in respect of all or most of his/her duties; or the Chief Executive is directly responsible for;

“Constitution Guide”	a document which explains, in ordinary language, the content of this constitution, published by the Council in accordance with section 37 of the Local Government Act 2000.
“Conwy and Denbighshire Local Wellbeing Plan”	This document outlines the Conwy and Denbighshire Public Services Board’s Well-being Plan under the Well-being of Future Generations (Wales) Act 2015, which seeks to make Conwy and Denbighshire a more equal place with less deprivation.
“Corporate Joint Committee”	corporate bodies, established via regulation, comprising specified principal councils in Wales, for the purpose of enabling strategic planning and delivery at a regional scale. See Section 11 for details of the Corporate Joint Committee that the Council is a member of ,and the functions that the Corporate Joint Committee will perform.
“Councillor”	a person elected to the Council to represent an area (called an electoral division) within Conwy County Borough Council;
“Data Protection Legislation”	the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and all other laws relating to the use, protection and privacy of personal data
“Deputy Chief Officer”	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who reports directly to a Chief Officer in respect of all or most of his/her duties;
“Executive”	the Cabinet or a Member or Members of the Cabinet when exercising Executive Functions;
“Executive Decision”	any decision taken by the Cabinet to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Cabinet has delegated Executive Functions to exercise or refrain exercising those functions;

"Executive Function"	(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Executive Function. (b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions. It should be noted that Regulatory functions such as planning licensing and building control, are not Executive Functions;
"Forward Work Programme"	the Forward Work Programme is a document which lists all of the decisions that the Council and the Cabinet intend to take and what business they will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;
"Full Council"	the body where all Councillors act to exercise functions of the Council;
"Local Choice Functions"	there are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion;
"Local Government (Wales) Measure 2011"	referred to as "The Measure". Legislation introduced, inter alia, to strengthen local democracy, deal with changes to executive arrangements, overview and scrutiny, county councils and Member payments;
"Member"	either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called "a Co-Opted Member");
"Member Body"	any of the following: Full Council; Cabinet; an Overview and Scrutiny Committee ; Licensing Committee; Standards Committee (or one of its sub-committees);

	Planning Committee; Appeals Governance and Audit Committee; Democratic Services Committee; Note - references to Committee also includes Sub-Committee;
“Monitoring Officer”	an Officer who must be appointed by law to carry out certain functions. See Section 12 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 12 for which Officer is the Monitoring Officer;
“Non-Executive Functions”	any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member Body other than the Cabinet;
“Petition Scheme”	a scheme prepared and published pursuant to section 42 of the Local Government and Elections (Wales) Act 2021 (and reviewed from time to time) for the purpose of setting out: - • how a petition may be submitted to the Council; • how and when the Council will acknowledge receipt of a petition; • the steps the Council will take in response to a petition received by it; • the circumstances (in any) in which the Council may take no further action in response to a petition; and • how any by when the Council will make available its response to a petition to the person who submitted the petition and to the public.
“Planning Application”	any of the following: application for planning permission (including renewal); application for approval of reserved matters; application for listed building consent; application relating to trees; proposal to serve an urgent works notice or acquire a listed building in need of repair;

	application for conservation area consent; application for advertisement consent; application to vary or remove conditions on a planning permission;
"Policy Framework"	See Section 4.2;
"Public Services Board"	the public services board established for the Council's local authority area under Part 4 of the Well-being of Future Generations (Wales) Act 2015;
"Report Review Group"	The role of the Report Review Group will be to review Cabinet and Council reports as a quality assurance mechanism prior to reports being submitted to the political process. The Group comprises: - • Chief Executive • The Strategic Directors • Head of Law & Governance • The Leader • Such other Heads of Service as the Chief Executive shall determine.
"Section 151 Officer"	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 12 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 12 for which Officer is the Section 151 Officer;
"Senior Management Team"	The SMT comprises the Chief Executive, the Strategic Directors, all Heads of Service and Senior Managers as required by the Chief Executive and is the primary management team of the Authority.
"Strategic Leadership Team"	The Strategic Leadership Team is responsible for day to day corporate management comprising of:- • Chief Executive • The Strategic Directors • Monitoring Officer

- Head of People and Performance
- Head of Environment, Roads and Facilities
- Head of Education Services
- Such other Heads of Service as the Chief Executive shall determine

"Service" one of the services provided by the Council;

2.3 Interpretation of the Constitution

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

2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant procedure rules.

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

2.4 Duty to Monitor and Review the Constitution

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

2.5 Protocol for Monitoring and Review of Constitution by Monitoring Officer

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

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

2.5.2 undertake an audit trail of a sample of decisions;

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

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

2.6 Changes to the Constitution

2.6.1 Approval

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

2.6.2 Minor Changes

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

- a minor variation; or
- required to be made to remove any inconsistency, ambiguity or typographical correction; or
- required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,
- in which case the Monitoring Officer may make such a change in consultation with the Chair of the Council and the Cabinet Member with responsibility for Governance (see Section 5, Appendix 1). Such changes shall be reported to the next Full Council meeting for information.

2.6.3 Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer, in consultation with the Chair of the Council and the Cabinet Member with responsibility for Governance (see Section 5, Appendix 1) where such amendment is required to be made so as to comply with any legislative provision. Such changes shall be reported to the next Full Council meeting for information.

2.7 Suspension of the Constitution

2.7.1 Limit to Suspension

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

2.7.2 Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of councillors is present and at least two thirds of whom vote for the suspension. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this Section.

2.8 Publication

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

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

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

2.8.4 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 0

SECTION 3 - GETTING INFORMATION AND GETTING INVOLVED

3.1 Getting Information

3.1.1 Information Available to Members of the Public

(a) When Meetings of the Member Bodies Will Take Place
A programme of meetings is available by contacting the Council direct or via the website.

(b) Forward Work Programme
From the Forward Work Programme, see what decisions will be taken by the Cabinet or Council and what issues the Overview and Scrutiny Committee will be considering and when these matters will be discussed.

(c) Information Available Prior to a Meeting
3 clear days before a meeting, the agenda and any report likely to be discussed should be available for inspection at the offices of the Council and on the website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any report will be made available to the public as soon as it is available and sent to Councillors.

(d) Information Available at a Meeting
The Council will make available to members of the public who are physically present at a meeting a reasonable number of copies of the Agenda and of the Reports for the meeting (save during any part of the meeting to which the public are excluded).

(e) Information Available After a Meeting
For a period of six years the agenda, reports and the minutes of the meeting shall be available for inspection. The background papers shall remain open for inspection for a period of four years.

(f) Council Accounts
The public may inspect the Council's accounts and make their views known to the external auditor (sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 2014, the accounts will be available for public inspection for twenty (20) working days after the date appointed by the auditor.

Information which is confidential or exempt (as defined in Section 15 – Access to Information) will not be disclosed to members of the public at any time.

3.1.2. Information Available to Members of the Council

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

b) In addition, a Member may see any information which he or she needs to know in order to fulfil his or her role as a Member of the Council (otherwise known as "need to know"). A Member will not make public information which is confidential or exempt *(as defined in Section 15)* without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisation(s) entitled to know it.

3.1.3. Members of an Overview and Scrutiny Committee

A Member of an Overview and Scrutiny Committee may also see any document containing material relating to:

a) any business transacted at a meeting of the Cabinet;

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

An Overview and Scrutiny Committee Member is not entitled to:

c) any document in draft form;

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

3.1.4. Information Available to Officers

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

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

b) that information is processed lawfully in accordance with the Data Protection Legislation.

3.2 Getting Involved

3.2.1 The Council must encourage local people to participate in the making of decisions by the Council. See the Council's public participation strategy for more information.

3.2.2 Members of the Public

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

a) Voting for Councillors
If they are over 16 years and registered as a local elector with the Council.

b) Suggesting Items of Business for Meetings
Overview and Scrutiny Committees welcome suggestions for topics for review and will consider issues put forward by anyone who lives, works or studies in the County Borough of Conwy.

This can be done by writing in to the Council's Scrutiny Support Officer or by completing the Overview and Scrutiny suggestion form on the council's website.

To qualify, requests must:

- affect a group or community of people (scrutiny will not usually look at individual service complaints)
- relate to a service, event or issue in which the Council has a significant stake
- not be an issue which scrutiny has considered during the last 12 months
- not be a matter dealt with by another County Borough Council Committee (e.g. planning issues) except where the issue relates to the Council's decision-making process

c) Submitting Petitions
A member of the public can seek to raise a matter with the Council by submitting a petition in accordance with the Council's Petition Scheme.

d) Taking Part in Meetings
Members of the public can come to and speak at any meeting, which the Council has resolved should include participation by members of the public. The rules on when you may speak and for how long are contained in Section 7 - Overview and Scrutiny Committees and Section 20 - Planning Protocol.

e) Views of the Public
Under the arrangements put in place by the Council under section 62 of the Local Government (Wales) Measure 2011, members of the public may bring to the attention of the relevant Overview and Scrutiny Committee their views on any matter under consideration by the relevant Overview and Scrutiny Committee. The relevant Overview and Scrutiny Committee must take into account any views brought to their attention under these arrangements if appropriate.

f) When are Meetings Open to the Public?
Meetings will be open to the public wherever possible. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed.

The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See Section 15.9 for definition of exempt information and Paragraph 15.11 for definition of public interest.)

g) Making Comments/Complaints
A member of the public may comment or complain about Council services by:

(i) contacting their local Councillor;
(ii) contacting the Member of the Cabinet responsible for the service;
(iii) contacting the Officer responsible for delivering the service or their manager;
(iv) using the Council's complaints procedure;
(v) contacting the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0300 790 0203 or via the website www.ombudsman.wales.

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

(vi) Officer
Contacting the Officer or the Officer's manager.

(vii) Members
If the complaint is against a Member then the complaint should be referred to the Monitoring Officer or the Public Services Ombudsman for Wales (contact details above).

3.3 Getting Involved – Members

Members can get involved by:

3.3.1 Suggesting Items of Business for the Council and/or Cabinet Agenda

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

a) Any Member can submit a Notice of Motion to Council (Section 4) and also ask questions (Section 4).

b) Any member of the Council may require an item on the agenda of an Cabinet meeting for consideration. The item will be considered at the next meeting of the Cabinet. Section 5 provides more details on this matter.

3.3.2 Participating in Meetings

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

a) Members of the Council may attend and speak at any meetings where they are a Member of that body. Where they are not a Member of that body, their attendance and right to speak is at the discretion of the Chair of the body.

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

3.3.3 Comments and Complaints

a) Members may comment, subject to restrictions in the Code of Conduct for Members (Section 19) on any aspect of Council business by:

(i) talking to Officers;
(ii) talking to the Leader or Member of the Cabinet;
(iii) talking to the Chair of an Overview and Scrutiny Committee.

b) If a Member wishes to complain about an:

(i) Officer

The procedure set out in the Protocol on Member/Officer Relations may be used (Section 22).

(ii) Member

The procedure set out in Appendix 1 to Section 19 may be followed.

SECTION 4 - Full Council

4.1 Introduction

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

4.2 The Policy Framework

The Policy Framework means the following plans and strategies:

Corporate Parenting Plan, Conwy and Denbighshire Wellbeing Plan, Safer North Wales Strategy, Health and Well- being Strategy, Regional Transport Plans, Local Development Plan, Welsh Language Scheme, Youth Justice Plan, Corporate Plan, Local Housing Strategy, Placement Commissioning Strategy, Rights of Way Improvement Plan and Statement of Licensing Policy.

4.3 Conwy and Denbighshire Local Wellbeing Plan

This document outlines the Conwy and Denbighshire Public Services Board's Well-being Plan under the Well-being of Future Generations (Wales) Act 2015, which seeks to make Conwy and Denbighshire a more equal place with less deprivation.

4.4 The Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Council will decide the overall revenue budget and overall capital budget and any changes to these. (See Section 16 for how the Council can change the Policy Framework or Budget referred to it for approval by the Cabinet.)

4.5 Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Welsh Ministers for approval of a programme of disposal of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

4.6 Functions of the Full Council

Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution (apart from those changes that are delegated to the Monitoring Officer under paragraph 2.6);

4.6.2 approving or adopting the, Policy Framework, the budget and any application to Welsh Ministers in respect of any Housing Land Transfer.

4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 15 of this Constitution, making decisions about any matter in the discharge of an 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/or not wholly in accordance with the budget;

4.6.4 appointing and removing the Leader;

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

4.6.6 performing the corporate joint committee functions set out in Section 11 of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;

4.6.7 granting freedom/conferring the title of honorary Alderman of the County Borough)

4.6.8 making or confirming the appointment of the Chief Executive and other Chief Officers;

4.6.9 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Personal Bills;

4.6.10 all Local Choice Functions set out in Section 14 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet

4.6.11 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee, approving the appointment or dismissal of the Chief Executive, determining the level (and any change in the level) of remuneration to the paid to a Chief Officer and approving the pay policy statement;

4.6.12 appointing representatives to outside bodies unless the appointment has been delegated by the Council.

4.6.13 approving, reviewing and amending the Council's Petition Scheme;

4.6.14 consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements;

4.6.15 preparing an annual report on the extent to which the Council has met its performance requirements;

4.6.16 reviewing, approving and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2015 and the accompanying statutory guidance issued by the Welsh Government ;

4.6.17 considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made;

4.6.18 considering annual reports received from the Standards Committee, within 3 months of them being made ; and

4.6.19 keeping under review the extent to which:

a) it is exercising its functions effectively;

b) using its resources economically, efficiently and effectively; and

c) its governance arrangements are effective for securing the matters set out in a) and b) above.

4.6.20 adopting a Members Allowance Scheme

4.6.21 to receive and consider Reports from the Public Services Ombudsman for Wales issued under Section 16 of the Public Services Ombudsman (Wales) Act 2005 and to determine what action to take in relation to any Recommendations contained within such Report.

4.6.22 all matters which by law must be reserved to the Council

4.6.23 formulating a plan, scheme or strategy for the control of the Authority's borrowing or capital expenditure;

4.6.24 changing the name of the Council.

4.7 Membership

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

4.7.2 Chairing the Council

a) The Councillor elected annually by the Council as its chair will be called the "Chair" and may be elected for a second or subsequent term of office.

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

4.7.3 Role and Function of the Chair

The Chair of the Council and in his/her absence, the Vice Chair will have the following roles and functions:

a) Ceremonial Role

The Chair of the Council:

(i) is the civic leader of Conwy County Borough Council;

(ii) promotes the interests and reputation of the Council and Conwy County Borough Council as a whole and acts as an ambassador for both; and

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

b) Responsibilities of the Chair

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

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

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

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

(v) to be the conscience of the Council; and

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

4.8 Council Meetings

There are three types of Council meeting:

4.8.1 the annual meeting;

4.8.2 ordinary meetings; and

4.8.3 extraordinary meetings

4.9 Rules of Procedure and Debate

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

4.10 Council Procedure Rules - Annual Meeting of the Council

4.10.1 Timing and Business

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

a) elect a person to preside if the Chair and Vice Chair of the Council is not present;

b) elect the Chair of the Council;

c) elect the Vice Chair of the Council;

d) approve the minutes of the last meeting;

e) receive any announcements from the Chair and/or the Chief Executive.

f) elect the Leader of the Council, except where the Leader was appointed for a period of five years at the initial annual meeting of the Council.

g) the Leader to inform Council of the number of Members to be appointed to the Cabinet.

h) appoint the Overview and Scrutiny Committees, a Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet Functions (as set out in Section 14 of this Constitution);

i) receive from the Leader the scheme of delegations for information only (as set out in Section 14 of this Constitution);

j) approve a programme of ordinary meetings of the Council for the year; and

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

4.10.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

a) decide which committees and sub-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) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

e) Appoint all members of the Democratic Services Committee, including the Chair of the Committee.

f) Appoint the members of the Governance and Audit Committee.

g) Appoint three members to the Standards Committee (who should come from three separate political groups).

4.11 Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. The order of business at ordinary meetings will be as follows:

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

4.11.2 approve the minutes of the last meeting;

4.11.3 receive any declarations of interest from Members;

4.11.4 receive any announcements from the Chair; the Leader, members of the Cabinet and Chief Executive;

4.11.5 receive a report from the Leader and receive questions and answers on the report;

4.11.6 receive a report from the Cabinet and receive questions and answers on the report;

4.11.7 receive reports from the Council's committees and receive questions and answers on those reports;

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

4.11.9 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 Overview and Scrutiny Committee

4.11.10 consider motions;

4.11.11 deal with questions from Members in accordance with Rule 4.18

4.11.12 receive the minutes of the Standards Committee and the Democratic Services Committee.

4.12 Extraordinary Meetings

4.12.1 Calling Extraordinary Meetings

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

a) the Council by resolution;

b) the Chair of the Council;

c) the Cabinet by resolution;

d) the Chief Executive; and

e) any five Members of the Council if they have signed a requisition presented to the Chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within five working days of the presentation of the requisition.

4.12.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc, except that the Chair may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

4.13 Time, Place and Duration of Meetings

4.13.1 Time and Place of Meetings

a) The time and place of meetings will be determined by the Chief Executive and notified in the summons.

b) Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings, the summons will also include details of how to access the meeting by remote means

4.14 Notice of and Summons to Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 15. At least 3 clear days before a meeting, the Chief Executive will send a summons signed by him/her to every Member of the Council. The summons will give the date, time and place of each meeting and, where meetings are conducted in accordance with the Council's arrangements for multi-locations meetings, details of how to access the meeting by remote means. The summons will also and specify the business to be transacted, and will be accompanied by such reports as are available.

4.15 Chair of Meeting

4.15.1 The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings, references to the Chair should instead be read as reference to the chair of that committee or sub-committee.

4.15.2 At a meeting of the Council, the Chair, if present, shall preside

4.15.3 If the Chair is absent from a meeting of the Council, then the Vice-Chair of the Council, if present, shall preside. If the Chair and Vice-Chair of the Council are absent from a meeting of the Council then another member of the Council chosen by the members of the Council present shall preside.

4.15.4 If it is necessary to choose a member of the Council to preside in the absence of the Chair and Vice-Chair, the Proper Officer shall call on a member of the Council to move that a member of the Council to be named by that member shall take the chair.

4.15.5 If discussion arises on that motion, the Proper Officer shall exercise and maintain order at the meeting.

4.15.6 The motion, and any amendments, shall be put to the meeting in accordance with rule 4.23.7 (voting on appointments).

4.16 Quorum

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

4.17 Remote Attendance

4.17.1 Members will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Council's

arrangements for multi-location meetings providing that they can speak to, hear and be heard by, other attendees at the meeting.

4.17.2 For the purposes of section 4.17.1, attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

4.18 Questions by Members

4.18.1 On Reports of the Cabinet or Committees

At the discretion of the Chair, a Member of the Council may ask the Leader or the Chair of a Committee any question without notice directly arising from an item of the report of the Cabinet or a Committee, when that item is being received or is under consideration by the Council

4.18.2 Questions on Notice at Full Council

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

a) the Chair;

b) a Member of the Cabinet;

c) the chair of any committee or sub-committee;

a question on any matter in relation to which the Council has powers or duties or which affects the Conwy County Borough Council.

4.18.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 4.18.4, a Member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County Borough and which falls within the terms of reference of that committee or sub-committee.

4.18.4 Notice of Questions

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

a) they have given at least 5 working days' notice in writing of the question to the ; or

b) the question relates to urgent matters, they have the consent of the Chair or Member to whom the question is to be put and the content of the question is given to the Monitoring Officer by 9:30 am on the day of the meeting.

4.18.5 Maximum Number of Questions

A Member may ask only one question under Rule 4.18.2 or 4.18.3 except with the consent of the Chair of the Council, committee or sub-committee.

4.18.6 Order of Questions

Motions for which notice has been given will be listed upon the agenda in the order in which notice was received, unless the member giving

notice states, in writing that they propose to move it to a later meeting or withdraw it.

4.18.7 Response

Every question shall be put and answered without discussion, but the person to whom it is asked may decline to answer

An answer may take the form of:

a) a direct oral answer at the meeting;

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

c) where the reply cannot conveniently be given orally, a written answer circulated within 15 working days to the questioner.

4.18.8 Supplementary Question

A Member asking a question under Rule 4.18.2 or 4.18.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

4.18.9 Length of Speeches

A Member asking a question under Rule 4.18.2 or 4.18.3 and a Member answering such a question may speak for no longer than 5 minutes unless the Chair consents to a longer period.

4.18.10 Time Allowed for Questions at Council Meetings

a) The time allowed for consideration of questions submitted under Rule 4.18.2 shall not, without the consent of the Council, exceed 15 minutes.

b) At the conclusion of the answer to the question under consideration at the expiry of 15 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Chair shall move to the next item of business.

c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

4.19 Motions on Notice

4.19.1 Notice

Except for motions which can be moved without notice under Rule 4.20 and in cases of urgency, written notice of every motion, must be delivered to the Monitoring Officer no later than 17:00 hrs on the 10th working day before the Council meeting at which it is to be considered. Motions received will be kept in a form that enables them to be made available for public inspection

4.19.2 Motion Set Out in Agenda

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

4.19.3 Motions not moved:

If a motion thus set out in the summons be not moved either by a member who gave notice or by some other member of his/her behalf it shall, unless postponed by consent of the council, be treated as withdrawn and shall not be moved without fresh notice.

4.19. 4 Automatic referral to Cabinet or committee

If the subject matter of any motion of which notice has been duly given comes within the terms of reference of the Cabinet or any committee or committees it shall, upon being moved and seconded, stand referred without discussion to the Cabinet or such committee or committees as the Council may determine, for consideration or determination as appropriate. Provided that the Chair may, if he considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

4.19.5 Scope

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

4.19.6 Motion to Remove the Leader

a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of Councillors which is at least 20% of the total number of Councillors on the Council and which includes Councillors from at least two political groups. See Paragraph 6.3.2

b) In order for such a motion to be carried, it must have the support of the majority of those Members voting and attending the meeting at the time the question is put.

c) A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

4.19.7 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed 5 minutes. At the conclusion of the speech being delivered at the expiry of 5 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Chair shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

a) if the speech to be concluded is a speech proposing a motion, the Chair shall allow the motion to be formally seconded (without comment);

b) if the speech to be concluded is a speech moving an amendment, the Chair shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his right of reply; and

c) otherwise, the Chair shall allow the mover of the motion to exercise his right of reply.

4.20 Motions without Notice

The following motions may be moved without notice:

4.20.1 to appoint a Chair of the meeting at which the motion is moved;

4.20.2 in relation to the accuracy of the minutes;

4.20.3 to change the order of business in the agenda;

4.20.4 to refer something to an appropriate body or individual;

4.20.5 to appoint a committee or Member arising from an item on the summons for the meeting;

4.20.6 to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;

4.20.7 to withdraw a motion;

4.20.8 to amend a motion;

4.20.9 to proceed to the next business;

4.20.10 that the question be now put;

4.20.11 to adjourn a debate;

4.20.12 to adjourn a meeting;

4.20.13 to suspend a particular Council Procedure Rule;

4.20.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;

4.20.15 to not hear further a Member named under Rule 4.27.2 or to exclude them from the meeting under Rule 4.27.3;

4.20.16 to give the consent of the Council where its consent is required by this Constitution;

4.21 Rules of Debate

4.21.1 No Speeches until Motion Seconded

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

4.21.2 Right to Require Motion in Writing

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

4.21.3 Seconder's Speech

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

4.21.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chair.

4.21.5 When a Member may Speak Again

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

a) to speak once on an amendment moved by another Member;

b) to move a further amendment if the motion has been amended since he/she last spoke;

c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

d) in exercise of a right of reply;

e) on a point of order; and

f) by way of personal explanation.

4.21.6 Amendments to Motions

a) An amendment to a motion must be relevant to the motion and will either be:

i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

ii) to leave out words;

iii) to leave out words and insert or add others; or

iv) to insert or add words

as long as the effect of 4.21.6 (a)(ii) to 4.21.6 (a)(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 decided.

However, the Chair may permit two or more amendments to be discussed (but not voted on) together if he/she considers that would facilitate the proper conduct of the Council's business.

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 Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.21.7 Alteration of Motion

a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

b) A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

c) Only alterations which could be made as an amendment may be made.

4.21.8 Withdrawal of Motion

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

4.21.9 Right of Reply

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

b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

c) The mover of the amendment has no right of reply to the debate on his amendment.

4.21.10 Motions which may be Moved During Debate

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

a) to withdraw a motion;

b) to amend a motion;

c) to proceed to the next business;

d) that the question be now put;

e) to adjourn a debate;

f) to adjourn a meeting;

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

h) to not hear further a Member named under Rule 4.27.2 or to exclude them from the meeting under Rule 4.27.3.

4.21.11 Closure Motions

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

i) to proceed to the next business;

ii) to act 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 Chair thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply for not more than 3 minutes and then put the procedural motion to the vote. If that motion is carried, the original motion shall lapse.

c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply for not more than 3 minutes 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 Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.21.12 Point of Order

A point of order is a request from a Member to the Chair to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The Chair will hear them immediately.

A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

4.21.13 Personal Explanation

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

4.22 Previous Decisions and Motions

4.22.1 Motion to Rescind a Previous Decision

Except following a report by an Officer of the Council, the Cabinet or a Committee, any 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 20 Members.

4.22.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

4.22.3 Motion affecting persons employed by the Council

If any issue arises at a meeting of the Council, the Cabinet, a committee or subcommittee as to the appointment, promotion, dismissal, salary, superannuation, conduct or condition of service of any person employed by the Council, such matter shall not be the subject of discussion until the Council has decided whether to exclude the public under the terms of Part 1 of Schedule 12A of the Local Government Act 1972.

4.23 Voting

4.23.1 Majority

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

4.23.2 Chair's Casting Vote

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

4.23.3 Method of Voting

Unless a recorded vote is demanded under Rule 4.23.5 the Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

4.23.4 Ballot

The vote will take place by ballot if the majority of members present at the meeting and before the vote is taken, demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

4.23.5 Recorded Vote

If at least one quarter of the voting members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a ballot will override a demand for a recorded vote. In the case of an electronic recorded vote, the results will be displayed.

4.23.6 Right to Require Individual Vote to be Recorded

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

4.23.7 Voting on Appointments

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

4.23.7.2 Where a vote is required on a motion to appoint a person to a paid position to be filled by the Council, voting shall be by ballot where there is more than one candidate and where there are two or more candidates for that appointment, their names shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall each vote for only one person. If there is not a majority of those voting in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person. In multiple elections votes cast for fewer candidates than the number of vacancies shall be invalid.

4.24 Minutes

4.24.1 Signing the Minutes

The Chair will approve the minutes of the proceedings at the next suitable meeting. The Chair 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 and any question of their accuracy should be raised by motion.

4.24.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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

4.24.3 Form of Minutes

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

4.25 Record of Attendance

4.25.1 All Members physically present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance. For those attending remotely their presence will be recorded by Officers.

4.25.2 Members should formally declare if they are leaving the meeting permanently before it ends.

4.26 Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 15 of this Constitution or Rule 4.28 (Disturbance by Public).

4.27 Members' Conduct

4.27.1 Chair Standing

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

4.27.2 Member not to be Heard Further

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

4.27.3 Member to Leave the Meeting

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

4.27.4 General Disturbance

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

4.28 Disturbance by Public

4.28.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room or their removal from the online platform by which they are accessing the meeting from another location.

4.28.2 Clearance of Part of Meeting Room

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

4.28.3 Clearance of Online Meeting Platform

If there is a general disturbance on the online meeting platform, the Chair may call for the online meeting platform to be paused, muted or closed.

4.28.4 Additional Powers

The powers conferred by this rule are in addition to any other powers which the person presiding may lawfully exercise.

4.29 Audio/Video recording or transmission/ Use of Social Media

No person other than the Council shall be entitled to make a video or audio recording or transmission of a meeting of the Council or its Committees.

4.30 Electronic Broadcasts of Meetings

Ordinary meetings of the Council will be broadcast live electrically on the Council's website so that members of the public not in attendance at the meeting can see and hear the proceedings. Copies of the meeting will be available for 6 months after the meeting.

4.31 Suspension and Amendment of Council Procedure Rules

4.31.1 Suspension

All of these Council Rules of Procedure except Rule 4.16, 4.23.6, 4.23.7 and 4.22 and principles of decision making in Part 14, may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

4.31.2 Amendment

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

4.32 Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4.13 to 4.18, 4.20 to 4.35 (but not Rule 4.27.1) apply to meetings of committees and sub-committees.

4.33 Replacement Of Committee Members

Under the political balance requirements each political group are allocated a number of seats on each committee to which the political balance rules apply. In the event that Group Leaders wish to replace a member of their party on any given committee they will provide written notice to the Committees Section five working days in advance of the said meeting.

4.34 Welsh Language

4.34.1 In all proceedings of the Council the Welsh language and the English language shall have the same status and validity.

4.34.2 All persons shall have the right when addressing the Council to speak in either Welsh or English.

4.35 Urgent Matters

4.35.1 The appropriate form should be completed and presented to the person presiding at the meeting, in order for any urgent matter to be considered.

4.35.2 If the person presiding at a meeting of a committee or sub-committee, as appropriate, permits the discussion of an item of business which had not been included on the agenda for the meeting, because of its urgent nature, he should note it at the start of the meeting and it should be taken according to the direction of the person presiding.

SECTION 5 – THE CABINET

5.1 Introduction

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

5.2 Form and Composition of the Cabinet

The Cabinet will consist of:

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

5.2.2 The Cabinet will consist of the Leader of the Council plus up to 9 other councillors appointed to the Cabinet by the Leader. In appointing such other councillors, the Leader will act in the best interests of the County Borough and comply with the Protocol for the appointment of Councillors to the Cabinet,

5.3 Leader

5.3.1 Election

a) The Leader will be a Councillor elected to the position of Leader by the Council.

b) Two or more Councillors may be elected to share the position of Leader by the Council

5.3.2 Term of Office

The Leader will hold office for the full term of the Council or 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

5.3.3 Role of the Leader

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

5.4 Deputy Leader

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

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

5.5 Other Cabinet Members

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

5.5.1 he/she resigns from that office; or

5.5.2 he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate; or

5.5.3 he/she ceases to be a Councillor.

5.5.4 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).

The Leader may at any time appoint a Cabinet Member to fill any vacancies.

5.6 Delegation of Functions

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

5.6.1 the Cabinet as a whole;

5.6.2 a Committee of the Cabinet (comprising Cabinet Members only);

5.6.3 an individual Cabinet Member;

5.6.4 a joint committee;

5.6.5 Another local authority or the Cabinet of another local authority;

5.6.6 A delegated Officer.

5.7 Assistants to the Executive

5.7.1 Other Councillors may, from time to time, be designated by the Leader as Assistants to the Executive. Such Councillors will not be:

a) A Member of the Cabinet

b) The Chair and Vice-Chair of the Council

5.7.2 Assistants to the Executive will not participate in Executive Decision making, but may work closely with a Cabinet Member. He/she will not be a Member of the Overview and Scrutiny Committee relating to the specific responsibilities of the Cabinet Member he/she is assisting or any other areas to which they are assigned.

5.7.3 An Assistant to the Executive may support the Cabinet Member through the delegation of tasks as agreed for his/her area of responsibility, including attending/chairing meetings; speaking/opening events; reading and commenting on papers; meeting Officers; agreeing press releases./comments and carrying out interview; representative the Council on appropriate groups.

An Executive Support Member will not, however, have delegated powers and will not be entitled vote at Cabinet Meetings or Cabinet Committee Meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at an Overview and Scrutiny Committee.

5.7.4 Assistant's to the Executive will be are entitled to attend, and speak at, any meeting of the Cabinet or a committee of the Cabinet.

5.8 Rules of Procedure and Debate

The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Section 5.9 below. No decision, other than decisions relating to the organisation of Cabinet business arrangements, may be made at private, informal meeting of the Cabinet.

5.9 Cabinet Procedure Rules

The proceedings of the Cabinet shall take place in accordance with the rules below.

5.10 How does the Cabinet Operate?

5.10.1 Delegation by the Leader

Following the annual meeting of the Council, the Monitoring Officer, at the direction of the Leader, will draw up a written record of Cabinet delegations made by the Leader for inclusion in the Council's scheme of delegation at Section 14 to this Constitution. This will contain the following information about Cabinet Functions in relation to the coming year:

a) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;

b) the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet Members appointed to them;

c) the nature and extent of any delegation of Cabinet Functions to any other authority or any joint arrangements;

d) the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made; and

5.10.2 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 joint arrangements or an Officer.

b) 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.

c) Where Cabinet Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

5.10.3 The Council's Scheme of Delegation and Cabinet Functions

a) Subject to (ii) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council.

b) As 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 (i.e. Monitoring Officer) and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The Proper Officer will publicise the changes made to the scheme of delegation by the Leader via the Council's web site and the Members' Information Book. The Head of Law and Governance 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 of the Cabinet, notice will be deemed to be served on that committee when he has served it on its chair.

5.10.4 Conflicts of Interest

a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 19 of this Constitution.

b) If any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 19 of this Constitution.

c) If the exercise of an Cabinet Function has been delegated to a committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Section 19 of this Constitution.

5.10.5 Cabinet Meetings – When and Where?

The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council's main offices or another location to be agreed by the Leader. The Council's arrangements for multi-location meetings apply to meetings of the Cabinet.

5.10.6 Public or Private Meetings of the Cabinet?

The Cabinet will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in Section 15, for example where confidential or exempt information is being discussed.

5.10.7 Quorum

The quorum for a meeting of the Cabinet shall be 5 including the Leader or Deputy Leader.

5.10.8 Remote Attendance

a) Members will be regarded as present at a meeting of the Cabinet or a committee of the Cabinet where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings providing that they can speak to, and be heard by, other attendees at the meeting.]

b) For the purposes of section 5.10.8, attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

5.10.9 How are Decisions to be Taken by the Cabinet?

a) Cabinet Decisions made by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Section 15 of this 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.

5.11 How are Cabinet Meeting Conducted?

5.11.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or its committees at which he/she is present. In his absence, the Deputy Leader will preside. In his/her absence, then a person appointed to do so by those present shall preside.

5.11.2 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Section 15 of this Constitution. See also Section 3 in relation to Member participation in meetings.

5.11.3 What Business?

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

a) consideration of the minutes of the last meeting;

b) declarations of interest, if any;

c) matters referred to the Cabinet (whether by Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 7 and 16 of this Constitution;

d) consideration of reports from Overview and Scrutiny Committee;

e) consideration of reports from Cabinet Committees;

f) reports from Officers of the Authority.

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

5.11.5 Who can put Items on the Cabinet Agenda?

a) The Leader will decide upon the schedule for meetings of the Cabinet. He/she may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter.

b) Any Member of the Cabinet may require that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.

c) The notice of the meeting will give the name of the Councillor who asked for the item to be considered and this individual will be invited to attend the meeting, whether or not it is a public meeting, and will be allowed to address the meeting in relation to that item, unless precluded from doing so in accordance with the Members' Code of Conduct.

d) The Chief Executive, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened in pursuance of their statutory duties.

e) In other circumstances, where any two of the Chief Executive, 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 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 considered at which the matter will be considered.

5.12 Disturbance by the Public, Audio/Video recording or transmission

5.12.1 The provisions in Council Procedure Rules in Section 4 in relation to disturbance by the public apply to meetings of the Cabinet.

5.12.2 The provisions in Council Procedure Rules in Section 4 relating to filming and use of social media apply to meetings of the Cabinet.

5.13 Job sharing by Cabinet Leaders and Cabinet Members

5.13.1 Any election or appointment to the Cabinet (including the Leader) may include the election of two or more Councillors to share office.

5.13.2 Where two or more Members have been elected or appointed to share the same office on the Cabinet the maximum number of members of the Cabinet, including the Leader, will be:

a) 12, where at least two of the members have been elected or appointed to share office; or

b) 13, where at least three of the members have been elected or appointed to share office.

5.13.3 The members of the Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Cabinet.

5.13.4 Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Cabinet they together count only as one person for the purpose of determining whether the meeting is quorate.

SECTION 5 – APPENDIX 1

CABINET PORTFOLIO RESPONSIBILITIES

Portfolio holders are expected to oversee and monitor the services and functions allocated to them. They should provide the necessary political leadership to ensure that those services and functions perform effectively and in accordance with, not only the Council's policies, but also making sure any proposals and decisions take into account the impact they could have on people living their lives in the Council's area in the future by applying the sustainable development principle and the following 5 ways of working – long term; prevention, integration; collaboration; involvement.

Portfolio holders are tasked with supporting the aims and targets set out in the Council's Corporate Plan so as to ensure consistent improvement in service delivery in a manner which is measurable and transparent.

Portfolio holders may also be expected to represent the Council in dealings with external bodies and organisations in relation to their portfolio areas.

In addition to the functions listed below all Portfolio holders have a collective responsibility to promote the Welsh language and equalities and diversity; and to engage and communicate effectively.

Leader (Cllr Charlie McCoubrey)

- Finance and Finance Strategy
- Welsh Government Relations
- Local Government Relations
- Strategic Networks
- Corporate Joint Committees
- North Wales Economic Ambition Board
- Public Services Board
- Emergency Planning
- Strategic Policy Development

Deputy Leader (Cllr Emily Owen)
Housing, Homelessness and Service Change

- Housing Strategy
- Housing Services
- Homelessness
- Development Management (Planning)
- Building Control
- Private Sector Housing
- Supporting People
- Rent Smart Wales
- Refugees Reception Services
- Service Change

Sustainable Economy (Cllr Nigel Smith)

- Economic Development and Funding
- Revenue and Benefits
- Welfare Reform
- Council Estate and Property Assets

Education (Cllr Julie Fallon)

- 'Sustainable communities for learning' (previously known as 21st Century Schools)
- School Improvement
- Additional Learning Needs
- Schools Organisation Planning
- Educational Welfare and Inclusion
- Food in schools and wellbeing

- School Transport and Admissions (Policy)
- Nursery Education and Standards
- Young People Not in Education, Employment and Training
- Youth Service
- Adult Learning and Skills
- Welsh in Education Strategic Plan

Children, Families and Safeguarding (Cllr Cathy Augustine)

- Lead Member for Children
- Family, Support and Intervention
- Children Looked After
- Safeguarding
- Vulnerable People
- Community Mental Health
- Youth Justice
- Specific Social Care Capital Projects

Integrated Adult and Community Services (Cllr Penny Andow)

- Specific Social Care Capital Projects
- Community Wellbeing
- Disability
- Older People and Hospital Social Work
- Quality Standards and Commissioning
- Carers

Infrastructure, Transport and Facilities (Cllr Goronwy Edwards)

- Facilities Management
- Seaboard and Harbour
- Burial Services
- Flood Risk and Infrastructure
- Transport
- Public Transport
- Infrastructure Consultancy
- Open Spaces
- Traffic and Network Management

Neighbourhood and the Environment (Cllr Geoff Stewart)

- Climate Challenge
- Sustainability Policies
- Energy Projects and Carbon Management
- Recycling and Waste
- Public Protection
- Licensing
- Community Safety
- Health and Safety

Culture, Governance and IT (Cllr Dilwyn Roberts)

- Creu Conwy/Conwy Culture Strategy
- Welsh Language (including translation)
- Democracy and Democratic Services
- Engagement with Town and Community Councils
- Legal Services

- Registration Services
- Community Hubs/Libraries and Archive
- Culture and Arts Development
- Theatres and Conference Centre
- Events
- Leisure/ Healthy and Active Living
- Communications and Marketing
- Information Technology and Digital Transformation

Audit, Policy and Performance (Cllr Chris Cater)

- Audit and Procurement
- Risk Management
- Corporate Performance & Improvement
- Project Management
- Information Governance
- Corporate Complaints and Compliments
- Human Resources
- Equality and Diversity
- Corporate Organisation Development
- Strategic Land Use Planning (RLDP)

SECTION 5 – APPENDIX 2

PROTOCOL FOR THE APPOINTMENT OF COUNCILLORS TO THE EXECUTIVE

As per Article 7 of the Constitution, the Executive will consist of the Leader of the Council plus up to 9 other Councillors appointed to the Executive by the Leader. In appointing such other Councillors, the Leader will act in the best interests of the County Borough.

When appointing Councillors to the Executive (either at the start of a new administration or as a result of any mid-term changes) the Leader will take into account a number of issues in an attempt to balance the make-up of the Executive, such as:

- Political alignment
- Diversity
- Mix of Welsh and English speakers
- Mix of Councillors representing the urban/rural communities
- Mix of Councillors representing the widespread geography of the County Borough

The ability to achieve an overall balance of the above is dependent on the membership of those 'political' groups represented on the Executive.

At the beginning of each administration, once the Leader has been appointed by Council he/she will identify potential Councillors to take on the role of Executive member and consult with the Group Leaders concerned. Councillors can submit an expression of interest to become a member of the Executive via their Group Leader.

As well as the issues listed above the Leader will take into account individual strengths and capabilities and provisionally match those Councillors to a portfolio. Those Councillors will be informed of the Leader's deliberations and given an opportunity to consider the proposals put forward. The Councillors concerned can either confirm that they are happy with the proposals put forward by the Leader or ask the Leader to consider an alternative, e.g. swap a portfolio, or alter a portfolio's areas of responsibility. The Leader will give due consideration to any suggestions but the final decision remains with the Leader.

Once the above process is complete the Leader will advise all Councillors and staff of his decision by e-mail. At the next available Council meeting the Leader will formally introduce the members of the Executive and they will be given an opportunity to briefly address Council on their appointment and what they intend to bring to the role of Executive member.

The Leader is responsible for monitoring the performance of the Executive members and will undertake regular Performance and Development Reviews (PDRs). The Leader needs to have full trust and confidence in the ability of the Executive members. There may be occasion when the Leader decides, in the interests of the County Borough, to re-shuffle portfolio responsibilities or make changes to the Executive membership.

Prior to any change taking place the Leader will consult with the Councillor(s) affected by the proposed change and their Group Leaders. Whilst the potentially affected

Councillor(s) and their Group Leaders will have the opportunity to comment on proposals put forward by the Leader the decision ultimately remains with the Leader. Any Member appointed to the Executive mid-term will be given the same opportunity to address the Council on their appointment and what they intend to bring to the role of Executive Member.

In addition to the requirements of Article 7 of the Constitution, under certain circumstances an Executive Member can request a leave of absence (unpaid) from being a member of the Executive, (for example, in the period leading up to any national elections an Executive member intends to stand in). Under such circumstances the Leader can also request an Executive Member to take a leave of absence (unpaid) if the Leader feels the Councillor is likely to be unable to fulfil the role of Executive Member effectively during that particular period in the best interests of the County Borough.

During any leave of absence the Leader may decide to appoint another Member to take on the role of Executive Member (in line with the process above). If that is the case then payment will be made in line with the approved Members Remuneration Scheme.

SECTION 5 - APPENDIX 3

PROTOCOL FOR ACCESS BY CABINET MEMBERS TO OVERVIEW AND SCRUTINY COMMITTEES AND BY CHAIRS OF OVERVIEW AND SCRUTINY COMMITTEES TO CABINET

1. **Meetings of the Cabinet**

The Council's Executive Procedure Rules specify that –

a) Matters referred to the Executive for reconsideration in accordance with the Overview and Scrutiny Rules; and

b) Reports from Overview and Scrutiny Committees and the Audit Committee will be considered at each meeting of the Executive.

In addition –

Any member of the Council may require that an item be placed on the agenda of the next available Cabinet meeting. The member will be entitled to address the meeting in relation to that item. However, there may be only 2 such items per Cabinet meeting.

Subject to the above, the Chair of the meeting has discretion to allow non-members of the Executive to address the meeting.

2. **Meetings of Committees other than the Executive, including Overview and Scrutiny Committees**

Subject to what is said below, the Chair of the meeting has discretion to allow non-members of the Committee to address the meeting.

Under the Council's Procedure Rules however –

a) The Leader and/or the appropriate Portfolio Holder(s) may attend and speak but not vote at meeting of Committees of which they are not members.

b) A member may attend and speak at meetings of which he or she is not a member in relation to items which affects the member's own electoral division, but not where the item applies on a similar basis to other parts of the County Borough.

(c) Cabinet Members are not required to present reports to Scrutiny Committees.

(d) Cabinet Members should be in attendance at Scrutiny Committee meetings wherever possible, to get a better understanding of the debate, which will assist when presenting reports to Cabinet. If the Cabinet Member is unable to attend Scrutiny this should in no way delay the decision making process, but an explanation should be provided as to why they are not able to attend.

3. **Moving to a situation of mutual accessibility vis a vis Cabinet and the Overview and Scrutiny function.**

As can be seen above, access by the Leader and/or the appropriate Portfolio Holder(s) to Overview and Scrutiny Committees is allowed by the Constitution.

In relation to access by Chairs or Vice Chairs of Overview and Scrutiny to Cabinet on the presentation of their reports, the Constitution states that when reports from an Overview and Scrutiny Committee are being presented to Cabinet the Chair (or Vice Chair in the absence of the Chair) of the Overview and Scrutiny Committee concerned is entitled to address the Cabinet and is given a reasonable time to do so. It is a matter for the Chair of Cabinet to determine the reasonableness of the time allowed, taking into account the importance and/or complexity of the issues itself as well as the need to effectively manage the Cabinet agenda.

SECTION 5 – APPENDIX 4

Cabinet Sub Committees – Terms of Reference

The Council's Cabinet has established the following sub-committees, which are noted here for information, but which the Cabinet may change and/or add to from time to time.

Decision Making Body	Membership	Functions
Cabinet Sub Committee – Discretionary Rate/Hardship Relief Appeals	6 members of the Cabinet	To consider appeals against discretionary/hardship relief eg empty properties decisions
Cabinet Sub Committee- Fit and Proper Person	3 members of the Cabinet plus Leader as reserve member	To determine under the registration of Houses in Multiple Occupation Scheme 2002 whether a person applying to be registered as having control was a fit and proper person To determine applications or reviews as to whether the applicant is a suitable person under the provisions of the Scrap Metal Dealers Act 2013

SECTION 6 - THE LEADER

6.1 Election

6.1.1 The Leader will be a Councillor elected to the position of Leader by the Council.

6.1.2 The Leader will usually be elected for a period of five years at the initial annual meeting of the Council. However, where the post of Leader becomes vacant between Council elections the Leader will be elected at the next meeting of the Full Council.

6.2 Term of Office

The Leader will hold office for the full term of the Council or until:-

6.2.1 he/she resigns from the office; or

6.2.2 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

6.2.3 he/she is no longer a Councillor; or

6.2.4 he/she is removed from office by resolution of the Council

6.3 Resignation, Dismissal, Disqualification and Suspension

6.3.1 The Leader may resign the position of Leader by writing to the Chair.

6.3.2 The Leader can be dismissed where the Council passes a resolution removing him/her from office in accordance with the Rules below.

6.3.3 The Leader shall cease to be Leader if he/she is suspended or disqualified as a Councillor, or, for other such reasons, cannot fulfil the role of Leader.

6.3.4 The Leader will cease to be Leader upon death or upon suffering any disability which will, or is likely to, prevent them from undertaking the role of Leader for a period of three months or more.

6.4 Deputy Leader

6.4.1 Appointment

The Leader may appoint a C Member as their Deputy to undertake such tasks as the Leader may determine from time to time.

6.4.2 Duties of the Deputy Leader

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

6.4.3 Removal from Office

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

6.5 Functions and Delegated Authority

6.5.1 Membership of the Cabinet

The Leader appoints and dismisses the Members of the Cabinet subject only to their being a minimum of two and a maximum of nine Members of the Cabinet (not counting the Leader) at any time. This number may be increased pursuant to Section 5.13.2 (b) in the event of a job share to 13. In appointing such other councillors, the Leader will act in the best interests of the County Borough and comply with the Protocol for the appointment of Councillors to the Cabinet.

6.5.2 Role of the Leader

- Provide political leadership to the Council
- Appoint the Cabinet
- Determine the portfolios of members of the Cabinet
- Representing and acting as ambassador for the Authority
- Provide leadership within the portfolio
- Manage and lead the work of the Cabinet and chair meetings
- Participate in the collective decision making of the Cabinet
- To work with Officers to lead the organisation
- Leading partnerships and community leadership
- Internal governance, ethical standards and relationships

6.5.3 The Cabinet Scheme of Delegations

a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Section 6.12 of this Constitution.

b) As 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 (i.e. Monitoring Officer) and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The Proper Officer will report the changes made to the scheme of delegation by the Leader to the next Council meeting for information.

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

d) In addition, the Leader has powers under s.15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Cabinet functions not covered by the Scheme of Delegations for the time being.

e) NB: No Member of the Cabinet may have a Deputy, other than the Leader. This means that no Member of the Cabinet can have responsibilities which mean that they will work to, or under, another Member of the Cabinet, except the Leader.

6.5.4 Meetings of the Cabinet

Subject to the requirement to publish notice of each meeting at least three clear days before it takes place, and other conditions contained in Section 15 [Access to Information Procedure Rule], the Leader can call meetings of the Cabinet at such times and places as he/she chooses (NB: the Head of Paid Service, the Section 151 Officer, and the Monitoring Officer can all, should the need arise, call meetings of the Cabinet as well).

6.5.5 Chairing Cabinet Meetings

The Leader shall chair Cabinet meetings. In the Leader's absence the Deputy Leader will chair. If the Deputy Leader is not available the Cabinet will appoint a Member of the Cabinet to Chair the meeting on their behalf by informing the Proper Officer of the person chosen, subject to quorum.

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

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

b) The Leader may designate another member of the Cabinet to attend a meeting of the Public Services Board in their absence. The Leader shall designate the Deputy Leader to attend in their absence unless the Deputy Leader is also not available in which case the Leader shall designate another Member of the Cabinet.

6.5.7 Acting as the Council member of the North Wales Corporate Joint Committee

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

6.5.8 Appointments of Representatives on Outside Bodies

The Leader has authority to appoint representatives of the Council on outside bodies where those outside bodies relate to Cabinet Functions of the Council.

SECTION 7 - OVERVIEW AND SCRUTINY COMMITTEE

7.1 Introduction

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

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

7.2 Overview and Scrutiny Committee

The Council has appointed 4 Overview and Scrutiny Committee which between them and within their areas of activity (which may be discharged by the Committee itself or by appointing Task and Finish Groups), will:

7.2.1 review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council;

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

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

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

7.2.5 exercise the right to call in for reconsideration decisions made but not yet implemented by the Cabinet and Officers.

7.3 Role, Scope and Membership

The role, scope and Membership of the Overview and Scrutiny Committees are described in the table below:

a) Finance & Resources Overview and Scrutiny Committee – Area of activity

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to the following:

- Business Planning Framework
- Budget monitoring of the Revenue and Capital Budgets
- Corporate Plan
- Asset Management
- Performance Management Arrangements

- Oversight of Corporate Risk Management
- Monitoring of Programme and Significant Projects, as per the Programme and Project Management Framework.
- General Corporate Policy Development and Review
- Coordinating the annual Overview and Scrutiny Report to Council
- Freedom of Information Annual Report (FOI)
- Information and Communications Technology
- Health and Safety Annual Report
- The Welsh Language Policy
- Equalities and Diversity (including the Strategic Equality Plan Annual Report and the Employment Monitoring Report)
- Co-ordinating the Work Programmes of other Overview and Scrutiny Committees and resolving any disputes in relation to the areas of activity of the other Committees.
- Partnership Working including scrutinising the work of the Public Service Board
- Scrutiny of any action plan from external regulatory reports

b) Economy and Place Overview and Scrutiny Committee – Area of activity:

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to the following**:**

- Local Development Plan (LDP)
- Place Making Plans
- Supplementary Planning Guidance
- Economic Development and Tourism
- Regeneration and Sustainable Development
- Housing Strategy
- Private Housing including Housing renewal
- Public Protection
- Gypsy Traveller Accommodation Needs Assessment
- Active and Creative Life Styles
- Culture, Libraries and Information
- Theatres and Conference Centre
- Community Transport

- Environment, Roads and Infrastructure - Parks, Countryside, Street Cleansing, Fly tipping removal, Highways, Traffic and Network Management, Recycling and Waste Collection Services, Car parking, flood defence and coastal protection, public conveniences
- Emergency Planning / Civil Contingencies
- Community Safety Partnership
- Regional Waste Management
- Monitoring of Programme and Significant Projects, as per the Programme and Project Management Framework
- Other Partnership Working
- Fulfilling the function of the Crime and Disorder Committee in accordance with section 19(1) of the Police and Justice Act 2006.
- Scrutiny of any action plan from external regulatory reports

c) Social Care and Health Overview and Scrutiny Committee – Area of activity:

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to the following:

- Adult Services
- Children's Services
- Safeguarding
- Protection of Vulnerable Adults
- Mental Health
- Extra Care Housing/ Residential & Nursing
- Social Services Charging Policy
- Annual Council Report Framework (ACRF)
- Programme and Transformation Reports
- Monitoring of Programme and Significant Projects, as per the Programme and Project Management Framework
- Social Care Transport Services
- Partnership Working with Health, Independent and Voluntary Sector
- Commissioning
- Social Care Inspection and Performance Management
- Tackling Poverty Agenda
- Youth Justice
- Scrutiny of any action plan from external regulatory reports

d) Education and Skills Overview and Scrutiny Committee – Area of activity:

To fulfil all the functions of an Overview & Scrutiny Committee as they relate to the following:

- School Performance Monitoring
- Financial Performance of Schools
- School Improvement and Modernisation
- Additional Educational Needs Services
- Access to Education Services
- Social Inclusion Services
- School Support Services
- Continuing Education and Apprenticeships
- School Transport
- Monitoring of Programme and Significant Projects, as per the Programme and Project Management Framework
- Partnership Working – GwE
  - Scrutiny of any action plan from external regulatory reports

7.4 Specific Functions

7.4.1 Policy Development and Review

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

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

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

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

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

7.4.2 Scrutiny

The Overview and Scrutiny Committees may:

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

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

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

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

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

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

7.4.3 Scrutiny of the Public Services Board

The Conwy and Denbighshire Joint Overview and Scrutiny Committee of the Public Services Board may:

(a) review or scrutinise decisions made, or other action taken, by the Public Services Board;

(b) review or scrutinise the Public Services Board's governance arrangements;

(c) make reports or recommendations to the Public Services Board with respect to the board's functions or governance arrangements;

(d) consider such matters relating to the board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly; and

(e) copy reports to the Public Services Board regarding the board's functions and governance arrangements to: -

i. the Welsh Ministers;

ii. the Future Generations Commissioner for Wales; and

iii. the Auditor General for Wales.

(f) require one or more of the attendees at the Public Services Board, or anyone designated by such a person, to attend a meeting of the Conwy and Denbighshire Joint Overview and Scrutiny Committee of the Public Services Board and provide it with explanations of such matters as it may specify.

7.4.4 Annual Report

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

7.5 Head of Democratic Services

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

7.6 Who May Sit on Overview and Scrutiny Committees?

All councillors except members of the Cabinet and Assistants to the Executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision in which he has been directly involved. Any member may attend any meeting of an Overview and Scrutiny Committee and may contribute to the debate, but not vote.

7.7 Co-Optees

Each overview and scrutiny committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees. *In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them.*

7.8 Education Representatives

Parent Governor and representatives of religious faiths will be appointed as required by law and guidance from Senedd Cymru and shall be invited to attend each Overview and Scrutiny Committee where the Authority's education functions are to be discussed and shall be entitled to speak and vote on such matters only.

7.9 Who Chairs?

7.9.1 The arrangements included in sections 66-75 of the Local Government (Wales) Measure 2011 will be followed for appointing persons to chair Overview and Scrutiny Committees.

7.9.2 The Chairs of the Overview and Scrutiny Committees should not be allocated wholly to members of the same political group(s) as those represented in the Cabinet. The political groups represented in the Cabinet can each only appoint as many chairs as are proportionate to their share of the Council's overall membership.

The Chair of the Finance and Resources Overview and Scrutiny Committee shall be the Leader of the largest political group not represented on the Cabinet. If there are two or more such political groups of the same size, the Chair of the Finance and Resources Overview and

Scrutiny Committee shall be appointed from amongst the leaders of those parties by the Council at its Annual Meeting.

7.9.3 A Member may be a Chair of only one Overview and Scrutiny Committee.

7.9.4 There shall be one Vice Chair of each Overview and Scrutiny Committee, who shall be appointed annually by the relevant Committee.

7.10 Role of the Chair and the Overview and Scrutiny Committee

7.10.1 Promote the role of Overview and Scrutiny within and outside the Council, liaising effectively both internally within the Council and externally with the Council's partners.

7.10.2 Develop a balanced work programme of the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, and performance monitoring.

7.10.3 Ensure the programme takes account of relevant factors such as: the work programmes of the Cabinet and other committees, strategic priorities and risks, and relevant community issues.

7.10.4 Demonstrate an objective and evidence based approach to scrutiny.

7.10.5 Evaluate the impact and added value of scrutiny activity and identify areas for improvement.

7.10.6 To liaise with appropriate Cabinet Member/s.

7.11 Work Programme

7.11.1 The Overview and Scrutiny Committee will be responsible for setting their own Work Programme and in doing so they should take into account wishes of Members of that Committee who are not Members of the largest political group on the Council.

7.11.2 Overview and Scrutiny Committees will decide which items are to be included in their Forward Work Programme by using the Topic Selection Procedure approved by the Finance and Resources Overview and Scrutiny Committee which appears as an appendix to this section.

7.12 Meetings

7.12.1 Ordinary meetings of overview and scrutiny committees shall be convened in accordance with the timetable of meetings agreed by the Council at its Annual Meeting. In addition, extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee meeting may be called by the chair of the relevant overview and scrutiny committee, or by the proper officer if he/she considers it necessary or appropriate.

7.12.2 Extraordinary meetings may be called from time to time in order to deal with call-ins (Section 0) where the Chair of an Overview and Scrutiny Committee agree it is necessary for that Overview and Scrutiny Committee to consider the called in decision before the next programmed meeting

7.13 Joint Overview and Scrutiny Committee

Under section 58 of The Measure, regulations may be made to permit or require two or more local authorities to appoint a joint [Overview and Scrutiny Committee] [add other arrangements]. This is set out in the Local Authorities (Joint Overview and Scrutiny) (Wales) Regulations 20132.

7.14 Rules of Procedure and Debate

The Overview and Scrutiny Procedure Rules will apply to meetings of the Overview and Scrutiny Committee as Paragraph 7.27.

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

7.15.1 The Council will appoint the following Overview and Scrutiny Committees to discharge the overview and scrutiny functions conferred by section 21 of the Local Government Act 2000:

- Finance and Resources
- Economy and Place
- Education and Skills
- Social Care and Health

See paragraph 7.3 for the terms of reference for each of the Overview and Scrutiny Committees.

7.15.2 Task and Finish Groups

(i) Overview and Scrutiny Committees may be requested by Cabinet to establish Task and Finish Groups.

(ii) Similarly if an Overview and Scrutiny Committee itself wishes to establish a Group to assist in its activities or review an area of activity, the proposal to establish such a Group must specify:

(a) the Terms of Reference;

(b) the reporting target

(c) monitoring arrangements

(d) consideration of co-opting third sector representatives/expert witnesses if appropriate

(iii) Political balance should be achieved wherever possible. Any final report will be made to the Overview and Scrutiny Committee who will decide if any matter should be referred on, for example to Cabinet, or to relevant officers.

7.16 Meetings of the Overview and Scrutiny Committee

Ordinary meetings of overview and scrutiny committees shall be convened in accordance with the timetable of meetings agreed by the Council at its Annual Meeting. In addition, extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee meeting may be called by the chair (or in his or her absence, the Vice Chair) of the relevant overview and scrutiny committee, or by the proper officer if he/she considers it necessary or appropriate.

7.17 Quorum

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

7.18 Agenda Items

7.18.1 Any member of an overview and scrutiny committee shall be entitled to give notice to the Proper Officer that he wishes an item relevant to the functions of the committee to be included on the agenda for, and be discussed at, a meeting of the committee.

7.18.2 The Topic Selection Procedure will then be used to determine whether the item should be included on the Committee's work programme and/or what priority should be given to that item.

7.18.3 This procedure cannot be used to reconsider a decision of the Cabinet. In such cases the call-in procedure set out in Rule 7.25 must be used.

7.18.4 On receipt of such a request the Proper Officer will inform the Chair of the overview and scrutiny committee and ensure that it is included on the next available agenda of the committee provided that the notice has been received by the Proper Officer at least 10 clear days before the date of the meeting.

7.18.5 Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to review particular areas of Council activity.

Where they do so, the particular Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council.

7.19 Policy Review and Development

7.19.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 16 **Error! Reference source not found.**.

7.19.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

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

7.20 Reports from the Overview and Scrutiny Committee

7.20.1 Once it has formed recommendations on proposals for development, an overview and scrutiny committee shall prepare a formal report or submit their Minutes and Recommendations to the Proper Officer 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).

7.20.2 If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

7.20.3 The Council or Cabinet shall consider the report of an Overview and Scrutiny Committee within one month of it being submitted to the Head of Law and Governance.

7.21 Making sure that Overview and Scrutiny Reports are considered by the Cabinet

7.21.1 The reports or recommendation of overview and scrutiny committees referred to the Cabinet shall be included on the agenda of the Cabinet (unless they have been considered in the context of the Cabinet's deliberations in a substantive item on the agenda) within six weeks of the overview and scrutiny committee completing its report/recommendations.

Where an item is not considered by the Cabinet within six weeks, the Cabinet will give an explanation of the reasons to the Chair of the relevant Overview and Scrutiny Committee as soon as practicable.

7.21.2 Where an overview and scrutiny committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to another individual member of the Cabinet, then the overview and scrutiny committee will submit a copy of their report to him/her for consideration. At the time of doing so,

the overview and scrutiny committee shall serve a copy on the Proper Officer. The member with delegated decision making power must consider the report and respond in writing to the overview and scrutiny committee within 6 weeks of receiving it. Before doing so, he/she may refer the matter for debate at the next available meeting of the Cabinet. A copy of his/her written response to it shall be sent to the Proper Officer and the Leader. The member will also attend a future meeting of the overview and scrutiny committee to respond.

7.22 Rights of Members of the Overview and Scrutiny Committee to Documents

7.22.1 Members of overview and scrutiny committees have the right to access documents, as set out in Section 15 of this Constitution.

7.22.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

7.23 Members and Officers Giving Account

7.23.1 Any overview and scrutiny committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions and which fall within that committee's terms of reference. As well as reviewing documentation, in fulfilling the scrutiny role, it may require members of the Cabinet, the Chief Executive, Strategic Directors, Heads of Service and/or any senior officer to attend before it in relation to matters within their remit:

(a) any particular decision or series of decisions;

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

(c) their performance

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

For this purpose, senior Officer includes any Head of Service, and other appropriate senior Officer. Where there are concerns about the appropriateness of the Officer who should attend, the relevant Chief Officer shall discuss this with the appropriate Overview and Scrutiny Chair or Vice Chair with a view to achieving consensus.

7.23.2 Where any Member or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer, if necessary in writing, giving at least 10 working days' notice of the meeting at which he or she is required to attend (unless agreed otherwise).

Any notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

7.23.3 Where the account to be given to an Overview and Scrutiny Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

7.23.4 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

7.24 Attendance by Others

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 0 above to address it on a voluntary basis to discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

7.25 Call-In

7.25.1 Rules

(a) When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council as soon as reasonably practicable and in any event within 7 working days. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

(b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is called-in under these rules

During that period, the Proper Officer shall call-in a decision for scrutiny by the committee if so requested by three non-Cabinet members of the Council, and shall then notify the decision-taker of the call-in.

(c) The three members who sign the petition, using the appropriate form, shall endeavour to have a discussion with the relevant portfolio holder and/or head of service, prior to utilising the call in procedure.

(d) The Proper Office shall call a meeting of the committee after consultation with the Chair of the committee, and in any case within 20 working days of the decision to call-in.

(e) If, having considered the decision, the overview and scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, or to the Council if outside the Cabinet's powers setting out in writing the nature of its concerns.

If referred to the Cabinet, the Cabinet shall then reconsider at the next scheduled meeting of the Cabinet, amending the decision or not, before adopting a final decision, which shall not then be subject to the call-in procedure.

(f) If following an objection to the decision, the overview and scrutiny committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the scrutiny meeting or the expiry of that further 20 working day period.

(g) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

i) decisions involving expenditure or reductions in services below a value of £10,000;

ii) minor or routine business matters such as the approval of Minutes or the creation of (or appointment of Cabinet Members to) Cabinet Sub-Committees;

iii) matters that are the subject of recommendation by Cabinet to the Council;

vi) matters that have already been considered by Council or an Overview and Scrutiny Committee where Cabinet substantially follows the recommendations of Council or the Overview and Scrutiny Committee.

v) decisions made by the Fit and Proper Person, Discretionary Rate Relief and Council Tax Hardship Sub-Committees

If in the opinion of the Monitoring Officer call-in is being abused by Members, the Monitoring Officer shall seek guidance from the Standards Committee as to whether further restrictions on the exercise of call-in should be adopted.

The Monitoring Officer may veto any request for call-in if it falls outside the remit of this scheme

Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

7.25.2 <u>Call-In and Urgency</u>

The call-in procedure set out 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, for example, seriously prejudice the Council's or other public 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 Chair of the Council 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 Chair and the Vice Chair's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent should be required.

7.26 The Party Whip

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

7.27 Procedure at Overview and Scrutiny Committee Meetings

7.27.1 Overview and scrutiny committees and sub-committees shall consider the following business:

i) minutes of the last meeting;

ii) declarations of interest;

iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;

iv) responses of the Cabinet to reports of the overview and scrutiny committee; and

v) consideration of the views of persons who live or work in the area on any matter

vi) consideration of 'a local government' matter referred to Overview and Scrutiny by any member of the Council under the provision of 'Councillor Calls for Action' (CCfA)

v) the business otherwise set out on the agenda for the meeting.

The Rule of Procedure at an Overview and Scrutiny Committee will be the same as the Council Procedure Rules, except that the Chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether a Member of an Overview and Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

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

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

ii) that attendees shall not be asked questions in relation to specific areas of inquiry, unless notice of those areas of inquiry have been given to the attendee at least 10 working days before the meeting of the committee

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

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

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

7.28 Matters within the Remit of more than one Overview and Scrutiny Committee

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Committee, the decision as to which Committee will consider it will be resolved by the respective Chairs or, if they fail to agree, the decision will be made by the Finance and Resources Overview and Scrutiny Committee.

7.29 Councillor Call for Action

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

7.29.2 Any Member may request that an item is placed on the agenda of an Overview and Scrutiny Committee for consideration.

7.29.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors attached to these Rules at Appendix 1

SECTION 7 – APPENDIX 1

COUNCILLOR CALL FOR ACTION: GUIDANCE FOR COUNCILLORS

1 Introduction

1.1 The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for 'Councillor Calls for Action' (CCfA) which enables Councillors to refer issues of local importance to Overview and Scrutiny Committees.

1.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which elected Members have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Member to the designated Crime & Disorder Scrutiny Committee for action and it should be noted that these local crime & disorder referrals will remain in place under separate legislation.

1.3 As part of their community leadership role, councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.

1.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Member of the Council to refer to one of the Overview and Scrutiny Committees 'a local government matter' which falls within the Committee's remit.

2 How should I normally attempt to resolve a local issue in my area?

2.1 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government's Statutory Guidance from the Local Government Measure 2011:

- Informal discussions with officers or other Councillors;
- Informal discussions with partner representatives;
- Referral to other 'scrutiny' bodies such as Community Health Councils or internal audit committee;
- Formal discussions with officers and Councillors;
- Formal letters to the Executive Members;
- Asking questions at Full Council;
- Submitting a notice of motion to Full Council;
- Organising public meetings;
- Use of petitions;
- Making a complaint;
- Questions at full Council

- Freedom of Information requests;
- Communication with local AMs or MPs ;
- Use of social media or email based campaigns.

2.2 This is not an exhaustive list and Councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible alternative routes, then a local Councillor can refer it to the appropriate Overview and Scrutiny Committee.

3. What is a Councillor Call for Action

3.1 In order for the Committee to accept a CCfA as an agenda item for discussion at one of their meetings, the issue:-
must affect either all or part of a Councillor's electoral division or it must affect someone who lives or works in that area.

3.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that a CCfA is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

4. How and when should I make a CCfA

4.1 A flowchart showing the process is provided at **Appendix 1**. A Councillor may initiate the process by completing the form at **Appendix 2.** Further copies are available from your Scrutiny Support Officer. It is important that the local Councillor specifies what outcome is expected from the referral. After completion the form should be returned to your Scrutiny Support Officer who will log and acknowledge the referral within 5 working days, to track its progress and forward a copy of the form to the Head of Law and Governance (The Proper Officer).

4.2 The Proper Officer will confirm whether or not the referral satisfies the requirements outlined in section 3 above to enable it to be placed on the agenda for discussion at a meeting of the Committee. The Proper Officer reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or otherwise potentially unlawful; and the Councillor will be informed of this outcome as soon as practicable.

5. Criteria to be followed by the Overview and Scrutiny Committee

5.1 It is up to the members of the Committee to decide whether, and in what form, to take the matter further. The Committee will use the following criteria to decide whether or not the referral is appropriate to be considered by Committee:-

- Is the Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
- Has the Committee considered a similar issue recently – if so, have the circumstances or evidence changed?
- Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA

hearing. Relevant time pressures on resolving the CCfA should be taken into account.

- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
- Is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
- Is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?
- Is this an issue currently being looked at by another form of local scrutiny?
- And, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the member's ward?

Note: Crime and Disorder referrals should be directed to the designated Crime and Disorder Committee.

5.2 If the Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it.

5.3 If the Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Committee meeting. The Councillor will be requested to attend to the Committee and informed that he/she will have 5 minutes in which to address the Committee. The Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:-

- Asking the relevant responsible authorities to respond to the CCfA
- Setting up a task and finish group to undertake a more in-depth review
- Asking for further evidence and/or witnesses to be brought to a future meeting. The Committee has the power to request 'designated persons' such as representatives from other public bodies/agencies to attend, where relevant, and to request information. (The Welsh Government have yet to publish a list of 'designated persons'.)

6 Potential outcomes from a CCfA

6.1 The Committee could:

- determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
- write a response and make recommendations on the CCfA to a relevant responsible authority;
- Decide that further action is not appropriate giving its reasons.

6.2 Once the Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

7 Timescales for dealing with a CCfA

7.1 In exceptional circumstances, for example where there are unavoidable time constraints, a special Committee meeting may be convened.

7.2 Should a CCfA result in recommendations to the Cabinet or responsible authorities, they will be requested to make a response to the recommendations within 28 days and 2 months respectively.

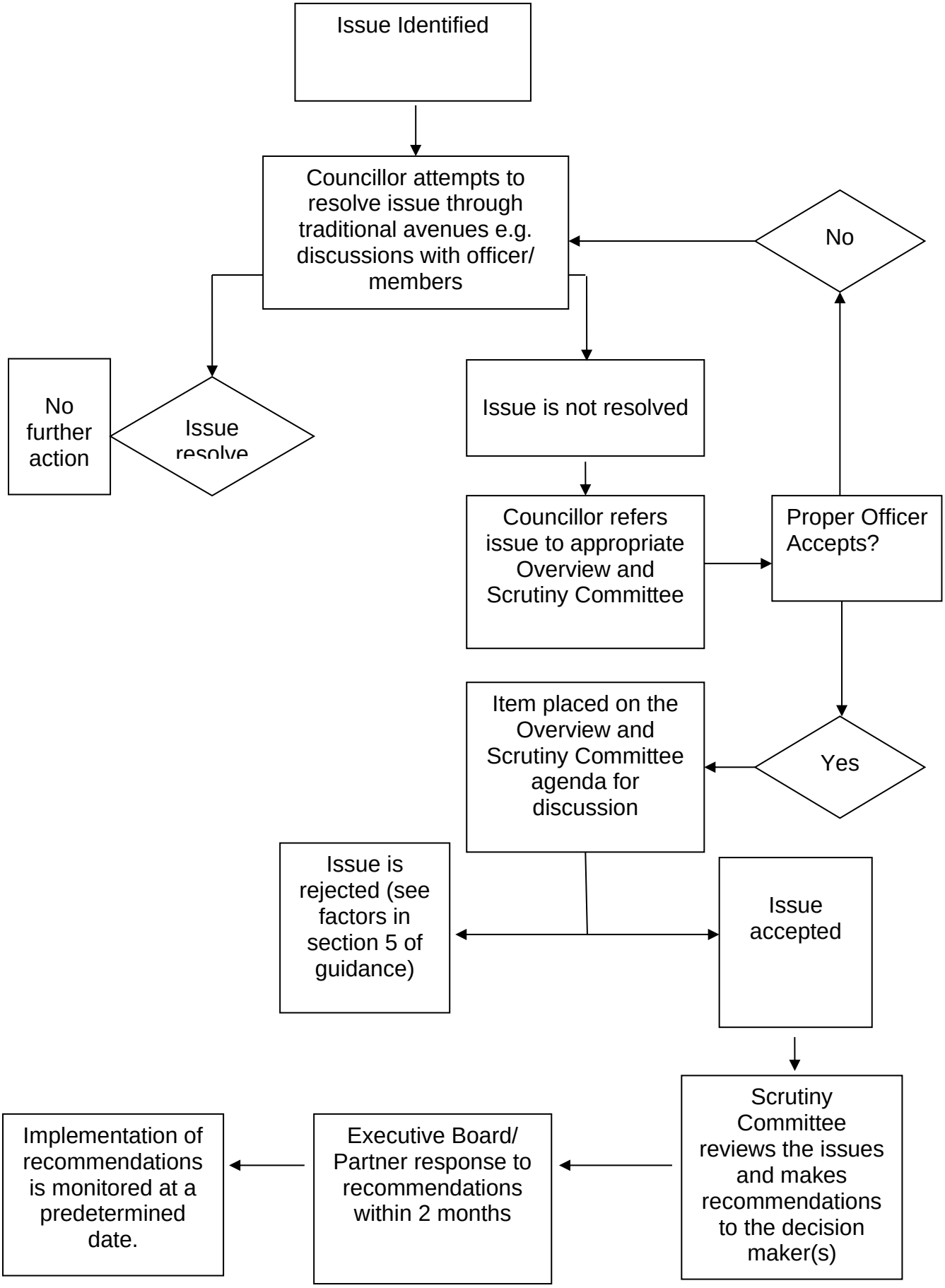
7.3 The Committee will monitor implementation of any recommendations as part of its forward work programme.

8 Review of this Guidance

8.1 This guidance is based on a model prepared and approved by the Association of County Secretaries and Solicitors (ACSeS) in October 2009. ACSeS will review their model guidance in light of experience of the use of these procedures by local authorities in Wales, and this guidance may therefore be modified accordingly.

Appendix 1

Flow Chart for Councillor Call for Action



Appendix 2

Councillor Call for Action Referral

For the attention of: …….(name and title of Proper Officer)

From: Councillor _____
Electoral Division: _____
Contact details: Telephone: _____
E-mail: _____

SUBJECT	
Details: Please briefly explain what the issue is and how it affects your ward	
Action taken to date: Please explain what steps have been taken, with whom, to try to resolve the issue (please tick the actions you have taken to date)	☐ Informal discussions with officers or other members ☐ Relevant Neighbourhood Policing Team approached ☐ Formal discussions with officers and members ☐ Formal letter to the Cabinet Member on behalf of constituents ☐ Question at Full Council ☐ Notice of motion to Full Council ☐ Public meeting ☐ Petition ☐ Complaint ☐ Freedom of Information (FOI) request ☐ Communication with local MPs ☐ Web or email based campaigns ☐ Additional actions and further detail: ……... …… …… ……
Expected Outcome Please describe the outcome you hope to gain via this referral	

Papers attached: Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.	

The following criteria will be taken into consideration when the Committee decide whether to progress with your CCfA:

- Have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
- Has the committee considered a similar issue recently – if yes have the circumstances or evidence changed?
- Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate LCDR hearing. Relevant time pressures on resolving the LCDR should be taken into account.
- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
- Is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
- Is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
- Is this an issue currently being looked at by another form of local scrutiny?
- And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations, which could realistically be implemented and lead to improvements for anyone living or working in your electoral division.

Please consider whether your referral might be considered premature by the Committee. Consider whether other potential remedies have been exhausted, before a referral is made. Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Proper Officer believes that the referral is premature, he/she will advise you accordingly.

SECTION 7 – APPENDIX 2

SCRUTINY TOPIC FORM

Proposed Topic Title	
Is the purpose of the topic to scrutinise or provide a view on policy?	
How has this topic been initiated? • Policy; • Discussion with Councillor; • Recommendation from a Committee; or • Other	
Name of person registering the topic	
Contact email address	
Which Overview and Scrutiny Committee? • Economy and Place • Education and Skills • Finance and Resources • Social Care and Health • Don't know	.
Is a Cabinet Decision required? Yes, No, Don't Know	

What is the expected outcome (recommendation)?	
By considering the topic, how will scrutiny be able to add value to the decision making process?	
Could other Councils, partners, external services, voluntary sector or public interest add value to the topic?	

If you tick at least 5 of the eligibility criteria below your topic will be included on the Forward Plan:-	
Is Scrutiny likely to result in service improvements or other measurable benefits?	
Public Interest (ie. in terms of both proposals being in the public interest and resident perceptions)	
Are there adequate resources/realistic opportunities of adequate resources to achieve the objectives?	
National/local/regional significance e.g. A central government priority area, concerns regarding joint working arrangements at a local 'Conwy' level or a wider regional context	
Has the topic been identified as a risk in the Corporate Risk Register or is it subject to an external auditor review?	

Is the topic linked to corporate or scrutiny aims and priorities listed below?	
People in Conwy value and look after the environment	
People in Conwy live in a county which has a prosperous economy with culture at its heart	
People in Conwy are Educated and Skilled	
People in Conwy have access to affordable, appropriate, good quality accommodation that enhances the quality of their lives	

People in Conwy are safe and feel safe	
People in Conwy are Healthy	
People in Conwy live in a county where the use of Welsh is thriving, and people can participate in all aspects of community life through the medium of Welsh	
People in Conwy are informed, included and listened to and can actively contribute to a community where their background and identity are valued and respected	
Conwy County Borough Council is resilient	

SECTION 7 - APPENDIX 3a

OVERVIEW AND SCRUTINY PUBLIC ENGAGEMENT PROTOCOL

1. Purpose of the Protocol

This protocol has been established to provide a clear understanding and provide guidance on the procedure by which members of the public can engage with the work of the Council's Overview and Scrutiny Committees.

The aim of the protocol is to manage public expectations in terms of setting out how any information submitted to the relevant Overview & Scrutiny Committees will be used and detailing how and when feedback will be provided.

2. Application of the Protocol

This protocol applies to members of the public who live or work in the County Borough of Conwy, and local businesses, schools, colleges, and voluntary or community groups.

This protocol does not apply to Conwy County Borough Councillors as there are other processes in place by which they can submit items for consideration and make representation to the Overview and Scrutiny Committees.

3. How to get involved

There are a number of ways in which the public can engage in the Overview and Scrutiny process.

4. The Forward Work Plan for all of our Overview & Scrutiny Committees is regularly updated and published on the Council's website. Similarly, the agendas for Overview & Scrutiny Committee meetings are published on our website at least three clear working days before the meeting is due to take place.

5. Register an Interest in certain Topics or Electoral Divisions

The Council's website enables anyone to register their interest in either certain topic(s) or electoral division(s) and to receive e-mail notification when their chosen item is included on an agenda.

6. Attend a Meeting of the Overview and Scrutiny Committee

There are four Overview & Scrutiny Committees:

- Finance and Resources
- Economy and Place
- Social Care and Health
- Education and Skills

Together, these committees cover all of the County Borough Council's functions and also those services provided by other public service providers in the area.

All Overview and Scrutiny Committee meetings are held in public and anyone is welcome to attend to listen to the proceedings. The majority of the Overview and Scrutiny meetings are held in the Council Chamber at Bodlondeb, Conwy. Seats are available at the back of the Council Chamber for members of the public and times and dates of forthcoming meetings are published on the Council's website.

Only on rare occasions, when certain types of information are being discussed, are members of the public not allowed to attend Overview and Scrutiny Committee meetings.

As well as wanting to keep people informed about Overview and Scrutiny the Council is keen to hear your views on the topics they are looking at. There are a number of ways in which your views can be heard by the Councillors.

7. Submit a comment

If you have a particular interest in a topic being discussed you can write to or e-mail the Scrutiny & Committee Services Officer who will make sure your views are passed on to the Chair and the Committee (if appropriate).

8. Suggest a topic for consideration

Our Overview and Scrutiny Committees welcome suggestions for topics for review and will consider issues put forward by anyone who lives, works or studies in the County Borough of Conwy.

This can be done by writing in to the Council's Scrutiny Support Officer or by completing the Overview and Scrutiny suggestion form on the council's website.

To qualify, requests must:

- affect a group or community of people (scrutiny will not usually look at individual service complaints)
- relate to a service, event or issue in which the Council has a significant stake
- not be an issue which scrutiny has considered during the last 12 months
- not be a matter dealt with by another County Borough Council Committee (e.g. planning issues) except where the issue relates to the Council's decision-making process

Receipt of your request will be acknowledged within 5 working days. Your suggestion form will be considered by the Chair and Vice-Chair of the relevant Overview & Scrutiny Committee, together with the Head of Service responsible for the subject matter you have raised.
There are three possible outcomes for issues raised through Scrutiny referral forms:

- Accepted for immediate scrutiny – the issue will be programmed into the Scrutiny Committee's work schedule.
- Defer the issue to a later date – the issue will be addressed when Committee time permits.
- Decline issue for scrutiny – the issue will not be considered at the present time, however the issue will be logged and may be addressed at a later date.

If it is decided that an issue is not appropriate for discussion, or is too similar to a topic which has recently been considered, the Scrutiny Support Officer will contact the member of the public to explain why it has not been accepted.

The topics which Overview & Scrutiny Committees are due to consider form part of the Council's Forward Work Plan.

We cannot accept topics which relate to the following: judicial or quasi-judicial matters or which are currently being investigated; individual planning, licensing or grant applications or appeals; named members or employees of the Council; confidential or exempt information (as described in the Council's Access to Information procedure rules) or which requires its disclosure; party political matters or defamatory material.

9. Petitions

Creating or taking part in a petition is one way individuals, community groups and organisations can get involved in what the Council does. It allows people to raise issues of public concern, giving Councillors the opportunity to consider the need for change.

In general, a petition should include a brief title and a short statement covering the subject matter of the petition. The petition should clearly state what action the petitioner wishes the Council to take and display the following:

- The name of the petitioner
- The contact address of the principal petitioner to which all communications concerning the petition should be sent
- The name and address of any person supporting the petition
- Paper petitions should also include a signature

Petitions must be presented by a Councillor and they can be presented at a meeting of the Council, the Cabinet or an Overview and Scrutiny Committee (depending on the subject matter and advice from the Council's Monitoring Officer). The rules relating to the presentation of petitions are included in the Council's Constitution.

Further information on preparing a petition is available on the Council's website.

10. Become a Witness

One of the main ways in which the Overview and Scrutiny Committees (and any Task and Finish Groups that they set up) can gather the evidence they need to inform their deliberations is through inviting individuals with a particular knowledge of the topic to attend their meetings. This enables the Councillors to make better informed recommendations but it also gives individuals and organisations from outside the Council a way of having their voice heard.
In the main, these will be representatives from recognised community networks and representative groups, the third sector, Town and Community Councils, public sector agencies.

Contributions put forward by witnesses will be summarised in the minutes of the meeting and appropriately recognised in any final report.
The outcome will be promptly fed back to all contributors along with an invitation to attend the meeting to which the final report will be submitted. Contributors will be given the same right to speak, but not vote, at the meeting as a member of the committee.
Further information on being a witness is available on the Council's website.

11. Public speaking arrangements at Overview & Scrutiny Committees

Anyone who lives or works within the County Borough of Conwy can request to speak at a meeting of an Overview and Scrutiny Committee to contribute to a subject under discussion. To do this, they must register to speak by completing the appropriate application form which must be received by the Scrutiny & Committee Services Officer at least 24 hours before the meeting. Any requests received after this time will automatically be rejected.

The application form requests information on the nature of the interest and the contribution which they think that they could make. The Committee Services Officer, together with the Scrutiny Support Officer, will discuss the approach with the Committee's Chair and/or Vice-Chair, explaining the nature of the contribution.

If the Chair is of the opinion that a member of the public in such circumstances could make a valid contribution to the committee's understanding of the issue, s/he will give their agreement. Bearing in mind that there are likely to be other items on the agenda which should also be afforded an appropriate amount of time for discussion, the Chair will limit the number of public contributors to two. Members of the public who attend a committee meeting to speak will be limited to three minutes each.

The Chair's decision as to whether or not a member of the public is able to make a contribution is final.

A member of the public attending and speaking at an Overview & Scrutiny Committee meeting will be bound by the rules of conduct and procedure contained within the Council's Constitution and will be expected to respect the rulings of the Chair.

Potential contributors should be aware that the Council cannot accept topics which relate to the following: judicial or quasi-judicial matters or which are currently being investigated; individual planning, licensing or grant applications or appeals; named members or employees of the Council; confidential or exempt information (as described in the Council's Access to Information procedure rules) or which requires its disclosure; party political matters or defamatory material.

Further guidance on public speaking arrangements is available on the Council's website.

Contact details:

Scrutiny & Committee Services Officer
Conwy County Borough Council
Bodlondeb
Conwy
LL32 8DU

Email: committees@conwy.gov.uk

Committee Services Officer
Conwy County Borough Council
Bodlondeb
Conwy
LL32 8DU

Email: committees@conwy.gov.uk

SECTION 7 - APPENDIX 3B

OVERVIEW AND SCRUTINY PUBLIC ENGAGEMENT PROTOCOL PETITIONS (INCLUDING E-PETITIONS)

1. Petitions (including E-Petitions)

Creating or taking part in a petition is one way individuals, community groups and organisation can get involved in what the Council does. It allows people to raise issues of concern, giving Councillors the opportunity to consider the need for change. With a view to making submission of petitions easier, the Council has introduced an e-petition facility.

Before submitting a petition you should first check with your local Councillor to see if the Council is already acting on your concerns and that the Council is the most appropriate body to receive your petition.

If you create a-petition you will become the 'lead' petitioner and you will be required to provide the Council with basic personal information so that we can contact you.

If you sign an e-petition you will be required to provide us with basic personal information, including an e-mail address, to enable us to verify the 'signatures' collected are genuine. When you have submitted this information you will be sent an e-mail to the e-mail address you have provided. This e-mail will include a link which you must click on in order to confirm the e-mail address is valid. Once this step is complete your 'signature' will be added to the e-petition. Your name (but no other details) will be published on the e-petition website.

2. What happens when the petition (including e-petition) is complete and how is it submitted?

Your petition will need to include:

- Title
- A statement explicitly setting out what action you would like the Council to take.
- Any information which you feel is relevant to the petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites on an e-petition
- If you submit an e-petition,

    - A date for when you would like your e-petition to go live on the website. It may take Democratic Services up to 5 days to check your e-petition request and discuss any issues with you, so please ensure that you submit the request in sufficient time.
    - A date for when your e-petition will stop collecting signatures.

In order to achieve the maximum impact, you may want to set this date so that the e-petition will be submitted before a date on which a debate is to be held or a decision taken on the issue. We will host your e-petition for up to four months but would expect most to be shorter in length than this.

- Your name - as lead petitioner, your name will be displayed with your e-petition on the website.
- When an e-petition reaches its closing date, you will no longer be able to sign it online. The list of signatories will be collated by Democratic Services and the lead petitioner will be contacted regarding the submission of the completed e-petition
- Petitions must be signed by at least 100 people but the Council will use its discretion where there are fewer than 100 signatories in cases where there is clear local support for action (e.g. where the residents of a small community have petitioned for traffic calming measures).

Depending on the subject matter and advice from the Council's Monitoring Officer the petition can be presented at a meeting of the Council, the Cabinet or an Overview and Scrutiny Committee. The Overview and Scrutiny Committee can fully debate the issue and make recommendation(s) to Council or Cabinet, as appropriate.

If the petition is presented to an Overview and Scrutiny Committee the lead petitioner will be invited to attend the meeting and will be offered the opportunity to present the petition, which will involve a brief three minute summary of what the petition is about and how many signatories there are. Alternatively, the lead petitioner can ask a Councillor to present the petition (this would normally be the local Councillor). If the lead petitioner does not attend to present the petition, and the local Councillor has not been asked to present on their behalf, it will be read out by the Chair. Following the meeting a response will be sent to the lead petitioner within 15 working days of the meeting and will be posted on the Council's website.

Any petition going direct to Council or Cabinet must be presented by a Councillor.

3. What issues can my petition relate to?

Your petition should be relevant to an issue that the Council has powers or duties or on which it has shared delivery responsibilities. It should also be submitted in good faith and be decent, honest and respectful.

Your petition may be rejected if the Council's Monitoring Officer considers it:

- contains intemperate, inflammatory, abusive or provocative language
- is defamatory, frivolous, vexatious, discriminatory or otherwise offensive, or contains false statements
- is too similar to another petition submitted within the past six months

- discloses confidential or exempt information, including information protected by a court order or government department
- discloses material, which is otherwise commercially sensitive
- names individuals, or provides information where they may be easily identified, eg individual officers of public bodies, or makes criminal accusations
- contains advertising statements
- refers to an issue which is currently the subject of a formal Council complaint, consultation, Public Services Ombudsman for Wales complaint or any legal proceedings
- relates to the Council's planning or licensing functions as there are separate statutory processes in place for dealing with these matters
- does not relate to an issue upon which the council has powers or duties or on which it has shared delivery responsibilities

If we decide that a petition is not acceptable then we will let the petition organiser know our reasons.

During politically sensitive periods, such as prior to an election, politically controversial material may need to be restricted.

The Council accepts no liability for the e-petitions on these web pages. The views expressed in the e-petitions do not necessarily reflect those of the Council.

If your petition relates to an issue which is beyond the powers of the Council to address, it may be more appropriate to start an e-petition on the Senedd Cymru website. Advice on the admissibility of e-petitions can be obtained from Democratic Services**.**

SECTION 7 - APPENDIX 4

PROTOCOL FOR QUESTIONS FOR CABINET MEMBERS

The Council's Rules of Procedure specify that there should be a standing item on Overview and Scrutiny Committee agendas 'Questions for Cabinet Members'.

Members who wish to ask formal questions of the Cabinet that are not related to items on the agenda should be done by prior notice, giving at least 5 working days' notice, but with the flexibility for Members to raise urgent questions at the meeting, on the understanding that a full response by the Cabinet Member may not be available if prior notice is not given.

Questions must not relate to operational issues.

Process for submitting Questions:

A member may ask a question if either:

(i) they have given at least 5 working days notice in writing of the question to the Scrutiny Support Officer; or

(ii) with the consent of the Chair at which Committee the question is to be put, as there is some flexibility to accept urgent questions without prior notice, on the understanding that a full response by the Cabinet Member may not be available, if prior notice is not given. Urgent items will be determined in accordance with Rule 8 of the Rules of Procedure.

Response to Questions:

(i) Every question shall be put and answered without discussion, but the Cabinet Member to whom it is asked may decline to answer.

(ii) An answer may take the form of:

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

(iii) A member asking a question may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

(iv) No more than 10 minutes may be spent on questions at Overview and Scrutiny Committees. If questions remain unanswered at the expiration of that time, the questions and answers shall be circulated in a written form to the members and included in due course in the minutes of the meeting.

SECTION 8 - THE STANDARDS COMMITTEE

The Council has established a Standards Committee to promote high standards of conduct and behaviour by Members, the details of which are set out below. All Members are subject to the Code of Conduct, as per Appendix 1.

8.1 Membership

The Standards Committee is composed of 9 Members. Its Membership includes:

8.1.1 Five "independent" Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Local Government Act 2000, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended);

8.1.2 Three Councillors, other than the Leader and not more than one Member of the Cabinet; who should not be from the same political groups.

8.1.3 One Community Council Member(s). The community committee member shall not take part in the proceedings of the Standards Committee when any matter relating to his/her community council is being considered.

Past Councillors and Officers of this Council may not be independent members of the Standards Committee. Past Councillors and officers of other relevant authorities may not be an independent member of the Standards Committee until after 12 months of that person ceasing to be a Councillor or officer.

Standards Committees do not have to comply with political balance rules in Section 15 of the Local Government and Housing Act 1989.

8.2 Term of Office

8.2.1 Independent members are appointed for a period between four years and six years and may be re-appointed for a consecutive term.

8.2.2 Members of the local authority who are members of the Standards Committee and the community committee member will have a term of office of no longer than the period until the next ordinary local government elections for that authority following the member's appointment to the committee. They may be reappointed for one further consecutive term. A member ceases to be a member of the Standards Committee if he ceases to be a member of the Council or the relevant community council.

8.2.3 The term of office of a member of the Standards Committee which commences or expires by reference to ordinary local government elections in any year shall commence or expire on the fourth day following those elections.

8.3 Quorum

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

(i) at least 3 Members are present; and

(ii) at least half the Members present (including the Chairperson) are Independent Members.

8.3.2. (i) When a report has been referred to the Monitoring Officer by the Public Services Ombudsman for Wales that requires a hearing to be conducted by the Standards Committee in accordance with the Standards Committee Procedures – Hearings (appendix 1 to this section), the quorum of the Standards Committee shall be at least five members and at least half the members present shall be independent members.

(ii) None of the members hearing a matter referred to at paragraph 8.3.2(i) can have been previously involved in the matters contained in the report from the Public Services Ombudsman for Wales.

8.4 Voting

As well as Conwy County Borough Councillors (who have been appointed as members of the Standards Committee), Independent Members and Community Council Members will be entitled to vote at meetings.

8.5 Chairing the Committee

Only an independent member of the Standards Committee may be the Chair and Vice-Chair. (If both the Chair and Vice-Chair are absent such other independent member as the members of the Standards Committee present may appoint shall preside.

8.6 Role and Function

The Standards Committee will have the following roles and functions:

8.6.1 promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Authority;

8.6.2 assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;

8.6.3 advising the Council on the adoption or revision of the Members' Code of Conduct;

8.6.4 monitoring the operation of the Members' Code of Conduct;

8.6.5 advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;

8.6.6 granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;

8.6.7 dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any complaint made to him or on any matter referred to that officer by the Public Services Ombudsman for Wales.

8.6.8 undertaking an annual review of findings of maladministration against this Council by the Public Services Ombudsman in Wales and reporting its views (if any) to the Council;

8.6.9 specific functions relating to levels of representation and repayment of costs of representation under indemnities given to Officers.

8.6.10 to consider each application for a costs indemnity individually for Members, following allegations of a breach of the Code of Conduct and decide whether an indemnity should be given at all. If an indemnity is to be given, the Standards Committee will decide on the amount of that indemnity up to a maximum of £20,000. No one Member shall be given two or more indemnities, if those indemnities would amount to a sum in excess of £30,000, in any one municipal term.

8.6.11 in consultation with the Monitoring Officer, considering such other matters as are appropriate and necessary to maintain the highest standards of conduct by the Council, its Members and co-opted members. (This includes approved roles under the Protocol for Member/Officer relations and the Protocol for Liaison with Local Members);

8.6.12 regular monitoring of both the Register of Members' Interests and the Register of Gifts and Hospitality.

8.7 <u>Annual Report</u>

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

8.7.2 The annual report must include: -

(a) a description of how the Standards Committee has discharged its functions;

(b) a summary of any reports and recommendations that were referred to the Standards Committee under Chapter 3 of Part 3 of the Local Government Act 2000;

(c) a summary of the actions that the Standards Committee has taken following consideration of the reports and recommendations referred to in (b) above;

(d) a summary of any notices that were given to the Standards Committee under Chapter 4 of Part 4 of the Local Government Act 2000; and

(e) the Standards Committee's assessment of the extent to which leaders of political groups on the Council have complied with their duties to promote and maintain high standards of conduct by members of their group and to cooperate with the Standards Committee in the exercise of the Standards Committee's functions; and

(f) any recommendations which the Standards Committee considers it appropriate to make to the Council about any matter which falls within the Committee's functions.

8.8 <u>Work Programme</u>

The Committee will prepare a work programme, which will be reviewed and approved at each Committee meeting.

8.9 <u>Joint Standards Committee</u>

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

8.10 Rules of Procedure and Debate

8.10.1 The Council Procedure Rules at Section 4 will apply to the meetings of the Standards Committee Members.

8.10.2 When considering the conduct of individual Councillors, the procedures outlined in Appendix 2 to Section 19 will apply.

8.11 Meetings of the Standards Committee

(i) The Standards Committee shall hold at least one meeting during every calendar year.
(ii) The Monitoring Officer or his representative shall attend every meeting of the Standards Committee and no business shall be conducted in the absence of the Monitoring Officer or his representative.

8.12 Standards Committee sub-committees

The Standards Committee may create a sub-committee to exercise any of the functions set out in Paragraph 8.6.

8.13 Dispensation Sub-Committee

(i) The Dispensation Sub-Committee will comprise of 3 Members of the Standards Committee, with no more than one Member being a Member of Conwy County Borough Council
(ii) The Chair of the Sub-Committee has to be an Independent Member.
(iii) To consider applications for dispensations submitted by County Councillors, Town and Community Councillors and Co-opted Members

8.14 Hearings of the Standards Committee

These will be conducted in accordance with the relevant legislation.

SECTION 8 - APPENDIX 1

STANDARDS COMMITTEE PROCEDURES – HEARINGS

Legislation: Part III Local Government Act 2000

Statutory Instrument: Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001, SI No 2000/2281(W.171)

1. Role of the Standards Committee

The Standards Committee will receive from the Monitoring Officer, either:

a) Reports of investigations conducted by the Monitoring Officer with recommendations, if appropriate; or

b) Reports of investigations undertaken by the Public Services Ombudsman for Wales

If appropriate the Monitoring Officer may include recommendations with the Ombudsman's report.

[Regulation 3(1) and 3(2)]

2. Copies of the reports

In addition to sending the report to the Standards Committee the Monitoring Officer will send a copy of the report to:

a) The person who was the subject of the investigation; and

b) The person who made the allegation

[Regulation 6(b) and (c)]

3. Initial Determination

On receipt of a report the Standards Committee must determine either:

a) That there is no evidence of any failure to comply with the relevant Code of Conduct. In which case the Committee must notify:

(i) the person who was the subject of the investigation;
(ii) the person who made the allegation; and
(iii) the Public Services Ombudsman for Wales; or

b) That the person the subject of the investigation should be given the opportunity to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the relevant Code of Conduct.

[Regulation 7(a) and (b)]

4. Presence of Investigating Officer

The Committee may require the Investigating Officer (whether the Public Services Ombudsman for Wales, or his/her representative, or the Monitoring Officer) to attend before it for the purpose of presenting his/her report or explaining any of the matters in it (but not otherwise).
[Regulation 8(2)]

5. Presence of Complainant

The person making the allegation shall be entitled, but not required, to make written or oral representations to the Standards Committee.

6. Questions

Members of the Committee shall be entitled to ask any relevant question of the person who is the subject of the investigation and the complainant if he/she appears before the Committee.

7. Procedure at the Standards Committee Meeting

It is intended that hearings should adopt an inquisitorial rather than adversarial approach. With such an approach the facts set out in the Investigating Officer's report are taken as given and the investigation that produced the report will not normally be revisited. The Standards Committee will focus on the issues that are either unclear or in dispute and, should the allegation be upheld, on the appropriate penalty.

At the meeting the procedure will usually be:

- Presentation of the report by the Investigating Officer
- The complainant will have the opportunity to address the Committee and to call witnesses
- The member will be permitted to question the complainant and witnesses
- Members of the Committee will have the opportunity to ask questions of the complainant and witnesses
- The member concerned will have the opportunity to address the Committee and call witnesses
- The complainant will be permitted to question the member and witnesses
- Members of the Committee will have the opportunity to ask questions of the member concerned and witnesses
- The complainant will have the opportunity to sum up
- The member concerned will have the opportunity to sum up
- The Committee will go into private session to consider the matter and reach its conclusion
- The Committee will make its decision within 5 working days

8. Failure to make representations

If the person who is the subject of the investigation fails to make representations in accordance with paragraph 3(b) above, then:

a) unless satisfied that there is sufficient reason for such failure, the Committee may consider the Monitoring Officer's report and make a determination in the absence of representations; or
b) the Committee may give that person a further opportunity to make representations.

[Regulation 8(4)]

9. Determinations

The Standards Committee will make one of the following determinations:

a) that there is no evidence of failure to comply with the Code of Conduct and no further action is necessary;
b) that there has been a failure to comply with the Code of Conduct but no further action is necessary;
c) that there has been a failure to comply with the Code of Conduct and the member or co-opted member (or former member or co-opted member) should be censured; or
d) that there has been a failure to comply with the Code of Conduct and the member or co-opted member should be suspended or partially suspended from being a member or co-opted member of the relevant authority for a period not exceeding 6 months.

[Regulation 9(1)]

10. Report of Determination

The Standards Committee shall inform the following of their determination within 5 working days, giving reasons for the decision:

a) the person who is the subject of the investigation;
b) the person who made the allegation; and
c) the Public Services Ombudsman for Wales

[Regulation 9(3)]

11. Commencement of Suspension

A period of suspension or partial suspension will commence on the day after whichever is the later of:

a) the expiry of the time allowed to lodge a notice of appeal (which is 21 days of receiving the Standards Committee's determination);
b) receipt of the notification of the conclusion of any appeal; and

c) a further determination by the Standards Committee made after receiving a recommendation from an Appeals Panel (see paragraph 13(a)(ii) below).

[Regulation 8(5) and (6)]

12. Right of Appeal

Where a determination has been made under paragraphs 9(b) (c) or (d), the Member against whom a finding has been made may appeal to an Appeals Tribunal drawn from the Adjudication Panel for Wales.

The Appeal must be instigated within 21 days of receiving notification of the Standards Committee's determination.

[Regulation 10(1) and (2)]

13. Outcome of Appeal

On conclusion of an appeal the Tribunal will either:

a) uphold the Standards Committee's determination that there has been a breach of the Code of Conduct; and

(i) uphold the penalty imposed; or
(ii) refer the matter back to the Standards Committee with a recommendation that a different penalty be imposed; or

b) overturn the determination of the Standards Committee that any person has breached the Code of Conduct

and must inform the following of the outcome, giving reasons for the decision:
(1) the Public Services Ombudsman for Wales
(2) the Standards Committee
(3) the person the subject of the investigation

[Regulation 12]

14. Review of penalty

If the Appeals Tribunal makes a decision under paragraph 13(a)(ii) above, the Standards Committee shall meet to determine whether or not it should uphold its original determination or accept the Appeal Tribunal's recommendation.

The Monitoring Officer shall, on behalf of the Standards Committee, notify the President of the Adjudication Panel of the Standards Committee's decision.

[Regulation 9(2)]

15. Standards Committee Report

Within 14 days of whichever is the later of:

(i) the expiry of the time allowed to make an appeal (see paragraph 12 above)
(ii) receipt of notification of the conclusion of an appeal (see paragraph 13 above)
(iii) a further determination by the Standards Committee under paragraph 14

the Standards Committee shall cause to be prepared a report of the outcome of its deliberations. That report shall be sent to:

(i) the Ombudsman
(ii) the Monitoring Officer
(iii) the person the subject of the complaint
(iv) the person who made the allegation

[Regulation 13]

16. Publication

On receipt of the report of the Standards Committee the Monitoring Officer shall:

i) for a period of 21 days publish the report on the County Borough Council's website and make copies available for inspection by the public during normal office hours. Copies of the report or extracts may be made; and
ii) supply a copy of the report to any person on request, subject to a reasonable fee being paid; and
iii) not later than 7 days after receipt of the report give public notice, in local newspapers that the report is available as above.

17. Representation

Any person who attends before the Standards Committee may be represented by counsel, a solicitor or any other person.
[Regulation 14]

18. Costs

The Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

[Regulation 15]

SECTION 9 – REGULATORY COMMITTEES

9.1 Regulatory and Other Committees

9.1.1 The Council will appoint the Committees to discharge the functions set out in Section 14 of this Constitution.

9.1.2 The terms of reference for the Regulatory and Other Committees are included as appendices to this section.

9.2 The Governance and Audit Committee

9.2.1 The Council will appoint a Governance and Audit Committee to discharge the functions described in Section 14 of this Constitution and in accordance with sections 81-87 of The Measure.

9.2.2 The Committee shall comprise of two-thirds Councillor Members and one-third members who are not a Member of the Council (lay members). No more than one member of the Committee may be a member of the Cabinet, which must not be the Leader or an Assistant to the Executive, although the Committee may have no Cabinet Members or Assistants to the Executive among its membership.

9.2.3 The Council shall appoint Members to the Governance and Audit Committee in accordance with the political balance rules.

9.2.4 The Chair of the Governance and Audit Committee and Deputy Chair are appointed by it. The person appointed Chair of the Governance and Audit Committee must be a lay member. The person appointed as Deputy Chair cannot be a Member of the Cabinet or an Assistant to the Executive.

9.2.5 A meeting of the Governance and Audit Committee is to be chaired:

(a) by the Chair of the Governance and Audit Committee, or

(b) if the Chair of the Governance and Audit Committee is absent, by the Deputy Chair.

(c) If both the Chair of the Governance and Audit Committee and the Deputy Chair are absent, the Committee may appoint a member of the Committee who is not a member of the Council's Cabinet, or an Assistant to the Executive, to chair the meeting.

9.2.6 Members of the Governance and Audit Committee may vote on any matter from the Committee.

9.2.7 The Terms of Reference for the Governance and Audit Committee is included at Appendix 1.

9.3 The Democratic Services Committee

9.3.1 The Council will appoint a Democratic Services Committee to discharge the functions described in Section 14 of this Constitution.

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

9.3.3 The Council shall appoint Members to the Democratic Services Committee in accordance with the political balance rules.

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

9.3.5 The Terms of Reference for the Democratic Services Committee is included at Appendix 2.

9.4 Other Committees and Sub-Committees

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

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

9.4.3 The Terms of Reference for the Planning Committee, Licensing Committees and other Committees are included at Appendix 3.

9.5 Rules of Procedure and Debate

9.5.1 The Council Procedure Rules in Section 4 will apply, except as set out in paragraph 9.5.2 below.

9.5.2 A meeting of the Planning Committee shall only be quorate when at least half of the total number of members of the Committee, rounded to the nearest whole number, are present.

SECTION 9 - APPENDIX 1:

GOVERNANCE & AUDIT COMMITTEE TERMS OF REFERENCE

Statement of purpose

1. The Governance and Audit Committee is a key component of Conwy County Borough Council's corporate governance. It provides an independent and high-level focus on the audit, assurance, and reporting arrangements that underpin good governance and financial standards.

2. The purpose of the Governance and Audit Committee is to provide independent assurance to members of full council *('those charged with governance')* of the adequacy of the risk management framework and the internal control environment. It provides an independent review of Conwy County Borough Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.

3. There is clear separation between the role of the Governance and Audit Committee and that of scrutiny committees. The Governance and Audit Committee role seeks assurance that internal control systems of the council are working, rather than the actual scrutiny of activities and or policies.

Composition and arrangements

4. The Governance and Audit Committee is a non-executive body established under the requirements of the Local Government and Elections (Wales) Act 2021 and is a fully constituted committee of the Council operating at a strategic level. The committee will conduct its business non-politically.

5. The committee membership consists of 2/3rd elected members and 1/3rd lay members, appointed by full council at its annual meeting. Only one of the committee's members may be from the council's executive (Cabinet) and this must not be the leader. Lay members shall be appointed for the term of the Council.

6. Lay members cannot be:

    - A current member or officer or a member or officer within the last 12 months; or
    - The spouse or civil partner of a member or officer.

7. A number of changes have also been made to the committee's arrangements:
    - The committee has a duty to appoint its own chair and deputy chair.
    - The chair of the committee has to be a lay member.

- The deputy chair must not be a member of the Local Authority Executive.
- In the absence of both the chair and deputy chair only non-members of the executive can chair meetings.

8. Council approved on 3rd March 2022 that the size of the Governance and Audit Committee be set at a static number of 12 members in total, with 8 councillors and 4 lay members.

9. Members will receive ongoing training in their role and regular briefings on new legislation, professional guidance and research.

10. The committee members will elect the chair and vice chair of the committee. All committee members, including lay members, have the right to vote on any issue considered by the committee.

11. In accordance with the Local Government and Elections (Wales) Act 2021, any officer or member of the Council requested to attend a Governance and Audit Committee meeting must do so. The committee may invite other persons to attend before it, but anyone else so invited to attend is under no compulsion to do so.

12. The Governance and Audit Committee is subject to normal arrangements of openness and transparency. Meetings will be held in public, agendas and reports are published and available for inspection. The exception to this is where 'exempt items' are being considered.

13. The committee will meet four times per year and will also meet if the full council so decides, or if at least a third of the committee's members request that a meeting be held. The committee can meet whenever it chooses.

14. The Strategic Director Finance and Resources is a key point of contact for Governance and Audit Committee members. The committee will provide effective support to the Strategic Director, who consequently, will have direct access to the committee.

15. The Head of Internal Audit will attend all meetings of the committee.

16. Informal meetings with the internal and external auditors may be held in private.

Accountability arrangements

17. The committee will report to '*those charged with governance'* (full council) on an annual basis the Governance and Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.

18. The committee will report to full council, on an annual basis, the Governance and Audit Committee's performance in relation to these terms of reference and the effectiveness of the committee in meeting its purpose and its agreed terms of reference. A regular self-assessment will be used to support the planning of the Governance and Audit Committee work programme and training plans and will inform the committee's annual report.

Governance

19. The committee will review and assess the council's corporate governance arrangements against the governance framework and make reports and recommendations to the council on the adequacy and effectiveness of these arrangements.

20. The committee will review the draft Annual Governance Statement to consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.

21. The committee will help the council to implement the values of ethical governance. It will promote measures to improve transparency and accountability and effective public reporting to the authority's stakeholders and the local community. As part of its review of governance arrangements, it will ensure there are adequate arrangements in place to enforce a strong commitment to ethical values and legal compliance at all levels.

22. The committee will review partnership arrangements including the adequacy of governance and risk management arrangements, ensuring accountability to stakeholders, transparency of decision-making and standards of probity are maintained.

23. The committee will review the effectiveness of the council's whistleblowing arrangements.

Financial reporting

24. The committee will review the council's financial affairs, making reports and recommendations in relation to them.

25. The committee will review and approve on behalf of the Council the authority's annual financial statements, including the explanatory foreword, key messages, trends, consistency with financial performance, suitability of and compliance with accounting policies and treatments and major judgemental areas.

26. The committee will consider the external auditor's report to *'those charged with governance'* on issues arising from the audit of the accounts and whether they need to be brought to the attention of the Council.

Treasury management

27. Council has nominated the Governance and Audit Committee to be responsible for ensuring effective monitoring of the treasury management strategy and policies. The committee will undertake this role in accordance with the CIPFA Treasury Management Code of Practice.

28. The committee will review the treasury management policy and procedures to be satisfied that controls are satisfactory. It will receive regular reports on activities, issues and trends. The committee will review the treasury risk profile and processes, and assurances on treasury management.

Value for money

29. The committee will support the development of robust arrangements to ensure that the council makes best use of its resources and taxpayers and service users receive excellent value for money.

30. The committee will review the council's overall approach to value for money and assess whether it is in line with governance objectives and the assurances on this to underpin the Annual Governance Statement.

31. The committee will consider assurances and assessments on the effectiveness of these arrangements, in particular, the Audit Wales' annual improvement reports.

Assurance framework

32. The committee will consider the council's assurance framework and ensure that it adequately addresses the risks and priorities of the council. This will support the committee's approval of the internal audit risk-based plan by identifying the extent to which it will rely on Internal Audit for its assurance requirements.

33. The committee will ensure there is clarity of what assurance is provided, that there is a clear allocation of responsibility for providing assurance and duplication is avoided.

Risk management

34. Assurance over risk management will be a key element underpinning the Annual Governance Statement. To this end, the committee will review and assess the effective development and operation of risk management in the council. In particular, it will:

    - Oversee the authority's risk management policy and strategy, and their implementation in practice
    - Oversee the integration of risk management into the governance and decision-making processes of the organisation

- Review the arrangements to co-ordinate and lead risk management, including the process
- Review the risk profile, keep up to date with significant areas of strategic risks and major operational or major project risks
- Seek assurance that management appropriately own and manage risks effectively
- Seek assurance that adequate risk assessments support strategies and policies and risks are actively being managed and monitored.
- Follow up and monitor risks identified by auditors and inspectors to ensure that they are integrated into the risk management process
- Support the development and embedding of good practice in the field of risk management practice.

Well-being of Future Generations

35. The committee will review and assess the Authority's response to its duty under the well-being of Future Generations (Wales) Act 2015 to act in accordance with the sustainability principle and ensure this guides decision making, improving the economic, social, environmental and cultural well-being of Wales. The committee will ensure the Authority acts in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Complaints

36. The committee will review and assess the Council's ability to deal with complaints effectively. The committee will make reports and recommendations in relation to the Council's ability to deal with complaints effectively.

Controls

37. The committee will review and assess the effectiveness of internal controls and monitor the implementation of agreed actions.

Countering fraud and corruption

38. The committee will review the assessment of fraud risks and potential harm to the council from fraud and corruption.

39. It will review the fraud risk profile to understand the level of fraud risk to which the authority is exposed and the implications for the wider control environment.

40. The committee will monitor the counter-fraud strategy, actions and resources, to ensure that it meets with recommended practice, governance standards and legislation.

41. It will oversee any major areas of fraud identified and monitor action plans to address control weaknesses.

Internal audit

42. The Local Government and Elections (Wales) Act 2021 has an explicit requirement for the Governance and Audit Committee to oversee the council's internal audit arrangements.

43. The role of the Governance and Audit Committee in relation to internal audit comprises:

    a. supporting internal audit's independence
    b. overseeing its objectivity, performance and professionalism
    c. supporting the effectiveness of the internal audit process
    d. promoting the effective use of internal audit within the assurance framework.

44. It will review and approve the internal audit charter, which defines the internal audit's activity purpose, authority and responsibility.

45. The committee will approve (but not direct) the risk-based internal audit plan, including internal audit's resource requirements. It will have a good understanding of the level of assurance risk management provides when it reviews the risk-based internal audit plan. The committee will approve significant interim changes to the plan and resource requirements.

46. The committee will make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.

47. The committee will consider reports from the Head of Internal Audit on Internal Audit's performance during the year, including the performance of external providers of Internal Audit services.

48. The committee will consider updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work. It will consider specific internal audit reports as requested.

49. The committee will consider the Head of Internal Audit's annual report and the opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion. These will assist the committee in reviewing the Annual Governance Statement.

50. The committee will receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

51. The committee will consider reports on instances where the Internal Audit function does not conform to the Public Sector Internal Audit Standards and

Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

52. The committee will contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years. It will oversee the qualifications and independence of the assessor.

53. The committee will consider a report on the effectiveness of Internal Audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit (Wales) Regulations 2014.

54. The committee will support the development of effective communication with the Head of Internal Audit, by having free and unfettered access to the chair of the Governance and Audit Committee. The engagement between the Head of Internal Audit and the Governance and Audit Committee is a crucial component of delivering an effective Internal Audit service.

External audit

55. The committee will consider the external auditor's annual letter and the report to *'those charged with governance'*. It will contribute to the council's response to the annual audit letter.

56. The committee will oversee external audit arrangements, comment on the scope and depth of external audit work and ensure it gives value for money. It will consider external audit reports and will monitor their recommendations

57. The committee will advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

58. There will be an opportunity for the Governance and Audit Committee to meet privately and separately with the external auditor, independent of those officers with whom the auditor must retain a working relationship.

Other regulators and inspectors

59. The committee will receive and consider reports from any other regulators or inspectors. In respect of these, the authority will ensure there is no unnecessary duplication between the audit committee and any overview and scrutiny committee in considering such reports.

SECTION 9: APPENDIX 2

DEMOCRATIC SERVICES COMMITTEE - TERMS OF REFERENCE

	Membership	Functions
Democratic Services Committee	17 Members, which Must consist solely of councillors and cannot include more than one member of the Executive (Cabinet), who must not be the Leader. The Council must appoint the chair of the DSC, who must not be a member of any political groups represented on the Executive (Cabinet) and all members of the DSC.	To 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. Make reports, at least annually, to the Council in relation to these matters. To receive and consider Reports from the Public Services Ombudsman for Wales issued under Section 16 of the Public Services Ombudsman (Wales) Act 2005 and to determine what action to take in relation to any Recommendations contained within such Report. To consider and be consulted upon proposed amendments to the Council's Constitution prior to consideration by Council.

Appeals Committee – Family Absence	3 Members of the Democratic Services Committee (must not include the Chair of the Council)	In accordance with The Family Absence for Members of Local Authorities (Wales) Regulations 2013: To hear appeals from Members against a decision to withdraw entitlement to family absence To settle disputes, where a Member, who is on leave of absence would like to attend a particular meeting, type of meeting, or perform a particular duty or type of duty and the Chair of the Council refuses this request.

SECTION 9: APPENDIX 3

OTHER COMMITTEE TERMS OF REFERENCE

The Monitoring Officer has delegated authority in consultation with Group Leaders, to make minor amendments to the size of any Council committee, in order to reflect political balance.

Decision Making Body	**Membership**	**Functions**
Planning	17 members of the Authority (all of whom shall have received appropriate training prior to being able to vote at Committee meetings). In exceptional circumstances, no more than one member of the Executive (Cabinet) Committee may serve on the Planning Committee with the consent of the Council. Only one Member of any electoral division may sit on the Planning Committee, in order to allow other Members of that division to perform the representative role for local community interests. Each meeting of the Planning Committee must have a quorum of 50% to make decisions. The use of a substitute Member is prohibited.	Those functions relating to Town and County Planning and Development Control as are set out in the Constitution from time to time as being within the remit of the Planning Committee including :- Outline and full planning applications for major developments Where there has been an objection to an application falling into one of the categories as set out in the Constitution Applications submitted for Council development or for development on Council land (other than works within the highway relating to access) Applications submitted by Chief Officers, Officers within Development Control, Members of the Council or their close relatives and the officer recommendation is to grant permission All decisions relating to the revocation or modification or a permission of consent

Decision Making Body	Membership	Functions
Statutory Licensing Regulation	11 members of the authority (all of whom shall have received appropriate training prior to being able to vote at Committee meetings). In exceptional circumstances, no more than one Member of the Executive (Cabinet) Committee may serve on the Statutory Licensing n Committee with the consent of the Council. The Statutory Licensing Committee can, but does not have to be, politically balanced.	All licensing functions relating to the Licensing Act 2003 and the Gambling Act 2005
General Licensing Committee	11 Members - membership as the Statutory Licensing Committee above (all of whom shall have received appropriate training prior to being able to vote at Committee meetings). In exceptional circumstances, no more than one Member of the Executive (Cabinet) Committee may serve on the General Licensing Committee with the consent of the Council. The General Licensing Committee must be politically balanced.	Any licensing and regulation functions which fall outside the Licensing Act 2003 or the Gambling Act 2005 (e.g street trading or taxi licences)

Committees with Employment Functions: Decision Making Body	**Membership**	**Functions**
Senior Employment Committee	11 Members 11 for all matters relating to the appointment of Chief Executive, Strategic Directors, and Head of Democratic Services 5 for all other functions In the event that the Portfolio Holder is not on the Committee he/she shall be co-opted for the relevant function.	**a) Engagement** Functions relating to the appointment of the Chief Executive, the Monitoring Officer, the Section 151 Officer Strategic Directors, Head of Democratic ,Services and Chief Officers (Heads of Service engaged on JNC Chief Officers Terms and Conditions of Service). To draw up short list in respect of the appointment of the Chief Executive. To draw up short list with the Chief Executive and Head of Corporate Human Resources in respect of the appointment of the Monitoring Officer, the Section 151 Officer, Strategic Directors, the Chief Education Officer and Head of Democratic Services. To assist in the drawing up of the job description and job specification for Chief Officers. To participate in the selection process for Chief Executive, the Monitoring Officer, the Section 151 Officer Strategic Directors, the Chief Education Officer, Head of Democratic Services and make recommendations to the Council. To appoint Heads of Service. Shortlist to be drawn up by the Chief Executive and relevant Director(s) in consultation with the Head of Corporate Human Resources. To make recommendations and select membership for any joint appointment committee with another organisation as the need arises.

Committees with Employment Functions: Decision Making Body	Membership	Functions
		b) Pay, Grading & Discretionary Severance and Flexible Retirement i)To receive and consider proposals for the permanent regrading of the Chief Executive, the Monitoring Officer, the Section 151 Officer, Strategic Directors, Head of Democratic Services and Chief Officers (Heads of Service engaged on JNC Chief Officers Terms and Conditions of Service) and make recommendations to the Council. Any decision to determine or vary the remuneration of chief officers must be made by full Council, without the possibility of delegating it to a committee of the Council. **ii)** To make decisions on **discretionary payments** on termination of employment for the officers in b) i) above where the sum does not exceed the threshold of £100,000 recommended in the Welsh Government's "Revised Guidance Relating to Pay Policy Statement" (February 2014). **iii)** Where the threshold of £100,000 is exceeded the Committee will consider and make a recommendation to the Council for it to make a decision.

		iv) Section 63 of the Local Government (Democracy) (Wales) Act 2013 enables the Independent Remuneration Panel to take a view on anything in a Council's Pay Policy Statement which relates to the salary of its (Chief Executive. It allows the Panel to make recommendations in respect of any proposal to change the salary of a Chief Executive. In particular should the Council wish to change the salary of the Chief Executive it must consult the Panel, unless the change being considered is commensurate with a general pay increase or reduction for other officers. The Council must have regard to the Panel's recommendations when reaching its subsequent decision. v) To receive and consider proposals to pay an honorarium (additional temporary remuneration) to Directors and make a recommendation to Council. **vi)** Authority to pay an honorarium to other Chief Officers i.e. not Directors, will be delegated to the Chief Executive who will consult with the appropriate Portfolio Holder(s). vii) Flexible Retirement - Delegated authority to approve such applications continue to be granted to the Head of Corporate Human Resources, the Strategic Director (Finance and Efficiencies) and the appropriate Director for the service in which the applicant works, except where an application is made by a Head of Service (Chief Officer) ,a Strategic Director, or the Chief Executive in which case the decision will be made by the Senior Employment Committee, unless the overall value of the "package" is likely to exceed the Welsh Government's new threshold of £100,000 (in accordance with the Council's current Pay Policy) where the application will be referred to the Council for a decision.

Committees with Employment Functions: Decision Making Body	Membership	Functions
		c) Grievance To hear grievances against the Chief Executive or from the Chief Executive assisted by the Monitoring Officer and the Head of Corporate Human Resources. Where the Committee upholds a grievance and decides that it is a matter of a serious nature it may refer the matter to the Senior Investigation and Disciplinary Committee or the Standard Committee.
Senior Investigation and Disciplinary Committee	11 Members, with the Committee splitting on an alternating basis into 2 groups of members; half the group forming the Investigation Committee and the other half the Disciplinary Committee.	To be the Disciplinary Committee in respect of the Chief Executive, the Section 151 Officer, the Monitoring Officer and the Head of Democratic Services in accordance with Section 7 (11) of the Officer Employment Rules. To be the Investigation Committee for the conduct of disciplinary matters relating to the Chief Executive, the Section 151 Officer, the Monitoring Officer and the Head of Democratic Services in accordance with Section 7 (11) of the Officer Employment Rules i.e. to consider any allegation of misconduct and decide whether it should be investigated further.
Grievance Panel	3 - 1 elected member as Chair, 1 experienced trade union representative and one Senior Manager (unconnected to the case) advised by a member of HR or Legal.	Grievance Appeal Panel; to hear all Stage 3 Grievances other than those which are the preserve of the Senior Employment Committee and Senior Investigation and Disciplinary Committee.

Committees with Employment Functions: Decision Making Body	Membership	Functions
Corporate Joint Consultative Committee	19 - Leader, Cabinet Member for Democracy and Governance, Chair of the Finance and Resources Overview and Scrutiny Committee, Chief Executive, Strategic Director of Finance and Resources, Strategic Director (Social Care and Education), Head of People and Performance, Head of Environment, Roads and Facilities and Head of Education Services Note: Chief Executive to have delegated authority to change the officer CJCC members (but not the numbers) at his discretion. 10 union representatives	The key principle is for elected members, management and staff to work together in partnership to build positive relationships in the workplace and foster constructive collaboration. Functions include: • To consider and discuss matters of overall CCBC strategy and corporate interest. • Terms and conditions of employment. • Working practices. • Facilities and time off for trade union officials. • Matters referred to it by any other Committee including Service or Departmental consultative bodies. • Matters of organisational performance. • Training and development. • Corporate communications. • Standards of conduct and behaviour (not case specific). • Equality of opportunity and work/life balance issues. • The discharge of such other functions specifically assigned to it by the Executive. • To make recommendations to the Executive or other Committee as appropriate. Meetings held quarterly; quorum one third of each side(Manager/members and union reps)

Committees with Employment Functions: Decision Making Body	Membership	Functions
Corporate Joint Health Safety and Health Promotion Committee	19 - Employer representatives- Leader, Cabinet Member for Democracy and Governance, Chair of the Finance and Resources Overview and Scrutiny Committee, Chief Executive, Strategic Director (Finance and Resources), Strategic Director (Social Care and Education), Head of People and Performance Resources, Head of Environment, Roads and Facilities, and Head of Education Services; and10 union representatives.	The Committee shall consider all matters relating to the legal obligations of the Council and its employees under the provision of the Health and Safety at Work Act 1974 and other related legislation and shall make recommendations thereon, and on such matters as may be deemed appropriate to the execution of the Council's approved policy for Health and Safety. The Committee shall also take a lead role in advancing and integrating health promotion initiatives into the Council's employment practices. Meetings held quarterly; quorum one third of each side(Manager/members and union reps)

Excellence Fund Working Group	The Committee will comprise of 11 Members	To consider applications received in line with the grant guidelines from individuals living in Conwy who are talented at sport, education and the arts, and make recommendations for funding (up to a maximum of £1000) to the Cabinet Member for Education, Skills and Employability.

SECTION 9 - APPENDIX 4

PROTOCOL FOR MEMBERS OF THE COUNCIL'S APPOINTED LICENSING COMMITTEE:

LICENSING ACT 2003
GAMBLING ACT 2005

1. Introduction

The Licensing Act 2003 transferred responsibility for the alcohol licensing function undertaken by the Magistrates' Courts to Local Authorities, thereby integrating the separate licensing regimes for liquor on the one hand, and public entertainments, cinemas, theatres and late night refreshment houses on the other, under a single licensing regime.

The Better Regulation Task Force, who undertook a review of alcohol licensing laws, which led to these changes, said that licensing was 'not a judicial function', and at the time it suggested three compelling reasons for giving local authorities the licensing function: accountability, accessibility, and crime and disorder strategies. It was also recognised that the existing regime failed 'to provide local accountability for licensing decisions, and makes it hard for local residents to influence the process'.

The success of the licensing regime is dependent on the efficiency and effectiveness of the local authorities. As the Licensing Authority for the County Borough area, this success will be achieved in Conwy by working in partnership with Licence Holders, Responsible Authorities and Interested Parties.

Members of the Council's appointed Licensing and Regulation Committee, when exercising their function / duties as the Licensing Authority, will play a crucial role.

The decision-making process involved in dealing with opposed applications is fundamental. Members must strike a balance in considering the application before them, any relevant representations put forward, and the wider community interest.

2. Personal and Prejudicial Interests

This protocol provides a summary of the main issues relevant to the Licensing Act, and the duties of Members, but it should not be considered in isolation, reference should also be made to the Code of Conduct for Members (further advice can be sought from the Monitoring Officer or the Head of Service. Part III of the Council's Code of Conduct for Members, deals with Disclosure and Registration of Interests. In terms of the Licensing Act, a key issue relates to the question of what is to be regarded as a personal or prejudicial interest.

In addition to the normal rules on declarations of interest, a Member has to consider whether there may be a perception of bias on their part. It does not matter whether

there is actual bias - the test is “would a reasonable person think there could be bias”?
Because of the nature of the t Licensing Sub-Committees, the key issue to ensure the legality of the decision is the “public perception of a probability of unconscious bias” This brings into consideration the previous dealings of Members of the Licensing Sub-Committee and views expressed by them.

For example, are you a regular customer at the premises concerned? Electoral Divisional Members will need to consider whether the public might perceive that they hold a particular view in advance of any hearing. In such circumstances, Members should not participate in the hearing.

Any Member who has a personal or prejudicial interest should not take part in or attend at the hearing. If this is the case, they must not try to influence any other Members in respect of any licensing application.

3. Training

It has been decided that only those Members who have undergone appropriate training will be eligible to sit on any Licensing Sub-Committee.

The provision of any training for Members of the Licensing Committee will be the duty and responsibility of the Head of Regulatory and Housing Services.

Appropriate records of training undertaken by Members will be maintained, not only to monitor individual development, but so that should the need arise at any appeal, it is thought essential to be able to demonstrate the professionalism of the Members engaged in licensing hearings on behalf of the Council.

4. Committees / Sub-Committees – Delegation of functions

The responsibility of adopting the Statement of Licensing Policy is that of the Council itself.

Otherwise, all functions in respect of the Licensing Act 2003 are delegated to the Licensing and Regulation Committee, which consists of 12 Members. The Committee has in turn delegated certain functions to Licensing Sub-Committees (three Members).

Whenever the Sub-Committee sits to consider and determine an application, the Chair and / or Vice Chair will form part of that Sub-Committee.

The Head of Regulatory and Housing Services, or his nominee, will be responsible for ensuring the availability and eligibility of Members in respect of any applications dealt with by the Licensing Sub-Committee, and the officer will ensure that the Members have possession of all the relevant paperwork associated with the application. Declaration of Personal or Prejudicial interests will form part of the selection process.

5. Open Mind

Members need to demonstrate that they have come to the hearing with an open mind. They should not express a view on any case prior to the hearing. Political group meetings are wholly inappropriate when dealing with individual cases. Members also need to demonstrate that they have not influenced the way in which officers present the cases before them. Any briefings by officers in advance of a hearing must relate to procedural points only, and **not** on the merits of the case.
To remove any question of predetermination, it is considered best practise for Members of the Licensing Committee not to sit on Planning Committees or be involved with any interested groups, including Town and Community Councils where the application has already been deliberated. Members should (if in any doubt) seek the advice of the Monitoring Officer.

6. Lobbying

Members must avoid any attempts to lobby them at all times. For example, this could be by individuals or could arise at a Community or Town Council meeting. Members should point out the nature of the hearings and explain that they cannot enter into discussions.
In Summary:

- **Members who are on the Licensing Committee must not allow themselves to be lobbied by anyone, either for or against an application.**

- **Members of the Licensing Committee must not express a view on a licensing application prior to any hearing. This will jeopardise the Member's impartiality and bar them from being able to sit and consider the application at any subsequent hearing.**

- **Members of the Licensing Committee should always refer lobbyists to Licensing Officers.**

- **Members who do not sit on the Licensing Committee, must not lobby Members who do sit on the Licensing Committee.**

7. Representational Role

There is no doubt that some applications made in connection with the Licensing Act 2003, may pose a difficult problem for Electoral Divisional Members who sit on the Licensing Committee. How do they fulfil their role, if an application is controversial? One option might be to ask the constituent to approach another Electoral Divisional Member, or in the case of a single Member Division, to find a Member from another Electoral Division to assist them.

Any Electoral Divisional Member may submit a relevant representation.

Should a Member of the Sub-Committee submit a relevant representation, this would exclude that Member from being able to sit at the relevant hearing. It would also mean that when the Sub-Committee retired to make their decision that the Member must not retire with them.

In such cases, the Member should provide notification to the Head of Regulatory and Housing Services.

8. Press Statements

Members must refrain from making any statements to the press prior to any hearing. Any enquiries received should be referred to the Head of Regulatory and Housing Services. Any comments will be of an explanatory nature only and will not express a view on the merits of a particular case. After a hearing, Members must not make any media statements, in case of any possible appeal.

9. Hearings

Members are reminded that there are important factors that should be borne in mind and will assist in determining any application:

- **Members have a duty to promote the statutory licensing objectives whenever they make a decision under the Act.**

- **Members have a duty to have regard to the Statutory Guidance under Section 182 of the Licensing Act 2003 in their decision-making. Any departure from this Guidance must be supported by good reasons for doing so.**

- **Members must also have regard to the Council's Statement of Licensing Policy in making any decision. Any departure from the Policy should only occur when there is good reason to do so.**

It is essential that the Sub-Committee deal with each of these three important points, as it will not only ensure that any decisions are guided by the correct considerations, but it will avoid costly and unnecessary appeals and possible judicial reviews.

In order to ensure that the person / case appearing before the Sub Committee has been given a fair hearing, the following general principles should be considered.

Principle 1: Procedure

The Sub-Committee Hearing is not a court of law. The Sub-Committee should try to keep the proceedings as informal as possible. Some degree of formality is required to ensure that all parties receive a fair hearing, and offers an equal opportunity to present their case.

There are certain circumstances when different procedures should apply. The principles of natural justice have to be followed, and the extent to which this is required can vary according to differing circumstances. The basic principles of natural justice are as follows:

a. No person is to be a judge in his own cause

b. No person is to be dealt with without having the opportunity of putting his or her own case.

The detailed application of the rules of natural justice only applies to certain decisions. These often relate in circumstances where an individuals legal rights and livelihood are affected. This protocol identifies strict procedural requirements.. The Sub-Committee and its Members must act fairly. Failure to comply with the pertinent points contained within this protocol by any Member, could lead to a decision being the subject of a legal challenge.

Principle 2: The purpose of the hearing.

The purpose of the Sub-Committee hearing is:

- to enable those with a right to appear to advance their point and to test the case of the other party; and
- to assist the Sub-Committee to gather evidence and understand the relevant issues.

These basic purposes should be borne in mind if a procedural issue arises.

Principle 3: Format of the Hearing.

It is essential that the Sub-Committee establish the ground rules at the outset, so that the parties know what to expect and what is expected of them. This will reduce the chance of conflict during the proceedings.

The Chair will refer to the ‘format of the hearing’, which will be included within each set of papers. For example, it will indicate the order of presentation and closing submissions.

Members should have read and familiarised themselves with the relevant report, papers and issues. The Chair should provide a clear indication that this is the case, so that points are not repeated or made at length.

In the event that a large number of attendees all refer to the same point, the Chair may invite a spokesperson to address the Sub-Committee and/or cross-examine witnesses. The Chair in such circumstances should stress that the Sub-Committee acknowledge the strength of feeling, and that the mere fact that it does not hear from all parties on this point, will not mean that their representations are not taken fully into account. It is merely that the point will not gain weight through repetition.

Principle 4: Hearsay Evidence

Hearsay evidence is when a witness gives evidence of something they did not hear or see, but were only told about. For example:

My neighbour says they were kept up all night
I got a letter from a local resident which said they could not sleep because of the music from the pub next door.

Although hearsay evidence may be considered, it is for Members to decide how much weight they attach to it, as it may well be less, given that it cannot be tested by cross-examination.

Principle 5: Petitions

Courts/Inquiries in the past have given little weight to petitions, as it is not difficult to get people to sign up, and the only real evidence available to Members is that of the written view of the signatories.

It is important that Members do not dismiss petitions out of hand, but decide upon how much weight they attach to it from an evidential perspective.

Principle 6: Relevant Representations

Should any Member receive correspondence from an Interested Party, which relates to a licensing application, that may the subject of a hearing, a copy of that correspondence should be forwarded to the Licensing Service without undue delay.

At a hearing, a Responsible Authority or Interested Party may choose to rely on their written representations that gave rise to the hearing, but they may not add further representations to those disclosed to the applicant prior to the hearing. They may if they wish amplify their existing representations.

Relevant representations will only be brought before Members if they are not frivolous or vexatious and have been made in accordance with statutory requirements of the Act.

Principle 7: Fair treatment of witnesses

It is the responsibility of the Chair to protect witnesses from being berated or interrupted by any legal representative or any other party in attendance at the hearing equally and fairly.

The Chair however, may also require any witness at the proceedings to answer the actual question and prevent them from straying from the point.

The Chair should also intervene should any leading questions be posed. Not only is this practise unfair on other parties, but it helps neither the witness, nor the Sub-Committee, because the evidence is not really that of the witness.

Principle 8: Level playing field

The Sub-Committee may, should the number of witnesses and amount of evidence be excessive, set time limits for presentation, these limits must be adhered to by all parties.

If at the end of a witness's evidence a Member has some questions, these should be directed through the Chair.

Principle 9: Repetitive issues

When and where possible, the Chair may clarify issues by ascertaining whether points really are contested, or by indicating that the Sub-Committee has heard and understood the point (this may have been covered in the case papers, or by an earlier witness).

Principle 10: Pro-active use of conditions

Many contested applications fall away once the parties talk sensibly about conditions. Frequently, conditions may be applied which are not only acceptable to the applicant, but resolve all of the objectors issues.
The Sub-Committee should always consider whether objections may be overcome by the imposition of conditions.

The Chair should invite comment on proposed conditions before imposing them.

Principle 11: Advice

Where Members seek advice on any point, legal or otherwise, and this may not solely relate to the Licensing Act 2003, it must be given or repeated in open session and the Chair should invite comment from the parties involved in the hearing.

Principle 12: Decision making process

The Sub-Committee should hear all available evidence and take into account all relevant factors and circumstances. Members should not determine the application until the end of the hearing and, just as importantly, Members should not appear to have done so in any way.

The parties have a right to know why they have succeeded or not. Furthermore, dubious or badly drafted reasons may weaken the Licensing Authority's case on any appeal**.**

The Sub-Committee must:

- **Ensure that each and every relevant representation is referred to in its decision.**
- **State the extent to which it has taken account of the Statutory Guidance and the Statement of Licensing Policy.**

- **When refusing in whole or in part, or attaching conditions, state both that it is considered necessary to do so in order to promote any specific licensing objective, and the reasons for so being.**

10. <u>When in doubt.</u>

Members should seek the advice of the Head of Regulatory and Housing Services, or in his absence, the Principal Licensing and Trading Standards Officer, or a representative of the Head of Law and Governance.

SECTION 10 – JOINT ARRANGEMENTS

10.1 Introduction

There are a number of circumstances where the Council or the Cabinet is entitled to carry out certain functions jointly with another local authority.

10.2 Arrangements to promote well being

The Council, 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.

10.3 Joint arrangements

(a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee, including joint Overview and Scrutiny Committees with these other local authorities.

b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, or as permitted or required by Law, the Cabinet may only appoint Cabinet Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.

(c) The 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 Council and that area is smaller than two fifths of that local authority, by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is Member for an electoral division contained within the area. Political balance requirements do not apply to such appointments.

(d) When considering whether to establish a joint committee, the Council and the Cabinet shall have regard to any guidance issued by the Welsh Ministers about establishing joint committees and the circumstances in which it is appropriate to do so.

10.4 Access to information

(a) The Access to Information Rules in Section 15 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 Executive.

(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.

10. 5 Delegation to and from other local authorities

(a) The Council may delegate functions to another Local Authority or, in certain circumstances, the Cabinet of another local authority.

(b) The Cabinet may delegate Executive functions to another Local Authority or Cabinet of other local authority in certain circumstances.

(c) The decision whether or not to accept such a delegation from another local authority is reserved to the Full Council.

10.6 Contracting out

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

10.6.1 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

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

SECTION 11 - CORPORATE JOINT COMMITTEES

11.1 Introduction

Corporate joint committees may be established: -

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

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

11.2 Corporate Joint Committees

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

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

(a) local people in the Council's area;
(b) community councils in the Council's area;
(c) the National Park authority for a National Park, any part of which is in the Council's area;
(d) the Public Services Board;
(e) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and
(f) such other persons as the Council considers appropriate.

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

11.2.4 The Council may not exercise the power in section 11.2.3 to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a function which relates to the Council's transport, strategic planning, economic development or improving education functions.

SECTION 12 - OFFICERS

12.1 Officers

1. Management structure

a) Chief Executive and Strategic Directors

The Chief Executive

There are two Strategic Directors: (1) Strategic Director (Finance and Resources and ; (2) Strategic Director (Social Care and Education).

The Chief Executive may appoint a Strategic Director to be Deputy Chief Executive to undertake such functions as the Chief Executive may determine.

The Chief Executive and Strategic Directors do not have direct service responsibility, but have over-all management responsibility for the Council, in particular focussing on external relationships, corporate risks, the performance management of services, service modernisation, economic development and major projects.

(b) Senior Management Team (SMT)

The SMT comprises the Chief Executive, the Strategic Directors, all Heads of Service and Senior Managers as required by the Chief Executive and is the primary management team of the Authority.

(c) Strategic Leadership Team

The Strategic Leadership Team is responsible for day to day corporate management comprising of:-

- Chief Executive
- The Strategic Directors
- Monitoring Officer
- Head of People and Performance
- Head of Environment, Roads and Facilities
- Head of Education
- Such other Heads of Service as the Chief Executive shall determine

(d) Report Review Group

The role of the Report Review Group will be to review Cabinet and Council reports as a quality assurance mechanism prior to reports being submitted to the political process. The Group comprises: -

- Chief Executive
- The Strategic Directors
- Head of Law & Governance
- The Leader
- Such other Heads of Service as the Chief Executive shall determine.

2 Statutory designations.

(a) The Council must designate specific officers to the following statutory roles:

Designation:

- Chief Executive
- Monitoring Officer
- Chief Finance Officer (S151 Officer)
- Chief Education
- Director of Social Services
- Lead Director for Children's Services
- Head of Democratic Services

The Chief Executive, the Monitoring Officer and the Chief Finance Officer will have the functions and responsibilities described below. The functions of the other statutory officers referred to in the table above and other formal designations shall be set out in the Scheme of Delegation to Officers in Part 14

3. Functions of the Chief Executive

Discharge of functions by the Council. The Chief Executive will report to the Council on the manner in which the discharge of the Council's functions is coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

With responsibility for:

a) leading the management team or equivalent, in particular in securing a corporate approach

(b) securing the provision of advice on the forward planning of objectives and services

(c) ensuring the efficient and effective implementation of the council's programmes and policies across all services and the effective deployment of the authority's resources to those ends.

For these purposes the chief executive has authority over all other employees of the council.

(ii) Advising the council, its executive and its committees on all matters of general policy and all other matters upon which his or her advice is necessary, with the right of attendance at all committees of the council and all subcommittees and working parties.

(iii) Advising the leader or elected mayor of the council, or where appropriate the party group leaders, on any matter relevant to the council's functions.

(iv) Representing and negotiating on behalf of the council on external bodies and networks.

(v) Advising or making suitable arrangements for advising the Chair of the council on all matters within the duties of that office.

(**Restrictions on functions**. The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services, but may hold the post of Chief Finance Officer if a qualified accountant.

4. Functions of the Monitoring Officer

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

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

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

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

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

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

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

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

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

(i) **Restrictions on posts**. The Monitoring Officer cannot be the Chief Finance Officer or the Chief Executive.

5. Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision making**. After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the Council 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 proper 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 financial decisions, financial maladministration, financial impropriety, probity and budget 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 be responsible for the provision of financial information to the media, members of the public and the community.

(f) **Restrictions on posts**. The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.

6 Duty to provide sufficient resources to the Monitoring Officer, Chief Finance Officer and the Head of Democratic Services

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

7 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations.

8 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules.

12.2 Officer Employment Procedure Rules

(1) Recruitment and appointment

(a) Declarations

i) The Council will require any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, brother, sister, uncle aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.

ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant Strategic Director or the Chief Executive where the post is in a service or function managed by him. In the event that the candidate is related to the Chief Executive or a Strategic Director, authority to appoint must be obtained from at least two of the following:-

Chief Executive
Monitoring Officer
Chief Finance Officer

None of the above shall authorise the appointment of an officer related to them.

(b) Seeking support for appointment

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

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

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

(2) Recruitment of Chief Executive and Strategic Directors

2.1 The Council will:

(a) draw up a statement specifying:
  i) the duties of the officer concerned; and
  ii) any qualifications or qualities to be sought in the person to be appointed.

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned above to be sent to any person on request.

2.2 Where a post has been advertised as provided in 2.1 above, the Council must: -

(a) interview all qualified applicants for the post, or

(b) select a short list of such qualified applicants and interview those included on the short list.

2.3 Where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council may make further arrangements for advertisements in accordance with 2 (1) (b) above.

2.4 Where the Authority proposes to appoint a chief officer and it is proposed to pay the chief officer annual remuneration of £100,000 or more, the post must be publicly advertised. The only exception to this requirement would be if an appointment were to be made for a period of no longer than 12 months.

(3) Appointment of Chief Executive, Strategic Directors, Monitoring Officer, Head of Democratic Services

The Council will make the appointment of the Chief Executive, Strategic Directors, Monitoring Officer and Head of Democratic Services following the recommendation of a short list for such an appointment by the Senior Employment Committee of the Council.

(4) Appointment of Heads of Service

The Senior Employment Committee will appoint Heads of Service from a shortlist to be drawn up by the relevant Strategic Director, or Chief Executive where the function is managed by him/her.

[Note: this provision reflects the rules made in Assembly Regulations. It means that elected members will appoint Directors, the Monitoring Officer, Head of Democratic Services and Heads of Service only.

(5) Other appointments

(a) **Officers other than those in 3 and 4 above**. Appointment of these officers (other than assistants to political groups) is the responsibility of the Chief Executive or his/her nominee, and may not be made by councillors. Appointments will be made in compliance with the Council's approved Recruitment and Selection procedures.

(b) Assistants to political groups. Appointment of an assistant to political group shall be made in accordance with the wishes of that political group.

(6) Disciplinary action – Chief Executive, Chief Finance Officer, Monitoring Officer and Head of Democratic Services

(a) No disciplinary action (other than action to which paragraph (b) applies) in respect of the Chief Executive, its Monitoring Officer, Chief Finance Officer, or its Head of Democratic Services may be taken by the relevant authority, or by a committee, a sub-committee, a joint committee on which the relevant authority is represented or any other person acting on behalf of the relevant authority, other than in accordance with a recommendation in a report made by a Designated Independent Person under Regulation 9 of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (investigation of alleged misconduct). The detailed rules appear in paragraph 7 below.

(b) The action to 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.

(7) Investigation of alleged misconduct – Chief Executive, Chief Finance Officer, Monitoring Officer and Head of Democratic Services

1) Subject to paragraph (11), where it appears to the authority that an allegation of misconduct which may lead to disciplinary action has been made against-

(a) the Head of the Authority's Paid Service;
(b) its Monitoring Officer, or
(c) its Chief Finance officer, ("the relevant officer") as the case may be; or
(d) its Head of Democratic Services.

the relevant authority must appoint a committee ("an investigation committee") to consider the alleged misconduct.

2) The investigation committee must:

(a) consist of a minimum of 3 members of the relevant authority.
(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 investigation committee:

(a) may make such enquiries of the relevant officer or any other person it considers appropriate:

(b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit 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").

5) The designated independent person who is appointed:

(a) must be such person as may be agreed between the authority and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose: or

(c) where there is no such agreement, must be such person as is nominated for the purpose by the Senedd Cymru.

6) The designated independent person-

(a) may direct-

(i) that the authority terminate any suspension of the relevant officer.

(ii) that any such suspension is to continue after the expiry of the period referred to in paragraph 6 above:

(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 authority or any committee, sub-committee or officer acting on behalf of the authority) 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 authority, or which the authority has power to authorise the designated independent person to inspect:

(c) may require any member or member of staff of the authority to answer questions concerning the conduct of the relevant officer:

(d) must make a report to the authority-

(i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct again the relevant officer; and

(ii) recommending any disciplinary action which appears appropriate for the authority 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), the relevant officer and authority 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), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

9) The authority must consider the report prepared by the independent person under paragraph (6) (d) above within 1 month of receipt of that report.

10) The authority will pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under these rules.

11) A disciplinary committee of the Council (excluding those persons who served on the investigation committee) will consider the report under paragraph (9) above along with representations from the officer against whom allegations are made, in accordance with the Council's detailed disciplinary procedures. An appeal will lie to the full Council from the decision of this committee, except in the case of the Chief Executive (in which case the Council will consider an appeal, or approve the recommendation of the committee if no appeal is made).

(8) Disciplinary action –Strategic Director of Social Care and Education and Heads of Service

The Chief Executive will be responsible for disciplinary action against the Strategic Director of Social Care and Education and Heads of Service.

(9) Disciplinary action or dismissal

(1) Councillors will not be involved in the dismissal of any officer other than the Chief Executive, S.151 Officer, Monitoring Officer, and Head of Democratic Services except through the established appeals process.

(2) That protection given by Regulations 8 and 9 of the 2006 Regulations be extended to Officers to whom disciplinary action is proposed where the officer was, but at the time of the proposed disciplinary action no longer is

an officer with protected status under those regulations and the alleged misconduct, or, as the case may be, the reason for the proposal for dismissal occurred during the period when the officer was an officer with protected status.

(10) Definitions

(References to "the 1989 Act" are to the Local Government and Housing Act 1989)

"Chief Executive" means the officer designated as the authority's Head of Paid Service under S.4 of the 1989 Act.

"Statutory Chief Officer" means: -

(a) the Chief Education Officer or Director of Education appointed under S.532 of the Education Act 1996.
(b) The Director of Social Services appointed under S.6 of the Local Authority Social Services Act 1970.
(c) The officer having responsibility for the purposes of S.151 of the Local Government Act 1972, S.73 of the Local Government Act 1985 and S. 112 of the Local Government Finance Act 1988.
(d) Head of Democratic Services appointed under Section 16 of the Local Government Measure 2011.

"Non-Statutory Chief Officer" means:-

(a) a person for whom the Chief Executive is directly responsible:

(b) a person who as respects all or most of the duties of the post is required to report directly or is directly accountable to the Head of the authority's Paid Service:

(c) any person who as respects all or most of the duties of the post is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority.

"Deputy Chief Officer" means a person who as respects all or most of the duties of the post is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers.

"Chief Finance Officer or" or "S.151 Officer" means the officer appointed for the purposes of S.151 of the Local Government Act 1972, S.73 of the Local Government Act 1985 or S.112 of the Local Government Finance Act 1988.

"Monitoring Officer" means the officer designated under S.5 (1) of the 1989 Act.

"Chief Officer" means:

(a) the Chief Executive

(b) the Monitoring Officer
(c) the Head of Democratic Services
(d) a statutory Chief Officer
(e) a non-statutory Chief Officer

“Disciplinary action” means;-

In relation to a member of staff of a relevant authority any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the relevant authority has undertaken to renew such a contract.

SECTION 13 – FINANCE, CONTRACTS AND LEGAL MATTERS

13.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Section 17 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Section 18 of this Constitution.

13.3 Legal proceedings

The Head of Law and Governance is authorised:-

To institute, defend, settle and participate in any legal proceedings (either in the name of the Council or in the name of a specific officer of the Council) where such action is necessary to give effect to decisions of the Council or in any case where the Head of Law and Governance considers that such action is necessary to protect the Council's interests.

13.4 Authentication of documents

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

13.4.2 Any contract with a value exceeding £50,000, entered into on behalf of the Council shall be made in writing and in a form of contract approved by the Monitoring Officer. Subject to the Contracts Procedure Rules, such contracts must be signed by at least two Officers of the Council or made under common seal of the Council attested by at least one Officer if they exceed £250,000 in value.

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

(a) the Chief Executive;

(b) the Head of Law and Governance;

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

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

13.5 Common Seal of the Council

(a) Common Seal

13.5.1 The Common Seal of the Council shall be kept in a safe place in the custody of the Head of Law and Governance.

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

(b) Sealing and Execution of Documents

13.5.3 The affixing of the Common Seal shall be attested by the Head of Law and Governance or some other person authorised by him/her. An entry of every sealing of a document shall be made, and numbered consecutively, in a book kept for the purpose, and shall be signed by the person who shall have attested the seal.

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

13.5.5. This function can be delegated further by the named persons.

(c) Record of Sealing of Documents

13.5.6 Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by Head of Law and Governance and consecutively numbered in a book to be provided for the purpose.

SECTION 14.1

Responsibility for Functions – Summary

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

14.1.1 Who can be Decision Makers?

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

- Full Council;
- a Committee or Sub-Committee of the Council;
- the Leader;
- the Cabinet;
- a Committee of Cabinet;
- an individual Cabinet Member;
- a Joint Committee;
- a Corporate Joint Committee;
- an Officer.

The Council will issue and keep up to date a record of which individual has responsibility for particular types of decisions. This record is set out in Section 14 of this Constitution.

14.1.2 Principles of Decision Making

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

- proportionately (ie the action must be proportionate to the desired outcome);
- due consideration and the taking of professional advice from Officers;
- respect for human rights;
- a presumption in favour of openness;
- clarity of aims and desired outcomes;
- consideration of any alternative options; and

- the giving and recording of reasons for the decision and the proper recording of these reasons.

14.1.3 Functions fall into the following categories:

Functions of the Full Council

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

Non-Executive Functions

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

"Local Choice" Functions

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

Executive Functions

All other functions are Executive Functions.

14.1.4 Other Bodies

Advisory Bodies:

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

Overview and Scrutiny Committees:

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

Officer Delegations:

Officer delegations are also contained in this Section of the Constitution.

14.1.5 Who Decides – Non-Executive Functions?

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

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

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

14.1.6 Who Decides – Executive Functions?

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

14.1.7 Removal of Delegation

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

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

14.1.8 Who May Exercise Officer Delegations?

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

SECTION 14.2

Responsibility for Executive Functions

1. “Executive Functions” are all the functions of the Council except:-
   a) Those which the law says are the functions of the Council alone **(Table 1).**
   b) Functions which may be allocated to the Council rather than the Executive (**Table 2** shows the division of those functions between the Council and the Executive).
   c) Functions which are not the sole responsibility of the Executive (**Table 3)**
2. **Table 4** is the composition of Council Committees and the allocation of functions to those Committees.

Table 1 - Council Functions

The functions which are reserved to Council by virtue of Schedule 1 to The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007/399 (as amended by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009/2983, the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2013/2438 and the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment No 2) Regulations 2013/2902) are listed in the table below, together with the body / Officer to whom they are allocated in the third and fourth columns of the table.

The Scheme of Delegation to Officers (Part 8 of this Constitution) indicates whether the function is delegated to an Officer. If not delegated to an Officer, the function is delegated to the Committee listed in the third column of the Table.

Council retains responsibility for the function even though it may be delegated. If Council is listed in the right hand column then the function is solely exercisable by Council.

Where there is a statutory re-enactment of any provision then the Scheme of Delegation shall take effect in respect of the statutory provision as amended.

A. Functions Relating to Town & Country Planning & Development Control:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
1. Power to determine applications for planning permission.	Sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme

4. Power to decline to determine applications for planning permissions	Section 70A of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8,10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
8. Power to enter into planning obligations regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme

10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Council	
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme

17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	Planning Committee	
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
20. Power to determine applications for listed building consent, and related powers.	Sections 96(1) and (2) and 97(1) to (8) of, and Schedule 9 paragraphs (1), (2) and (3) to, the Historic Environment (Wales) Act 2023 (asc 3).	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
21. Power to determine applications for conservation area consent.	Sections 96(1) and 97(1) to (4) and (7) and (8) of the Historic Environment (Wales) Act 2023 as applied by section 163 of that Act. .	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
22. Duties relating to applications for listed building consent and conservation area consent.	Section 95(1) of the Historic Environment (Wales) Act 2023 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 and paragraph 127 of the Welsh Office Circular 61/96 Planning and the Historic Environment;	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme

	Historic Buildings and Conservation Areas.		
23. Power to serve a temporary listing notice and related powers	Sections 83(1) and (2) and 84(1) and (2) of the Historic Environment (Wales) Act 2023	Planning Committee	Powers are delegated to the Head of Regulatory and Housing Services in accordance with the Planning Delegation Scheme
24. Power to issue an enforcement notice	Sections 123, 124 and 125 of the Historic Environment (Wales) Act 2023.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 137 to 139 and 111(5) of the Historic Environment (Wales) Act 2023.	Planning Committee and then referred to Cabinet	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
26. Power to apply for an injunction in relation to a listed building.	Section 135 of the Historic Environment (Wales) Act 2023	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
27. Power to execute urgent works.	Section 144(1) and (3) to (7) of the Historic Environment (Wales) Act 2023."	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme

29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	General Licensing Committee	
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961.	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
31. Duties in relation to purchase notices.	Sections 137 - 144 of the Town and Country Planning Act 1990	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
32. Powers related to blight notices.	Sections 149 – 171 of the Town and Country Planning Act 1990	Planning Committee	Powers are delegated to the Head of Regulatory Services in accordance with the Planning Delegation Scheme
33 Power to make representations on behalf of the Council on all matters relating to Nationally Significant Infrastructure Projects and applications for 'development consent' under the Planning Act 2008.	Planning Act 2008	Planning Committee	

B. Licensing & Registration Functions (in so far as not covered by any other paragraph of this Schedule):

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.	General Licensing Committee	Head of Regulatory Services
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.	General Licensing Committee	Head of Regulatory Services
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985 ; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	General Licensing Committee	Head of Regulatory Services
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	General Licensing Committee	Head of Regulatory Services
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	General Licensing Committee	Head of Regulatory Services

6. Power to register pools promoters.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
7. Power to grant track betting licences.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
8. Power to license inter-track betting schemes.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
9. Power to grant permits in respect of premises with amusement machines.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
10. Power to register societies wishing to promote lotteries.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
11. Power to grant permits in respect of premises where amusements where prizes are provided.	Gambling Act 2005	Statutory Licensing Committee	Head of Regulatory Services
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933.	General Licensing Committee	Head of Regulatory Services
13. Power to license sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	General Licensing Committee	Head of Regulatory Services
14. Power to license performances of hypnotism.	The Hypnotism Act 1952.	General Licensing Committee	Head of Regulatory Services
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	General Licensing Committee	Head of Regulatory Services
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	General Licensing Committee	Principal Harbour and Maritime Officer
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous provisions) Act 1982.	General Licensing Committee	Head of Regulatory Services

18. Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2016	General Licensing Committee	Head of Regulatory Services
19. Power to license dealers in game and killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831, Sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972.	General Licensing Committee	Head of Regulatory Services
20. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.	General Licensing Committee	Head of Regulatory Services
21. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.	General Licensing Committee	Head of Regulatory Services
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.	General Licensing Committee	Head of Regulatory Services
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.	General Licensing Committee	Head of Regulatory Services
24. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.	General Licensing Committee	Head of Regulatory Services

25. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970 , section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	General Licensing Committee	Head of Regulatory Services
26. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	General Licensing Committee	Head of Regulatory Services
27. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	General Licensing Committee	Head of Regulatory Services
28. Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	General Licensing Committee	Head of Regulatory Services
29. Power to enforce regulations in relation to animal by-products.	Regulation 49 of the Animal By-products (Wales) Regulations 2006.	General Licensing Committee	Head of Regulatory Services
30. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963.		Statutory Head of Education
31.Power to approve premises for the solemnisation of marriages and the registration of civil partnerships	Section 46 A of The Marriage Act 1949, Section 6A of the Civil Partnership Act 2004, the Marriages and Civil Partnerships (approved Premises) Regulations 2005 (S.I.2005/3168)	General Licensing Committee	Head of Law and Governance

32. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: - a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or; - b) an order under section 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	Planning Committee	Head of Regulatory Services
33. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471.	Planning Committee	Head of Regulatory Services
34. Issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	General Licensing Committee	Head of Regulatory Services
35. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.	General Licensing Committee	Head of Regulatory Services
36. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.	General Licensing Committee	Head of Environment, Roads and Facilities
37. Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996)	General Licensing Committee	Head of Regulatory Services
38. Power to enforce regulations in relation to the movement of pigs.	Regulations 27(1) of the Pigs (Records, Identification and Movement (Wales) Order 2004 (SI 2004/996)	General Licensing Committee	Head of Regulatory Services
39. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).	General Licensing Committee	Head of Regulatory Services

40. Duty to enforce and execute Regulations (EC) No.852/2004 and 853/2004 in relation to food business operators as further specified in Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	General Licensing Committee	Head of Regulatory Services
41. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003.	Council	
42. Power to receive notice before a street is named.	Section 17 of the Public Health Act 1925	General Licensing Committee	Head of Regulatory Services
43. Power to order the assignment/alteration of a street.	Section 18 of the Public Health Act 1925	General Licensing Committee	Head of Regulatory Services
44. Duty to indicate the name of a street	Section 19 of the Public Health Act 1925	General Licensing Committee	Head of Regulatory Services

C. Functions Relating to Health and Safety at Work:

Function	**Provision of Act or Statutory Instrument**	**Allocated To**	**Delegated to**
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work, Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer	Part I of the Health and Safety at Work etc. Act 1974.		Head of Regulatory Services

D. Functions Relating to Elections:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
1. Duty to appoint an electoral registration officer.	Section 8(2)(A) Representation of the People Act 1983.	Council	
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52 (4) of the Representation of the People Act 1983.		Chief Executive
3. Power to dissolve community councils.	Section 27D of the Local Government Act 1972	Council	
4. Power to make orders for grouping communities	Section 27F or 27H of the Local Government Act 1972	Council	
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 27 of the Local Government Act 1972	Council	
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Council	
7. Duty to provide assistance at European Parliamentary elections.	Section 6 (7) and (8) of the European Parliamentary Elections Act 2002		Chief Executive
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.	Council	
9. Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983.	Council	
10. Powers in respect of holding of elections.	Section 39 (4) of the Representation of the People Act 1983.	Council	
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.		Returning Officer

12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985		Chief Executive
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.		Returning Officer
14. Duty to give public notice of casual vacancy.	Section 87 of the Local Government Act 1972		Returning Officer
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972		Returning Officer
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48 (3) of the Local Elections (Principal Areas) Rules 1986 (S.I 1986/2214) and rule 48 (3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I 1986/2215).		Returning Officer
17. Power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000.		Returning Officer

E. Functions Relating to Name and Status of Areas and Individuals:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
1. Power to change the name of a county, or county borough.	Section 74 of the Local Government Act 1972.	Council	
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.	Council	
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Council	
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.	Council	

F. Power to Make, Amend, Revoke or Re-enact Byelaws:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.	Council	

G. Power to Promote or Oppose Local or Personal Bills:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
Power to promote or oppose private bills	Sections 52 and 53 of the Local Government (Democracy) (Wales) Act 2013	Council	

H. Functions Relating to Pensions etc:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
1. Functions relating to local government pensions etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	Council	
2. Functions relating to pensions allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989.	Council	
3. Functions under existing pension schemes as respects people employed by the fire and rescue authorities pursuant to section1 of the Fire and Rescue Services Act 2004	Sections 34 and 36 of the Fire and Rescue Services Act 2004.	Council	

I. Miscellaneous Functions:

Function	Provision of Act or Statutory Instrument	Allocated To	Delegated to
1. Power to create footpaths and bridleways	Sections 25 and 26 of the Highways Act 1980	General Licensing Committee	Unopposed – Head of Environment, Roads and Facilities
2. Power to stop up footpaths and bridleways	Section 118 of the Highways Act 1980	General Licensing Committee	Unopposed – Head of Environment, Roads and Facilities
3. Power to divert footpaths and bridleways	Section 119 of the Highways Act 1980	General Licensing Committee	Unopposed – Head of Environment, Roads and Facilities
4. Duty to assert and protect the public's right of use and enjoyment of the highway	Section 130 of the Highways Act 1980	General Licensing Committee	Unopposed – Head of Environment, Roads and Facilities
5. Duty to reclassify roads used as public paths	Section 54 of the Wildlife and Countryside Act 1981	General Licensing Committee	Head of Environment, Roads and Facilities
6. 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).	Regulations made under Section 39 of the Public Audit (Wales) Act 2004 (C.23)	Governance & Audit Committee	
7. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I 1999/1892).	Planning Committee	Head of Regulatory Services
8. Powers relating to the protection of important hedgerows (Countryside)	The Hedgerows Regulations 1997 (S.I 1997 / 1160)	Planning Committee	Head of Environment, Roads and Facilities
9. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Council	
10. Power to appoint staff and to determine the terms and conditions on which they hold office	Section 112 of the Local Government Act 1972 and Sections 7 and 8 of the Local Government and Housing Act 1989.	Council	Chief Executive/ Strategic Directors/ Heads of Service

(including procedures for their dismissal)			
11. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Council	
12. Power to consider adverse reports from the Public Services Ombudsman for Wales	Section 19 of the Public Service Ombudsman (Wales) Act 2005	Council	
13. Power to make an order identifying a place as a designated public place for the purposes of the police powers in relation to alcohol consumption.	Section 13 (2) of the Criminal Justice and Police Act 2001.	General Licensing Committee	
14. Functions relating to family absence of Local Authority Members	The Family Absence for Members of Local Authorities (Wales) Regulations 2016	Council	
15. Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001	General Licensing Committee	Head of Regulatory Services
16. Power to appoint Officers for particular purposes (appointment of 'Proper Officers').	Section 270(3) of the Local Government Act 1972	Council	
17. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003	Council	
18. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003	Council	
19. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972	Council	Strategic Director (Finance and Resources)

By virtue of the Local Authorities Executive Arrangements (Functions and Responsibilities) Regulations 2007:

1. The functions of:

   (a) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted

      (i) in the exercise of a function listed in the Table above; or
      (ii) otherwise than by the Executive in the exercise of any function under a local Act; or

   (b) determining any other terms to which any such approval, consent, licence, permission or registration is subject,

   are not the responsibility of the Executive [Regulation 3 (2)]

2. The functions of determining whether, and in what manner, to enforce –

   (a) any failure to comply with an approval, consent, licence, permission or registration granted in the exercise of a function specified in the Table above;

   (b) any failure to comply with a condition; limitation or term to which any such approval, consent, licence, permission or registration is subject; or

   (c) any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Executive,

   is not to be the responsibility of the Executive. [Regulation 3 (3)].

3. The function of:

   (a) amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term as mentioned in paragraph 1 above to which it is subject, or
   (b) revoking any such approval, consent, licence, permission or registration,

   is not to be the responsibility of the Executive [Regulation 3 (4)]

4. The function of making any scheme authorised or required by regulations under Section 18 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for replacing any such scheme, is not to be the responsibility of the Executive [Regulation 3 (5)]. This function can not be delegated by the Council.

5. The functions of determining:

(a) the amount of any allowance payable under :

(i) Section 22 (5) of the Local Government Act 1972 (“the 1972 Act”) (Chair’s expenses);
(ii) Section 24 (4) of the 1972 Section (Vice Chair’s expenses);
(iii) Section 173 (4) of the 1972 Act (financial loss allowance);
(iv) Section 175 of the 1972 Act (allowances for attending conferences);

(b) the rates at which payments are to be made under Section 174 of the 1972 Act (travelling and subsistence allowance);

(c) the amount of any allowance payable pursuant to a scheme under Section 18 of the Local Government and Housing Act 1989 or regulations made under Section 100 of the Local Government Act 2000, or the rates at which payments by way of any such allowance are to be made;

(d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of the Executive; and

(e) where a charge is made for any such approval consent, licence, permit or registration, the amount of the charge;

are not to be the responsibility of the Executive [Regulation 3 (6)]. Functions (a) to (c) above may not be delegated by the Council.

6. Subject to any provision of regulations under Section 20 (Joint exercise of functions) of the Local Government Act 2000 the function of making arrangements for discharge of functions by a committee or officer under Section 101 (5) of the 1972 Act is not to be the responsibility of the Executive [Regulation 3 (7)].

7. The function of making appointments under Section 102 (appointment of committees) of the 1972 Act is not to be the responsibility of the Executive. [Regulation 3 (8)] - see Table 4

SECTION 14.3

Table 2: Local Choice Functions

The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as amended by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009 allow a Council to decide whether any of the following functions should be Executive or Council Functions.

The table below indicates whether a function is an Executive or Council function and whether that function is delegated to an Officer.

Function	Executive or Council	Delegated to
1. Any function under a local Act other than a function specified or referred to in Table 1.	Executive	Relevant Chief Officer
2. The determination of an appeal against any decision made by or on behalf of the authority.	Executive	Relevant Committee
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under Section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000.	Executive	Cabinet
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under Section 52 of Education Act 2002.	Executive	Statutory Head of Education Services
5. The making of arrangements pursuant to section 94(1). (1A and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	Executive	Statutory Head of Education Services

Function	Executive or Council	Delegated to
6. The making of arrangements pursuant to section 95(2) of, and Schedule, the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Executive	Statutory Head of Education Services
7. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999	Executive (subject to prior consideration by the relevant Scrutiny Committee)	Cabinet
8. Any function relating to contaminated land.	Executive	Cabinet
9. The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Head of Regulatory Services
10. The service of an abatement notice in respect of a statutory nuisance.	Executive	Head of Regulatory Services
11. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Executive	Head of Regulatory Services
12. The inspection of the authority's area to detect any statutory nuisance	Executive	Head of Regulatory Services
13. The investigation of any complaint as to the existence of a statutory nuisance.	Executive	Head of Regulatory Services

Function	Executive or Council	Delegated to
14. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive	Head of Regulatory Services
15. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Executive	Relevant Chief Officer
16. Any of the following functions in respect of highways— (a) the making of agreements for the execution of highways works (b) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) (i) section 117 — application for order under section 116 on behalf of another person; (ii) section 118 — stopping up of footpaths, bridleways and restricted byways; (iii) section 118ZA — application for a public path extinguishment order; (iv) section 118A — stopping up of footpaths, bridleways and restricted byways crossing railways; (v) section 118B — stopping up of certain highways for purposes of crime prevention etc; (vi) section 118C — application by proprietor of school for special extinguishment order;	Executive	Head of Environment, Roads and Facilities/ Head of Regulatory Services

Function	Executive or Council	Delegated to
(vii) section 119ZA — application for a public path diversion order; (viii) section 119A — diversion of footpaths, bridleways and restricted byways crossing railways; (ix) section 119B — diversion of certain highways for purposes of crime prevention etc; (x) section 119C — application by proprietor of school for special diversion order; (xi) section 119D — diversion of certain highways for protection of sites of special scientific interest; (xii) section 120 — exercise of powers of making public path extinguishment and diversion orders; (xiii) section 121B — register of applications; (c) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)— (i) sections 139 — control of builders' skips; (ii) section 140 — removal of builders' skips; (iii) section 140A — builders' skips: charges for occupation of the highway; (iv) section 142 — licence to plant trees, shrubs, etc in a highway;		

Function	Executive or Council	Delegated to
(v) section 147 — power to authorise erection of stiles, etc on footpath or bridleway; (vi) section 147ZA — agreements relating to improvements for benefit of persons with mobility problems; (vii) section 149 — removal of things so deposited on highways as to be a nuisance, etc; (viii) section 169 — control of scaffolding on highways; (ix) section 171 — control of deposit of building materials and making of excavations in streets; (x) section 171A and regulations made under that section — works under s169 or s171: charge for occupation of the highway; (xi) section 172 — hoardings to be set up during building etc; (xii) section 173 — hoardings to be securely erected; (xiii) section 178 — restriction on placing of rails, beams etc over highways; (xiv) section 179 — control of construction of cellars etc under street; (xv) section 180 — control of openings into cellars etc under streets, and pavement lights and ventilators;		

Function	Executive or Council	Delegated to
(d) exercising functions under section 34 of the Wildlife and Countryside Act 1981(limestone pavement orders); and (e) exercising functions under section 53 of the Wildlife and Countryside Act 1981(duty to keep definitive map and statement under continuous review).		
19. The appointment of any individual - (a) to any office other than an office in which he is employed by the authority; (b) to any body other than - (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Executive	Portfolio Holder
20. Power to make payments or provide other benefits in cases of maladministration etc.	Council	Democratic Services Committee/ Chief Executive and relevant Portfolio Holder
21. The discharge of any function by an authority acting as a harbour authority.	Executive	Cabinet

Function	Executive or Council	Delegated to
22. Functions in respect of calculation of council tax base in accordance with any of the following:- (a) the determination of an item for T in section 33 (1) and 44 (1) of the Local Government Finance Act 1992; (b) the determination of an amount for item TP in sections 34 (3), 45 (3) 48 (3) and 48 (4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount of the item mentioned in paragraph (a) or (b) above.	Executive	Portfolio Holder – Finance and Resources
23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6 and Statement of Licensing Policy	Statutory Licensing Committee	Head of Regulatory Services
24. Functions in respect of gambling in accordance with the following provisions of the Gambling Act 2005 – (a) section 29 — licensing authority information; (b) section 30 — other exchange of information; (c) section 166 — resolution not to issue casino licences; (d) section 212 and regulations made under that section — fees; (e) section 284 — removal of exemption; (f) section 304 — authorised persons; (g) section 346 — prosecutions by licensing authority; (h) section 349 — three-year licensing policy; (i) section 350 — exchange of information; (j) Part 5 of Schedule 11 — registration with local authority	Council	Statutory Licensing / Head of Regulatory Services

Function	Executive or Council	Delegated to
25. Functions, in respect of the approval by a Local Authority under Section 51 or a determination by a Local Authority under Section 53 of the School Standards and Organisation (Wales) Act 2013.	Executive	
26. Functions in respect of the development of the Authority's personnel policies.	Executive	
27. Organisational changes affecting 11 or more staff or posts.	Executive	
28. Sections 92 and 93 of the Local Government and Elections (Wales) Act 2021 (making arrangements for a panel performance assessment and responding to the panel's report)	Executive	Cabinet

SECTION 14.4

Table 3 - Functions which are not the sole responsibility of the Executive

Function	Formulating Body	Role of the Council
1. Formulation and approval of the plans, strategies and implement the aims of the Council's Corporate Plan including: - Corporate Parenting Plan - Conwy and Denbighshire Wellbeing Plan - Safer North Wales Strategy - Health and Well Being Strategy (Section 24 of the National Health Service Reform and Health Care Professions Act 2002 (c.17)) - Regional Transport Plan - Plans and alterations which together comprise the Development Plan (Section 10A of the Town and Country Planning Act 1990 (c.8)) - Welsh Language Scheme (Section 5 of the Welsh Language Act 1993 (c.38)) - Youth Justice Plan (Section 40 of the Crime and Disorder Act 1998 (c.37)) - Placement Commissioning Strategy - Housing Strategy (Section 87 of the Local Government Act 2003 (c.26))	The Executive	To consider and where necessary amend or refer back to the Executive, prior to final approval by the Council

- Rights of Way Improvement Plan (Section 60 of the Countryside and Rights of Way Act 2000) **2. Formulating a plan, scheme or strategy for the control of the authority's borrowing or capital expenditure.**	Executive	To consider and where necessary amend or refer back to the Executive, prior to final approval by the Council

The following functions are not to be the responsibility of the Executive:

1. The authorisation of the making of an application for stock transfer, specifically Section 135 (5) of the Leasehold Reform, Housing and Urban Development Act 1993 (programmes for disposals) or Section 32 (power to dispose of land held for the purposes of Part II or Section 43 (consent required for certain disposals not within Section 32) of the Housing Act 1985.

2. Setting the Council Budget – Specifically making a calculation in accordance with any of Sections 32 to 37, 43 to 51, 52 I, 52 J, 52 T and 52 U of the Local Government Finance Act 1992, whether originally or by way of substitute; or issuing a precept under Chapter IV Part I of the Part I of that Act.

Table 4 - Circumstances in which Functions are not to the responsibility of an Authority's Executive

Function:	Circumstances:
1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the Authority's borrowing or capital expenditure or referred to in Schedule 3.	The Authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.
2. The determination of any matter in the discharge of a function, which- (a) is the responsibility of the Executive; and (b) is concerned with the Authority's budget, or their borrowing or capital expenditure.	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made – (a) is minded to determine the matter contrary to, or not wholly in accordance with – (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the Authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the Authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.
3. The determination of any matter in the discharge of a function- (a) which is the responsibility of the Executive; and (b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the Authority.

SECTION 14.5

Planning Scheme of Delegation

Planning functions are delegated to the Head of Regulatory Services by the Council (not the Executive) under Part 14 of the Constitution at paragraph 4.4.18 (1) of the Scheme of Delegation to Officers and under Part 3 Responsibility for Function at Table 1 (part A) Functions relating to Town and Country Planning and Development Management.

1 The functions specified in the above provisions are delegated to the Head of Regulatory Services (responsible for the time being for the Development Management functions of the Council) and will be exercised by him/her or any officer authorised by him BUT subject to the following matters being reserved to the Planning Committee:

1.1 Outline and full planning applications for major developments (as defined in paragraph 2 below) and not previously considered by the Planning Committee (for the avoidance of doubt this includes Section 73 applications).

1.2 Where there has been objection to an application falling into one or more of the following categories which raised matters that (in the opinion of the Head of Regulatory Services or his nominated officer) are of such significance as to necessitate determination by the Committee and where the officer recommendation is to grant permission.

(i) A clear recommendation from the Natural Resources Wales (NRW), Water or Sewerage Undertaker or their representatives, the Highways , the Welsh Government as Trunk Road operator, CADW or the police to refuse an application.

(ii) More than 5 individual letters of objection on planning grounds by neighbours / members of the public or 4 individual letters indicating planning grounds plus an objection from a Community Council.

(iii) Where, the Chair of Planning Committee has consented to a written request by a Member made within 14 days of the application appearing in the weekly information papers that provides sound planning grounds why it is necessary for the application to be determined by the Planning Committee.

1.3 Applications submitted for Council development or for development on Council land (other than works within the highway relating to access and excluding variation of condition, non-material amendments, discharge of conditions and prior approval applications unless referral to Planning Committee is triggered by 1.2 above)

1.4 Applications submitted by officers of the Council employed within the development management function or their close relatives and the officer recommendation is to grant permission.

1.5 Applications submitted by Chief Officers of the Council or their close relatives and the officer recommendation is to grant permission.

1.6 Applications submitted by Members of the Council or their close relatives and the officer recommendation is to grant permission.

1.7 All decisions relating to the revocation or modification of a permission or consent and the discontinuing of the display of an advertisement with deemed consent (Note: section 13 of Table 1 to Part 14 of the Constitution provides for Discontinuance powers under Section 102 of the Town and Country Planning Act 1990 to be only exercised by the Council)

2.0 For the purposes of paragraph 2 above '**major development'** shall mean:

"Development involving any one or more of the following-

(a) the winning or working of minerals or the use of land for mineral -working deposits;
(b) waste development;
(c) the provision of dwellings where: (i) the number of dwellings to be provided is 10 or more: or (ii) the development is to be carried out on a site having and area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);
(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more: or
(e) development carried out on a site having an area of 1 hectare or more."

SECTION 14 .6

Statutory and General Licensing Committee

The responsibility of adopting the Statement of Licensing Policy is that of the Council.

Delegation of Functions

The following matters have been delegated to either the Statutory or General Licensing Committee:

Matter to be dealt with	Committee	Sub Committee	Officers
Application for a personal licence		If a representation made	If no representation made
Application for a personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate	If representation relates to Cumulative Impact	If representation is made	If no representation is made
Application for provisional statement	If representation relates to Cumulative Impact	If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate	If representation relates to Cumulative Impact	If a representation is made	If no representation is made
Application to vary designated personal licence holder		If a police representation is made	All other cases
Request to be removed as a designated personal licence holder			All cases
Application for transfer of premises licence		If a police representation is made	All other cases
Application for Interim Authorities		If a police representation is made	All other cases
Application to review premises licence/club premises certificate		All cases	

Decision on whether compliant is irrelevant, frivolous vexatious etc			All cases
Decision to object when local authority is a consultee and not the authority			All cases
Determination of a police representation to a temporary event notice		All cases	
Decision on fees for Markets (private hire)			All cases
Granting and renewing both Hackney Carriage and Private Hire			All cases except where an applicant or existing licence holder has previous criminal convictions recorded against them and/or for motoring offences where the applicant or licence holder has 9 or more valid penalty points endorsed on their driving licence, then the Chair of the Council's appointed General Licensing Committee would be consulted to confirm whether or not the matter should be referred to the General Licensing Committee for determination
To undertake Licensing Reviews	All cases		
Formulating the Statement of Licensing Policy prior to adoption by Council	All cases		

SECTION 14.7

Scheme Of Delegation For Officers

1. Definition.

1.1 In this scheme, 'Chief Officer' means the Chief Executive, any Director and Head of Service.

1.2 Any reference to an Act in this scheme includes a reference to any amendment thereto or re-enactment thereof of any order or secondary legislation made under it.

2. General.

2.1 Under this scheme, each chief officer is authorised to act on behalf of the Council in relation to any matter within his/her service area. Any exercise of delegated powers shall comply with, and be subject to:-

2.1.1. Any statutory provisions

2.1.2. The Council's overall Policy & Budget framework

2.1.3 Protocol on Member/Officer Relations, Liaison with local Members and the Officers Code of Conduct

2.1.4 The Constitution of the Council and the relevant Rules of Procedure

2.1.5 Financial Regulations

2.1.6 Procedural and Contract Standing Orders

2.1.7 The principles for achieving Best Value

2.1.8 Agreed arrangements for recording the decisions

2.1.9 The taking of and compliance with any legal or other professional advice when required.

2.1.10 Have regard to sustainability generally and the well-being of current and future generations.

2.2. Where the exercise of delegated powers is likely to affect more than one service, the chief officer must consult with any other chief officer whose service may be so affected.

2.3. Without prejudice to his/her delegated powers or to that of the relevant Committee, and in appropriate circumstances only, each chief officer should, when exercising his/her powers:-

2.3.1. keep the Cabinet fully informed, in particular members of the Cabinet who are the Portfolio Holders for the service area in question and also have due regard to any comments made by the relevant scrutiny committee regarding the matter in question.

2.3.2. ensure that he/she consults with/or informs the local member(s) in advance;

2.3.3. ensure that he/she consults with/or informs the Chief Executive.

Further guidance on this issue will be contained in the Protocol to Govern Liaison with Local Members and Protocol on Member/Officer relations in Section 22.

2.4 Before exercising a delegated power, each chief officer must consider whether the decision is one that should be referred to Overview and Scrutiny for input or referred to the Cabinet, or appropriate Committee or sub-Committee for a decision.

2.5 In deciding whether to refer a matter to the Cabinet, Committee or Sub-Committee the chief officer will have regard to the following considerations:-

2.5.1 day to day decisions on technical or professional issues will normally be taken without reference to members.

2.5.2 the views of the local member, Portfolio Holder and chief executive must be taken into account.

2.5.3 if a decision is likely to have a significant impact on the Council's profile, is likely to attract unfavourable comment in the news media, or may have substantial financial implications there will be a presumption in favour of referring it to members.

2.6 Functions are not delegated where:

2.6.1 they are reserved by law or by this Constitution to the Council;

2.6.2 they may not by law be delegated to an officer

2.6.3 they are reserved to be exercised by an Executive Member or Members

2.7 The powers listed in the document entitled 'Functions which are not to be the responsibility of the Cabinet' contained in Part 14 of the Constitution are delegated to the chief officer named in the fourth column of that document. Where no chief officer is named, the power is not delegated to officers but is retained by the Committee named in the third column.

2.8 Any new function which becomes the Council's responsibility will be included within this scheme without the need for the Council to amend the Scheme and if any doubt should arise as to which chief officer is responsible for the function the Chief Executive shall decide.

3. General Delegation - Specific Powers

3.1 Each chief officer (having consulted with the relevant Portfolio Holder where appropriate) is authorised to take any action necessary to protect or promote the Council's interests, subject to the restrictions noted in paragraph 2 above.

3.2 Without prejudice to the generality of the above provisions, this includes exercising his/her professional judgement to take such decisions as are necessary to implement the Council's policies and to promote the management and delivery of the services which are his/her responsibility.

3.3 Any powers granted to a chief officer may be discharged either in his/her absence by such officers(s) as may be authorised by him/her or in accordance with any general instructions or provisions made by him/her. In the absence of the chief officer, any officer appointed by him/her to deputise on his/her behalf may also authorise the exercise of the delegated powers. For the avoidance of doubt such authorisations may not be granted to persons who are not officers of the Council unless there is an arrangement facilitating joint working with the relevant persons employing authority. If no such authority has been granted prior to the absence of the Chief Officer then the Chief Executive may authorise such other officer or officers as he thinks fit to exercise the powers of the absent Chief Officer.

3.4 Each chief officer may authorise his/her staff to exercise such powers as necessary to enter or inspect any land, buildings or properties and to provide any evidence or authority as necessary for discharging their duties in accordance with the Council's statutory powers.

3.5 Authority to serve requisitions for information under the Local Government (Miscellaneous Provisions) Act 1976 or any other enabling legislation.

3.6 In relation to matters reserved to the Council, the Cabinet or other Committee or sub-Committee, if the matter is urgent, the relevant chief officer will be permitted to act in between meetings, in consultation with the relevant Portfolio Holder and local members and leaders of the political groups as appropriate, on condition that any such action is consistent with the Council's general policies and that a report on the action taken is presented to the next meeting of the Council, the Cabinet, Committee or sub-Committee.

3.7 In consultation with the Head of People and Performance where appropriate , each chief officer is authorised to act in relation to staffing matters including the recruitment, appointment, review of structure, approving accelerated increments within the grade for the post, awarding a temporary honorarium, disciplining and dismissal of staff, subject to any matters which have been reserved to the Council, or the Cabinet and subject (in cases of a change of structure which involves viring finance from other budget headings) to compliance with the Financial Procedure Rules and to receiving the approval of the relevant Portfolio Holder.

3.8 To appoint, following consultation with and agreement by the Strategic Director, temporary employees for periods of up to 12 months (or for the duration of a particular project) providing costs are contained within approved estimates subject to compliance with any vacancy control arrangements.

3.9 To determine the appointment of officers for specified purposes to undertake work as inspector, proper officers, or other similar designations contained in existing or future legislation.

3.10 Each chief officer is authorised to act in relation to procurement and contracts within the approved budget and in accordance with the Contract Standing Orders including the power to remove contractors from the approved lists, where there has been a failure to meet Council criteria.

3.11 Each chief officer is authorised to act on financial matters, in accordance with the Financial Regulations.

3.12 Each chief officer is authorised to manage the assets, vehicles and equipment belonging to the Service for which he/she has responsibility. This includes the granting of permission for any event to be held on Council land and the letting of rooms in buildings for which he/she is responsible for periods of 24 hours or less.

3.13 Each chief officer is authorised to submit planning applications in pursuance of approved schemes and to be responsible for the issuing of determinations, consents, licences or notices on behalf of the Council.

3.14 Authority to undertake work or provide services to third parties subject to resources being available, to there being no adverse impact on the provision of Council operations, and appropriate charges being levied.

3.15 In consultation with the Strategic Director – Finance and Resources and the appropriate Portfolio Holder, power to set all fees and charges in accordance with the Council's policies.

3.16 The Head of Audit and Procurement is appointed as the Council's Senior Information Risk Owner (SIRO)

3.17 Acceptance of grant approvals for funding from outside bodies, such acceptance to be authorised by any two of the following Chief Officers: Chief Executive, Strategic Directors and the Head of Law and Governance.

4.1 Statutory and Proper Officer Designation

4.1.1 The Local Government Act 1972 together with other legislation requires local Authorities to make specific statutory appointments which carry specific responsibilities.

4.1.2 The Local Government Act 1972 also makes provision for certain officers to be designated by their employing Authority as the 'Proper Officer' to carry out particular functions under various Acts of Parliament.

4.2 Statutory Officers

4.2.1 Legislation requires local authorities to designate specific officers for particular responsibilities. These are detailed below:-

Statutory Requirements	**Statutory Officer**	**Officer Responsible**
Local Government and Elections (Wales) Act 2021	Chief Executive	Chief Executive
Section 8 and Section 24 Representation of the People Act 1983	Electoral Registration Officer Returning Officer	Chief Executive
Section 5 Local Government and Housing Act 1989	Monitoring Officer	Head of Law and Governance
Section 151 Local Government Act 1972	Chief Finance Officer	Strategic Director – Finance and Resources
Section 532 Education Act 1996	Chief Education Officer	Head of Education Services
Statutory Guidance on the Role and Accountabilities of the Director of Social Services	Director of Social Services	Strategic Director of Social Care and Education

Issued under Section 7 of the Local Authority Social Services Act 1970		
Section 27 Children Act 2004	Lead Director for Children and Young People's Services	Strategic Director of Social Care and Education

Proper Officer Responsibilities

4.2.2 Chief Executive

The Chief Executive is appointed the Proper Officer in relation to:-

(a) Any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Clerk of a Council or the Town Clerk of a Borough, which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council.

(b) Any reference in any local statutory provision to the Clerk of the Council or similar which, by virtue of an Order made under the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.

(c) In addition to any specific responsibilities under which the Chief Executive is designated Proper Officer, the Chief Executive is also designated as Proper Officer in respect of all Proper Officer designations made to Strategic Directors or other officers in the absence of such Strategic Directors or Officers.

Strategic Director – Finance and Resources

The Strategic Director – Finance and Resources is appointed the Proper Officer in relation to the following:-

(a) Any reference in any enactment passed before or during the 1971-1972 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972 to the Treasurer or a Treasurer of a Borough, which by virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council.

(b) Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of an Order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992, is to be construed as a reference to the Proper Officer of the Council.

4.2.3 Proper Officer Designations in respect of specific Statutory Provisions are as follows:

Local Government Act 1972

The Head of Law and Governance is the Proper Officer for all functions under the Local Government Act 1972 other than the following:-

Section of Act	Function	Officer Appointed
88(2)	Convening a Council meeting to fill a casual vacancy in the office of Chair	Chief Executive
115(2)	Receipt of money due from officers	Strategic Director – Finance and Resources
146(1)(a) and (b)	Declarations and Certificates with regard to securities	Strategic Director – Finance and Resources
191	Functions with respect to Ordnance Survey	Chief Executive
234	Authentication of documents	All Heads of Services for their own areas of operations
Schedule 12, Paragraph 4(2)(b)	Signature of Summonses to Council Meetings	Chief Executive

Public Services Ombudsman (Wales) Act 2005

17	Notice of Public Services Ombudsman's Reports	Head of Law and Governance

Local Government (Miscellaneous Provisions) Act 1976

41	Evidence of Resolutions and Minutes of Proceedings	Head of Democratic Services

Buildings Act 1984

78	Exercise of powers to deal with dangerous buildings etc	Head of Regulatory Services

Registration Service Act 1953 - Registration of Births, Deaths and Marriages Regulations 1968 to 1994

	Various functions	Head of Law and Governance

Rent Act 1977

Schedule 15 Part IV	Certificate of Local Housing Authority as to the provision of suitable alternative accommodation	Housing Services Manager or Head of Strategic Housing

Rent (Agriculture) Act

Schedule 4	Issue of a Certificate of the Housing Authority as to the provision of suitable alternative accommodation	Housing Services Manager or Head of Strategic Housing

For Conwy Harbour (Functions under The Conwy Harbour Revision Order 1982)

All relevant provisions of the Order	Various functions of the 'Harbour Master'	Principal Harbour and Maritime Officer

Health and Safety at Work Act 1974

Part 1	Functions relating to Health and Safety under any 'relevant statutory provision' within the meaning of Part 1 of the Act, to the extent that those functions are discharged otherwise than in the Council's capacity as employer	Head of Regulatory Services

Local Government (Contracts) Act 1997

Section 3	To provide a certificate under the Act	Strategic Director – Finance and Resources

Proceeds of Crime Act and Money Laundering Regulations

	Money Laundering Reporting Officer	Section 151 Officer (see Statutory Officers table)

Housing Act 2004

	Authorised Officer	Head of Strategic Housing

General Data Protection Regulation

Article 37	Data Protection Officer	Information Governance Manager

4.3 The following specific powers and duties are delegated to the chief officer named below.

4.3.1 Chief Executive

1. Authorised to make any decisions relating to any matter within his/her area of responsibility, provided always that the decision is:

   a) Within budget
   b) In accordance with the Council's Policy Framework
   c) In accordance with the Council's Financial Procedure Rules and Contract Procedure Rules
   d) Not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet or a Statutory Officer.

2. Power to submit bids and negotiate for external funding that are in the Council's best interests, subject to available Council resources.

3. Power to act in consultation with the Chair of the Council in relation to any decisions requiring urgent Executive action in the period from the last Executive meeting prior to elections and lasting until the selection of the new Executive members by the Leader following the election.

4. Authority in relation to the creation of new posts where funding (whether external or internal) is identified, deletion of posts and small scale changes as a consequence of staff reorganisation, for example, if affecting 10 or fewer members of staff, in consultation with the Portfolio Holder(s), the appropriate Strategic Director(s) and the Head of Corporate Human Resources. Any decisions can be referred to Cabinet for consideration if it is necessary. *(Organisational changes affecting 11 or more staff or posts are a Cabinet function).*

5. Authority to change the officer membership on the Corporate Joint Consultative Committee and Corporate Joint Health, Safety and Health Promotion Committee at his/her discretion *(but not the number of officer seats)*.

6. To approve vacancies in line with the Vacancy Control Procedure.

7. In addition to Paragraph above, have line management responsibilities for the following Heads of Service::

   - Head of Environment, Roads and Facilities
   - Head of Law and Governance
   - Head of Regulatory Services
   - Head of Strategic Housing

4.3.2 Strategic Directors

1. All Strategic Directors are authorised to make any decisions relating to any matter within his/her area of responsibility, provided always that the decision is:

    a) Within budget
    b) In accordance with the Council's Policy Framework
    c) In accordance with the Council's Financial Procedure Rules and Contract Procedure Rules
    d) Not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet or a Statutory Officer.

2. To approve vacancies in line with the Vacancy Control Procedure.

4.3.3 Strategic Director – Finance and Resources

1. In addition to Paragraph 4.3.2, have line management responsibilities for the following Heads of Service

    - Head of Finance
    - Head of Audit & Procurement
    - Head of People and Performance
    - Head of IT and Digital Transformation
    - Head of Economy & Culture

2. To act on a day to day basis and within the scheme in the following areas:

- Providing clear professional leadership across the Finance and Resources directorate;
- Having direct access to and advise the Chief Executive and Councillors on Finance matters and on the direction and actions the authority should take on financial matters;
- Ensuring that strong performance management arrangements are in place across the Finance and Resources directorate, and reporting at a corporate level and to Councillors on the authority's performance in respect of these;
- Ensuring that the Council has proper administration of its financial affairs
- Lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.

3. Financial Services - to act on a day to day basis and within the scheme in the following areas:-

    - To be the proper officer for the purpose of Section 151 Local Government Act 1972 and Section 114 Local Government Finance Act 1988 and the power to appoint a deputy to act in their absence.
    - To be the proper officer for the purposes of Sections 115 and 146 Local Government Act 1972.

- The right to sign a certificate that a lease or contract does not constitute credit arrangements.
- The right to sign a certificate that contracts comply with the Local Government (Contracts) Act 1997.
- To authorise the write-off of debts up to the amounts noted in the Financial Procedure Rules.
- Nominate authorised officers under the Social Security Administration Act 1992
- To enter in to Service Level Agreements with outside bodies to undertake that body's accounts, payroll, creditor payments, investments and borrowing
- Organising the Council's banking arrangements.
- Authorising leasing arrangements.
- Authorising and managing petty cash payments.
- Authorising the issue of Credit/Purchase Cards.
- Authorising the use of electronic financial systems to transfer money for the above purposes.

4. To approve/disapprove employer discretion applications (Local Government Pension Scheme Regulations 2014) in consultation with the Head of People and Performance, the appropriate Director of the service in which the applicant works (or worked, if an ex-employee) and the Portfolio Holders for Finance and Resources and Modernisation relating to:

    - Waiving All or Part of any Actuarial Reduction
    - Waiving All or Part of any Actuarial Reduction: Current Employers: 85 year rule
    - Waiving All or Part of any Actuarial Reduction: Ex-employees

5. To approve flexible retirement applications in consultation with the Head of People and Performance and the appropriate Director for the service in which the applicant works, except where an application is made by a Head of Service (Chief Officer) ,a Strategic Director, or the Chief Executive in which case the decision will be made by the Senior Employment Committee unless the overall value of the "package" is likely to exceed the Welsh Government's new threshold of £100,000 where the application will be referred to the Council for a decision.

6. To approve the disposal of land or property assets (both Freehold and Leasehold interests and granting of Easements or Lifting of Restrictive Covenants/Relevant Obligations) where:

    - The disposal value does not exceed £50,000;
    - The disposal is in accordance with the Council's Disposals Policy and legal requirements;
    - The relevant Cabinet Member is consulted in advance.

4.3.4 Strategic Director of Social Care and Education

1. In addition to Paragraph 4.3.2, have line management responsibilities for the following Heads of Service:

- Head of Children, Family and Safeguarding Services
- Head of Education
- Head of Integrated Adults and Community Services

2. In addition to Paragraph 4.3.2, to act as the Director of Social Services responsible for:

- Providing clear professional leadership across Social Care and Education Services;
- Having direct access to and advising the Chief Executive and Councillors on Social Services matters and on the direction and actions the authority should take in fulfilling its Social Services responsibilities;
- Ensuring that strong performance management arrangements are in place across Social Services, and reporting at a corporate level and to Councillors on the authority's performance in respect of these;
- Ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, and reporting at a corporate level and to Councillors on their effectiveness;
- Fulfilling overall responsibility for Social Services workforce planning, training and professional development; and
- Ensuring that there are adequate arrangements in place for Social Services to work effectively with others, both within and outside the Authority, in fulfilling its Social Services functions and in contributing to the achievement of wider policy objectives.
- Subject to 2.5.3 and in consultation with the relevant Cabinet Member, to make decisions at the Regional Partnership Board.

3. To exercise powers under all the Acts listed in Schedule 1 to the Local Authorities (Social Services) Act 1970.

4. To exercise the powers under section 47 of the National Assistance Act 1948.

5. Role of Lead Director for Children and Young People's Services under Section 27 of the Children Act 2004.

4.3.5 Head of Law and Governance

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

   - Legal
   - Language Unit
   - Registration Services
   - Democratic Services
   - Business Support

2. To instigate defend or settle proceedings (either in the name of the Council or in the name of an individual Council officer) under the common law or under any legislation, secondary legislation or the byelaw which either grants functions to the Council or which relates to functions discharged by the Council and the appeal against any legal judgment.

   For the avoidance of doubt this Authority includes the authority to take all procedural measures including the serving of statutory or non statutory notices or counter notices and eviction notices.

3. To authorise a Council officer to appear on behalf of the Council in proceedings under Section 60 of the County Courts Act 1984 and in the Magistrates Court under Section 223 of the Local Government Act 1972.

4. Authority to sign a certificate for the purposes of Her Majesty's Land Registry and to register any land charge on behalf of the Council.

5. Authority to affix the Common Seal of the Council to documents following a valid decision by the Council or the Executive, Committee Portfolio Holders or an officer exercising delegated powers, and to authorise other officers to do likewise.

6. Authorised to Act (in consultation with the Head of Regulatory Services or his Deputy) as an Authorised Officer for the purposes of the Regulation of Investigatory Powers Act 2000.
7. To apply to the Court for Drink Ban Orders (Sections 1-14 of the Violent Crime Reduction Act) in consultation with the Head of Regulatory Services.

4.3.6 Head of Democratic Services

1. To act on a day to day basis, and within the scheme in the following areas:

   - Elections/Electoral Registration
   - Member Services
   - Committee Services
   - Scrutiny Services

2. To provide support and advice (concerning the functions of the Overview and Scrutiny Committees and the Democratic Services Committee) to:

- the Authority in relation to its meetings;
- Committees of the authority and the members of those committees;
- any joint committee which the 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

3. To promote the role of the Authority's Overview and Scrutiny Committees.

4. 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.

5. To carry out duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013.

6. Any other functions prescribed by the Welsh Ministers

4.3.7 Head of Finance

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

- Accountancy & Exchequer
- Revenues & Benefits
- Accountancy (including Revenue budgeting and final accounts and Capital budgeting and final accounts)
- Risk management and insurance
- Creditor Payments (including the Construction Industry Tax Deduction Scheme and self employed payments)
- The pension scheme including the teachers' pension scheme
- Treasury management (including investments and borrowing for revenue and capital purposes and investment for funds for which the Council is the custodian)
- Payroll (including car allowances, expenses, employee benefits, income tax, national insurance and all other deductions)
- Car Leasing Scheme
- Tax matters including the Council's income tax and VAT

2. To be the Deputy s151 officer and to act on a day to day basis and within the scheme in respect of the areas set out in section 4.3.3 (2), as deputy to the Strategic Director Finance and Resources.

3. To manage the following officers in the exercise of their functions.

Local Taxation Manager -To act on a day to day basis and within the Scheme in the following areas:-

- Collection of Council Tax and National Non-Domestic Rates
- Authority to take legal proceedings for recovery of any monies due to the Council
- Authorising staff to appear on behalf of the Authority to conduct proceedings in the Magistrates' Court under S.223 LGA 1972
- Negotiating debts including recommending write-off to the appropriate Cabinet Member
- To authorise the write-off of debts up to the amounts noted in the Financial Regulations
- To authorise the granting of discretionary relief from NNDR provided the awards follow the Non-Domestic Rates Policy and Guidance for Discretionary, Rural and Hardship Relief

Benefits & Financial Assessments Manager - To act on a day to day basis and within the Scheme in the following areas:-

- Administration of Housing Benefit/ Council Tax Reduction
- Assessment of Discretionary Housing Payment Awards
- Financial Assessment of Domiciliary and Residential Charges
- Assessment of Free School Meals and School Uniform Grants
- Authority to make discretionary decisions in accordance with the Housing Benefit/Council Tax Reduction Regulations
- Detection and Prevention of Housing Benefit/Council Tax Reduction Fraud
- Authority to take legal proceedings for recovery of any monies due to the Council
- Authority to take steps under the Social Security Administration (Fraud) Act 1997
- Negotiating debts, including recommending write off to the appropriate Cabinet Member
- To authorise the write-off of debts up to the amounts noted in the Financial Regulations

Income & Reconciliation Manager - To act on a day to day basis and within the scheme in the following areas:-

- Collection of Sundry Debts
- Corporate Income Collection and Bank Reconciliation
- E-Payments and associated development work
- Management of Council Mortgages
- Authority to take legal proceedings for recovery of any monies due to the Council

- Negotiating debts including recommending write off to the appropriate Cabinet Member
- To authorise the write-off of debts up to the amounts noted in the Financial Regulations

4.3.8 Head of People and Performance

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to

- Terms and conditions of services (in consultation with the appropriate Head of Service)
- Industrial relations
- Staff training and development
- Recruitments and appointment procedure
- Employer's responsibility of health and safety measures
- Retirement
- Termination of Employment
- Communications and Marketing (with the exception of the Arts, Culture and Theatres Team)

2. To be the proper officer for signing applications for checks with the Criminal Records Bureau.

3. To determine, on behalf of the Council as employer, stage 1 of an appeal under the internal dispute resolution procedure of the Local Government Pension Scheme.

7. To decide on re-grading applications (to be discharged through the job evaluation and scheme maintenance procedure).

8. Authority, in consultation with the Leader, to respond on behalf of the Council to enquiries or consultations on pay and single status issues received from the National Employers.

9. To give instructions and directions requiring the suspension of operations executed by, or involving employees of the Council where operations are judged to be dangerous or in breach of any statutory requirement

10. To approve/disapprove employer discretion applications (Local Government Pension Scheme Regulations 2014) in consultation with the Strategic Director (Finance and Resources), the appropriate Director of the service in which the applicant works (or worked, if an ex-employee) and the Portfolio Holders for Finance and Resources and Communication relating to:

- Waiving All or Part of any Actuarial Reduction

- Waiving All or Part of any Actuarial Reduction: Current Employers: 85 year rule
- Waiving All or Part of any Actuarial Reduction: Ex-employees

11. To approve flexible retirement applications in consultation with the Strategic Director (Finance and Resources) and the appropriate Director for the service in which the applicant works, except where an application is made by a Head of Service (Chief Officer) ,a Strategic Director, a Director or the Chief Executive in which case the decision will be made by the Senior Employment Committee unless the overall value of the "package" is likely to exceed the Welsh Government's new threshold of £100,000 where the application will be referred to the Council for a decision.

4.3.9 Head of Children, Family and Safeguarding Services

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

Children and Family Support and Intervention:

- Provision of support to Children in Need under Part III Children Act 1989
- Initiation of Court proceedings.
- Giving consent to private law orders, including residence orders and special guardianship, where appropriate.
- Emergency Duty Team service

Looked After Children:

- Performing functions under Adoption (Intercountry Aspects) Act 1999
- Maintenance of fostering and adoption services
- Responsible for appointing officers to fulfil the role of Agency Decision Maker Fostering and Adoption

Youth Justice:

- Youth Justice Team including protection of Young People in criminal proceedings

Vulnerable People:

- Social work provision in relation to Mental Health
- Deprivation of Liberty
- Social work provision in relation to Substance Misuse
- Court Appointed Deputies service
- Community and Family Support services
- Vulnerable People's service
- Care Leaver provision

Quality, Policy and Standards:

- Safeguarding functions for adults and children
- Monitoring Officer Service
- Workforce Training and Development (social services wide)
- Lead for Social Services complaints

4.3.10 Head of Integrated Adult and Community Services

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

    - Older Peoples Services
    - Lifespan Disability services including Children with Disability, Learning Disability, Physical Disability and Sensory Impairment including statutory obligation to maintain a register of people with specific disabilities
    - Residential and nursing care – procurement and facilitating
    - Community Support Services (including reablement) – procurement and facilitation for Older people and those with Disabilities
    - Day Service Provision for Older People and Those with Disabilities
    - Business Support (including Transport and Blue Badges)
    - Carers
    - Customer Care and Assisted Technology
    - Occupational Therapy
    - Direct Payments
    - Community Wellbeing (including Flying Start, Families First and Preventative services)
    - Commissioning for whole population
    - Partnership arrangements and facilitation
    - Community Transport

2. To act as responsible person for the purposes of the Care Standards Act 2000.

4.3.11 Head of Audit and Procurement

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

- Audit
- Procurement
- To conduct such other investigations as may be appropriate and a right of access to all necessary information/records and sites/premises to fulfil that task
- Right to refer to external agencies were deemed appropriate

2. Authorised to Act (in consultation with the Head of Regulatory or his Deputy) as an Authorised Officer for the purposes of the Regulation of Investigatory Powers Act 2000.

3. To enter in to Service Level Agreements with outside bodies to undertake that body's accounts, payroll, creditor payments, investments and borrowing.

4. Information Governance and Compliments and Complaints

5. To act as the Senior Information Risk Owner (SIRO)

6. To act as the Money Laundering Reporting Officer (MLRO)

4.3.12 Head of Economy and Culture Service

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:-

- Venues Management
- Events Management
- Culture & Information
- Economic Development
- Economy and Culture Business Management
- Active and creative lifestyles
- Sport and leisure development

2. To submit applications for National Lottery and other external funding as approved by the Capital Plan, Operational Plan or other Strategies.

3. Authority to approve expenditure of up to £10,000 on research in relation to projects.

4. To approve grants after consultation with relevant Executive Member up to a maximum of £25,000 in any single case for small and medium sized businesses.

5. To purchase items within the Council's Acquisitions and Disposals Policy up to £10,000 for the council's Museums Service.

6. Authority to accept or reject gifts, bequests or loans to the Council's Museums Service within the terms of the Policy.

4.3.13 Head of Education Services

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

- School's support services – finance and personnel, information/data management, school meals, transport; and site management.
- Additional Learning Needs/Social Inclusion (SEN and Disability Act 2001)
- Welfare and Attendance
- Governors' support
- Schools improvement and raising educational standards
- School admissions
- School organisation – (School Standard and Organisation (Wales) Act 2013)
- Conwy Youth Service
- Duke of Edinburgh's Award
- Family Information Service
- Early Years Team

2 To intervene where there are serious concerns about pupils standards of attainment or issues of leadership and management in a particular school (1998 Act)

3. To take any steps under legislation to exclude people from school premises and take steps to have them removed as required.

4. To organise independent appeal panels to address issues relating to: a pupils who have been excluded from school; school admissions; and home to school transport.

5. To suspend the right of the governing body to have a delegated budget in circumstances permitted by legislation (Education Reform Act 1998)

6. To act on any school staffing matters where the decision is that of the Local Education Authority (rather than the Governing Body).

7. To make amendments to the Admissions Policy following appropriate consultation.

4.3.14 <u>Head of Information Technology and Digital Transformation</u>

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

- Management and control of the ICT infrastructure and E-government
- To determine ICT strategy in consultation with the Chief Executive and Strategic Directors
- To undertake all ICT procurement on behalf of the Council

4.3.15 Head of Regulatory Services

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

- Development and building control
- Listed buildings
- Dangerous buildings and unsafe structures
- Community safety Partnership
- Anti-social behaviour
- CCTV
- Licensing (including private hire)
- Street naming and numbering
- Proper maintenance of land
- Trading standards
- Environmental health
- Animal health
- Searches land charges and common land
- Licensing Enforcement
- Food and Feed Standards
- Corporate Health and Safety
- Gypsy Traveller Sites

2. To exercise the Council's powers in relation to high hedges.

3. To exercise all the Council's powers relating to Public Protection and any which become the Council's responsibility in future.

4. Authorisation to appoint inspectors under the Health and Safety at Work Act etc 1974.

5. Authority to sign a certificate for the purposes of Her Majesty's Land Registry and to register any land charge on behalf of the Council.

6. To exercise all the Council's powers as a common land registration authority.

7. The power to exercise enforcement powers in relation to environmental offences arising in any one of the areas listed below (including steps which may be deemed necessary to prevent offences, educate and issue fixed penalty notices).

   - Dog Fouling
   - Environmental Protection
   - Removal and Disposal of Vehicles
   - Refuse Disposal
   - Clean Neighbourhoods
   - The Control of Pollution

8. To exercise the Council's functions in relation to unfit housing.

9. To exercise the Council's functions to issue notices and to take enforcement proceedings in relation to houses in multiple occupation.

10. To exercise the Council's enforcement powers in the private housing sector.

11. To exercise the Council's functions relating to drainage, water supply and other environmental health matters.

12. To authorise the release of images captured on CCTV in accordance with the Code of Practice.

13. Authority to be consulted by Authorised Officers acting as such under the Regulation of Investigatory Powers Act 2000.

14. To decide which Members sit on the Licensing Act 2003 Sub Committee, in consultation with the Chair and Vice-Chair of the Licensing Committee.

15. To issue licences in accordance with the Firework Regulations 2004.

16. To grant and renew both Hackney Carriage and Private Hire Drivers Licences, except where an applicant or existing licence holder has previous criminal convictions recorded against them, then the Cabinet Member with responsibility for Regulatory Services (see Section 5, Appendix 1) will be consulted to confirm whether or not the matter be referred to the Licensing and Regulation Committee for determination.

17. After consultation with the Cabinet Member with responsibility for Regulatory Services (see Section 5, Appendix 1), to suspend or revoke a Hackney Carriage Vehicle/and or Drivers Licence or Private Hire and/or Drivers Licence, where it is considered immediate action should be taken in the public safety;, the Chair of the Council's appointed Licensing Committee will be notified of any such action.

18. To enter into Planning Performance Agreements to recover costs in relation to the assessment of Nationally Significant Infrastructure Projects.

19. To exercise powers in respect of the Control of Horses (Wales) Act 2014.

20. The power to exercise enforcement action in relation to anti-social behaviour, including steps necessary to prevent offences, educate and issue fixed penalty notices and, in consultation with the Portfolio Holder, to apply for and make an Order under the Anti-Social Behaviour Crime and Policing Act 2014.

4.3.16 Head of Strategic Housing

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

- Homelessness
- Housing Improvement
- Housing Strategy
- Conwy Housing Solutions
- Resettlement Team
- Estates and Asset Management

2. To exercise the Council's functions in relation to homelessness.

3. To approve or refuse and administer housing improvement grant applications.

4. To determine requests from Staff Members in relation to applying the Tapering Policy to a Group Repair Scheme.

5. The authority, subject to agreement from the relevant Portfolio Holder, to grant leases for a term not exceeding 7 years for individual industrial units within the Service's property portfolio

6. Co-ordination of the needs of the Gypsy, Roma and Traveller Community

7. Responsible for the contract management of pitch agreements for Gypsy Traveller Sites.

8. Estates and Asset Management - To act on a day to day basis, in consultation with the County Valuer and Asset Manager and within the scheme in the following areas:

- To act as a focal point on property matters so as to assist in the alignment of land and building assets for the Authority's service delivery.
- To provide recommendations on property related matters, prior to referral to Cabinet.
- To use delegated powers on qualifying property matters.

Qualifying property matters:

i. Allocation of Council property between Service Departments.
ii. Approval to progress with negotiations as to acquisitions/disposal pending Cabinet approval for resolution to acquire/dispose.
iii. Approval of granting or acquisition of easements/rights.

iv. Power to grant or enter into leases and licences where the commitment will be limited to 7 years, and up to 25 years for the purposes of obtaining grant funding.
v. Power to grant interests to statutory providers
vi. Power to authorise acquisitions up to £10,000.
vii. Power to agree and vary leasehold matters during the existing lease term and to agree the surrender of leases subject to a premium of no more than £10,000.

- Where necessary, to provide recommendations where matters are dealt with under the Scheme of Delegation.
- To approve the terms for purchasing, procuring, selling or disposing of all Council's interests in land where a decision has been made by the Board, Committee, Portfolio Holder, Leader or Chief Officer exercising delegated powers so to buy, procure, sell or dispose.
- In appropriate cases to pay compensation under the Compensation Act 1973, the Planning and Compensation Act 1991, the Landlord and Tenant Act 1954, or any claim of dilapidation or tenants claims.
- To negotiate and pay any claims presented against the Council for damage or loss caused by work carried out under the Council's statutory powers.
- To consider the Corporate Asset Management Plan, and to monitor effectiveness and application.
- To commence possession proceedings through the Courts against any tenant, licensee or trespasser
- To consider the utilisation and disposal of surplus property, along with opportunities arising got disposal and acquisitions.

4.3.17 Head of Environment, Roads and Facilities

1. To act on behalf of the Council on a day to day basis and within the Scheme with regards to matters within his/her service area, particularly in relation to the following, but not exclusive to:

- Agreements, deposits, licences, consents and enforcements under the Highways Act 1980 and all other relevant legislation
- Recovery of charges for licences for highway works (as appropriate)
- Recovery of costs for public footpath orders
- Enforcement in respect of deposits and obstructions on the highway
- Highway nuisance
- Safe routes to schools
- Road safety education and training
- Surveys of public rights of way
- Adoption of roads
- Traffic Regulations and/or Orders
- To undertake statutory consultations with the Police in relation to proposed Traffic Orders
- Disabled Parking Orders
- Operation of the Council's Advance Payment Code
- Service of all appropriate notices in respect of highway matters

- Planting of trees, shrubs etc on the highway
- Highway maintenance
- Provision of road markings, rails, barriers and signs not requiring Assembly approval
- Integrated transport policy
- Public Transport/Community Transport
- Delegated functions under the Trunk Road Agency Agreement in accordance with the North and Mid Wales Trunk Road Agency Partnership Agreement
- Maintenance of Highways (including Rights of Way)
- Delivery of countryside management functions
- Recycling / waste disposal
- Civic amenity provision
- Hazardous and clinical waste
- Trade waste
- Abandoned vehicles
- Street cleansing
- Litter and refuse collection
- Amenity scavenging
- Parks maintenance and children's playgrounds
- Horticultural services
- Cemeteries and crematorium
- Flood Risk Management
- Sea defence and coastal protection including acting as maritime authority
- Public conveniences
- Councils fleet
- Management and design of construction projects
- Great Orme Tramway
- Playing Fields
- Allotments
- Harbour and Seaboard
- Biodiversity
- Car Parks
- Facilities Management

2. Authority to determine the following applications:-

- under the New Roads And Street Works Act 1991
- for the deposit of contractors' skips on the highway
- to obtain consent under Section 1 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of erection of flagpoles and the positioning of cut or tub trees in the highway
- for the erection of temporary signs on the highway
- for permission to erect street displays above or across the highway
- in respect of proposed public footpath Orders where they are unopposed
- under Part VIIA of the Highways Act 1980 and any adopted highway within the County, after consultation with the relevant Executive and local Members

- from Public Utilities to undertake work on the highway
- in relation to activities in pedestrianised areas and adopted highways, in consultation with the relevant Executive member or local member(s).
- Unopposed applications for stopping up orders

3. Authority to take action under Section 230 of the Highways Act 1980, in relation to urgent repairs to private streets.

4. Authority to determine the programme of revenue works (other than those included in the Council's capital programme and pre-programme schedules) for each financial year and to execute those works

5. Authority to comment on behalf of the Council on proposals or draft Orders initiated by other public authorities for the extinguishment or diversion of highways or public footpaths.

6. To receive all notices and information from water undertakers, and maintain the registers in accordance with the Reservoirs Act 1975.

7. To implement 'Free after Three' concessionary parking for the Christmas Period, including consideration of any requests from Town and Community Councils in consultation with the Cabinet Members for Environment and Transportation and Finance and Resources.
8. To approve special events in Council parks in liaison with Community Development.
9. To undertake emergency works related to sea defence, coast protection, land drainage, flooding, oil spillage, cleansing, and to act as community leader with the executive member.
10. To take action as necessary to manage the financial affairs of the Council's in-house services within the department subject to compliance with standing orders and financial regulations.
11. To enter into Service Level Agreements with internal departments in respect of in-house services.
12. To determine the allocation of replacement programme for street furniture.
13. To seek to work with neighbouring Councils, Community and Town Councils in support of regional waste related initiatives in consultation with the relevant executive member.
14. To discharge the functions of the Council under Section 23 and 24 of the Local Government (Miscellaneous Provisions) Act 1976 or any other enactment relating to dangerous trees.

15. Coast Protection Act

- Power to grant Coast Protection Consent for works carried out by other parties
- Power to serve notice on landowners to carry out coast protection maintenance / repairs

16. Land Drainage Act

- Power to serve notice on landowners to carry out ordinary watercourse maintenance / repairs
- Power to grant Ordinary Watercourse Consent for any works in ordinary watercourses

17. Civil Contingencies Act

- Duty to respond to (flooding or oil spill) emergencies

18. Flood and Water Management Act

- Power to designate features having an effect on flood risk to require consent for alteration or removal
- Power to carry out works that may increase flood risk subject to conditions including that benefits will outweigh the harmful consequences
- Reservoirs

19. The Head of Environment, Roads and Facilities also undertakes the designated roles of County Oil Pollution Officer, Duty Holder under the Port Marine Safety Code and the Technical Approval Authority for design of roads and bridges.

20. Authority to manage and determine Sustainable Drainage Approval Body applications.

SECTION 14.8

Delegation to Individual Members Of The Executive Committee (The Cabinet)

The following Executive functions shall stand delegated to the Member(s) indicated:

The delegation of Executive functions to individual members or groups of members requires strict adherence to the rules governing the recording of decisions by such members as set out in the Access to Information Procedure Rules.

The Leader and Portfolio Holder for Finance and Finance Strategy

Authority to undertake any of the functions delegated to other Executive Members in the event of urgency and the absence of the relevant Executive Member.

Authority to make appointments of Members on to Outside Organisations, following consultation with Group Leaders.

Authority, in conjunction with the S.151 Officer, to approve purchases or other transactions identified as part of the Housing and Homelessness Programme Board up to £500,000.

Authority to authorise payments from the Welsh Church Act funds, in consultation with a Member Working Group.

Appropriate Portfolio Holder

Authority, in consultation with the relevant Head(s) of Service, to approve the award of grants up to £100,000 under schemes previously approved by the Executive

To approve the fees for services set or amended by the relevant Head of Service in consultation with the Strategic Director – Finance and Efficiencies

Portfolio Holder for a Sustainable Economy

Authority to approve payment schedules for payment of precepts and to determine the Council Tax base.

Authority to determine applications for the granting of:

(1) discretionary relief from NNDR on cases escalated by the Local Taxation Manager for consideration within the Non-Domestic Rates Policy and Guidance for Discretionary, Rural and Hardship Relief (attached as appendix 1); and
(2) relief from NNDR on the grounds of hardship

Authority to approve write-offs which have been recommended by the Strategic Director (Finance and Efficiencies) between £2,500 (the sum delegated to Officers) and £30,000 in consultation with the relevant service portfolio holder.

Authority to approve applications for the UK Shared Prosperity Fund (SPF), following recommendations by the Conwy UK SPF Local Partnership Panel up to a maximum of £500,000.

Authority to approve Conwy Key Fund applications between £100,000 to £249,999, following recommendations by the Conwy UK Shared Prosperity Fund (SPF) Local Partnership Panel.

Authority to approve any allocation or reallocation of Conwy UK Shared Prosperity Fund (SPF) (including the Multiply Adult Numeracy Programme) with distribution based on an assessment of need, in consultation with the Conwy UK Shared Prosperity Fund (SPF) Local Partnership Panel

Authority to approve the disposal of land or property assets and land classified as Public Open Space including authority to publish the required statutory notices for such disposals (both Freehold and Leasehold interests and granting of Easements or Lifting of Restrictive Covenants/Relevant Obligations), where:

(1) The disposal value does not exceed **£250,000**;
(2) The disposal is in accordance with the Council's Disposal Policy and legal requirements;

All disposals exceeding this threshold shall remain reserved for Cabinet approval

Portfolio Holder for Integrated Adult and Community Services

Authority to approve monetary grants to voluntary service organisations up to a maximum of £15,000 to any one organisation in any one year.

Deputy Leader and Portfolio Holder for Housing, Homelessness and Service Change

Authority to determine Disabled Facilities Grants (DFGs) for a relative of a member of staff.

Portfolio Holder for Education

Authority to deal with applications for grants not exceeding £500 from Educational Trust Funds.

Authority to deal with the appointment of LEA Representative Governors on Schools.

Authority to remove LEA Representative Governors on School Governing Bodies in line with the Council's Policy for the Removal of Local Authority Governors.

Authority to authorise payments from the Conwy Excellence Fund, following recommendations from the Excellence Fund Working Group, up to a maximum of £1000 per application.

Portfolio Holder for Audit, Policy and Performance

To determine urgent cases under procedures ii) and iii) in Appendix B of the Supplementary Planning Guidance for Buildings and Structures of Local Importance, in consultation with the Chair of the Economy and Place Overview and Scrutiny Committee.

Procedure (ii): Approach to including a BSLI on the register in response to planning applications
Procedure (iii): Approach to including a BSLI on the register - Response to Pre-application enquiries

Portfolio Holder for Infrastructure, Transport and Facilities

Authority to approve the planned highway maintenance programme.

Authority to approve the priority lists for highway improvement schemes following consultation with the local member(s).

Authority to determine opposed applications for highway stopping up orders.

Authority to determine opposed Traffic Regulation Orders.

Portfolio Holder for Neighbourhood and the Environment

Authority to determine opposed Dog Control Orders.

To consider and determine Gating Orders where representations are received (excluding those representations that would require the need to hold a Public Inquiry).

Section 14.8 – Appendix

CYNGOR CONWY			CONWY COUNCIL		
A	**GOSTYNGIAD DEWISOL ELUSENNOL**	**Mandadol / Mandatory**	**Dewisol / Discretionary**	**A**	**DISCRETIONARY CHARITABLE RELIEF**
1	**Neuaddau Pentref / Neuaddau Cymuned / Canolfannau Cymunedol**			**1**	**Village Halls / Community Halls / Community Centres**
(a)	Elusennau Cofrestredig	80%	**20%**	(a)	Registered Charities
(b)	Elusennau heb eu Cofrestru	0%	**100%**	(b)	Not Registered Charities
2	**Sefydliadau Ieuenctid**			**2**	**Youth Organisations**
(a)	Elusennau Cofrestredig gyda chysylltiadau lleol	80%	**20%**	(a)	Registered Charities with local connections.
(b)	Elusennau heb eu Cofrestru gyda chysylltiadau lleol	0%	**0-100%**	(b)	Not Registered Charities with local connections.
(c)	Elusennau Cofrestredig heb gysylltiadau lleol	80%	**0-20%**	(c)	Registered Charities without local connections.
3	**Sefydliadau Dielw sydd ag Amcanion Dyngarol, Llythrennedd neu'n Delio â Chelfyddyd Gain**			**3**	**Non Profit Organisations Whose Aims Are Philanthropic, Literacy or Deal With Fine Art**
(a)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt, gydag aelodaeth sy'n agored i bawb	80%	**20%**	(a)	Registered Charities that benefit local people and membership is open to anyone.
(b)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt, ond fod yr aelodaeth wedi ei chyfyngu	80%	**0-20%**	(b)	Registered Charities that benefit local people but membership is restricted.
(c)	Elusennau heb eu Cofrestru ond y mae pobl leol yn elwa arnynt, gydag aelodaeth sy'n agored i bawb	0%	**0-100%**	(c)	Not registered but benefits the local people and membership is open to anyone.
(d)	Elusennau Cofrestredig heb gysylltiadau lleol	80%	**0%**	(d)	Registered Charities without local connections.
4	**Sefydliadau o Ddiddordeb Penodol i Rai e.e. Sefydliad y Merched, yr Henoed**			**4**	**Organisations of Specific Interest to Some e.g. Women's Institute, The Elderly**
(a)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt	80%	**20%**	(a)	Registered Charities beneficial to the local people.
(b)	Elusennau heb eu Cofrestru ond y mae pobl leol yn elwa arnynt	0%	**0-100%**	(b)	Not Registered Charities but beneficial to the local people.
(c)	Elusennau heb eu Cofrestru a heb gysylltiadau lleol	0%	**0-100%**	(c)	Not registered charities and without local connections.
5	**Amgueddfeydd**			**5**	**Museums**
(a)	Elusennau Cofrestredig	80%	**20%**	(a)	Registered Charities
(b)	Elusennau heb eu Cofrestru ond yn ddielw a phobl leol yn elwa arnynt	0%	**100%**	(b)	Not Registered Charities but non-profit and beneficial to local people.
6	**Sefydliadau Addysgol Eraill neu'n Ymwneud â Diwylliant**			**6**	**Other Educational Organisations or Dealing with Culture**
(a)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt, gydag aelodaeth sy'n agored i bawb	80%	**20%**	(a)	Registered Charities of benefit to the local people with open membership.
(b)	Elusennau Cofrestredig y mae pobl leol yn elwa arnynt, ond fod yr aelodaeth wedi ei chyfyngu	80%	**0-20%**	(b)	Registered Charities of benefit to the local people but with restricted membership.
(c)	Elusennau heb eu Cofrestru ond y mae pobl leol yn elwa arnynt, gydag aelodaeth sy'n agored i bawb	0%	**0-100%**	(c)	Not Registered but exists for the benefit of the local people and membership is open.

CYNGOR CONWY			CONWY COUNCIL		
A	**GOSTYNGIAD DEWISOL ELUSENNOL**	**Mandadol / Mandatory**	**Dewisol / Discretionary**	**A**	**DISCRETIONARY CHARITABLE RELIEF**
7	**Colegau ac Ysgolion**			**7**	**Colleges And Schools**
(a)	Elusennau Cofrestredig e.e. Ysgol Rydal Penrhos	80%	**0%**	(a)	Registered Charities e.g. Rydal Penrhos School.
8	**Siopau Elusen**			**8**	**Charity Shops**
(a)	Elusennau Cofrestredig Lleol	80%	**20%**	(a)	Registered Local Charities
(b)	Elusennau Cofrestredig Cenedlaethol	80%	**0-20%**	(b)	Registered National Charities
(c)	Elusennau heb eu Cofrestru ond y mae pobl leol yn elwa arnynt	0%	**0-100%**	(c)	Not Registered but exists for the benefit of the local people.
9	**Chwaraeon Amatur / Cymdeithas Chwaraeon e.e. Clwb Rygbi**			**9**	**Amateur Sports / Sports Association e.g. Rugby Club etc.**
(a)	C.A.S.C (Clwb Chwaraeon Amatur Cymunedol) wedi ei gofrestru gyda Chyllid y Wlad	80%	**0-20%**	(a)	C.A.S.C (Community Amateur Sporting Club) registered with the Inland Revenue.
(b)	Elusen Gofrestredig	80%	**0-20%**	(b)	Registered Charity
(c)	Elusen heb ei Chofrestru ond y mae pobl leol yn elwa arni	0%	**0-100%**	(c)	Not Registered but exists for the benefit of the local people.
10	**Sefydliadau nad ydynt yn Elusen Gofrestredig ond yn Elusennol wrth Natur**			**10**	**Organisations Which Are Not A Registered Charity But Charitable By Nature.**
(a)	Addysgol	80%	**0-20%**	(a)	Educational
(b)	Cyffredinol, er budd y gymuned leol	80%	**0-20%**	(b)	General, for the benefit of the local community.
B	**GOSTYNGIAD OHERWYDD CALEDI**			**B**	**HARDSHIP RELIEF**
	Pob achos i'w ystyried yn ôl ei haeddiant ei hun. Dylid ystyried yr holl ffactorau perthnasol sy'n effeithio ar allu'r busnes i gyflawni ei atebolrwydd i dalu trethi. Dylid ystyried 'buddiannau' ehangach y gymuned, fel gwaethygu rhagolygon cyflogaeth neu ddiffyg cyfleusterau. Gellir rhoi gostyngiad o hyd at 100%. Gofynion deddfwriaethol (Adran 49, Deddf Cyllid Llywodraeth Leol 1988):- Mae gan yr awdurdod bilio'r pŵer i leihau'r swm y mae'n rhaid i unigolyn ei dalu ar yr amod bod yr Awdurdod yn fodlon bod y canlynol yn berthnasol:- • Y byddai'r trethdalwr yn wynebu caledi pe na bai'r awdurdod yn rhoi gostyngiad; a'i • Bod yn rhesymol i'r Awdurdod roi'r gostyngiad gan roi sylw dyledus i fuddiannau Trethdalwyr y Cyngor. Er nad oes diffiniad statudol o galedi, mae rhai canllawiau wedi eu darparu gan y llywodraeth i helpu i ystyried ceisiadau caledi.	0%	**0-100%**		Each case to be considered on its own merits. All relevant factors affecting the ability of the business to meet its liability for rates to be taken into account. Wider 'interests' of the community such as worsening employment prospects or lack of amenities to be considered. Up to 100% relief can be awarded. Legislative requirements (Section 49, Local Government Finance Act 1988):- The billing authority has the power to reduce the amount a person is liable to pay provided the Authority is satisfied that the following apply:- • The ratepayer would sustain hardship if the authority did not grant relief; and • It is reasonable for the Authority to grant the relief having due regard to the interests of the Council Taxpayers. Although there is no statutory definition of hardship some guidance has been provided by the government to assist in the consideration of hardship applications.

CYNGOR CONWY			CONWY COUNCIL		
(a)	Ni ddylai'r Awdurdod fabwysiadu dull cyffredinol, naill ai i roi neu beidio â rhoi gostyngiad. Dylid ystyried pob cais yn ôl ei haeddiant ei hun.			(a)	A blanket approach, either to give or not to give relief, should not be adopted by the Authority, each application should be considered on its own merits.
(b)	Dylai unrhyw ostyngiad a roddir fod yn eithriad yn hytrach na'n drefn arferol.			(b)	Any relief granted should be the exception rather than the rule.
(c)	Nid oes angen cyfyngu'r prawf caledi i ystyriaethau 'ariannol', dylid ystyried yr holl ffactorau perthnasol sy'n effeithio ar allu busnes i gyflawni ei atebolrwydd i dalu trethi.			(c)	The test of hardship need not be confined to 'financial', all relevant factors affecting the ability of a business to meet its liability for rates should be taken into account.
(d)	Gallai 'buddiannau' trethdalwyr lleol mewn ardal fod yn ehangach na buddiannau ariannol uniongyrchol. Er enghraifft, lle byddai rhagolygon cyflogaeth yn yr ardal yn gwaethygu petai cwmni'n methu, neu byddai'n arwain at lai o gyfleusterau mewn ardal, er enghraifft, unig siop y pentref yn gorfod cau.			(d)	The 'interests' of local taxpayers in an area may go wider than direct financial interests. For example, where the employment prospects would be worsened by a company going out of business, or the amenities of an area might be reduced by, for instance, the loss of the only shop in a village.
(e)	Lle byddai rhoi'r gostyngiad yn cael effaith andwyol ar fuddiannau ariannol trethdalwyr lleol, gallai'r achos dros ostwng trethi ddal i orbwyso'r gost i drethdalwyr lleol.			(e)	Where the granting of the relief would have an adverse effect on the financial interests of local taxpayers, the case for reduction of rates may still on balance outweigh the cost to the local taxpayers.
C	**GOSTYNGIAD DEWISOL AR Y DRETH**			**C**	**DISCRETIONARY RATE RELIEF**
	O 1 Ebrill 2012 mae gan y Cyngor y disgresiwn i roi Gostyngiad Dewisol ar y Dreth o hyd at 100% i sefydliadau sy'n gwneud elw. Gyda phob cais, dylid cynnwys copi o'r cynllun busnes a rhagolygon o'r llif ariannol ar gyfer y datblygiad, ac yn achos cwmnïau sydd wedi eu sefydlu, y copi diweddaraf o'r cyfrifon masnachu cyfredol, yn ogystal â chopïau o'r cyfrifon sydd wedi eu harchwilio ar gyfer y ddwy flynedd diwethaf.	0%	**0-100%**		With effect from 1st April 2012 the Council has the discretion to award up to 100% Discretionary Rate Relief to profit making organisations. Each application should be accompanied by a copy of the business plan and cash flow forecast for the development plus, in the case of established companies, an up to date copy of the current trading accounts, plus copies of the last two years audited accounts.
(a)	Ni fydd yr Awdurdod yn mabwysiadu dull cyffredinol, naill ai i roi neu beidio â rhoi gostyngiad. Dylid ystyried pob cais yn ôl ei haeddiant ei hun.			(a)	A blanket approach, either to give or not to give relief, will not be adopted by the Authority, as each application should be considered on its own merits.
(b)	Dylai unrhyw gais ystyried yr effaith ar hyrwyddo Conwy a'i gyfleusterau'n gadarnhaol.			(b)	Any application will consider the impact on the positive promotion of Conwy and its facilities.
(c)	Lle byddai rhoi'r gostyngiad yn cael effaith andwyol ar fuddiannau ariannol trethdalwyr lleol, gallai'r achos dros ostwng trethi ddal i orbwyso'r gost i drethdalwyr lleol.			(c)	Where the granting of the relief would have an adverse effect on the financial interest of local tax payers, the case for reduction of rates may still on balance outweigh the cost to the local taxpayers.
(d)	Gallai 'buddiannau' trethdalwyr lleol mewn ardal fod yn ehangach na buddiannau ariannol uniongyrchol. Er enghraifft, lle byddai rhagolygon cyflogaeth yn yr ardal yn gwaethygu petai cwmni'n methu, neu byddai'n arwain at lai o gyfleusterau mewn			(d)	The 'interests' of local taxpayers in an area may go wider than direct financial interests. For example, where the employment prospects would be worsened by a company transferring to another region outside Conwy, or the amenities of an area might be reduced by, for instance, the loss of the only shop in a village.

CYNGOR CONWY			CONWY COUNCIL		
	ardal, er enghraifft, unig siop y pentref yn gorfod cau				
(e)	Rhoddir gostyngiad dewisol yn unig i weithgarwch busnes sy'n masnachu o'r cyfeiriad sy'n gwneud y cais.			(e)	Discretionary relief will only be awarded to a business actively trading from the address for which the claim is being made.
(f)	Fel arfer rhoddir y gostyngiad i gwmnïau sy'n cychwyn o'r newydd neu gwmnïau sy'n ehangu ac sy'n symud i safle mwy, sy'n gallu dangos y bydd y busnes yn dod â mwy o fudd neu fuddion newydd i'r gymuned leol ac y bydd yn datblygu ac yn hybu'r ardal leol.			(f)	The relief will normally be awarded in respect of new start up companies or expanding companies moving to larger premises, who can show that the business will bring new or increased benefit to the local community and will develop and enhance the local area.
(g)	Rhoddir y gostyngiad hwn am gyfnod o chwe mis. Os gwneir cais am gyfnod pellach yna bydd angen darparu cais pellach, gyda chopi o'r cyfrifon masnachu cyfredol o fewn 30 diwrnod o ddiwedd y cyfnod hwn.			(g)	This relief will be granted for a period of six months. If a further period is requested then a further application, accompanied by an up to date copy of the current trading accounts is to be provided within 30 days of the expiry of this period.
	Mae hawl gan sefydliadau i apelio os ydynt yn credu eu bod yn haeddu mwy o ostyngiad nag eraill, a rhoddir ystyriaeth i geisiadau unigol o'r fath. Rhowch y manylion llawn a'u hanfon at y: Rheolwr Treth Leol Gwasanaeth Asesu Refeniw a Budd-daliadau Cyngor Bwrdeistref Sirol Conwy Bodlondeb CONWY LL32 8DU				Organisations will have a right to appeal if they believe that they deserve more relief than others, and consideration will be given to such individual applications. Please address giving full details to:- Local Taxation Manager Revenue and Benefits Assessment Service Conwy County Borough Council Bodlondeb CONWY LL32 8DU

SECTION 15 – ACCESS TO INFORMATION RULES

15.1 Scope

These rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committees, the Standards Committee, Standing Regulatory Committees, the Democratic Services Committee and all other committees.

15.2 Additional Rights to Information

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

15.3 Right to attend meetings

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

15.4 Notice of Meetings

15.4.1 Unless a meeting is convened at short notice, the Council will give at least three clear days' notice of any meeting by posting details of the meeting at the Council's Office at Bodlondeb, Conwy and on its website.

15.4.2 Where the meeting or part of the meeting is open to the public and is held wholly through remote means, the notice must include details of the time of the meeting, and how to access it.

15.4.3 Where the meeting or part of the meeting is open to the public and is held partly through remote means, the notice must include details of the time and place of the meeting and how to access it.

15.4.4 Where the meeting is not open to the public and is held partly through remote means or not held through remote means, the notice must include details of the time and place of the meeting and the fact that it is not open to the public.

15.4.5 Where the meeting is not open to the public and is held through remote means only, the notice must include details of the time of the meeting, the fact that it is being held through remote means only and the fact that it is not open to the public.

15.5 Access to Agenda and Reports before the meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated offices and on its 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 reports is completed and sent to councillors) will be open to inspection for the time the item was added to the agenda.

15.6 Supply of copies

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statement 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 either electronically or on payment of a charge for postage and any other printing and handling costs.

15.7 Access to minutes etc. after the meeting

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

(a) the minutes of the meeting taken by the Cabinet 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.

15.8 Background Papers

(a) List of background papers

The 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:

(i) disclose any facts or matters on which the report or an important part of the report is based; and
(ii) 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 15.10).

(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.

15.9 Summary of the Public's rights

A written summary of the public's rights to attend meetings and to inspect and copy documents are kept at, and available to the public at the Council's Offices at Bodlondeb, Conwy and published on the Council's website

15.10 Exclusion of Access by the Public to Meetings

15.10.1 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.

15.10.2 Exempt Information – Discretion to Exclude Public

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

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

15.10.3 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.

15.10.4 Meaning of exempt information

Exempt information means information falling within the categories (subject to any condition) found in the Schedule below.

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

The numbering starts at 12 to mirror the numbering in Schedule 12A to the Local Government Act 1972 (numbers 1 to 11 apply to England only).

Paragraph Number	EXEMPT INFORMATION	QUALIFICATION
12.	Information relating to a particular individual.	Public interest test applies (see below)
13.	Information which is likely to reveal the identity of an individual.	Public interest test applies (see below)
14.	Information relating to the financial or business affairs of any particular person (including	Information falling within paragraph 14 is not exempt information by virtue of that

Paragraph Number	EXEMPT INFORMATION	QUALIFICATION
	the authority holding that information).	paragraph if it is required to be registered under — the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986;or the Charities Act 1993. Public interest test applies (see below)
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 Welsh Minister or a Minister of the Crown and employees of, or office holders under, the Authority	Public interest test applies (see below)
16.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
17.	Information which reveals that the Authority proposes : (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment .	Public interest test applies (see below)
18.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest test applies (see below)

Paragraph Number	EXEMPT INFORMATION	QUALIFICATION
	(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): 18A. Information which is subject to any obligations of confidentiality. 18B. Information which relates in any way to matters concerning national security. 18C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.	Public interest test applies (see below)
		Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992

15.11 <u>Public Interest Test:</u>

15.11.1 Information which —

(a) falls within any of paragraphs 12 to 15, 17 and 18 above; and

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

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

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

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

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

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

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

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

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

15.12 Exclusion of access by the public to reports

If the Proper Officer thinks fit, the Council may exclude access to the public to reports which in his/her opinion relate to items during which, in accordance with Rule 15.10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed and an explanation of the consideration applied in relation to the public interest test.

15.13 The forward work programme

15.13.1 Period of forward work programme

The forward work programme will be prepared by the Proper Officer to cover a period of at least four months. It will be updated on a monthly basis.

15.13.2 Contents of forward work programme

(a) The forward work programme will contain matters which the Cabinet and Overview and Scrutiny Committees and full Council are likely to consider. It will contain information on:

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

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

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

(iv) the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

(b) The forward work programme will be published on the Council's website and paper copies made available from Democratic Services.

15.14 Consultation on Proposals to be Considered by the Cabinet

15.14.1 At least four weeks should be permitted in the Forward Work Programme for consultation with the Overview and Scrutiny Committee and Electoral Division Members where a matter is to be considered by the Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in paragraph **Error! Reference source not found.**).

15.14.2 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 four weeks.

15.14.3 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 the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred.

If there is no Chair of the relevant Overview and Scrutiny Committee , or if the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Council or, in his/her absence, the Vice Chair 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.

15.15 Record of Decision of the Cabinet

15.15.1 The decision record

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

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

i. the Members present;
ii. any apologies for absence received
iii. the decision made;
iv. the date the decision was made;
v. the reasons for that decision;
vi. any personal interest declared;
vii. any dispensation to speak granted by the Standards Committee;
viii. any consultation undertaken prior to the decision.

15.15.2 Preparing the decision record

(a) The Proper Officer or his/her representative shall attend any meeting of the Cabinet, a sub-committee of the Cabinet or a joint committee or joint sub-committee where all its members 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 member has made a Cabinet decision,

(i) that member shall as soon as reasonably practicable inform the Proper Officer or his/her representative of the decision made and provide the information set out in paragraph 14.15.1 (b) above and instruct him/her to produce a decision record;

(ii) if the individual member has a personal and prejudicial interest in the potential decision, the matter shall stand referred to the Cabinet.

(iii) the decision shall not be implemented until that decision record has been produced, subject to the Scrutiny call in procedure.

15.15.3 Publishing a note of all meetings of the Cabinet and its Committees

(a) The Head of Law and Governance shall arrange for note to be published on the Council's website of every meeting of the Cabinet and its Committees (if any) as soon as reasonably practicable and in any event within seven days of the date of the meeting of the Cabinet or its Committees (if any).

(b) The note shall record:

(i) the Members present at the meeting;

(ii) any apologies for absence received;

(iii) any personal interests declared;

(iv) all decisions made at the meeting (excluding any decisions made when the meeting was not open to the public because exempt or confidential information was being considered); and

(v) the outcome of any votes taken at the meeting (excluding any votes taken when the meeting was not open to the public because exempt or confidential information was being considered).

15.16 Decisions by an Individual Member of the Cabinet

15.16.1 Reports Must Be Taken Into Account

Where an individual Member of the Cabinet intends to make any decision, then he/she will not make the decision until taking into account the contents of an Officer report.

15.16.2 Provision of Copies of Reports to Overview and Scrutiny Committee

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

15.16.3 Record of Individual Decision

The decision recording rules in paragraph **Error! Reference source not found.** will apply.

15.17 Overview and Scrutiny Committee Members Access to Documents

15.17.1 Right of access

Subject to 15.17.2 below, an Overview and Scrutiny Committee (including its sub-committees) will be entitled to access to any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

(i) any business transacted at a meeting of the Cabinet or its committees; or

(ii) any decision taken by an individual member of the Cabinet.

15.17.2 Limit on rights

An Overview and Scrutiny Committee or sub-committee will not be entitled to any part of a document that contains confidential or exempt information unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of that committee or sub-committee.

15.18 Additional rights of access for members

15.18.1 Rights of Access

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

15.18.2 Limitation on Rights

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

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

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

15.18.3 Nature of Rights

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

15.18.1 Rights of Chairs and Vice Chairs to address Cabinet

When reports from an Overview and Scrutiny Committee are being presented to a meeting of the Cabinet, the Chair (or Vice Chair in absence of the Chair) of the Overview and Scrutiny Committee concerned is entitled to address the Cabinet and is given a reasonable time to do so. It is a matter for the Chair of the Cabinet to determine the reasonableness of the time allowed, taking into account the importance and/or complexity of the issues as well as the need to effectively manage the agenda of the Cabinet meeting.

15.19 Audio/Video recording or transmission

No person other than the Council shall be entitled to make a video or audio recording or transmission of a meeting of the Council or its Committees, without express permission of the Council.

SECTION 16 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

16.1 The framework for Cabinet decisions

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

16.2 Process for developing the framework and budget

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

16.2.1 The Cabinet will publicise, by including in the forward plan, 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. The consultation period shall not be less than 3 weeks.

16.2.2 At the end of that period, the Cabinet will then draw up firm proposals having regard to any responses including those from scrutiny committees to that consultation, and submit those proposals to the Council.

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

16.2.4 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.

16.3 Decisions outside the budget or policy framework

16.3.1 Subject to the provision of paragraph 5 (virement) the Cabinet, and individual member of the Cabinet and any officers, or joint arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework.

If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to 4 below.

16.3.2 If the Cabinet, an individual member of the Cabinet and any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget.

If the advice of either of those officers is that the decision would not be in line with the existing budget and / or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraphs 4 (urgent decisions outside the budget and policy framework) shall apply.

16.4 Urgent decisions outside the budget or policy framework

16.4.1 The Cabinet, an individual member of the Cabinet, or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

i) if it is not practical to convene a quorate meeting of the full Council; and

ii) if the Chair of a relevant scrutiny committee agrees that the decision is a matter of urgency.

16.4.2 The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the relevant scrutiny committees consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of a relevant scrutiny committee the consent of the Chair of the Council, and in the absence of both, the Vice-Chair will be sufficient.

16.4.3 The Chief Executive has powers to act in similar circumstances as those described above and these are set out in the Financial Regulations.

16.4.3 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.

16.5 Virement

The rules for virement are set out in the Council's Financial Regulations (included in Section 17 of this Constitution) and reference should be made to them.

16.6 In-year changes to policy framework

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

(a) which will result in the closure or discontinuance of a service or part of a 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.

16.7 Call-in of decisions outside the budget or policy framework

16.7.1 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, then it shall seek advice from the Monitoring Officer and Chief Financial Officer.

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

16.7.3 If the decision has yet to be made, or has been made but not yet implemented and the advice from the Monitoring Officer and / or the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

The Council shall meet within 21 days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and / or the Chief Financial Officer. The Council may either:

(a) 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

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

or

(c) 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 either the Monitoring Officer and / or the Chief Financial Officer

SECTION 17

SECTION 17.1 – FINANCIAL REGULATIONS

Introduction

To conduct its business efficiently, a local authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of Financial Regulations that set out the financial policies of the Authority. A modern Council should also be committed to innovation, within the regulatory framework, providing that the necessary risk assessment and approval safeguards are in place.

These Regulations, in conjunction with Financial Codes of Practice, Contract Procedure Rules, the Scheme of Delegation, Overview and Scrutiny Committees and Codes of Conduct of both employees and Members, provide a framework within which the Council conducts the business of Local Government.

Status of Financial Regulations

Financial Regulations are a part of the Council's Constitution and provide the framework for managing the Council's financial affairs. They apply to every Member and officer of the Council and anyone acting on its behalf, including partnerships, and failure to comply with Financial Regulations may result in disciplinary action.

The regulations identify the financial responsibilities of the Council, Cabinet, the Committee responsible for Corporate Governance (the Audit Committee), Overview and Scrutiny Committee Members, the Chief Executive, the Monitoring Officer (Head of Law and Governance), the Section 151 Officer (Strategic Director Finance and Efficiencies), other Strategic Directors, Heads of Service and other appropriate officers.

Cabinet Members and Heads of Service 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 Head of Service in the regulations 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 Section 151 Officer is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the Council for approval.

The Section 151 Officer is also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Council and/or to Cabinet Members.

Breaches will be investigated. Any breach of Financial Regulations may give rise to formal disciplinary action or action under competency procedures.

Strategic Directors and Heads of Service are responsible for ensuring that all staff in their Departments are aware of the existence and content of the Council's Financial Regulations and other internal regulatory documents and that they comply with them.

They must also ensure that an adequate number of copies are available for reference within their Departments or that staff are able to access them via electronic means.

Reference to the Section 151 Officer and Heads of Service are subject to arrangements for deputising and Departmental schemes of delegation. Heads of Service must ensure that there is an effective scheme of delegation within all Departments.

These Financial Regulations also apply to any Trust Funds administered by the Council. The Trust Funds are not assets of the Council and are not, therefore, included within the Council's Balance Sheet.

The Section 151 Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that Members, officers and others, including partnerships, acting on behalf of the Council are required to follow.

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   - TREATMENT OF YEAR-END BALANCES

7. MAINTENANCE OF RESERVES

8. CAPITAL PROGRAMME & EXPENDITURE

9. RISK MANAGEMENT

10. INSURANCE

11. INTERNAL CONTROL

12. AUDIT REQUIREMENTS
    INTERNAL AUDIT
    EXTERNAL AUDIT

13. PREVENTING FRAUD AND CORRUPTION

14. ASSETS
    - SECURITY OF ASSETS
    - INVENTORIES
    - STOCKS AND STORES
    - ASSET DISPOSAL
    - INTELLECTUAL PROPERTY

15. TREASURY MANAGEMENT

16. BANKING & IMPREST (PETTY CASH) ACCOUNTS
- BANKING
- IMPREST (PETTY CASH) ACCOUNTS

17. STAFFING

18. FINANCIAL SYSTEMS & PROCEDURES

19. INCOME

20. ORDERING AND PAYING FOR GOODS AND SERVICES

21. EMPLOYEE SALARIES & SUPERANNUATION

22. TRAVELLING, SUBSISTENCE AND ALLOWANCES

23. TAXATION

24. TRADING ACCOUNTS AND BUSINESS UNITS

25. UNOFFICIAL FUNDS

26. WRITE OFFS
- WRITING OFF BAD DEBTS
- WRITING OFF OVERPAYMENTS
- WRITING OFF ASSETS

27. PROTECTION OF PERSONAL PROPERTY

28. PARTNERSHIPS

29. EXTERNAL FUNDING

30. WORK FOR THIRD PARTIES

1. Financial Management & Administration

Purpose: All staff, Members and anybody acting on behalf of the Council have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring that everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

1.1 The Cabinet is responsible for making recommendations to the Council on the allocation of the resources of the Council and for controlling the available financial resources through the preparation of the annual budget.

1.2 The Section 151 Officer shall, for the purposes of Section 151 of the Local Government Act 1972, be responsible for ensuring the proper administration of the Council's financial affairs, and the supervision of all aspects of financial management undertaken by all Departments of the Council.

1.3 The Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

a) Section 151 of the Local Government Act 1972
b) The Local Government Finance Act 1988
c) The Local Government and Housing Act 1989
d) Accounts and Audit (Wales) Regulations 2014
e) The Local Government Act 2003

1.4 The Section 151 Officer is responsible for:

a) the proper administration of the Council's financial affairs;
b) setting and monitoring compliance with financial management standards;
c) reporting on the robustness of estimates and adequacy of financial and controlled reserves for the purposes of making budgetary calculations.

1.5 Sections 114 and 114A of the Local Government Finance Act 1988 require the Section 151 Officer to report to the Council, Cabinet and external auditor if the Council or one of its officers:

a) has made, or is about to make, a decision which involves incurring unlawful expenditure;

b) has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council;

c) is about to make an unlawful entry in the Council's accounts.

1.6 Any such report is to be sent to all Members of the Council and the external auditor. Once a report is made, the Council (or Cabinet regarding executive functions) is required to hold a meeting within 21 days to consider it.

1.7 Section 114A of the 1988 Act also requires :

a) theSection 151 Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under Section 114 personally;

b) the Authority to provide the Section 151 Officer with sufficient staff, accommodation and other resources – including legal advice where this is necessary – to carry out the duties under Section 114A and Section 151 of the Local Government Act 1972.

1.8 The Section 151 Officer, as financial adviser to the Council, shall each year prepare a report to the Cabinet regarding the level of resources proposed for utilisation in each financial year, and shall keep Cabinet informed with respect to the Council's finances and financial performance.

1.9 The Wellbeing of Future Generations Act came into force in April 2016. This puts into law the requirement of public bodies to consider the long-term impact of decisions, alongside current requirements and needs. Financial planning and decision making should ensure that proper regard is given to the requirements of the Act and in particular, proper consideration of the long term impact of financial decisions, including the payback period and whole life costs of investment decisions, properly impact assessed budget proposals and long term debt and investment (treasury management) strategies. The principles of prudence, affordability and sustainability should underpin financial planning and decision making.

1.10 The Section 151 Officer shall periodically inform Cabinet and Scrutiny Committees of the Council of the financial outcome of their activities, supplemented by reports by the Heads of Service concerned, as appropriate.

1.11 The Section 151 Officer is responsible for recommending such changes to Financial Regulations to the Council as he considers necessary and desirable for the proper administration of the finances of the Council.

1.12 The Committee responsible for Corporate Governance shall be responsible to the Council for monitoring that appropriate control systems are in place to ensure the proper observance of the Council's Financial Regulations.

1.13 Every Strategic Director and Head of Service of the Council shall consult with, and obtain the agreement of, the Section 151 Officer if there should exist any doubt whatsoever whether an item of expenditure may be lawful. Strategic Directors and Heads of Service shall also inform the Section 151 Officer if there should exist any doubt whatsoever whether an item of expenditure may result in expenditure exceeding the available budget.

1.14 All staff and elected Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring that everyone is clear about the standards to which they are working and the controls in place to ensure that these standards are met.

1.15 Strategic Directors and Heads of Service shall be required to bring the Council's Financial Regulations to the attention of all staff within their Department. Any employees who fail to observe Financial Regulations may be subject to disciplinary action.

1.16 Each Head of Service is responsible for the accountability and control of their staff and the security, custody and control of all other resources relating to his/her Department.

1.17 No officer may make a financial provision or financial commitment unless there is funding in place to support the expenditure.

1.18 Heads of Service must satisfy the Section 151 Officer that every proposal to incur expenditure to be submitted to any committee affecting the Council's finances is:

a) Lawful;

b) Can be met from within the existing budget allocations of the Department concerned or it is proposed within a report how expenditure would be funded.

1.19 Every report to committee shall contain confirmation that such consultation has taken place and that the relevant Accountant acting on behalf of the Section 151 Officer is satisfied that the report contains a clear statement of the financial impact and how this will be funded (if appropriate).

1.20 Each financial year, or as often as the Cabinet may require, every Head of Service shall prepare, in consultation with the Section 151 Officer and within the agreed strategy, estimates of income and expenditure of a revenue and capital nature.

1.21 It is the responsibility of Heads of Service to ensure that budget estimates reflecting agreed service plans are submitted to the Members of the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.

1.22 Heads of Service shall ensure that appropriate and adequate supporting information is provided, including any reasons for increased or decreased estimated income or expenditure.

2. Accounting Policies

Purpose: Appropriate accounting policies must be in place to allow for the preparation of the Council's statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC), for each financial year ending 31 March.

General

2.1 The Section 151 Officer is responsible for selecting accounting policies and ensuring that they are lawful and applied consistently. All accounting procedures and records of the Council and its officers shall therefore be in a form approved by the Section 151 Officer.

Key Controls

2.2 Systems of internal control must be in place to ensure that financial transactions are lawful.

2.3 Proper accounting records must be maintained.

2.4 Financial statements must be prepared which present fairly the financial position of the Council and its expenditure and income.

Responsibilities of the Section 151 Officer

2.5 To select suitable accounting policies and to apply them consistently.

2.6 To make judgements and estimates that are reasonable and prudent.

2.7 To comply with the CIPFA Code of Practice.

2.8 To sign and date the statement of accounts, stating that it presents fairly the financial position of the Authority at the accounting date and its income and expenditure for the year ended 31 March.

2.9 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

2.10 The Section 151 Officer should ensure that the accounting policies are set out in the annual statement of accounts that is prepared at 31 March each year, and covers such items as:

a) all material reserves and provisions
b) tangible fixed assets
c) intangible assets
d) capital receipts
e) grants
f) interest charges
g) the redemption of debt
h) leases, covenants and similar schemes
i) long-term contracts such as PFI schemes and others

j) significant estimates included in debtors and creditors

k) stocks and work in progress

l) overheads

m) pensions

n) financial relationships with companies

o) other investments.

Responsibilities of Strategic Directors and Heads of Service

2.11 To comply with accounting guidance provided by the Section 151 Officer and to supply the Section 151 Officer with information when required.

3. Accounting Records & Procedures

Purpose: Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency, effectiveness and quality in the use of the Council's resources.

General

3.1 The Section 151 Officer will determine the accounting procedures and records for the Council and arrange for the compilation of all accounts and accounting records under his or her direction.

Accounting Records

Key Controls

3.2 The duties of providing information about sums due to or from the Council and calculating, checking and recording these sums will be separated from the duty of collecting or disbursing them.

3.3 Employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

Responsibilities

3.4 The Section 151 Officer will make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit (Wales) Regulations 2014 and ensure that all claims for funds including grants are made by the due date.

3.5 The Section 151 Officer will prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Audit Committee to approve the Statement of Accounts before 30 September.

3.6 The annual Statement of Accounts shall be produced in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

Accounting Procedures

Key Controls

3.7 Cabinet Members, finance staff and budget managers should operate within

the required accounting standards and timetables.

3.8 Staff in Departmental Finance Units must comply with the "Protocol for Departmental Finance Units".

3.9 All of the Council's transactions, material commitments and contracts and other essential accounting information should be recorded completely, accurately and on a timely basis.

3.10 Procedures should be in place to enable accounting records to be reconstituted in the event of systems failure.

3.11 Reconciliation procedures should be carried out to ensure transactions are correctly recorded.

3.12 Prime documents should be retained in accordance with legislative and other requirements, including Contract Procedure Rule 53 and the document retention schedule located on the intranet. For most financial records this will be 6 years plus the current year.

Responsibilities of Heads of Service

3.13 To consult and obtain the approval of the Section 151 Officer before making any changes to accounting records and procedures.

3.14 To comply with the principles outlined in paragraphs 3.2 and 3.3 above when allocating accounting duties.

3.15 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.

3.16 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Section 151 Officer.

4. Resource Planning

Improvement Plan & Performance Information

Purpose: Each local authority has a statutory responsibility to publish various performance plans, crime reduction strategies, community care plans, etc. The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. The Council is required to publish annually an Outcome Agreement, summarising its performance and position in relation to best value. The Outcome Agreement is a key element in the Council's programme of engaging with the public. External audit is required to report on whether the Council has complied with statutory requirements in respect of the preparation and publication of the Outcome Agreement.

General

4.1 The Leader of the Council is responsible for proposing the Outcome Agreement to the Cabinet for consideration before its submission to the Council for approval.

Key Controls

4.2 The Outcome Agreement and any statutory performance information should be produced on time, in the form required and be consistent from one period to the next.

4.3 All performance information must be accurate, complete and up to date and include improvement targets which are meaningful, realistic and challenging.

Responsibilities

4.4 The Section 151 Officer will contribute to the development of corporate and service targets and objectives and performance information.

4.5 The Chief Executive will ensure that systems are in place to measure activity and collect accurate information for use as performance indicators and ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

4.6 Heads of Service will produce accurate, complete and up to date performance information.

Budgeting Preparation

Purpose: The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, and sets the level at which funds may be reallocated within budgets. The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an Authority to budget for a deficit.

Key Controls

4.7 The Section 151 Officer will ensure that a programme of capital expenditure and estimates of income and expenditure on the revenue account for such future period(s) is submitted to the Cabinet and Council in such form and by such date(s) as required. These will be prepared in accordance with the Prudential Framework for local authority capital investment (the Prudential Code), recommended for adoption by the Local Authority Associations and the Audit Commission, together with published best practices in accounting codes of practice and the Code of Practice for Treasury Management, as published by CIPFA.

4.8 In line with the Budget & Policy Framework Procedure Rules, (Constitution Part 4), the Cabinet, on receipt of the report of the overall service programme and policy budget that has been studied by the relevant scrutiny committee, shall consider the aggregate effect of these programmes and policies upon the Council's financial resources. Following consultation on any proposed amendments, they shall be submitted to the Council for approval with a recommendation of the Council Tax for the ensuing financial year.

4.9 At least three days before the meeting of the Council at which such matters will be considered, each Member shall be provided with a copy of the proposed programme of capital expenditure and estimates of income and expenditure on the revenue account.

4.10 The general format of the budget will be approved by the Council and proposed by the Cabinet on the advice of the Section 151 Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

4.11 The use of released provisions or additional external funding shall constitute a change to the approved budget and require appropriate approval.

Responsibilities

4.12 The Section 151 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.

4.13 The Cabinet is responsible for issuing guidance on the general content of the budget in consultation with the Section 151 Officer as soon as possible following approval by the Council.

4.14 It is the responsibility of Heads of Service 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 and comply with Part 4 Budget & Policy Framework Procedure Rules of the Constitution.

Resource Allocation

Purpose: A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, property, equipment, goods and materials.

Key Controls

4.15 Resources must be acquired in accordance with the law and using an approved authorisation process.

4.16 Resources should only be used for the purpose intended, to achieve the approved policies and objectives intended, and be properly accounted for.

4.17 Resources should be held securely.

4.18 Resources should be used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities

4.19 The Section 151 Officer will advise on methods available for the funding of resources, such as grants from Central Government and borrowing requirements and manage the allocation of resources to budget managers.

4.20 Heads of Service and budget managers should operate within budget limits and use the resources allocated in the most efficient, effective and economic way.

4.21 Heads of Service should also identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

4.22 Heads of Service should identify opportunities to generate efficiency gains and report these to the Section 151 Officer.

5. Budget Monitoring & Control

Purpose: Budget management ensures that once the Council has approved the budget, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual budget limit, approved when setting the overall budget. To ensure that the Council in total does not overspend, each Department is required to manage its own expenditure within the budget allocated to it.

For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre; however, budgetary control may take place at a more detailed level if this is required by the Head of Service's scheme of delegation.

General

5.1 The approval of the revenue budget or capital programme by the Council shall constitute authority to incur such expenditure.

5.2 However, nothing in these Financial Regulations shall prevent expenditure being incurred in accordance with the emergency powers in the Constitution which is urgent or essential to meet any immediate needs created by a sudden emergency, or which is referable to Section 138 of the Local Government Act, 1972 subject to their action being reported as soon as practicable to the Council.

5.3 The Cabinet is responsible for periodically keeping the Council informed as to the state of the Council's finances.

5.4 It shall be the duty of Cabinet to keep under review the financial performance of each Department and service during the budget period.

5.5 The Section 151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. The Section 151 Officer must monitor and control expenditure against the total budget allocations and report to the Strategic Leadership Team (SLT) and Cabinet on the overall position on a regular basis.

5.6 It is the responsibility of Heads of Service to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Section 151 Officer. They should report on variances within their own areas to the Section 151 Officer and then to Cabinet. They should also take any action necessary to avoid exceeding their budget allocation and alert the Section 151 Officer to any problems.

5.7 The Cabinet, following agreement with the Section 151 Officer, should issue annual guidelines on the preparation of the budget to Members and Heads of Service following initial indications of revenue funding levels from the Welsh Government. The guidelines should take account of:

a) legal requirements
b) medium-term planning prospects
c) available resources
d) spending pressures
e) budget timetables and the budget cycle
f) best value and other relevant government guidelines
g) other internal policy documents
h) cross-cutting issues (where relevant).

Key Controls

5.8 Budget managers should be responsible only for income and expenditure that they can influence.

5.9 There must be a nominated budget manager for each cost centre heading.

5.10 Budget managers should accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.

5.11 Budget managers should follow an approved certification process for all expenditure.

5.12 Income and expenditure must be properly recorded and accounted for.

5.13 Performance levels/levels of service should be monitored in conjunction with the budget, and necessary action should be taken to align service outputs and budget.

5.14 Variances arising on budgets should be contained initially within the service budget or failing that within the Departmental budget.

Responsibilities

5.15 The Section 151 Officer will establish an appropriate framework of budgetary management and control that ensures that:

a) budget management is exercised within annual budget limits unless Council agrees otherwise;

b) each Head of Service has available timely, relevant and accurate information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;

c) expenditure is committed only against an approved budget head;

d) all officers responsible for committing expenditure comply with relevant guidance, and these financial regulations;

e) each cost centre has a single named manager, determined by the relevant Head of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure;

f) variances from approved budgets in the virement ranges in paragraph 6.4 are investigated and reported by budget managers in accordance with Financial Regulations.

5.16 Heads of Service should ensure that both revenue and capital spending remains within the service's overall budget limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast. Heads of Service should consult with the Section 151 Officer upon the systems and methods they adopt to ensure such control.

5.17 Where a Head of Service is unable to balance expenditure and resources within existing approved budgets under his or her control, the Section 151 Officer will submit reports to the Cabinet and to the Council, in consultation with the relevant Head of Service.

5.18 Prior approval by Cabinet must be given for new proposals (not already inlcuded in the service business plan), of whatever amount, that:

a) create financial commitments in future years

b) change existing policies, initiate new policies or cease existing policies

c) change the timescale of an existing policy

d) materially extend or reduce the Council's services.

5.19 A report on new proposals should explain the full financial implications, following consultation with the Section 151 Officer. Unless the Council or Cabinet has agreed otherwise, Heads of Service must plan to contain the financial implications of such proposals within their budget limit.

5.20 Heads of Service should refer to Contract Procedure Rule 48 with regard to any variation in revenue contract costs.

5.21 Heads of Service should prepare and submit reports to the

Strategic Leadership Team (SLT) and Cabinet on completion of all revenue contracts where expenditure exceeds the available budget. The report should be produced taking account of the virement rules in Section 6 of these financial regulations.

6. Virement & Year End Balances

Virement

Purpose: The scheme of virement is intended to enable the Cabinet, Heads of Service and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources.

Responsibilities

6.1 The Council is responsible for agreeing the procedures for virement of expenditure between budget headings and budget lines ('headings' being cost centres and 'lines' being items of expenditure within cost centres).

6.2 The Section 151 Officer is responsible for proposing and administering the scheme of virement. Contingency funds are not included in the scheme of virement and may only be used if approved by Cabinet.

Key Controls

6.3 Virement can only be approved if:

a) the proposed expenditure is not contrary to Council policy

b) it is not contrary to approved Service Business Plans

c) the future revenue burden on the service is not materially increased

6.4 All virement should follow the process set out in the following table:

Amount	**Within Service**	**Between Services**
Up to £50k.	Head of Service.	Head of Service. Section 151 Officer.
	Head of Service. Section 151 Officer. Business Group Strategic Director.	Head of Service. Section 151 Officer. Business Group Strategic Director.
Greater than £100k, up to £500k.	Cabinet	Cabinet
Greater than £500k	Council	Council

The meaning of “Within Service” is the cash limited budget approved by Members. A “Service” may cover more than one cost centre, and there may be more than one service under the control of a Head of Service. The meaning of “Between Services” is one Head of Service managing more than one service.

Treatment of year-end Balances

6.5 Appropriate accounting procedures must be in operation to ensure that carried-forward totals are correct and comply with Council policy.

Responsibilities

6.6 The Council is responsible for agreeing procedures for carrying forward under and overspends on budget headings, as proposed by Cabinet.

6.7 The Section 151 Officer will administer the scheme of carry-forward balances within the procedures approved by the Council and will report all overspendings and underspendings on all service estimates carried forward to the Cabinet and to the Council.

Key Controls

6.8 Any overspending on service estimates in total on budgets under the control of the Head of Service will normally be addressed in the financial year in which the overspend occurs and will have no effect on the following year’s budget.

6.9 Net underspendings on service estimates under the control of the Head of Service may be carried forward if a commitment exists which cannot be paid or accrued in the current financial year, but the liability falls in the following financial year.

6.10 Net underspendings on service estimates under the control of the Head of Service under all other circumstances may only be carried forward subject to reporting to Cabinet the source of underspending or additional income and the proposed application of those resources.

6.11 All trading account surpluses shall be retained for the benefit of the Council and their application shall require the approval of the Cabinet, unless there are statutory restrictions to the contrary.

6.12 Schools’ balances shall be available for carry-forward to support the expenditure of the school concerned. Where an unplanned deficit occurs, the Governing body shall prepare a detailed financial recovery plan for consideration by the Cabinet member concerned, following evaluation by the Chief Education Officer and the Section 151 Officer. A school’s Governing body will normally be expected to agree a plan with the Cabinet Member concerned to recover the deficit within a defined period.

7. Maintenance Of Reserves

Purpose: The Local Authority must decide the level of general reserves it wishes to maintain before it can decide the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the Authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items. Reserves are treated differently from balances that may accrue during the year from unexpected activity or deviation from planned income or expenditure.

Responsibilities

7.1 It is the responsibility of the Section 151 Officer to advise the Cabinet and/or the Council on prudent levels of reserves for the Authority.

Key Controls

7.2 Reserves should be maintained in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC) and agreed accounting policies.

7.3 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.

7.4 The use of specific reserves as defined in 7.3and the use of any general reserves will require the following approval:

Amount	
Up to £100k	Section 151 Officer
Greater than £100k, up to £500k	Cabinet
Greater than £500k	Council

7.5 Reserves may only be used for the purposes for which they were intended. Any deviation from this or re-allocation of reserves will require approval subject to the limits within paragraph 7.4 above.

7.6 Balances that may accrue during the year because of underspends on approved budgets will be subject to Financial Regulation 6 (Virement & Year End Balances).

8. Capital Programme & Expenditure

Purpose: Capital expenditure involves acquiring or enhancing fixed and intangible assets with a long-term value to the Council, such as land, buildings, major items of plant, equipment, computer programs or vehicles, and Revenue Expenditure Funded from Capital Under Statute. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources. The long-term impact and sustainability of capital investment decisions should be considered as part of the Council's obligations under the Wellbeing of Future Generations Act.

General

8.1 The Capital Programme Manager (Strategic Director Finance and Efficiencies) is responsible for ensuring that a 3 year indicative rolling capital programme and a detailed annual capital programme are prepared on an annual basis for consideration by Cabinet before submission to the Council. This process shall be in line with Part 4 of the Constitution (Budget & Policy Framework Procedure Rules). The annual approved capital programme shall be shown gross, fixed in budget terms and based on year-end outturn prices.

8.2 The definition of "capital" will be determined by the Section 151 Officer, having regard to government regulations and accounting requirements.

8.3 No expenditure shall be incurred on any capital project in the current financial year unless provision exists in the approved Capital Programme. Any project not so complying, which therefore requires additional capital funding, shall be the subject of a report to Cabinet, which shall include the capital and revenue implications.

8.4 The Capital Programme will be approved by Council and updated regularly. Any variation to the approved expenditure, the approved outputs of the project or the timescale must be reported to the Capital Programme Manager, Cabinet and Council as follows:

Amount	
Up to £100k	Capital Programme Manager
Greater than £100k, up to £500k	Cabinet
Greater than £500k	Council

Key Controls

8.5 There must be specific approval by the Council for the programme of capital expenditure.

8.6 All bids for capital expenditure must, in addition to the requirements of these Financial Regulations, conform with the Business Planning Framework.

8.7 A scheme and estimate, produced by a suitably qualified person including project plan, progress targets, risk analysis and associated revenue expenditure should be prepared for each capital project for consideration by the Capital Programme Manager and Capital Selection Panel, and approval by Cabinet and Council.

8.8 Proposals for improvements and alterations to buildings must be approved by the appropriate Head of Service.

8.9 An Asset Management Plan should be in place for each service, to underpin the Corporate Asset Management Plan.

8.10 Accountability for each capital project must be formally accepted by a named manager who will be responsible for the management of the project, the Senior Responsible Owner.

8.11 Capital projects may only proceed when there is adequate provision in the Capital Programme.

8.12 Adequate records must be maintained for all capital contracts.

8.13 Capital projects should be continully monitored by the Senior Responsible Owner (8.10) to assess progress, in conjunction with expenditure and comparison with approved budget. The Senior Responsible Owner should immediately inform the Project Board and the Capital Programme Manager if a capital project is likely to exceed the approved budget.

Responsibilities

8.14 Heads of Service will submit Capital Business Cases via the Business Planning Framework for consideration for inclusion in the Capital Programme. Business Cases will be assessed and prioritised having due consideration of the Authority's Strategic Objectives and Corporate Plan, by a selection process involving Cabinet and Finance and Resources Overview and Scrutiny Committees. Cabinet will make recommendations on the capital estimates and on any associated financing requirements to the Council. Approval via the Business Planning Framework is required where a Head of Service proposes to bid for additional capital grant not anticipated in the capital programme. Also, this approval will be required where a Head of Service proposes to fund additional capital spend from borrowing not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.

8.15 The Senior Responsible Owner will prepare and submit reports to the Capital Programme Monitoring Group on capital expenditure and available resources compared with the approved estimates.

Responsibilities of Heads of Service

8.16 To ensure that the requirements of the Capital Planning & Project Management Procedures are followed.

8.17 To refer to Contract Procedure Rule 48 with regard to any variation in contract costs.

8.18 To prepare and submit reports to the Improvement Board on completion of all projects, reviewing costs and outcomes against budget.

8.19 To prepare and submit reports, in consultation with the Section 151 Officer, to the Capital Programme Manager, Improvement Board and Cabinet as appropriate where project costs have increased above those quoted when the scheme was approved.

8.20 To ensure that credit arrangements, such as finance lease agreements, are not entered into without the prior approval of the Capital Programme Manager and, if applicable, approval of the scheme through the Capital Programme.

8.21 To seek the approval of the Capital Programme Manager, , and Cabinet and Council for any proposal for additional capital funding to support expenditure that has not been included in the current year's Capital Programme based on the limits identified in paragraph 8.4 above.

8.22 Under exceptional circumstances, with the support of SLT, a capital scheme may be included in the capital programme in advance of the approval process outline above. This may for example include emergency works, or schemes for which funding may be lost if delays occur due to the normal approval processes.

9. Risk Management

Purpose: All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

Responsibilities

9.1 The Committee responsible for Corporate Governance is responsible for approving the Council'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.

9.2 The Chief Exective is responsible for approving the Council's Risk Management Policy Statement and for promoting and embedding it throughout the Council. The Section 151 Officer is responsible for advising the Cabinet on financial risk, while the Head of Legal Services will advise on legal risks. The Section 151 Officer will advise the Cabinet on proper insurance cover where appropriate.

9.3 Heads of Service should manage risk effectively, complete the Service Risk Register, and ensure that there are regular reviews of risk within their Departments, and in particular that Annual Risk Assessments are undertaken as part of the Corporate Performance Review.

9.4 The Council's Risk Management Strategy outlines roles and responsibilities associated with the Risk Management Strategy.

Key Controls

9.5 Procedures must be in place to identify, assess, prevent or contain material known risks, and ensure that these procedures are operating effectively throughout the Council.

9.6 A monitoring process should be in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.

9.7 Managers and their staff should know that they are responsible for managing relevant risks and be provided with relevant information on risk management initiatives.

9.8 Provision should be made for losses that might result from the risks that

remain.

9.9 Procedures should be in place to investigate claims within required timescales.

9.10 Acceptable levels of risk should be determined and insured against where appropriate.

9.11 Business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources must be in place.

10. Insurance

Purpose: The Council must have adequate insurance to mitigate the effects of identified risks. This regulation clarifies roles and responsibilities and separates the duty of making claims and arranging claims.

Responsibilities

10.1 The Section 151 Officer shall arrange all required insurance cover and make suitable arrangements for the negotiation of claims in consultation with other officers if deemed appropriate.

10.2 The Section 151 Officer shall ensure that all appropriate employees of the Council are included in a suitable fidelity guarantee insurance policy and any other appropriate insurance policy.

10.3 The Section 151 Officer may at his discretion operate and administer an internal insurance fund to meet losses and liabilities or parts of losses and liabilities on claims and such risks deemed appropriate.

10.4 Heads of Service shall give prompt notification to the Section 151 Officer of all new risks, properties, vehicles, equipment, antiques and other valuables that are to be insured and of any alterations affecting or that might affect existing insurances.

10.5 Heads of Service shall notify the Section 151 Officer immediately of any loss, liability or damage that may lead to a claim against the Council or by the Council, together with any information or explanation required by the Section 151 Officer or the Council's insurers. Heads of Service should inform the police if appropriate.

10.6 The Section 151 Officer shall annually, or at such period as he may consider necessary, review all insurances in consultation with other Heads of Service as appropriate.

10.7 Heads of Service shall consult the Section 151 Officer regarding the terms of any indemnity that the Council is requested to give and will act in accordance with the advice given by the Section 151 Officer.

11. Internal Control

Purpose: The Council is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.

The Council has statutory obligations and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.

The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

The system of internal controls is established in order to provide measurable achievement of:

- efficient and effective operations
- reliable financial information and reporting
- compliance with laws and regulations
- risk management

Key Controls

11.1 The Accounts and Audit (Wales) Regulations 2014 require authorities to "conduct a review at least once in a year of the effectiveness of its system of internal control" and include a statement on internal control with any statement of accounts. Key controls should be reviewed on a regular basis and the formal statement in the Statement of Accounts should be to the effect that the Council is satisfied that the systems of internal control are operating effectively.

11.2 Managerial control systems must be in place, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.

11.3 Financial and operational control systems and procedures must be in place, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems.

11.4 There must be an effective and properly resourced internal audit function. It should operate in accordance with the principles contained in the Auditing Practices Board's auditing guideline *Guidance for Internal Auditors,* CIPFA's *Code of Practice for Internal Audit in Local Government in the United Kingdom* and with any other statutory obligations and regulations.

Responsibilities

11.5 The Section 151 Officer will assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

11.6 The Head of Service should review existing controls in the light of changes affecting the Authority, inform the Section 151 Officer of the results of the review, and establish and implement new controls in line with guidance from the Section 151 Officer. The Head of Service should seek the agreement of the Section 151 Officer for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.

11.7 Heads of Service should manage processes to check that established controls are being adhered to and evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

11.8 Heads of Service should ensure that staff have a clear understanding of the consequences of lack of control.

12. Audit requirements

Internal Audit

Purpose: 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 and Audit (Wales) Regulations 2014 regulation 6, more specifically require that a "local government body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper internal audit practices".

Accordingly, internal audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

General

12.1 In accordance with the accounts and audit regulations approved by the Welsh Government from time to time, a continuous internal audit, under the independent control and direction of the Head of Audit and Procurement shall be arranged to carry out an examination of accounting, financial and other operations of the Council.

12.2 The Section 151 Officer and Head of Audit and Procurement have the authority to:

a) access Council premises at reasonable times;

b) access all assets, records, documents, correspondence and control systems;

c) receive any information and explanation considered necessary concerning any matter under consideration;

d) require any employee of the Council to account for cash, stores or any other Council asset under his or her control;

e) access records belonging to third parties, such as contractors, when required.

12.3 The Head of Audit and Procurement has authority to directly access the Chief Executive, Council, Cabinet and the Committee responsible for Corporate Governance about any appropriate issue.

Key Controls

12.4 Internal audit must be independent in its planning and operation.

12.5 The Head of Audit and Procurement must have direct access to the Chief Executive, all levels of management and elected Members.

12.6 Internal auditors must 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*.

Responsibilities

12.7 The Section 151 Officer will agree the strategic and annual audit plans prepared by the Head of Audit and Procurement which take account of the characteristics and relative risks of the activities involved. The plans will be approved by the Committee responsible for Corporate Governance.

12.8 The Head of Audit and Procurement should ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

Responsibilities of Heads of Service

12.9 To ensure that internal 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.

12.10 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

12.11 To consider and respond promptly to recommendations in audit reports.

12.12 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion in accordance with the agreed action plan.

12.13 To notify the Head of Audit and Procurement and Section 151 Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Head of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

12.14 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 Section 151 Officer and Head of Audit and Procurement prior to implementation.

12.15 The Head of Audit and Procurement shall review, appraise and report to the appropriate committee upon:

a) the soundness, adequacy and application of a strategic risk management framework and financial and operational controls;

b) the extent of compliance with laws, regulations, policies, plans and procedures;

c) the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from other offences, waste, extravagance, poor value for money or any other causes whatsoever;

d) the suitability and reliability of financial and operational information and systems developed within the Council.

External audit

Purpose: The Public Audit (Wales) Act 2004 (the Act) requires the Auditor General for Wales to appoint an external auditor (Appointed Auditor) to each local government body in Wales.

The general duties of the Appointed Auditor are specified in Section 17 of Chapter 1 to Part 2 of the Public Audit (Wales) Act 2004. Section 18 of the Act gives the Appointed Auditor rights of access to all documents and information necessary for the purposes of the audit.

Section 16 of the 2004 Act permits the Auditor General for Wales to prepare a code of audit practice, prescribing the way in which Appointed Auditors should carry out their functions. The Auditor General's Code of Audit and Inspection Practice, issued in May 2005, sets out the general principles governing the work of auditors as well as specific requirements in relation to:

- audit of financial statements; and
- evaluation of arrangements for securing economy, efficiency and effectiveness in the use of resources.

The Authority's accounts are scrutinised by the Appointed Auditor who must be satisfied that the Statement of Accounts:

- "presents fairly" the financial position of the Authority and its income and expenditure for the year in question; and
- complies with the legislative and other applicable requirements.

Responsibilities

12.16 The Section 151 Officer is responsible for the following:

a) to ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work;

b) to ensure there is effective liaison between external and internal audit;

c) to work with the external auditor and advise the Council, Cabinet and Heads of Service on their responsibilities in relation to external audit;

d) to ensure that all records and systems are up to date and available for inspection.

13. Preventing fraud and corruption

Purpose: The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.

The Council's expectation of propriety and accountability is that Members and staff at all levels will act with integrity and lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Council also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought of or actions involving fraud and corruption.

Key Controls

13.1 The Council should have an effective anti-fraud and anti-corruption policy and maintain a culture that will not tolerate fraud or corruption.

13.2 Heads of Service are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt.

13.3 Staff must adhere to the "Gifts and Hospitality – Rules and Regulations for Staff" that can be found on the Council's intranet site. A register of interests should be maintained in which any hospitality or gifts accepted must be recorded.

13.4 High standards of conduct are promoted amongst Members by the Standards Committee.

13.5 All staff or elected Members should report any declaration of interest to the Monitoring Officer who will maintain a register of interests.

13.6 Whistle blowing procedures should be in place and operating effectively.

13.7 Legislation including the Public Interest Disclosure Act 1998 should be adhered to.

Responsibilities

13.8 **Responsibilities of the Section 151 Officer**

a) to develop and maintain an anti-fraud and anti-corruption policy in conjunction with the Monitoring Officer;

b) to maintain adequate and effective internal control arrangements;

c) to ensure that all suspected irregularities are reported to the Head of Audit and Procurement, the Chief Executive, the Cabinet and the Committee responsible for Corporate Governance.

13.9 **Responsibilities of Heads of Service**

a) to ensure that all suspected irregularities are reported to the Section 151 Officer and Head of Audit and Procurement;

b) to instigate the Council's disciplinary procedures where the outcome of an investigation indicates improper behaviour;

c) to ensure that where financial impropriety is discovered, the Head of Audit and Procurement is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place;

d) to ensure that all staff are aware of the requirement to report any declaration of interest to the Monitoring Officer who will maintain a register of interests.

14. Assets

Security Of Assets

Purpose: The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

General

14.1 Heads of Service 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.

Key Controls

14.2 The regulations below have been established for the security and use of assets such as land, buildings, vehicles, fixed plant machinery, equipment, information and software and should be adhered to.

14.3 Resources should be used only for the purposes of the Council and be properly accounted for.

14.4 Resources should be available for use when required.

14.5 Resources no longer required should be disposed of in accordance with the law and the regulations of the Council so as to maximise benefits.

14.6 An asset register should be maintained and assets recorded promptly and accurately when they are acquired by the Council and this record should be updated as changes occur with respect to the location,value and condition of an asset.

Responsibilities

14.7 The Section 151 Officer will ensure that an asset register is maintained in accordance with good practice for all fixed assets purchased through the Capital Programme. The function of the asset register is to provide the Council with information about fixed assets so that they are:

a) safeguarded

b) used efficiently and effectively

c) adequately maintained

d) properly accounted for

14.8 The Section 151 Officer will ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

14.9 The Head of Law and Governance shall have custody of all title deeds under secure arrangements. The Property Services Department will maintain a terrier of all properties owned by the Council, recording the responsible service department, purpose for which held, location area and plan, reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies, leases, licences granted and other dealings with the property.

14.10 The responsibilities of Heads of Service in respect of the security of assets are as follows:

a) to inform the Section 151 Officer of all properties, plant and machinery and moveable assets currently owned or used by the Council. Any use of property by a Department other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use;

b) to provide the Section 151 Officer with the information required for the proper accounting and recording of assets;

c) to ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Head of Law and Governance in consultation with the Section 151 Officer, has been established as appropriate;

d) to ensure the proper security of all buildings and other assets under their control;

e) to pass title deeds to the Head of Law and Governance who is responsible for custody of all title deeds;

f) to ensure that no asset is subject to personal use by an employee;

g) to ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council;

h) to ensure that the Department maintains a register of moveable assets in the form of an inventory in accordance with arrangements defined by the Section 151 Officer;

i) to make sure that property is only used in the course of the Council's business;

j) to ensure that assets are identified, their location recorded and that they are appropriately marked and insured;

k) to consult the Head of Audit and Procurement in any case where security is thought to be defective or where it is considered that special security arrangements may be needed;

l) to ensure that cash holdings on Council premises are kept to a minimum. If cash holdings are likely to exceed £500 the Section 151 Officer should be consulted for instructions on safe custody;

m) to ensure that keys to safes and similar receptacles are kept securely; loss of any such keys must be reported to the appropriate manager as soon as possible;

n) to ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way;

o) to ensure that all staff are aware of their responsibilities with regard to the Data Protection Act 1998, the Freedom of Information Act and the Council's Information Security Policy;

p) to ensure that all staff are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's Information Security Policy.

Inventories

General

14.11 Heads of Service must ensure for every Department or establishment that inventories are maintained. Inventories are a departmental record of furniture and equipment and should record an adequate description and location of all furniture, fittings, equipment, plant and machinery, antiques, and other valuables above £50 in value. A standard template is available from the Section 151 Officer and can be kept in manual or electronic form.

14.12 An annual check of all items on the inventory must be completed in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly.

If an electronic inventory is maintained a hard copy showing the annual check should be retained. Attractive, high value and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Council.

14.13 Heads of Service must ensure that property is only used in the course of the Authority's business.

Stocks and stores

Responsibilities

14.14 It is the responsibility of Heads of Service to make arrangements for the care and custody of stocks and stores in the Department and to ensure that stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.

14.15 Stock control procedures must be approved by the Section 151 Officer.

Key Controls

14.16 A delivery note, signed by the person receiving the goods, should be obtained in respect of every delivery of goods, and all practicable steps must be taken to ensure that such delivery note is handed in at the time of delivery.

14.17 All goods must be checked as regards quantity and where practicable, quality, at the time delivery is made.

14.18 Where quality and compliance with specification cannot be checked at the time of delivery, this must be done as soon as possible thereafter. Goods that are clearly defective or not compliant with specification should not be accepted. Delivery notes shall be amended accordingly.

14.19 Issues of stores by a storekeeper or other person having charge of stores shall be supported by a requisition signed by an authorised person, stating the quantity of goods required. A receipt for the stores issued shall be obtained on a stores issue note that shall be signed by the person issuing the stores.

14.20 Stocks shall not be in excess of normal requirements except in special circumstances and shall be with the approval of the Head of Service.

14.21 The Head of Service should investigate, report and authorise write-offs for discrepancies as necessary, in consultation with the Section 151 Officer.

Material discrepancies should be reported to the Cabinet at the discretion of the Section 151 Officer.

14.22 Redundant stocks and equipment should be sold or written-off. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless the Section 151 Officer and Lead Member decide otherwise in a particular case.

14.23 Heads of Service shall arrange for and record periodical test examinations throughout the financial year of stocks by persons other than storekeepers and shall ensure that all stocks are checked and valued formally at the end of the financial year and the results passed to the Section 151 Officer in the form of a stock certificate. The stock value will be included as part of the Council's published accounts.

Asset Disposal

Purpose: It is uneconomic and inefficient for the cost of assets to outweigh their benefits. obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations below.

Key Controls

14.24 Assets (including property, inventory items, stocks and stores, IT equipment, software, etc) should be disposed of at the most appropriate time, and only when it is in the best interests of the Council to do so. Best price should be obtained, bearing in mind other factors, such as environmental issues.

14.25 The disposal or part exchange of assets should normally be by competitive tender or public auction, unless, following consultation with the Section 151 Officer, the Committee responsible for Asset Management agrees otherwise. Items that are damaged, out of date, beyond economical repair, etc must be reported to the Head of Service for authority for disposal and write off.

14.26 Disposal of land and buildings shall be undertaken in accordance with the Managed Asset Disposal Policy and Corporate Asset Management Plan for Disposal and Acquisition of Land and Buildings.

14.27 The Section 151 Officer must be informed of any disposal to ensure that appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.

Intellectual property

General

14.28 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee.

14.29 Certain activities undertaken within the Authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key Controls

14.30 In the event that the Authority decides to become involved in the commercial exploitation of intellectual property, the matter should proceed in accordance with the Authority's approved intellectual property procedures.

Responsibilities of Heads of Service

14.31 To ensure that controls are in place to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

15. TREASURY MANAGEMENT

Purpose: Many millions of pounds pass through the Authority's accounts each year. This has led to the establishment of codes of practice which aim to provide assurances that the Authority's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Authority's capital sum.

General

15.1 The Council's treasury management activities are regulated by a variety of professional codes and statutes and guidance. The Local Government Act 2003 (the Act) provides the power to borrow and invest as well as providing controls and limits on this activity. The powers within the Act were further developed by Statutory Instrument (SI) 3239 (W319) 2003.

The SI requires the Council to operate the overall treasury function with regard to the CIPFA Treasury Management Code of Practice; the Council adopted the code in 2003.

The Act permits the Welsh Government to issue Investment Guidance to structure and regulate the Council's investment activities; the Council has incorporated the guidance as part of its Treasury Management Practices.

The Prudential Code provides a framework of self-regulation for Councils allowing investment in assets without limit as long as the schemes are affordable, prudent and sustainable. The Council has adopted the CIPFA Prudential Code and is required to produce prudential indicators, which provide a framework to support capital investment decisions.

Key Controls

15.2 The Section 151 Officer is responsible for producing the Treasury Management Strategy; the Prudential Indicators; the Investment Strategy; and the MRP Policy on an annual basis detailing the proposed strategies to be followed in the forthcoming year. 15.3 It is a requirement of the Code and the Investment guidance that the strategies to be followed are scrutinised by 'other bodies' rather than Full Council. The committee delegated to undertake this role is the Audit and Governance Committee. The committee is responsible for approving the Treasury Management Strategy and Prudential Indicators and recommending the Investment Strategy and MRP Policy be approved by Council

15.4 Following scrutiny by the delegated body the Investment Strategy and MRP Policy is approved by Council and the Treasury Management Strategy and Prudential Indicators are noted.

15.5 The Section 151 Officer is responsible for monitoring the strategies approved and reporting to the delegated body the mid-year position.

Following the mid-year review the report and any recommendations from the delegated body be presented to Council for approval.

15.6 The annual report on the treasury management activity for the previous year will be presented to the delegated body by the 30 September in the following financial year. Following scrutiny of the annual report any recommendations from the delegated body be presented to Council for approval.

15.7 All money in the hands of the Council 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 Section 151 Officer.

15.8 All Cabinet decisions on borrowing, investment, cash flow or financing shall be delegated to the Section 151 Officer, who is required to act in accordance with the CIPFA Treasury Management Code of Practice.

15.9 The Council Policy is to lend funds for a maximum of 364 days, if a longer period is required the Section 151 Officer will seek approval for the investment from the delegated body and Council.

15.10 All of the Council's borrowings and investments must comply with the CIPFA Treasury Management Code of Practice and the strategy adopted for that year.

Responsibilities

15.11 **Responsibilities of the Section 151 Officer (Treasury Management and Banking)**

a) to arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA *Treasury Management Code of Practice* and the and the strategy adopted for the year;

b) to reportto the delegated body and Council the various strategies as detailed in paragraph 15.2 in advance of the new financial year. To provide mid-year reports and year end reports monitoring the treasury management activity against the strategies approved and provide updatedposition with regards the prudential indicators, reporting to both the delegated body and Council.;

c) to report promptly to Cabinet any exceptional circumstances where the provisions of the CIPFA *Treasury Management Code of Practice* are not met.

15.12 **Responsibilities of the Section 151 Officer (Investments and Borrowing)**

a) to ensure that all investments of money are made in the name of the Council or in the name of nominees approved by the Council. Bearer securities shall be excepted from this regulation, but any purchase of such securities shall be reported to the delegated body and Council;

b) to ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in the custody of the appropriate Head of Service;

c) to effect all borrowings in the name of the Council;

d) to act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.

15.13 **Responsibilities of Heads of Service (Investments and Borrowing)**

a) to ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Cabinet, following consultation with the Section 151 Officer.

15.14 **Responsibilities of Heads of Service (Trust Funds and Funds held for Third Parties)**

a) to arrange for all trust funds to be held, wherever possible, in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Section 151 Officer, unless the deed otherwise provides;

b) to arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Section 151 Officer, and to maintain written records of all transactions;

c) to ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

d) to be aware that all appropriate Financial Regulations governing the control of funds will apply to Trust Funds.

16. Banking & Imprest (Petty Cash) Accounts

Purpose: The Council's banking arrangements must be regulated to ensure proper control and stewardship of all Council funds.

Key Controls

16.1 All arrangements with the Council's bankers shall be made by, or under arrangements approved by the Section 151 Officer who shall operate bank accounts as are considered necessary. Opening or closing any bank account shall require the approval of the Section 151 Officer.

16.2 All cheques, etc. (excluding cheques drawn on authorised imprest accounts) shall be ordered only on the authority of the Section 151 Officer who shall make proper arrangements for their safe custody.

16.3 The Section 151 Officer or other specifically authorised officers shall sign cheques on the Council's main bank accounts.

Banking

Responsibilities of the Section 151 Officer

16.4 To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the Section 151 Officer.

Responsibilities of Heads of Service

16.5 To follow the instructions on banking issued by the Section 151 Officer.

Imprest (PETTY CASH) Accounts

General

16.6 It is the responsibility of the Section 151 Officer to make arrangements for employees of the Council to have cash or bank imprest accounts to meet minor expenditure (amounts to be approved by the Section 151 Officer) on behalf of the Council and to reimburse imprest holders as often as necessary to restore the imprest.

16.7 Such accounts shall be subject to audit by the Head of Audit and Procurement.

16.8 The Section 151 Officer must approve all imprest accounts, and imprest accounts should never be allowed to go overdrawn. No income received on behalf of the Council may be paid into an imprest account.

Responsibilities

16.9 Heads of Service are responsible for ensuring that employees operating an imprest account:

a) obtain and retain vouchers (e.g. receipts) to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;

b) make adequate arrangements for the safe custody of the account;

c) produce upon demand by the Section 151 Officer cash and all vouchers to the total value of the imprest amount;

d) record transactions promptly and in full;

e) request reimbursement to restore the imprest in sufficient time (it is recommended a claim is submitted when three quarters of the imprest has been used) to avoid the account going overdrawn;

f) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;

g) provide the Section 151 Officer with a certificate of the value of the account held at 31 March each year;

h) ensure that the imprest account is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the imprest account and change relating to purchases where an advance has been made;

i) on leaving the Council's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Section 151 Officer for the amount advanced to him or her.

17. Staffing

Purpose: In order to provide the highest level of service, it is crucial that the Authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

General

17.1 The Chief Executive is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

Key Controls

17.2 An appropriate staffing strategy and policy should exist, in which staffing requirements and budget allocation is matched, monitored and reported.

17.3 Procedures should be in place for forecasting staffing requirements and cost.

17.4 Controls should be in place to ensure that staff time is used efficiently and to the benefit of the Council.

17.5 Checks must be undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy. Evidence of satisfactory completion of the checks must be kept on the individual's personal file.

17.6 Every member of staff must have a Schedule of Main Terms and Conditions of Employment, with a copy maintained on their personal file.

Responsibilities

17.7 **Responsibilities of the Section 151 Officer**

a) to ensure that budget provision exists for all existing and new employees;

b) to act as an advisor to Heads of Service on areas such as National Insurance and pension contributions, as appropriate.

17.8 **Responsibilities of Heads of Service**

a) to maintain an up to date establishment list;

b) to produce an annual staffing budget;

c) to ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads);

d) to ensure that proper appointment procedures are followed and appropriate security checks are completed and references obtained. Proper records must be kept of the recruitment and selection process that resulted in the appointment;

e) to monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff;

f) to ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided;

g) to ensure that the Head of Corporate Human Resources and the Section 151 Officer are immediately informed if the staffing budget is likely to be materially over or underspent; and

h) to have due regard to guidance provided by Corporate Human Resources on the use of temporary staff, employment agency staff, and suppliers of consultancies supplying contract staff, and to ensure that all agency staff are obtained from designated agencies identified by Corporate Human Resources.

18. Financial Systems & Procedures

Purpose: Departments have many systems and procedures relating to the control of the Authority's assets, including purchasing, costing and management systems. Departments are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

Key Controls

18.1 The key controls for systems and procedures are:

(a) Basic data exists to enable the Authority's objectives, targets, budgets and plans to be formulated.

(b) Performance is communicated to the appropriate managers on an accurate, complete and timely basis.

(c) Early warning is provided of deviations from target, plans and budgets that require management attention.

(d) Operating systems and procedures are secure.

Responsibilities

18.2 The Section 151 Officer has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes.

18.3 The Section 151 Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by Heads of Service to the existing financial systems or the establishment of new systems must be approved by the Section 151 Officer. However, Heads of Service are responsible for the proper operation of financial processes in their own Departments.

18.4 The Section 151 Officer is responsible for ensuring that arrangements are in place for the proper administration of the Council's financial affairs, including:

a) issuing advice, guidance and procedures for officers and others acting on the Council's behalf;

b) determining the accounting systems, form of accounts and supporting financial records;

c) establishing arrangements for audit of the Council's financial affairs;

d) approving any new financial systems to be introduced;

e) approving any changes to be made to existing financial systems.

18.5 Any changes to agreed procedures by Heads of Service to meet their own specific service needs should be agreed with the relevant officer designated by the Section 151 Officer.

18.6 Heads of Service should ensure that their staff receive relevant financial training that has been approved by the Section 151 Officer.

18.7 Heads of Service must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation and must ensure that staff are aware of their responsibilities under freedom of information legislation.

Responsibilities of Heads of Service

18.8 Heads of Service are responsible for the following within their Departments:

a) to ensure that accounting records are properly maintained and held securely;

b) to ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Section 151 Officer (see paragraph 3.11) and subject to statutory requirements and the Council's policy on records management;

c) to ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained;

d) to incorporate appropriate controls to ensure that, where relevant:

   i. all input is genuine, complete, accurate, timely and not previously processed

   ii. all processing is carried out in an accurate, complete and timely manner

   iii. output from the system is complete, accurate and timely.

e) to ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice;

f) to ensure that there is a documented and tested disaster recovery plan agreed with the IT Department to allow information system processing to resume quickly in the event of an interruption;

g) to ensure that systems are documented and staff trained in operations;

h) to consult with the Section 151 Officer before changing any existing system or introducing new systems;

i) to establish a scheme of delegation identifying officers authorised to act upon the Head of Service's behalf in respect of all financial matters including payments, income collection and placing orders (including variation orders), and showing the limits of their authority;

j) to supply lists of authorised officers, with specimen signatures and delegated limits, to the Section 151 Officer upon request, together with any subsequent variations;

k) to ensure that effective contingency arrangements, including back-up procedures, exist for computer systems in consultation with the IT Department. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building or another Council site;

l) to ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation;

m) to ensure that the requirements of the Council's Information Security Policy are met;

n) to take steps to ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc;

o) to comply with the copyright, designs and patents legislation and, in particular, to ensure that:

   i. only software legally acquired and installed by the Council is used on its computers

   ii. staff are aware of legislative provisions regarding copyright, designs and patents

   iii. in developing systems, due regard is given to the issue of intellectual property rights.

19. Income

Purpose: Income can be a vulnerable asset, and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Authority's cash flow and also avoids the time and cost of administering debts.

Key Controls

19.1 All income due to the Council should be identified and charged correctly, in accordance with the Local Government Act 2003 and the Council's approved charging policy.

19.2 All income should be collected from the correct person, at the right time, using the correct procedures and the appropriate stationery.

19.3 All money received by an employee on behalf of the Council should be paid in full and without delay to the Section 151 Officer or, as he or she directs, to the Council's bank account, and properly recorded.

19.4 The responsibility for cash collection should be separated from that of:

a) identifying the amount due

b) reconciling the amount due to the amount received

19.5 Effective action should be taken to pursue non-payment of debt within defined timescales.

19.6 Where possible, debts below £10 should be recovered at the point of service delivery or sale and will only be processed as a formal sundry debt with the approval of the Section 151 Officer.

19.7 Formal approval for any debt write-off must be obtained before any action is taken (see 19.12d and Financial Regulation 25).

19.8 Appropriate write-off action should be taken within defined timescales.

19.9 Appropriate accounting adjustments should be made following write-off action.

19.10 All appropriate income documents should be retained and stored for six years plus the current year.

19.11 Money collected and deposited, including electronic payments, standing orders, direct debits, internet payments, and debit and credit card payments, should be reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities

19.12 Responsibilities of the Section 151 Officer

a) to agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection;

b) to define the standard of all receipt forms, books or tickets and similar items, the Head of Service to order all receipt forms, books or tickets and similar items and the Head of Service to satisfy himself or herself regarding the arrangements for their control and day to day administration;

c) to write off bad debts in accordance with paragraphs 26.1 to 26.11 of the Financial Regulations;

d) to approve and maintain, in conjunction with the Head of Revenue and Benefits Services, write off procedures for debts in connection with local taxation, housing benefit and rents;

e) to approve all debts to be written off in consultation with the relevant Head of Service and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit (Wales) Regulations 2014.

f) to maintain a list of authorised signatories for the approval of Cash Management System journal transfers undertaken in the Income Section. These journal transfers may only be processed by persons authorised to do so.

19.13 Responsibilities of Heads of Service

a) to operate within the corporate charging policy and consult with the Section 151 Officer when charging for the supply of goods or services to third parties, including the appropriate charging of VAT;

b) to separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable;

c) to support appropriate recovery procedures via the Council's Sundry Debtors System, including legal action where necessary, for debts that are not paid promptly;

d) to issue official receipts or to maintain other documentation for income collection;

e) to ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded;

f) to hold securely receipts, tickets and other records of income for two years plus the current year;

g) to lock away all income to safeguard against loss or theft, and to ensure the security of cash handling;

h) to ensure that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received. Appropriate details should be recorded on paying-in slips to provide a reference to the debt (audit trail). Money collected and deposited must be reconciled to the bank account on a regular basis;

i) to ensure that income is not used to cash personal cheques or other payments;

j) to supply the Section 151 Officer with details relating to work done, goods supplied, services rendered, leases, contracts or other amounts due, to enable the Section 151 Officer to record correctly the sums due to the Council and to ensure that accounts are sent out promptly. To do this, Heads of Service should use established performance management systems to monitor recovery of income and flag up areas of concern to the Section 151 Officer. Heads of Service have a responsibility to assist the Section 151 Officer in collecting debts that they have originated by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf;

k) to keep a record of every transfer of money between employees of the Council. The receiving officer must sign for the transfer and the transferor must retain a copy;

l) to recommend to the Section 151 Officer all debts to be written off and to keep a record of all sums written off. Once raised, no bona fide debt may be cancelled, except by full payment or by formally writing-off the debt. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt;

m) to obtain the approval of the Section 151 Officer when writing off debts in excess of the approved limit**,** and the approval of the Cabinet where required (see 19.12 d));

n) to notify the Section 151 Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Section 151 Officer, and not later than 30 April.

20. Ordering and paying for goods and services

Purpose: Public money should be spent with demonstrable probity and in accordance with the Authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The Authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements.

Key Controls

20.1 Every officer and Member of the Council has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate codes of conduct.

20.2 The Council will maintain a list of authorised signatories for the approval of orders and invoices for expenditure. Goods and services may only be ordered by these persons authorised to do so and must be correctly recorded when the order is actually placed.

20.3 All goods and services should be ordered in accordance with the Council's Contract Procedure Rules and the Council's Procurement Strategy.

20.4 Official orders must be in a form approved by the Section 151 Officer. The preferred method is through the electronic ordering system but where this option is not available a paper order should be used.

20.5 Official orders must be issued for all work, goods or services to be supplied to the Council, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Section 151 Officer.

20.6 Orders should be issued to the supplier at the time the order is placed. If this is not possible, a confirmation order should be issued as soon as it is practical to do so. Orders should not be completed upon receipt of the supplier's invoice.

20.7 Standard terms and conditions should be included on all orders and must not be varied without the prior approval of the Section 151 Officer.

20.8 Goods and services received should be checked to ensure that they are in accordance with the order. This check should be recorded on the delivery note if there is one and the goods receipted on the electronic ordering system if this has been used. Goods should not generally be received by the person who placed the order, but in certain circumstances this is unavoidable.

20.9 Payments should not to be made unless goods have been received by the Council at the correct price, quantity and quality standards as defined in the purchase order placed with the supplier (20.6).

20.10 All payments should be made to the correct person, for the correct amount and be properly recorded, regardless of the payment method. Payment methods may include electronic payments, standing orders, direct debits, Internet payments, and debit and credit card payments.

20.11 All appropriate evidence of the transaction and payment documents should be retained and stored for the defined period, in accordance with the document retention schedule located on the intranet. For most payments this will be six years plus the current year.

20.12 Apart from petty cash, the normal method of payment from the Council shall be by automated credit, cheque or other instrument or approved method, drawn on the Council's bank account by the Section 151 Officer.

20.12a The use of purchase cards shall require the prior agreement of the Section 151 Officer. The Council participates in the Welsh Purchase Card scheme. Cards are available to staff in accordance with the approved policy published on the Corporate Financial Services intranet site.

20.13 All expenditure, including VAT, should be accurately recorded against the right budget and any exceptions corrected.

20.14 Purchases should not be funded by netting off cash income received.

20.15 Official orders should not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts or discounts.

20.16 Effective procedures should be in place to maintain the security and integrity of data for transacting business electronically.

20.17 All e-business/e-commerce developments must be approved by the Section 151 Officer.

20.18 All purchases of IT hardware and software must be approved by the IT Department to ensure compatibility with existing systems.

Responsibilities

20.19 Responsibilities of the Section 151 Officer

a) to approve the form of official orders and associated terms and conditions;

b) to make payments from the Council's funds on receipt of authorisation that the expenditure has been duly incurred in accordance with Financial Regulations;

c) to make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order;

d) to make payments to contractors on the certificate of the appropriate Head of Service, which must include details of the value of work, retention money, amounts previously certified and amounts now certified;

e) to provide advice and encouragement on making payments by the most economical means;

20.20 **Responsibilities of Heads of Service**

a) to ensure that where available the electronic ordering system is used; if not unique pre-numbered official orders are used for all goods and services. , other than the exceptions specified in 20.5 above. Orders should be completed and issued to the supplier at the time the order is actually placed. If this is not possible, a confirmation order should be sent to the supplier, quoting the Council's terms and conditions, as soon as it is practical to do so;

b) to ensure that orders are only used for goods and services provided to the Department. Individuals must not use official orders to obtain goods, services or discounts for their private use;

c) to ensure that only those staff authorised to do so sign orders and to maintain an up-to-date list of such authorised staff detailing the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, are consistent with the Council's procurement strategy, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the Council's approach to procurement and value for money should always be achieved;

d) to ensure that goods and services are checked upon receipt to verify that they are in accordance with the order. (This check should be recorded on the delivery note if there is one and entered on the electronic ordering system if this has been used). A different officer from the person who authorised the order should, where possible, carry out this check. Appropriate entries should then be made in inventories or stores records;

e) the responsibility for the payment of orders placed on the electronic ordering system will be with the Central Creditors section and so it is important to ensure that the details on the order such as codes, amounts, tax etc. are correct so that the invoice can be matched to the order without having to 'troubleshoot' back to the department. Also to ensure that all invoices for electronic orders are sent directly to Central Creditors.

f) to ensure that payments for non electronic orders are not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:

   i. receipt of goods or services

   ii. that the invoice has not previously been paid

   iii. that expenditure has been properly incurred and is within budget provision

   iv. that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices

   v. correct accounting treatment of tax

   vi. that the invoice is correctly coded

   vii. that discounts have been taken where available

   viii. that appropriate entries will be made in accounting records

g) for non electronic orders the responsibility for ensuring that the above have been followed in every instance will rest with the member of staff authorising the invoice or payment;

h) for non electronic orders to ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice. Where electronic ordering has been used the system will ensure that segregation of duties is adhered to.

i) to ensure that the names of authorising officers together with specimen signatures and details of the limits of their authority are forwarded to the Section 151 Officer. Amendments to this list should be forwarded as and when changes in personnel or responsibility occur;

j) to ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice where a non electronic order has been placed. Instances of these being rendered will be returned to the Department, unless the certifying officer provides a specific written authorisation;

k) to encourage suppliers of goods and services to receive payment by the most economical means for the Council. It is essential, however, that payments made by direct debit have the prior approval of the Section 151 Officer;

l) to ensure that the Department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality and following the Council's contract procedures when required;

m) to ensure that staff do not deliberately attempt to circumvent the Council's contract procedures, for example by splitting up orders;

n) to follow the Council's Contract Procedure Rules when putting purchases out to competitive quotation or tender (see Part 4 of the Constitution);

o) to ensure that employees are made aware of the Officers' Code of Conduct;

p) to ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Section 151 Officer. This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained;

q) to notify the Section 151 Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Section 151 Officer and, in any case, not later than 30th April;

r) with regard to contracts for construction and alterations to buildings, to adhere to Contract Procedure Rules and the procedures for validation of subcontractors' tax status;

s) to notify the Section 151 Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision;

t) to ensure that all appropriate payment records are retained and stored in accordance with Contract Procedure Rule 53 and the document retention policy.

21. Employee Salaries & Superannuation

Purpose: Staff costs are the largest item of expenditure for most Authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for.

Key Controls

21.1 The key controls for payments to employees and Members are:

(a) Proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
- Starters
- Leavers
- Variations
- Enhancements

and that payments are made on the basis of timesheets or claims.

(b) Frequent reconciliation of payroll expenditure against approved budget and bank account.

(c) All appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

(d) HM Revenue and Customs regulations are complied with.

Responsibilities

21.2 **Responsibilities of the Section 151 Officer**

a) to arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date;

b) to record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions;

c) to ensure that there are adequate arrangements for administering Superannuation matters on a day-to-day basis;

d) to ensure that all appropriate payroll documents are retained and stored for six years plus the current year.

e) to maintain a list of authorised signatories for the approval of post changes, approval of appointment forms, timesheets, and overtime claims. These may only be processed by those persons authorised to do so.

f) To provide advice and encouragement to secure payment of salaries and wages by the most economical means.

g) To ensure that advances of pay are only made in the case of financial hardship.

h) To ensure that all overpayments of pay are pursued and only written off in accordance with section 26 – Writing off Bad Debts.

21.3 **Responsibilities of Heads of Service**

a) to ensure that appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available;

b) to notify the Section 151 Officer of all appointments, terminations or variations that may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Section 151 Officer;

c) to ensure that adequate and effective systems and procedures are operated, so that:

i. payments are only authorised to bona fide employees

ii. payments are only made where there is a valid entitlement

iii. conditions and contracts of employment are correctly applied

iv. employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness

d) to send an up-to-date list of the names of officers authorised to sign records to the Section 151 Officer, together with specimen signatures. The Payroll Section should have signatures of officers authorised to sign timesheets and other claims;

e) to ensure that payroll transactions are processed only through the payroll system. Heads of Service should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HM Revenue and Customs applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Section 151 Officer;

f) to ensure that the Section 151 Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

22. Travelling, Subsistence and Allowances

Purpose: The purpose of this regulation is to ensure that the payment of travelling, subsistence and other allowances is accurate, timely, made only when due, conforms with Council policy on travelling and subsistence and accords with the relevant schemes and conditions of employment. It is also important that Members' allowances are paid in accordance with the Members allowance scheme adopted by the Council.

Responsibilities

22.1 The Section 151 Officer is responsible for making arrangements for the payment of all travel and subsistence claims or financial loss allowances.

22.2 It is the responsibility of Heads of Service to certify staff travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council and comply with the Council's Travelling and Subsistence policy, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Section 151 Officer is informed where appropriate.

22.3 It is the responsibility of all staff and elected Members who submit claims to ensure that they complete claims correctly which includes attaching appropriate VAT receipts to travel claims.

22.4 Heads of Service must ensure that staff submit claims within three months of the month to which they refer. Not doing so affects departmental budgetary control and accounting.

22.5 The Section 151 Officer will make arrangements for paying the travel expenses or other allowances of elected Members upon receiving the prescribed form, duly completed and authorised, that has met the requirements of the Members Allowance scheme. All claims must be made up to the end of each month and payment will normally only be made if they are submitted within three months of the month to which they refer. The Section 151 Officer must approve claims from elected Members that are over three months old.

22.6 The Section 151 Officer will maintain a list of authorised signatories for the approval of travel and subsistence claim forms. These may only be processed by those persons authorised to do so.

23. Taxation

Purpose: The Council is responsible for ensuring that its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role

Key Controls

23.1 The key controls for taxation are:

(a) Budget managers are provided with relevant information and kept up to date on tax issues.

(b) Budget managers are instructed on required record keeping.

(c) All taxable transactions are identified, properly carried out and accounted for within stipulated timescales.

(d) Records are maintained in accordance with instructions.

(e) Returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities

23.2 Responsibilities of the Section 151 Officer

a) to complete all HM Revenue and Customs returns regarding PAYE;

b) to complete a monthly return of VAT inputs and outputs to HM Revenue and Customs;

c) to provide details to HM Revenue and Customs regarding the Construction Industry Tax Deduction Scheme;

d) to maintain up-to-date guidance for Council employees on the Council's tax issues.

23.3 Responsibilities of Heads of Service

a) to ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations;

b) to ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary Construction Industry Tax Deduction requirements;

c) to ensure that all persons employed by the Council are added to the Council's payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency;

d) to follow the guidance on taxation issued by the Section 151 Officer.

24. Trading Accounts And Business Units

Purpose: Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under Best Value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also required to disclose the results of significant trading operations in the Statement of Accounts

Responsibilities of the Section 151 Officer

24.1 To advise on the establishment and operation of trading accounts and business units.

Responsibilities of Heads of Service

24.2 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

24.3 To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.

24.4 To ensure that each business unit prepares an annual business plan.

25. Unofficial Funds

Purpose: Unofficial funds are those funds that are associated with the Council, are usually operated by officers of the Council but do not form part of the accounting records or banking arrangements of the Council. Examples include school fund accounts, comforts or amenity funds and community living household accounts (Social Services). This regulation identifies the responsibilities of staff administering the accounts.

General

25.1 The Council will not, as a general rule, supervise the financial administration nor audit unofficial funds, and accepts no liability whatsoever for any loss, however caused. Those operating such funds therefore have an overall responsibility to ensure that proper financial stewardship is observed. This includes ensuring that:

a) a treasurer and an independent auditor are formally appointed (not applicable to Community Living Accounts);

b) proper rules are operated to secure adequate standard;

c) adequate records and procedures are maintained;

d) regular reports on fund transactions and balances are received and checked against bank statements;

e) annual statements of income and expenditure and fund balances are prepared and audited;

f) in the case of community living accounts, that the Community Living Financial Procedural Guidelines are followed.

25.2 Those operating or intending to operate such funds are also required to:

a) notify the Section 151 Officer and Head of Audit and Procurement of details of the fund as soon as this is set up;

b) provide an independent annual audit certificate for the fund to the Head of Audit and Procurement within three months of the end of the financial year, showing at least opening and closing balances and total income and expenditure;

c) the Head of Audit and Procurement reserves the right to inspect the accounts and records of such funds as necessary.

26. Write Offs

WRITING OFF BAD DEBTS

Purpose: Writing off debts due to the Council is an acknowledgement that, contrary to Council policy, a debt cannot be pursued. Not recovering a debt affects the Council's revenue position and therefore it must be tightly controlled.

Key Controls

26.1 Bad debts in respect of any one debtor in respect of any one financial year shall only be written off as follows:

26.2 Local Taxation debts up to £250 can be authorised for write off by the Local Taxation Manager.

26.3 Housing Benefit Overpayments debts up to £250 can be authorised for write off by the Fraud Manager.

26.4 Sundry debts up to £250 can be authorised for write off by the Principal Income and Administration Manager upon receipt of a completed pro forma (referred to in 26.11 below) authorised by the relevant Head of Service.

26.5 Debts greater than £250 and up to £2,500 can be authorised for write off by the Head of Revenue and Benefits Services upon receipt of a completed pro forma (referred to in 26.11 below) authorised by the relevant Head of Service.

26.6 Debts greater than £2,500 and up to £5,000 can be authorised for write off by the Section 151 Officer upon receipt of a completed pro forma (referred to in 26.11 below) authorised by the relevant Head of Service.

26.7 Debts greater than £5,000 and up to £30,000 can be authorised for write off by the Section 151 Officer in consultation with the Cabinet Member for Finance and Resources, following a request by the appropriate Head of Service.

26.8 Debts greater than £30,000 can be written off subject to authorisation from Cabinet.

26.9 The Section 151 Officer shall approve and maintain, in conjunction with the Head of Revenue and Benefits Services, write off procedures for debts in connection with sundry, local taxation, housing benefit and rents debts (See Regulation 19 'Income').

26.10 For all debts written off there must be a full audit trail, and the Section 151 Officer must be kept informed.

26.11 Any request for a debt to be written off must be undertaken by completing the pro forma sheet available from the Head of Revenue and Benefits Services.

WRITING OFF OVERPAYMENTS

Purpose: Losses arising from payroll overpayments to staff etc. is an acknowledgement that, contrary to Council policy, a debt cannot be pursued. Not recovering a debt affects the Council's revenue position and therefore it must be tightly controlled.

26.12 Overpayments up to £250 can be authorised for write off by the Head of Department upon receipt of a completed and authorised pro forma sheet.

26.13 Overpayments greater than £250 and up to £5,000 can be authorised for write off by the Section 151 Officer upon receipt of a completed pro forma authorised by the relevant Head of Service.

26.14 Overpayments greater than £5,000 and up to £30,000 can be authorised for write off by the Section 151 Officer in consultation with the Cabinet Member for Finance and Resources, following a request by the appropriate Head of Service.

26.15 Overpayments greater than £30,000 can be written off subject to authorisation from Cabinet.

WRITING OFF ASSETS

Purpose: Losses arising from land, property, vehicles, equipment, stocks, stores and heritage items must be accounted for correctly to ensure accuracy of balance sheet records.

26.16 Assets up to £250 for equipment, stocks and stores and heritage only can be authorised for write off by the Head of Department upon receipt of a completed and authorised pro forma sheet.

26.17 Assets greater than £250 and up to £5,000 can be authorised for write off by the Section 151 Officer upon receipt of a completed pro forma sheet authorised by the relevant Head of Service.

26.18 Assets greater than £5,000 and up to £30,000 can be authorised for write off by the Section 151 Officer in consultation with the Cabinet Member for Finance and Resources, following a request by the appropriate Head of Service.

26.19 Assets greater than £30,000 can be written off subject to authorisation from Cabinet.

27. Protection of personal Property

Purpose: All people receiving services from Social Services are entitled to a reasonable expectation that their personal property will be properly looked after. This regulation sets out the minimum requirements.

General

27.1 In relation to those people whose affairs are administered under the Court of Protection and others in residential care, the Statutory Director of Social Services must ensure that steps are taken to prevent or mitigate loss of, or damage to personal property. An itemised inventory shall be taken as soon as possible after the Head of Social Services has been appointed as the Court Receiver and in each case the inventory should be completed in the presence of two officers and be retained.

27.2 All valuables including documents of title shall be deposited securely.

27.3 For all people to whom a personal service is provided, the Statutory Director of Social Services shall ensure that steps are taken to prevent or mitigate loss or damage to the person's property.

27.4 Specific financial procedural guidelines are in place for community living (learning disability service) schemes and these guidelines should be classed as appended to this Financial Regulation.

28. Partnerships

Purpose: The Council 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 or improvement of the economic, social or environmental well being of its area.

Partnerships are likely to play a key role in delivering the Community Strategy and in helping to promote and improve the well being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

Key Controls

28.1 The key controls for Authority partners are:

(a) If appropriate, to be aware of their responsibilities under the Authority's Financial Regulations and Contract Procedure Rules.

(b) To ensure that risk management processes are in place to identify and assess all known risks.

(c) To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.

(d) To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences.

(e) To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

General

28.2 The main reasons for entering into a partnership are:

a) to provide new and better ways of delivering services;

b) to forge new relationships.

c) the desire to find new ways to share risk;

d) the ability to access new resources;

28.3 A partner is defined as either:

a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project; or

b) a body whose nature or status gives it a right or obligation to support the project.

28.4 Partners participate in projects by:

a) acting as a project deliverer or sponsor, solely or in concert with others;

b) acting as a project funder or part funder;

c) being the beneficiary group of the activity undertaken in a project.

Responsibilities

28.5 Responsibilities of the Section 151 Officer

a) to advise on effective controls that will ensure that resources are not wasted;

b) to advise on the key elements of funding a project. They include:

i. a scheme appraisal for financial viability in both the current and future years

ii. risk appraisal, insurance and management

iii. resourcing, including taxation issues

iv. audit, security and control requirements

v. arrangements to carry forward financial resources

c) to ensure that the accounting arrangements are satisfactory.

28.6 **Responsibilities of Heads of Service**

a) to ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Section 151 Officer;

b) to ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council;

c) to ensure that all agreements and arrangements are properly documented;

d) to ensure, if appropriate, that partners are made aware of their responsibilities under the Council's Financial Regulations and the Council's Contract Procedure Rules;

e) to provide appropriate information to the Section 151 Officer to enable a note to be entered into the Council's Statement of Accounts concerning material items.

28.7 **Partners have the following common responsibilities**:

a) to act in good faith at all times and in the best interests of the partnership's aims and objectives;

b) to be open about any conflict of interests that might arise;

c) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature.

29. External Funding

Purpose: External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies provide additional resources to enable the authority to deliver services to the local community; however, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Authority's overall plan.

General

29.1 Key conditions of funding and any statutory requirements must be complied with and the responsibilities of the Council must be clearly understood. Also, all Council officers must comply with the requirements of the Council's Grants Protocol.

Key Controls

29.2 Funds are to be acquired only to meet the priorities approved in the policy framework by the Council.

29.3 Any match-funding requirements should be given due consideration prior to entering into agreements and that future revenue and capital budgets reflect these requirements.

Responsibilities

29.4 Responsibilities of the Section 151 Officer

a) to ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts;

b) to ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue and capital budgets reflect these requirements;

c) to ensure that audit requirements and grant instructions are met.

29.5 **Responsibilities of Heads of Service**

a) to ensure that the Section 151 Officer is informed of all external funding arrangements;

b) to prepare a Business Case advising the Strategic Leadership Team (SLT) of all new grant applications (capital and revenue) above £25k in a financial year;

c) to identify for the Strategic Leadership Team (SLT) an exit strategy for all external funding (including grants) where the funding is of a limited timeframe;

d) to ensure that all claims for funding are approved by the Section 151 Officer or an officer nominated by him;

e) to ensure that all claims for funds are made by the due date;

f) to ensure that the match-funding requirements are considered prior to entering into the agreements and are approved by the Section 151 Officer;

g) to ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

30. Work for Third Parties

Purpose: Current legislation enables the Authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is intra vires.

Regulation

30.1 The Council's Scheme of Delegation of Officers gives authority for the Chief Executive, Strategic Directors and Heads of Service to enter into third party service contracts and to undertake work or provide services to third parties subject to resources being available, to there being no adverse impact on the provision of Council operations and appropriate charges being levied. All subsequent transactions shall comply with the Council's Financial Regulations.

Responsibilities

30.2 **Responsibilities of Section 151 Officer**

a) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

30.3 **Responsibilities of Heads of Service**

a) to undertake work or provide services to third parties subject to resources being available, to there being no adverse impact on the provision of Council operations and appropriate charges being levied;

b) to maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Section 151 Officer;

c) to ensure that appropriate insurance arrangements are made;

d) to ensure that the Council is not put at risk from any bad debts;

e) to ensure that no contract is subsidised by the Council;

f) to ensure that, wherever possible, payment is received in advance of the delivery of the service;

g) to ensure that the department/unit has the appropriate expertise to undertake the contract;

h) to ensure that such contracts do not impact adversely upon the services provided for the Council;

i) to ensure that all contracts are properly documented;

j) to provide appropriate information to the Section 151 Officer to enable a note to be entered into the statement of accounts.

SECTION 17

SECTION 17.2 - FINANCIAL REGULATIONS FOR SCHOOLS WITH DELEGATED BUDGETS

INTRODUCTION

The Financial Regulations have been prepared in accordance with the Interpretation Act, whereby the male is deemed to include the female, and the singular is deemed to include the plural.

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1. FINANCIAL ADMINISTRATION

1.1 The Executive is responsible for making recommendations to the Council on the allocation of the resources (and for controlling through its Sub-Committees the resources of the Council in relation to finance) through the preparation of the annual budget.

1.2 The Council, under the provisions of *Section 151 of the Local Government Act 1972*, have approved a number of Financial Regulations for the better management of its financial affairs.

1.3 The scope of the duties of the Strategic Director - Finance and Efficiencies under *Section 151* shall include all aspects of the financial management undertaken by a Governing Body.

1.4 Subject to any specific requirements in respect to financial control, set out in the *Education Reform Act 1988* nothing in the following financial regulations will override the provisions of the Council's Standing Orders or Financial Regulations, as amended from time to time.

1.5 The Executive is responsible for determining the Scheme of Delegation of Management to the Governing Body of the School in accordance with the *Education Reform Act 1988*.

1.6 The Executive is responsible for regulating and controlling the finances of the Council.

1.7 The Strategic Director – Finance and Efficiencies as financial adviser to the Council, shall each year report to the Executive regarding the level of resources proposed for utilisation in each financial year and shall keep that Sub-Committee informed with respect to the Council's finances and financial performances and he shall also keep every service Committee periodically informed of the financial outcome of their activities.

1.8 The Executive is responsible for making and amending such financial regulations as it considers necessary and desirable for the proper administration of the finances of the Council in conformity with the Standing Orders. The Executive subject to the approval of the Council shall be authorised to vary from time to time any amount included in these Regulations.

1.9 The Chief Education Officer shall be required to bring these Financial Regulations to the attention of all relevant staff within his Department. Any staff who fail to observe Financial Regulations may be subject to disciplinary action. The Chief Education Officer is responsible for the accountability and control of staff and the security, custody and control of all other resources relating to his Department.

1.10 Subject to any specific requirements set out in the *Education Reform Act 1988*, the Strategic Director - Finance and Efficiencies shall for the purpose of *Section 151 of the Local Government Act 1972*, be responsible under the general direction of the Executive, for the proper administration of the Council's financial affairs. The scope of the duties of the Strategic Director - Finance and Efficiencies under *Section 151* shall include all aspects of the financial management undertaken by a Governing Body and he and the Chief Education Officer or their representative have the right to attend meetings of the Governing Body to advise or report on the financial matters which impose on these responsibilities.

1.11 The Governing Body shall not incur any expenditure which is not in accordance with the Scheme of Delegation. The Governing Body shall also consult with and obtain the agreement of the Strategic Director - Finance and Efficiencies if it is in any doubt whatsoever that an item of expenditure may not be lawful, or may result in expenditure exceeding the resources available to the Governing Body. Under *Section 114 of the Local Government Finance Act 1988* the Strategic Director - Finance and Efficiencies may report to the full Council if it appears to him that a Governing Body has taken or is about to take an unlawful course of action and the Governing Body may not proceed until the report has been considered.

1.12 The Governing Body shall be:

(a) Responsible for the observance of the Financial Regulations throughout the school.

(b) Required to bring Financial Regulations to the attention of all staff within the school.

(c) Required to consider disciplinary action against staff who fail to observe their Financial Regulations.

1.13 Governing Bodies who fail to observe Financial Regulations may have the Scheme of Delegation withdrawn.

2. POWER TO DELEGATE

2.1 Subject to Statutory Limitations outlined in the schools handbook, the Governing Body shall be free to delegate their authority and power granted to them by these Regulations to a Sub-Committee of Governors and to the Head. When the Headteacher deals with administrative matters arising from the functions of the Governing Body and does so in accordance with the Articles of Government and these Regulations, then he shall be deemed to have taken delegated action on behalf of the Governing Body.

3. BUDGETS AND BUDGETARY CONTROL

3.1 For each financial year the Strategic Director - Finance and Efficiencies, in consultation with the Chief Education Officer, shall be responsible for submission of the general school's budget to the Council for approval, in accordance with the procedure contained in the Financial Regulations of the Council. This budget is the amount to be spent by, or attributable to, all schools within the County Borough except special schools and will include a provision for inflation.

3.2 The Chief Education Officer in consultation with the Strategic Director - Finance and Efficiencies will be responsible for deducting from the general schools budget the mandatory and approved discretionary exceptions.

3.3 The Chief Education Officer will be responsible for allocating the remaining aggregated schools budget for the financial year to each school by means of the approved formulae.

3.4 The Chief Education Officer will notify each school before 31st March of its budget share for the financial year expressed as a cash sum.

3.5 The Governing Body shall determine a Budget for the School consistent with the resources available and notify the Chief Education Officer by the 30 April each year of its proposed Budget Allocations. The form of such a notification may be prescribed by the Chief Education Officer in agreement with the Strategic Director - Finance and Efficiencies.

3.6 Control of income and expenditure in accordance with the delegated budget shall be the responsibility of the Governing Body.

3.7 Any report considered by the Governing Body or a Sub-Committee of the Governing Body which would involve the incurring of revenue expenditure shall include a reference to the sufficiency or otherwise of the financial provision in the budget of the school.

3.8 The Governing Body is not empowered to incur any expenditure connected with the buying, selling or granting of interests in land and buildings or expenditure of a capital nature including finance leases.

3.9 The Governing Body has the power to exercise virement between all heads of expenditure and income within the school's delegated budget with the exception of those items defined as "earmarked expenditure".

3.10 Governing Bodies shall not budget for a deficit. Any unplanned overspend on the delegated budget will be carried forward as a reduction to the following year's allocation. Schools will be able to invest and earn interest on underspent balances in accordance with the scheme determined by the Strategic Director - Finance and Efficiencies. Similarly the Council will charge interest on school balances that become overdrawn.

4. ACCOUNTING

4.1 The Strategic Director - Finance and Resources shall be responsible for maintaining the primary accounting records of the Council.

4.2 The Headteacher shall provide the Strategic Director - Finance and Resources with any information requested and which is required for the purpose of maintaining or closing the accounts of the Council. Such information shall be provided in accordance with the timetable determined by the Strategic Director - Finance and Resource.

4.3 Accounting records and procedures shall be maintained to such standard and in such form as may be determined by the Strategic Director - Finance and Resource and notified to the Governing Body, whether under an approved Local Cheque Book Scheme or otherwise.

4.4 All accounting procedures and accounting records of the school and its staff processed on micro computers shall be determined by the Strategic Director - Finance and Resources. No form of a financial nature shall be introduced without the prior approval of the Strategic Director - Finance and Resources.

4.5 The following principles shall be observed whenever possible in the allocation of accounting duties:

(a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them.

(b) Staff charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

5. INTERNAL AUDIT

5.1 In accordance with the Accounts and Audit Regulations approved by Parliament from time to time, the Strategic Director - Finance and Resources shall be responsible for maintaining an ongoing internal audit of the accounting, financial and other operation of the Council.

5.2 The Strategic Director - Finance and Resources shall have the responsibility to review, appraise and report to the Governing Body, Chief Education Officer and the Executive upon:

(a) The soundness, adequacy and application of financial and other related management controls.

(b) The extent of compliance with, and financial effect of established policies, plans and procedures.

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

Fraud and other offences;

Waste, extravagance, poor Value for Money or other cause.

(d) The suitability and reliability of financial and other related management data developed within the Council.

5.3 The Strategic Director - Finance and Resources or his/her authorised representative shall have authority to:

(a) Enter at all reasonable times on any Council premises or land.

(b) Have access to all records, documents and correspondence relating to any financial and related transactions of the Council and for Governing Body.

(c) Require and receive such explanations as are necessary concerning any matter under examination.

(d) Require any employee of the Council to produce cash, stores or any other Council property under his control or such items in his custody as an officer of the Council which are the property of other persons.

5.4 Whenever matters arise which involve, or are thought to involve irregularities concerning cash, stores or other property of the Council, the Governing Body or Headteacher concerned shall forthwith notify the Chief Education Officer and the Strategic Director - Finance and Resources who shall take such steps as they consider necessary by way of investigation and report.

5.5 Provided that where, on consideration of such a report, the Strategic Director – Finance and Resources is, of the opinion that there is a prima facie breach of the criminal law, the matter shall be reported to the Police for further investigation.

6. BANKING ARRANGEMENTS

6.1 All arrangements with the Council's bankers shall be made by or under arrangements approved by the Strategic Director - Finance and Reources, who shall be authorised to operate such banking accounts as considered necessary.

6.2 The Governing Body shall not hold or operate any external bank accounts except:

(a) Approved School Fund (private) Accounts.

(b) Imprest Accounts.

(c) Accounts approved by the Strategic Director - Finance and Resources under a Local Cheque Book Scheme.

6.3 All arrangements concerning the schools non-official bank accounts shall stand in the name of the school and not in the name of any officer either by name or designation. They shall stand under the dual signatures of two members of staff, one of whom should be the Headteacher or Deputy Headteacher.

6.4 Imprest Accounts

(a) Imprest accounts will be provided to schools by the Strategic Director - Finance and Resources if considered appropriate, for the purpose of defraying petty cash and other expenses.

(b) No income received on behalf of the Council may be paid into an imprest account, but must be banked as provided elsewhere in these regulations.

(c) Payments shall be limited to minor items of expenditure and to such other items as the Strategic Director - Finance and Resources may approve and shall be supported by a receipted voucher.

(d) Employees who are imprest holders must account to the Strategic Director - Finance and Resources for the amount advanced to them on leaving the employment of the Council or otherwise ceasing to hold the imprest advance.

6.5 Every person operating a bank account on behalf of the Council shall make safe and efficient arrangements on its behalf for the control of access to bank cheques, the preparation, signing and despatch of cheques, prompt examination of paid cheques and independent reconciliation of such transactions with bank statements.

7. INVESTMENTS AND BORROWING

7.1 The Governing Body may not invest or borrow funds from external sources.

i.

8. SUPPLY OF WORKS, GOODS AND SERVICES

8.1 Except as required by British Legislation, the European Economic Community Treaty and relevant Directives, these Regulations must be followed every time the Governing Body enters into a contract for Works, Goods or Services. However, nothing in the Regulations will be effective if it is inconsistent with the Scheme of Delegation for schools under the *Education Reform Act, 1988*. In any case of conflict the scheme will take precedence over these Regulations.

8.2 An order for the Supply of Works or Goods and Services can be entered into by the Governing Body without following the methods of obtaining tenders or quotations described in these Regulations if the order is placed with a Department of the Council or an approved Purchasing Consortium.

8.3 The Governing Body and Headteacher must at all times ensure that value for money in the expenditure of public resources is obtained.

8.4 **Contracts less than £l,000**

The Governing Body shall make the most suitable arrangements for the ordering of any works, goods or services, the estimated value of which is less than £1,000 but shall whenever possible obtain alternative offers or quotations. A record must be kept to the satisfaction of the Strategic Director - Finance and Resources of every such arrangement of over £50.

8.5 **Contracts between £l,000 and £l0,000**

Before entering into a contract whose estimated value exceeds £1,000 but not £10,000, the Governing Body must proceed either in accordance with one of the methods of tendering described in the following paragraph 8.6 or by inviting at least three formal and competitive quotations. A Governing Body shall keep a record of all tender offers and quotations and of each exception to the procedure set out in these Regulations and the reasons for the exceptions.

8.6 **Tendering Procedure - Contracts exceeding £l0,000**

Contracts whose estimated value is over £10,000 and any contract for the supply of banking services under a local cheque book scheme must be awarded by one of the following methods selected by the Governing Body:

(a) Selective tendering from at least three well established supply sources known to be supplies of the goods and services in question.

(b) Open competitive tendering by an advertisement in at least one local newspaper circulating in the area of the Council and an appropriate trade journal with organisations requesting tender documents being given opportunity to submit an offer.

c) Such other arrangements made with the prior agreement of the Council's Secretary and Strategic Director - Finance and Resources.

8.7 **Exception to Tendering Procedure**

Nothing in these Standing Orders shall require tenders or, where appropriate, quotations to be invited if, in the case of contracts for supply of goods or materials:

(a) The goods or materials are proprietary articles or are sold at fixed price and no reasonably satisfactory alternative is available.

(b) The prices of the goods or materials are wholly controlled by trade organisations or government order and no reasonably satisfactory alternative is available.

(c) For other reasons, there would be no genuine competition.

8.8 **Receipt and Custody**

8.8.1 It shall be a condition of every invitation covered by 8.5 and 8.6 that each offer shall be sent in a plain envelope which shall be securely sealed and shall bear the word "Tender" followed by the subject to which the tender relates, but shall not bear any distinguishing matter or mark intended to indicate the identity of the sender.

8.8.2 All offers to which 8.5 and 8.6 applies and offers of banking services under an approved local cheque book scheme should be returned to the Headteacher who shall keep them in safe custody until the time appointed for their opening.

8.9 **Opening**

8.9.1 Offers covered by 8.5 and 8.6 and offers of banking services under an approved local cheque book scheme shall be opened by the Headteacher and/or other persons so designated by the Governing Body in the presence of the Chair or Vice-Chair of the Governing Body.

8.9.2 Details of each offer shall be recorded on a list which shall be signed by the persons present at the opening of such offers.

8.10 **Late Tenders or Offers**

8.10.1 Any tender or offer submitted in competition received after the specified time shall be returned promptly to the sender.

8.11 **Amending Tenders**

8.11.1 A tenderer cannot amend his tender after it has been received unless examination of his tender reveals qualifications or arithmetical or clerical errors, in which case he shall be given the opportunity of withdrawing, qualifying or correcting errors and/or confirming, his tender.

8.12 **Form of Contracts**

8.12.1 The form of every contract over £1,000 shall be approved by the Corporate Director of Performance and shall include clauses on corruption and cancelling of contracts. All contracts not under seal may be signed by a person authorised by the Governing Body.

8.13 **Outside Consultants and Technical Officers**

8.13.1 Where outside Consultants and Technical Officers are employed they must follow these Regulations. Their contracts for services must state this requirement.

8.13.2 A Governor, Headteacher, or other member of staff of the School with a material interest in a personal capacity in any contact with the School shall declare that interest to the Governing Body or relevant Committee of the Governing Body and not vote on or debate any matter affected in that contract.

9. ORDERS FOR WORKS, GOODS AND SERVICES

ii.

9.1 Official orders shall be in a form approved by the Strategic Director - Finance and Resources and are to be signed only by a member of staff authorised by the Governing Body. Before issuing official orders, members of staff authorised to sign them must be satisfied that there is provision in the Schools Budget.

9.2 Official orders shall be issued for all work, goods or services to be supplied to the School except for supplies of public utility services, for periodical payments such as rent or rates, for petty cash purchases or such other exceptions as the Strategic Director - Finance and Efficiencies may approve. A copy of each order shall, if so required, be supplied to the Strategic Director - Finance and Reources.

10. PAYMENT OF ACCOUNTS

10.1 Apart from petty cash and other payments from imprest accounts and other Local Cheque Books Schemes approved by the Strategic Director - Finance and Resources, the normal method of payment of monies due from the Council shall be by cheques or other instrument drawn on the Council's banking account by the Strategic Director - Finance and Resources.

10.2 The authorised officer issuing an order is responsible for examining, verifying and certifying the related invoice(s). The names of officers authorised to sign such records shall be sent to the Strategic Director - Finance and Resources, together with specimen signatures and shall be amended on the occasion of any change therein.

10.3 Before certifying an account; the certifying officer shall, save to the extent that the Strategic Director - Finance and Resources may otherwise determine have

satisfied himself that:-

(a) The work, goods or services to which the account relates have been received, carried out, examined and approved.

(b) The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct.

(c) The relevant expenditure has been properly incurred, and is within the relevant estimate provision.

(d) Appropriate entries have been made in inventories, stores records or stock books as required.

(e) Where an invoice is a VAT invoice, no amendments shall be made to it. Incorrect VAT invoices, must be returned to the supplier for amendment. For non-VAT invoices, amendments shall be made in ink and initialled by the officer making it, stating reasons briefly where they are not self evident.

(f) That the correct procedures are applied in respect of payments made under the Construction Industry, Tax Deduction Scheme Certificates 714 and 715.

(g) The account has not been previously passed for payment and is a proper liability of the school.

10.4 All invoices and reimbursement of imprest accounts shall be processed for payment without delay. Legal costs arising from delays by schools will be charged to the relevant school's budget.

11. LOCAL CHEQUE BOOKS

11.1 Whenever the Governing Body wish to operate their own Local Cheque Book Scheme they shall submit details of the proposed scheme to the Strategic Director - Finance and Resources for approval.

11.2 No approval shall be given to any such scheme unless:

(a) The Governing Body's proposals for the production, supply and content of all receipt forms, books, tickets, invoices and any other such items as may be necessary or proposed are set out in accordance with Council standards and guidelines.

(b) All invoices and other stationery include the Council logo.

(c) All invoices are consecutively pre-numbered in a self carbonating book.

(d) An Audit trail of all transactions is set out which meets with the approval of the Strategic Director - Finance and Resources.

11.3 The Governing Body of a school operating a Local Cheque Book Scheme approved by the Strategic Director - Finance and Resources shall be responsible for the ordering, provision and payment of such stationery including, but not limited to, control of income stationery in such numbers and form as the Strategic Director - Finance and Resources should from time to

time require and approve.

11.4 Schools with approved Local Cheque Book Schemes may bank money with their local bank accounts under arrangements agreed with the Strategic Director - Finance and Resources.

12. SALARIES AND WAGES

12.1 The payment of all salaries, wages, pensions, compensation, gratuities, injury allowance and other emoluments to all employees, or former employees of the Council shall be made by, or under arrangements approved and controlled by, the Strategic Director - Finance and Resources.

12.2 The Headteacher via the Chief Education Officer shall notify the Strategic Director - Finance and Resources as soon as possible and in the form prescribed by him, of all matters affecting the payment of such emoluments and in particular:

(a) Appointment, resignations, dismissals, suspension, secondments and transfers.

(b) Absences from duty for sickness or other reason, apart from approved leave with pay.

(c) Changes in remuneration, other than normal increments and pay awards and agreements of general application.

(d) Information necessary to maintain records of service for superannuation, income tax, national insurance and the like.

12.3 Appointments of all employees shall be made in accordance with Articles of Government and the regulations laid down by the employees Pay and Conditions of Service document.

12.4 All time records or other pay documents shall be in a form prescribed or approved by the Strategic Director - Finance and Resources, and shall be certified in manuscript by or on behalf of the Chief Education Officer. The names of officers authorised to sign such records shall be sent to the Strategic Director - Finance and Resources by each Headteacher, together with specimen signatures and shall be amended on the occasion of any changes.

13. TRAVELLING AND SUBSISTENCE ALLOWANCE

13.1 All claims by officers for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be in a form and according to a timetable approved by the Strategic Director - Finance and Resources for various categories of officer, and shall be duly certified for payment before submission to the Strategic Director - Finance and Resources. The names of officers authorised to certify, in manuscript, such records for payment shall be sent to the Strategic Director - Finance and Resources by the Chief Education Officer, together with specimen signatures and initials, and shall be amended on the occasion of any change.

13.2 The certification by or on behalf of the Headteacher shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the fees and allowances are properly payable by the Council.

13.3 Claims submitted more than three months after fees were earned or the expenses were incurred must be accompanied by a letter of explanations for the delay and such claim shall be paid only with the express approval of the Strategic Director - Finance and Resources.

14. INCOME

14.1 Income generated by the sale of any item of equipment or materials shall be paid into the Council's bank account even where such sum may be subsequently available for spending at the discretion of the Governing Body. Any income generating activities shall be authorised by the Chief Education Officer unless permitted in the general Scheme of Delegation.

14.2 The collection of all monies due to the Council shall be under the supervision of the Strategic Director - Finance and Resources.

14.3 The Strategic Director - Finance and Resources shall be notified promptly of all money due to the Council, together with particulars relating thereto, and all arrangements entered into which involve the receipt of money by the Council.

14.4 All receipt forms, books, tickets, invoices and other such items shall be ordered and supplied by the Strategic Director - Finance and Resources, who shall be notified as to the arrangements for their control.

14.5 All money received on behalf of the Council shall without delay be paid to the Strategic Director - Finance and Resources, or as may be directed, to the Council's banking or National Giro Account.

14.6 Personal cheques shall not be cashed out of the money held on behalf of the Council or Governing Body.

14.7 Every transfer of official money from one member of staff to another will be evidenced in the records of the school concerned by the signature of the receiving staff member.

14.8 A review of fees and charges within the discretion of the Governing Body shall be undertaken at least annually by the Governing Body.

15. STOCKS, STORES AND INVENTORIES

15.1 Each Headteacher/Governing Body shall be responsible for the care and custody of the stocks, stores in its School and records kept in a form approved by the Strategic Director - Finance and Resources.

15.2 Losses due to theft of stocks or cash shall be reported to the Strategic Director - Finance and Resources and Chief Education Officer immediately the deficiency is realised.

15.3 Inventories shall be maintained by all schools and therein shall be recorded an adequate description of furniture, fittings and equipment, plant and machinery (save that the extent to which the property shall be so recorded and the form in which the inventories shall be kept is to be determined by the Strategic Director - Finance and Resources).

15.4 Each Headteacher/Governing Body shall be responsible for maintaining an

annual check on all items on the inventory and to report any significant deficiency to the Governing Body.

15.5 The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purpose except in accordance with specific directions issued by the Chief Education Officer or the Headteacher.

15.6 The Strategic Director - Finance and Resources shall be entitled to receive from each Governing Body such information as he required in relation to stores for the accounting, costing and financial records. Surplus material, stores or equipment shall be disposed of in accordance with arrangements made under the Standing Orders of the Council.

16. SECURITY

16.1 Each Governing Body/Headteacher is responsible for maintaining reasonable security at all times for the buildings, stock, stores, furniture, equipment, cash, etc. under his/her control.

16.2 The Governing Body/Headteacher shall consult the Strategic Director - Finance and Resources in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

16.3 Maximum limits for cash holdings shall be agreed with the Strategic Director - Finance and Resources and shall not be exceeded without express permission.

16.4 Secure arrangements shall be made at all times for the safe custody of keys to safes and similar receptacles; the loss of such keys must be reported to the Strategic Director - Finance and Resources forthwith.

17. INSURANCES

iii.

17.1 The Strategic Director - Finance and Resource shall, effect such insurances as are from time to time considered necessary by law to cover risk to which the school is exposed, and shall negotiate and recover claims.

17.1 The Governing Body may effect additional insurances from their delegated budget where they are not covered by the Council's policies as specified in the Schools Administrative Handbook.

17.3 The Governing Body via the Headteacher shall give prompt notification to the Strategic Director - Finance and Resources of all new risks, additions, and alterations affecting existing insurances. The Headteacher shall consult the Strategic Director - Finance and Resources respecting the terms of any indemnity which the school is required to give.

17.4 The Headteacher shall immediately notify the Strategic Director - Finance and Resources in writing in the approved form of any loss, liability or damage, or any even likely to lead to a claim, and take such other action as may be necessary to satisfy any insurance policy conditions.

18. DATA PROTECTION

18.1 The responsibility for maintaining proper security and privacy of information and for ensuring that all other requirements of the Data Protection Act 1984 are being met shall rest with:-

(a) The Strategic Director - Finance and Resources in respect of the mainframe computer installation and all its systems.

(b) The appropriate Governing Body in respect of other computer equipment, related systems and bard copy reports.

18.2 The Strategic Director - Finance and Resources or his/her authorised representative, shall have access to all computer systems and records, and may require and receive such explanations as are necessary, for the purposes of the Data Protection Act 1984.

19. UNOFFICIAL FUNDS

19.1 When an officer of the Council is, by virtue of his official position, responsible for money or goods which are the property of an unofficial fund connected with a Council establishment, the purposes of which are analogous to the service provided by the Council:

(a) The officer shall keep all monies or goods, the property of the unofficial fund, separate from those of the Council.

(b) Proper records of account shall be maintained and kept separately from those of the Council.

(c) The Governing Body shall be responsible for the financial management and audit on an annual basis of all unofficial funds. Notwithstanding the duties of the Governing Body, the Strategic Director - Finance and Resources shall have the right to audit any unofficial fund at any time.

(d) Such annual reports shall be held available for inspection by the Council's Internal Audit Section, as and when required.

19.2 The Council accepts no liability of whatsoever nature and howsoever caused in the event of any loss in respect of unofficial funds and no person has any authority to bind the Council to accept such liability in respect of such funds.

19.3 Agreement by the Council to deduct contributions to various voluntary and other funds from payments of salaries and wages in accordance with mandates given to the Council and to pay such deductions in total at agreed intervals to the appropriate funds shall in no way make the Council liable for any loss, and Regulation 19.2 shall apply.

19.4 Monies properly due to the Council shall not be paid into any unofficial fund, temporarily or otherwise. The Strategic Director - Finance and Resources shall be authorised to issue such direction either generally or otherwise in this respect.

20. DECLARATION OF INTEREST

20.1 A Governor, Headteacher or other member of staff of the school with a material interest in a personal capacity in any contract with the school shall declare that

interest to the Governing Body or relevant Committee of the Governing Body.

21. SUSPENSION OF DELEGATED BUDGETS

21.1 Where a Governing Body is responsible for a substantial or persistent failure to comply with any requirements applicable under the scheme for delegated budgets, or are not managing the appropriation or expenditure of the sum put at their disposal in a satisfactory manner, the Local Education Council, through the Chief Education Officer may suspend the Governing Body's right to a delegated budget giving at least one month's notice of the intention to do so, or if by reason of gross incompetence or mismanagement, at such earlier date as the Chief Education Officer may determine, provided that the Chief Education Officer shall notify without delay the Secretary of State, giving reasons for the action taken.

21.2 The Chief Education Officer shall, in giving such notice to the Governing Body, specify the grounds for the suspension and provide a copy to the Headteacher. Thereafter, the Chief Education Officer shall review, before the commencement of each subsequent financial year, the suspension and shall provide an opportunity for the Governing Body and the Headteacher to make representations which the Chief Education Officer will consider.

21.3 The Chief Education Officer shall, after such annual reviews, give written notifications to the Governing Body and Headteacher regarding the decision reached either to continue or to remove the suspension giving their reasons to the Governing Body for the decision. In the event of a decision to readmit the school to the scheme, revocation of the suspension shall take effect from the beginning of the next financial year.

21.4 A Governing Body in respect of which the Chief Education Officer has imposed a suspension of delegated powers, or where the Chief Education Officer has decided not to repeal a suspension under this scheme for the delegated budgets, shall be entitled to appeal to the Secretary of State.

22. USE OF CONFIDENTIAL INFORMATION

22.1 Members of the Governing Body may acquire information that has not been made public and is confidential. Governors must not use this information for their own personal advantage or for the advantage of others known to them.

23. GIFTS AND HOSPITALITY

23.1 School Governors should not accept any offer or gift, favour or hospitality made personally.

SECTION 18

In the event of any conflict between the Contract Procedure Rules and relevant legislation, and in particular the Procurement Act 2023 ("the Act"), legislation and the Act will always take precedence over the Contract Procedure Rules. The Council is currently in the process of updating the Contract Procedure Rules to reflect the implementation of the Act from 24 February 2025 and an updated version will be made available shortly.

18.1 - CONTRACT PROCEDURE RULES

Introduction

The purpose of these Contract Procedure Rules is to provide a methodology for the procurement of goods, works and services for the Council and to ensure that the relevant procedures are efficient and transparent and provide a system of openness and accountability. The highest standards of probity are required of all Officers and Members involved in the procurement, award and management of the Council's Contracts.

Any queries in respect of these Contract Procedure Rules shall be referred to the Monitoring Officer.

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GENERAL

1. Interpretation

1.1 In these Contract Procedure Rules, the following terms have the following meanings:

Approved List	a list drawn up for and maintained by services for use under CPR 15
Bus Contracts	specific Public Bus Contracts that are exempt from the requirements of these Contract Procedure Rules
Business Case	the process for weighing up the expected benefits with the cost and risks of a proposed project. Please refer to the Council's Business Planning Framework for further details
Call Off	the process by which contracts are awarded under a Framework Agreement
Code of Conduct	the Codes regulating the conduct of Officers and Members as set out in the Council's constitution
Community Benefits	social or economic or environmental requirements which benefit the community within the Council area
Contract	an agreement for the supply of goods or services or concessions or the execution of works
Contract Assignment	When the same contract is assigned from one of the original parties (assignor) to a new party (assignee). Going forward the agreement in place is the same original Contract
Contract File	a record of all matters relating to the Contract and procurement process
Contract Novation	When one of the original contract parties (outgoing party) is replaced by a new party (incoming party) usually when the outgoing party is in administration. Upon entering into the Deed of Novation, there is a new Contract created between the existing original party

	and the incoming party
Contractor	a supplier of goods or services or concessions or works to the Council
Corporate Contracts Register	a register of Contracts currently operating within the Council
Corporate Procurement Strategy	the Council's strategy for procuring goods, works and services on a corporate basis
Corporate Purchasing Agreement	a Contract or Framework Agreement which has been endorsed and approved for corporate use by the Head of Audit and Procurement and its use shall be mandatory. This includes joint procurement arrangements and membership of official planning consortiums
Council	Conwy County Borough Council
Development Agreement	an agreement which regulates the relationship between a developer, funding institution and tenant
Director	Chief Executive or a Director of the Council
Dynamic Purchasing System	A Dynamic Purchasing System (DPS) is similar to a framework agreement with the exception that new suppliers can join at any time and it is to be run as a completely electronic process. All contractors who satisfy the selection criteria must be admitted onto the DPS with no limit on the numbers who can join. All suppliers must be invited to bid for a particular contract with the award based on the best tender as per the criteria set out in the contract notice
E-Sourcing	electronic systems for the facilitation and conducting of procurement exercises
EU	European Union
EU Contract	a contract covered by the Public Contracts Regulations 2015
Framework Agreement	an agreement which allows a Responsible Officer to Call Off or undertake a mini competition to provide goods, services or

	works in accordance with the terms of the agreement. The Framework Agreement usually constitutes a non-binding offer with no obligations to Call Off from the Contractor. If the Council Calls Off from the Contractor a binding contract comes into being
Finance and Resources Portfolio Holder	the Cabinet Member who is designated to have responsibility for the Council's finance and Resources portfolio
Head of Audit and Procurement	the Officer who is designated to have responsibility for the Internal Audit Service and Corporate Procurement Unit
Head of Service	the Head of Service of a Council service area
Invitation to Tender	invitation to tender documents in the form required by these Contract Procedure Rules
Member(s)	means a Member of the Council
Monitoring Officer	the Officer designated by the Council as its statutory Monitoring Officer from time to time
Month	Means a calendar month
Most Economically Advantageous Tender	the tender which is the most advantageous to the Council based on a combination of price and quality criterion
Officer	any permanent or temporary staff member or consultant or any other person working for the Council
OJEU	Official Journal of the European Union
OJEU Thresholds	the values that are determined by the European Union every two years
Personal Social Care	care provided following as assessment under the NHS and Community Care Act 1990. Incidental and ancillary services will include, but are not limited to, Supporting People services, Approved Landlord services, substance misuse services and advice services
Portfolio Lead Member	the Cabinet Member who is designated to have responsibility for the relevant service are

Quotation	a quotation of price and any other relevant matter made without the formal issue of an Invitation to Tender
Procurement Plan Checklist	the checklist which must be completed by all Responsible Officers prior to undertaking a procurement exercise
Relevant Head of Service	the Head of Service whose directorate or department is responsible for the procurement exercise in question
Responsible Officer	any permanent or temporary staff member or consultant or any other person properly authorised by the Council to carry out any of the Council's contracts functions
Section 151 Officer	the officer designated by the Council to undertake its duties under section 151 of the Local Government Act 1972
SLT	Strategic Leadership Team
SMT	Senior Management Team
Sub-OJEU	the values below the threshold that are determined by the European Union every two years
Tender	a Contractor's formal proposal submitted in response to an invitation to tender
Tenderer	a contractor who is invited to submit a Tender for the provision of works, services, goods or concessions to the Council
Value for Money	the optimum combination of whole life costs, quality and benefits to meet the Council's requirement. Such term equates to the EU procurement requirement of "most economically advantageous offer"
Working Day	any day other than a Saturday or a Sunday or a day which is a bank or a public holiday throughout Wales

1.2 Unless the context otherwise requires, words in the singular shall include the plural and in the plural include the singular.

1.3 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

1.4 Any reference to actions within these Contract Procedure Rules can also be undertaken by Responsible Officers with the appropriate delegated authority to carry out such tasks.

1.5 Unless the context otherwise requires, reference to any clause, sub-clause or schedule is to a clause, sub-clause or schedule of or to these Contract Procedure Rules.

1.6 Under these Contract Procedure Rules, periods expressed as a certain number of days from a particular event run from the day following that on which the event takes place. If the last day of the period falls on a Saturday, Sunday or a bank or public holiday it will end on the next Working Day.

1.7 Periods will include public holidays and weekends unless these are expressly excluded or the periods are expressed as a certain number of Working Days.

2. Compliance with Contract Procedure Rules and Legislation

2.1 These Contract Procedure Rules apply to all Contracts entered into by or on behalf of the Council.

2.2 The Head of Audit and Procurement, Monitoring Officer or Section 151 Officer shall advise on the implementation and interpretation of the Council's Contract Procedure Rules.

2.3 Every Contract entered into by the Council or on its behalf shall be entered into pursuant to, or in connection with, the Council's functions and shall comply with:

2.3.1 all relevant statutory provisions;

2.3.2 the relevant EU law and the EU public procurement rules (including the EC treaty, the general principles of EU law and the EU public procurement directives implemented by the UK regulations);

2.3.3 the Council's constitution including these Contract Procedure Rules and the Council's Financial Regulations;

2.3.4 schemes of delegation;

2.3.5 the Council's strategic objectives and policies;

2.3.6 the relevant data protection legislation;

2.3.7 the Council's Corporate Procurement Strategy and any other relevant Council policies.

2.4 Should there be a conflict between the provisions of the Council's Contract Procedure Rules and any provision of an EU directive or any domestic legislation, the directive or legislation shall prevail.

2.5 All Responsible Officers must comply with the Council's Contract Procedure Rules and Financial Regulations. Other Officers must not enter into Contracts on behalf of the Council.

2.6 Any failure by a Responsible Officer to comply with any of the provisions of these Contract Procedure Rules or the Council's Financial Regulations or associated guidance adopted by the Council or any UK or European legal requirements may result in disciplinary action.

2.7 Any failure to comply with these Contract Procedure Rules by Responsible Officers shall be reported immediately to the Relevant Head of Service or the Section 151 Officer or Head of Audit and Procurement.

2.8 Any failure to comply with these Contract Procedure Rules by Members shall be reported immediately to the Monitoring Officer.

2.9 Arrangements for Contracts made by schools operating under local management arrangements shall not be subject to these Contract Procedure Rules but shall be subject to their own contract procedure rules for schools.

3. Responsible Officers' and Members' Duties

3.1 The highest standards of probity are required of all Responsible Officers and Members involved in the procurement, award and management of Council Contracts.

3.2 Responsible Officers shall always:

3.2.1 seek Value for Money;

3.2.2 show no undue favour to any Contractor or Tenderer, nor discriminate against any Contractor or Tenderer;

3.2.3 ensure that all procurement is in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information);

3.2.4 do nothing that contravenes EU or domestic law;

3.2.5 ensure that adequate Contract Files are kept for Contracts upon which they are engaged.

3.3 As a general rule, Members and Responsible Officers must not accept from Contractors or Tenderers, or from any firm or organisation with whom the Council has had, is having or may have any dealings of any kind any gift or hospitality without the written authorisation of the Relevant Head of Service or Director.

3.4 Members shall comply with the Members' Code of Conduct.

3.5 Responsible Officers shall comply with the Officers' Code of Conduct and the Council's Gift and Hospitality Policy.

3.6 Members and Officers should seek advice from the Monitoring Officer in respect of any matter arising out of these Contract Procedure Rules whenever there is any doubt as to the correct procedure.

4. Declaration of Interests

4.1 No Member, Officer or agent of the Council shall improperly use their position to obtain any personal or private benefit from any Contract entered into by the Council.

4.2 The following shall declare any interests which may affect the contract process:

4.2.1 all Responsible Officers who play any role in the procurement process, including those designated under a scheme of delegation in CPR 5.3;

4.2.2 Cabinet Members involved in the procurement process;

4.2.3 external consultants.

4.3 Heads of Service or a Director shall ensure that Cabinet Members, Officers, Consultants or anyone else who is not an Officer of the Council appointed or agreed by them make declarations on their appointment and on any change in circumstances (and annually in the case of Officers), and shall either certify them as acceptable or take any necessary action in respect of potential conflicts of interest. Responsible Officers shall keep completed consultants' declarations on the Contract File.

4.4 All Officers must complete a declaration of interest form, which must be appropriately approved in compliance with the Council's Declaration of Interests Policy. Heads of Service shall keep a register of declarations indicating the names and grades of those declaring and the nature of their declaration. All declarations shall also be recorded on the E-Sourcing solution (where available).

5. Scheme of Delegation

5.1 Only Responsible Officers with appropriate delegated authority may enter into any Contract on behalf of the Council.

5.2 Each Head of Service or Director has delegated powers from the General Scheme of Delegation of Executive and Non-Executive Functions to Officers, as set out in the constitution, to enter into Contracts (CPR 32), to grant exemptions (CPR 13 and CPR 14) and to approve Contract variations (CPR 45) on behalf of the Council to specified financial limits.

5.3 Each Head of Service shall compile and maintain a scheme of delegation specific to their service, detailing the names and grades of Responsible Officers approved for the purposes of obtaining Quotations, tendering, entering into Contracts and placing orders on behalf of the Council and the maximum Contract or order value allocated to each Responsible Officer for these purposes.

5.4 Each Head of Service must provide the Head of Audit and Procurement with their scheme of delegation before the start of each financial year and on making any amendment.

5.5 The Head of Audit and Procurement shall keep a register of all schemes of delegation and shall ensure the appropriate scheme of delegation is replicated within the purchase-to-pay solution (for ordering, receipting and payments) and the E-Sourcing solution when operational (for sourcing and contracting).

6. Electronic Procurement Solutions

6.1 All purchase to pay processes including requisitioning, ordering, receipting and invoice payments shall be conducted via the corporate purchase-to-pay solution (where available).

6.2 All e-sourcing processes including request for Quotations, tendering, e-auctions, contract management, supplier performance management and approved list management shall be conducted via the corporate e-sourcing solution (where available), which has been approved by the Head of Audit and Procurement.

6.3 The use of any alternative e-procurement or E-Sourcing solutions is not permitted without the prior approval of the Head of Audit and Procurement.

7. Corporate Purchasing Agreements & Dynamic Purchasing Agreements

7.1 Any membership of an official purchasing consortium which requires upfront Council commitment shall be approved by Cabinet prior to the involvement by or on behalf of the Council.

7.2 The use of the following Corporate Purchasing Agreements as endorsed by the Head of Audit and Procurement shall be mandatory, unless a justification not to use them has been made in writing and been approved by the Head of Audit and Procurement:

7.2.1 Corporate Purchasing Agreements resulting from the National Procurement Service or any other approved official purchasing consortiums;

7.2.2 Any other Framework Agreements and any subsequent Call Off arrangements;

7.2.3 joint procurement arrangements; and

7.2.4 Electronic catalogues within the purchase-to-pay solution.

7.3 Any Service wishing to adopt a Dynamic Purchasing System must do so in consultation with Corporate Procurement and Internal Audit Services.

8. Use of Consultants

8.1 The engagement of consultants must be approved, in the first instance, by the Relevant Head of Service and such approval shall be recorded on the Corporate Contracts Register.

8.2 When calculating the estimated value of the Contract, due consideration must be given to any follow on work that may result from the original Contract. Where it is proposed that consultants are engaged by the Council, the Relevant Head of Service shall ensure that:

8.2.1 there is a clear identification of need. In particular, the availability of in-house resources must be considered before seeking to engage external consultants;
8.2.2 a budget has been agreed;
8.2.3 a project brief has been prepared;
8.2.4 tenders have been invited in accordance with these Contract Procedure Rules, unless CPR 14 applies;
8.2.5 comprehensive criteria against which proposals will be evaluated are set;
8.2.6 the selection decision is clearly documented;
8.2.7 a formal agreement or detailed letter of engagement is prepared and signed;
8.2.8 fee payments and progress are monitored;
8.2.9 a detailed Contract File is maintained;
8.2.10 performance is reviewed and adequate management monitoring and reporting is in place, including implementation of any recommendations made by consultants;

8.2.11 there is a clear requirement for knowledge and skills transfer from the consultant to in-house staff;
8.2.12 declare any interests which may affect the Contract process.

8.3 Consultants shall be required to provide evidence of and maintain professional indemnity policies to the satisfaction of the Relevant Head of Service for the periods specified in the respective agreement. The excess for any one claim shall be no more than £20,000 except with the approval of the Section 151 Officer. Any queries in relation to the appropriate levels of insurance shall be referred to the Section 151 Officer or his nominated representative.

8.4 For the engagement of technical external staff such as architects, surveyors, engineers and lawyers, the Relevant Head of Service shall annually review the level of use of such external staff.

8.5 Where consultants or technical external staff such as architects, surveyors, engineers or lawyers are appointed to be responsible for supervision of a Contract on behalf of the Council, it shall be a condition of appointment that they shall comply with these Contract Procedure Rules and the Council's Financial Procedure Rules in relation to that Contract as if they were an Officer of the Council and that on completion of the Contract they shall submit all relevant records to the Relevant Head of Service.

PROCUREMENT PLANNING

9. Purchasing Need and Procurement Planning Approval

9.1 The Relevant Head of Service shall, having established and identified a purchasing need, nominate a Responsible Officer to fully assess the purchasing need.

9.2 Before undertaking a procurement exercise the Responsible Officer shall ensure that:

9.2.1 the authority exists within the Council's approved budget for such expenditure, or will exist before expenditure is committed and that he has the delegated authority to spend from such budget;

9.2.2 due consideration is given to the use of existing Contracts detailed within the Corporate Contracts Register;

9.2.3 due consideration is given to the use of other Council departments for the delivery of the contract requirement;

9.2.4 they complete the Procurement Plan Checklist and ensure that due consideration is given to the timescales required for the procurement exercise, as set out in the Procurement Timetable;

9.2.5 they have obtained all necessary approvals.

9.3 With respect to procurement projects with a value below £100,000 a Procurement Plan Checklist must be completed and retained on the Contract File for inspection.

9.4 With respect to procurement projects with a value of £100,000 or more, the completed Procurement Plan Checklist must be reviewed by the Head of Audit and Procurement prior to undertaking any competitive market testing or negotiation.

9.5 With respect to the following specific procurement projects, approval shall be required from the following Heads of Service, in addition to the Relevant Head of Service:

9.5.1 ICT procurement projects – approval will be required from the Head of ICT or their designated Responsible Officer;

9.5.2 property and works related procurement projects – Responsible Officers must consider the Council's adopted Asset Management Assessment Process and Initiation of Assessment Process Terms of Reference and follow this process where applicable. Approval also will be required from the Head of Environment, Roads & Facilities or his designated Responsible Officer;

9.5.3 temporary staff agencies and interim staff agencies – additional approval will be required from the Head of Corporate Human Resources or their designated Responsible Officer.

10. Contract Value and Aggregation

10.1 Before conducting any procurement exercise the Responsible Officer will estimate and record the total monetary value and expected cost of a proposed Contract, including any Contract extensions, incidental or ancillary costs net of VAT over the full duration of the Contract. For construction contracts the estimate must be produced by a suitably qualified Officer.

10.2 Where a service or supply Contract does not stipulate a total price, the value shall be estimated as follows:

10.2.1 fixed term service Contracts of up to 48 Months: total consideration payable over the term;

10.2.2 service Contracts or Contracts for the hire of goods for an indefinite or uncertain period or for a fixed term of more than 48 Months: consideration payable in respect of each Month multiplied by 48.

10.3 The value of regular or renewable service or supply Contracts shall be estimated either:

10.3.1 by aggregating the value of similar Contracts for the same categories of services or supplies awarded by the Council over the previous financial year or 12 Months, adjusted where possible for anticipated changes in quantity or value over the next 12 Months; or

10.3.2 by taking the estimated aggregate value during the twelve Months following the first supply or service performed, or during the term of the Contract where this is greater than 12 Months.

10.4 A Contract cannot be artificially divided, nor a valuation method selected with the intention of avoiding any clauses within these Contract Procedure Rules. Contracts shall be packaged to ensure best service delivery, competition and Value for Money.

11. Pre-Tender Enquiries

11.1 Enquiries of contractors may be made before Tenders are invited in order to:

11.1.1 establish whether goods, works or services that the Council wishes to purchase are available and within what price range;

11.1.2 prepare the Invitation to Tender, price estimates and Contracts;

11.1.3 establish whether particular contractors wish to be invited to tender or quote.

11.2 In making enquiries:

11.2.1 no information shall be disclosed to one contractor which is not then disclosed to all those of which enquiries are made, or who are subsequently invited to submit a Tender or Quotation;

11.2.2 no contractor shall be led to believe that the information they offer will necessarily lead to them being invited to submit a Tender or Quotation, or being awarded the Contract;

11.2.3 a written record, including notes of any meetings held, the responses and the names of all individuals present shall be kept by the Responsible Officer on the Contract File.

12. Sustainable Procurement & Safeguarding

12.1 The Authority has a duty under the Wellbeing of Future Generations (Wales) Act 2015 to act in accordance with the sustainability principle and to ensure this guides decision making. The Authority must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

12.2 For all Contracts over £100,000 for goods and services the Council shall consider whether to take account of social, economic and environmental issues when setting the tender evaluation criteria.

12.3 For all Contracts exceeding £2,000,000 in value it will be mandatory to deliver a social, economic and environmental return on investment through the adoption of a Community Benefits approach.

12.4 For all Contracts below £2,000,000 in value it will be desirable to deliver a social, economic and environmental return on investment through the adoption of a Community Benefits approach.

12.5 All Contractors that will be required to deliver Community Benefits shall be required to complete the Community Benefits Toolkit as part of their contractual requirements.

12.6 The inclusion of sustainable procurement requirements arising from the sustainable risk assessment under CPR 12.2 shall be at the discretion of the Relevant Head of Service, having taken into considerations any financial impact of including such requirements.

12.7 All contractors, sub-contractors or other organisations funded by or on behalf of the Council are responsible for complying with the Authority's Corporate Safeguarding Policy to ensure that their staff comply with regulatory and contractual arrangements relating to safeguarding children and adults.

EXEMPTIONS

13. Exempt Contracts

13.1 An exempt Contract is one to which these Contract Procedure Rules do not apply.

13.2 The following Contracts are exempt from the requirements of these Contract Procedure Rules:

13.2.1 employment Contracts;

13.2.2 agreements relating solely to disposal or acquisition of an interest in land with the exception of Development Agreements (see CPR 49);

13.2.3 internal purchases or service provision;

13.2.4 agreements formalising the funding of voluntary sector bodies, where the purpose of the agreement is to provide grant aid funding by the Council - any such agreements should be administered in accordance with the Council's Financial Regulations;

13.2.5 contracts for the engagement of counsel;

13.2.6 contracts for the engagement of an expert witness; and

13.2.7 Bus Contracts

14. Exemption from Tendering Requirement

14.1 Exemption from tendering is where the requirement to seek market competition as per CPRs 19, 20, & 21 is suspended provided a justification can be demonstrated as per CPR 14.2.

14.2 If the Responsible Officer is seeking an exemption to any Contract Procedure Rule, a CPR Proforma must be prepared in compliance with CPR 14.3 setting out the reason for requiring the exemption and the Contract Procedure Rule from which the exemption is required. The CPR Proforma shall include a financial statement which will highlight any future commitments (whether or not of a financial character) which the proposed Contract might entail.

14.3 In order to justify an exemption the proforma will need to demonstrate that one of the following reasons is applicable:

14.3.1 the Contract involved is purely for the purpose of research, experiment, study or development under the conditions stated in Public Contracts Regulations 2015;

14.3.2 the works, goods or services can only be provided by a particular contractor for reasons that are technical, artistic or connected with the protection of exclusive rights;

14.3.3 urgency brought about by events unforeseeable by the Council and in accordance with the strict conditions stated in the Public Contracts Regulations 2015;

14.3.4 additional works, deliveries or services are required, which do not exceed 50% of the value of the original Contract and which, through unforeseen circumstances, were not included in the original Contract and which either are strictly necessary for the completion of the Contract or, for technical or economic reasons, cannot be carried out separately. Any works, goods or services ordered under this exemption must be ordered under the strict conditions set out in the Public Contracts Regulations 2015;

14.3.5 new works or services which constitute a repetition of existing works or services are ordered in accordance with the strict conditions stated in the Public Contracts Regulations 2015. In the case of EU contracts, the new works or services must be required within three years of the original Contract and the contract notice must have stated that a new Contract might be awarded by negotiation;

14.3.6 goods are required as a partial replacement or addition to existing goods or installations and obtaining them from another contractor would result in incompatibility or disproportionate technical difficulties in operation or maintenance;

14.3.7 the rules of a design contest require the Contract to be awarded to one of the successful candidates, provided that all successful candidates are invited to negotiate;

14.3.8 for supplies quoted and purchased on a commodity market or for the supply of goods or materials which are proprietary articles or are sold at a fixed price and no reasonable satisfactory alternative is available;

14.3.9 for the purchase of supplies on particularly advantageous terms from a supplier which is winding up its business activities or from the receivers or liquidators of a bankruptcy, arrangement with creditors or similar procedure;

14.3.10 where delay attributable to the procurement process would, in the estimation of the Relevant Head of Service, result in the Council incurring net expenditure or forfeiting net income in excess of the savings on the Contract sum that might reasonably be expected to accrue from competitive tendering;

14.3.11 where the delay attributable to the procurement process may result in physical or mental harm to any person or persons or would, in the opinion of the Relevant Head of Service or Director, result in or continue an unacceptable level or standard of service;

14.3.12 where Tenders have already been obtained in a proper manner by another public authority or group of authorities and are still valid and the Council is entitled to place Contracts against those Tenders;

14.3.13 a tender shall only be negotiated with a single contractor where the Council having considered all the circumstances decides that such a course is desirable in the public interest. Such a decision shall be made only after consideration by the Monitoring Officer and the Section 151 Officer, in consultation with the relevant Director, based on a completed CPR Proforma submitted by the Relevant Head of Service detailing the reasons for adopting this method of contracting and where such negotiation is not in breach of relevant UK or EU legislation.

14.3.14 Contracts for the provision of Personal Social Care including contracts for the provision of community support and incidental and/or ancillary services where one of the following reasons applies:

i. evidence demonstrates that obtaining Quotations or tendering for the required services is unlikely to secure significant improvements in Value for Money, or is unlikely to secure sufficient improvement in Value for Money to justify the cost of obtaining Quotations or tendering, or any likely improvement in Value for Money will be outweighed by the potential cost of changing Contractor; or

ii. the equivalent annual value of the Contract for the new requirement does not differ from that of the existing Contract by more than 10% unless required by law; or

iii. no more than two previous Contracts for the required service have been exempted from obtaining Quotations or tendering; or

iv. improvements in Value for Money in respect of the Contract specification or Contract price or service quality have already been secured or will be secured under the terms of the new Contract for the required services; or

v. the required services, where applicable, are necessarily delivered in specific accommodation and there is a significant risk that a change in Contractor would result in the loss of that accommodation to the required services or service user(s) or a significant risk that alternative accommodation will not be secured within a reasonable and practical timescale; or

vi. there is a reasonable probability that obtaining Quotations or tendering for the required services would result in significant distress or other detriment to the welfare of the service user(s) or would reverse or undermine the attainment of successful outcomes for the service user(s).

14.4 Exemptions from tendering on the basis of one of the reasons listed in CPR 14.3 may be granted in the following manner:

14.4.1 by the Section 151 Officer based on a completed CPR Proforma from the Relevant Head of Service, having consulted with the Internal Audit department, if the Contract value is less than £250,000;

14.4.2 by the Monitoring Officer and Section 151 Officer, in consultation with the relevant Director based on a completed CPR Proforma from the Relevant Head of Service, having consulted with the Internal Audit department, if the Contract value is between £250,000 and £1,000,000**;**

14.4.3 by Cabinet if the Contract value is over £1,000,000 based on a written report from the relevant Head of Service.

14.5 No exemptions may be granted:

14.5.1 which would result in a breach of European or domestic law;

14.5.2 from CPR 3 (Responsible Officers' and Members' Duties), CPR 4 (Declaration of Interests); CPR 5 (Scheme of Delegation), CPR 7 (Corporate Purchasing Agreements); or

14.5.3 from CPR 45 requiring approval of certain Contract variations.

14.6 Exemptions from these Contract Procedure Rules can only be granted in the following circumstances:

14.6.1 at the direction of the Section 151 Officer and Monitoring Officer subject to CPR 14.3 and CPR 14.4; or

14.6.2 in order to meet the requirements of EU legislation or any domestic legislation including any regulations or directives from the Welsh Government.

14.7 All single Tenders resulting from an exemption from these Contract Procedure Rules or exemption from tendering shall be procured and evaluated via the E-Sourcing solution (where available).

14.8 Each Head of Service shall keep a copy of the approved exemptions granted in respect of their service, detailing the nature and value of the Contract, the circumstances justifying the approval and the name of the Contractor awarded the Contract. A central register of the same information will also be held by the

Head of Audit and Procurement.

Approved Lists

15. Council Approved Lists

15.1 Approved lists may be established for certain types of goods, works and service contracts. Generally these will be for low value high frequency works and approved provider lists for social care contracts.

15.2 The approval from the Head of Audit and Procurement must be sought prior to set up or adoption of an Approved List.

15.3 Council Approved Lists shall:

15.3.1 indicate whether the contractors listed are approved for all contracts or for only some of the specified categories, values or amounts;

15.3.2 be publicly advertised and reviewed in full at least every four years. As a minimum, a public advertisement must be published on the National Procurement Service website (Sell2Wales);

15.3.3 be open to receive new expressions of interest from any Contractor;

15.3.4 be an Approved List prepared by another public body providing that it has been composed in a proper manner by that body and that the Responsible Officer is satisfied that the procedure used does not conflict with the Council's policies and procedures.

15.4 The financial standing of Contractors may be subject to financial assessment. Where Heads of Service or Directors choose not to adhere to the financial assessment limits advised by the Head of Audit and Procurement, a documented risk assessment must be undertaken to support the decision.

15.5 A contractor shall not be placed on a Council Approved List or invited to tender if:

15.5.1 it is bankrupt or is being wound up or is having its affairs administered by a court or has entered into an arrangement with creditors or has suspended its business activities or is subject to court proceedings regarding any of these matters;

15.5.2 it, or any of its directors, have been convicted of an offence concerning professional conduct or have been guilty of grave professional misconduct;

15.5.3 it has not fulfilled obligations relating to the payment of taxes or other statutory contributions;

15.5.4 it has fundamentally misrepresented information supplied to the Council.

15.6 Where an Approved List is in place, the consideration of other contractors shall only be permitted where the contractors are to be subject to a separate pre-qualification questionnaire exercise as part of a specific procurement exercise.

15.7 Responsible Officers must ensure a process of continual checking and verification is in place with respect to Contractors who are on an Approved Lists or Framework Agreements or have a Contract in place. Issues which shall be subject to verification shall include financial standing (see CPR 15.4), level of insurance cover (including any policy exclusions), accreditations, level of prosecutions and any other relevant information which may be subject to change or renewal.

16. Removal of a Contractor from an Approved List

16.1 The Relevant Head of Service may, in consultation with the Head of Audit and Procurement, immediately suspend a Contractor from an Approved List, Framework Agreement, Dynamic Purchasing Agreement or (in exceptional circumstances) Contract, whenever there are substantiated concerns regarding the Contractor's financial standing or technical capability or compliance with health and safety requirements.

16.2 Investigations of the Contractor must take place immediately. If the suspicions are confirmed, the Contractor must be removed from the Approved List, Framework Agreement or Dynamic Purchasing Agreement. If the suspicions are dispelled, the Relevant Head of Service must immediately reinstate the Contractor. The Head of Audit and Procurement shall be kept informed of any decision made in respect of a Contractor.

16.3 A Contractor may be removed from an Approved List, Framework Agreement or Dynamic Purchasing Agreement if the Relevant Head of Service considers that the Contractor or its staff have breached standards of conduct that are relevant to the nature of the work performed by the Contractor. Action may be taken under this paragraph even if there are no doubts about the financial standing or technical capability of the contractor. Any decision to remove a Contractor under this paragraph shall be reported to the Head of Audit and Procurement.

16.4 In the event that a Contractor is removed from an Approved List, Framework Agreement or Dynamic Purchasing Agreement, the Strategic Leadership Team shall be notified of the decision.

16.5 A Contractor which has been removed from an Approved List, Framework Agreement or Dynamic Purchasing Agreement shall have the right to appeal the decision within 7 Working Days of receipt of the letter informing them of their removal.

16.6 Any appeal under CPR 16.5 shall be heard by the Monitoring Officer and Section 151 Officer.

Quotations and Tendering

17. Requirements for All Contracts

17.1 The Responsible Officer shall check whether a Corporate Purchasing Agreement is in place for the particular purchasing requirement. If so, an order shall be placed under the Corporate Purchasing Agreement accordingly.

17.2 A purchase order must be sent via the purchase-to-pay solution (where available) following award of the Contract.

18. Contracts Valued at less than £15,000 (Goods, Works & Services)

18.1 Where practical, competition is required for Contracts with an estimated value of less than £15,000. The need to obtain written Quotations shall be at the Relevant Head of Service's discretion although this does not alleviate the Relevant Head of Service of his responsibility to demonstrate that Value for Money has been obtained.

18.2 The Responsible Officer shall obtain quotations which must be sourced from the general list of registered suppliers on the E-Sourcing solution (where available) or by public advertisement on the National Procurement Service website (Sell2Wales).

18.3 The request for Quotation shall be received through the E-Sourcing solution (where available) or alternatively by written submissions by paper or e-mail. The request for Quotation shall include as a minimum a technical specification, pricing schedule and terms and conditions.

19. Contracts Valued between £15,000 and £50,000 (Goods, Works & Services)

19.1 The Responsible Officer shall invite as a minimum three Quotations / Tenders, which must be sourced from the general list of registered suppliers on the E-Sourcing solution (where available) or by public advertisement on the National Procurement Service website (Sell2Wales).

19.2 The Quotations / Tenders shall be received electronically through the E-Sourcing solution (where available) or alternatively through written submissions by paper or secure locked e-mail. All Tenders received shall not be opened until the specified closing time and date has elapsed.

20. Contracts Valued between £50,000 and OJEU Threshold (Goods, Works & Services)

20.1 The Responsible Officer shall invite Tenders which must be sourced through a public advertisement via the National Procurement Service website (Sell2Wales).

20.2 The Tenders shall be received through the E-Sourcing solution (where available) or alternatively through written submissions by paper or secure locked e-mail. All Tenders received shall not be opened until the specified closing time and date has elapsed.

21. Contracts Valued over OJEU Threshold (Goods, Works & Services)

21.1 The Responsible Officer shall invite Tenders which must be sourced as a minimum through a public advertisement via the National Procurement Service website (Sell2Wales), which will also publish the same advertisement in the OJEU.

21.2 The Tenders shall be received through the E-Sourcing solution (where available) or alternatively through written submissions by paper or through secure locked e-mail. All Tenders received shall not be opened until the specified closing time and date has elapsed.

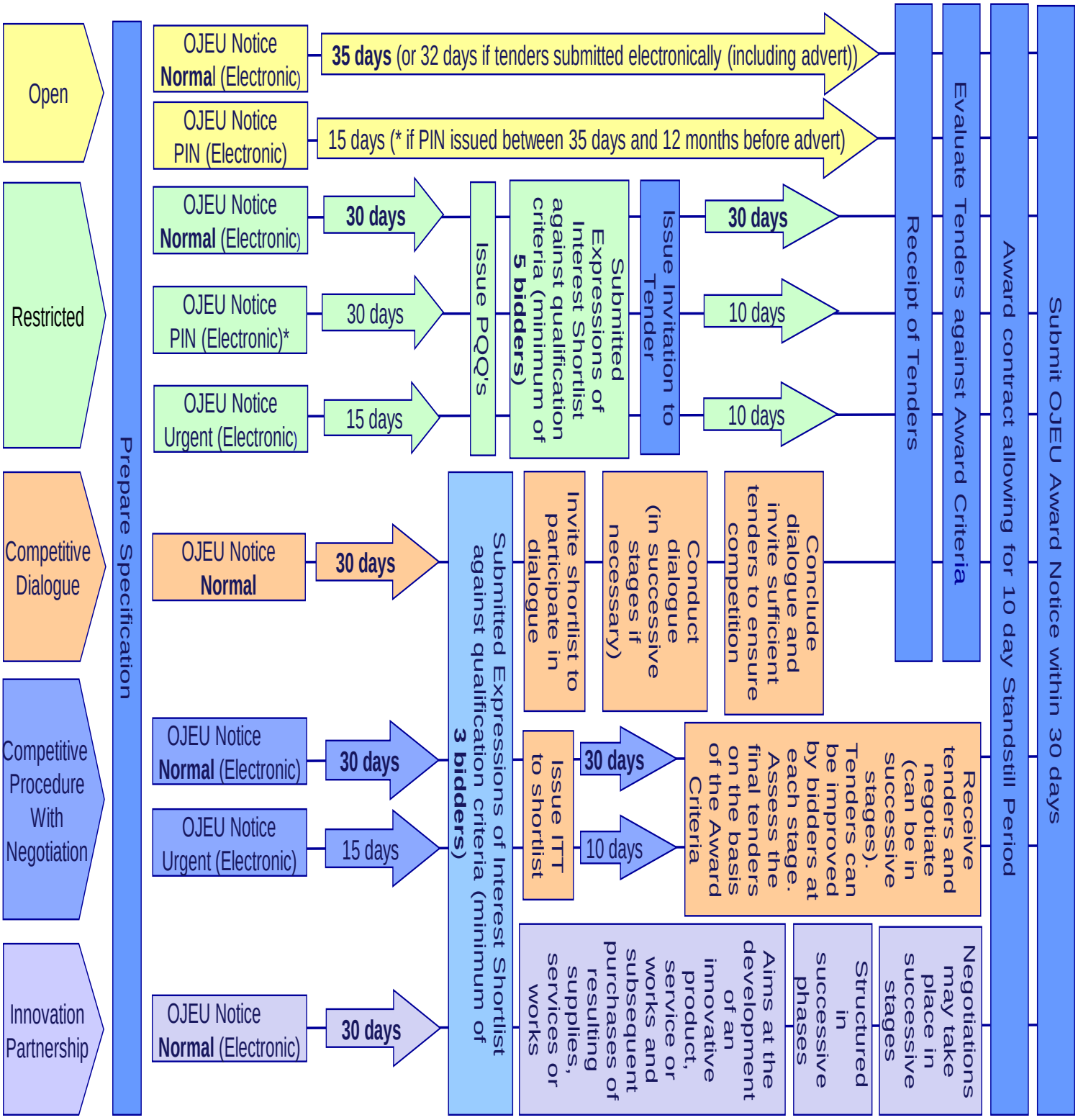
21.4 All Tender notices for projects above the OJEU Threshold for goods and services shall be administered by the Head of Audit and Procurement.

22. Timescales for receiving Requests for Quotes and Tenders

221 For all Sub-OJEU procurements for goods, works and services there is no prescribed timescale for receipt of pre-qualification questionnaires or Tenders. All projects must be assessed based on their own complexity and to allow sufficient time for contractors to provide suitable Tenders. Responsible Officers should consider the timescales set out in the Procurement Timetable to be best practice.

22.2 For all procurements above the OJEU Threshold for goods, services or works the timescales set out in the following process chart must be followed:

OJEU Process Chart



Scottish Public Procurement Toolkit

23. Request for Quotes and Invitation to Tender Documentation

23.1 The Invitation to Tender and all other procurement documentation (including requests for Quotation, pre-qualification questionnaires and Contract award letters) used shall be in compliance with the corporate standard documentation as approved or amended from time to time by the Head of Audit and Procurement.

23.2 Every set of procurement documents shall state the nature and purpose of the Contract for which Tenders are invited, specify the last date and time when Tenders will be received and state that the Council reserves the right not to accept any Tender or to accept a Tender other than the lowest where payment is to be made by the Council or the highest where payment is to be received by the Council.

23.3 The Invitation to Tender must include an indication of the method of selection of the successful Tender i.e. price basis, quality basis or a combination of price and quality (Most Economically Advantageous Tender).

23.4 Instructions must be given to Tenderers regarding submission of documents which state that Tenders must be received by the time and date indicated on the Invitation to Tender. Receipts will be issued by the Head of Law and Governance for hand delivered Tenders.

23.5 All Tenderers shall be required to submit a signed statement to the effect that their Tender price has not been communicated to others apart from that disclosed in confidence to insurers and that they have not adjusted the amount of any Tender or Quotation in accordance with any agreement or arrangement between the proposed Tenderer and any other person.

24. Tender Specifications

24.1 The Responsible Officer shall ensure the Invitation to Tender specifies the quality, performance, safety and other characteristics required of the works or goods or services or supplies. Specifications may include requirements relating to methods of construction, design and costing, tests, testing methods, inspection and acceptance, quality assurance, packaging, marking and labelling.

24.2 Technical specifications shall be defined by reference to relevant European specifications or, where they do not exist, in the following order: to British technical specifications, British standards implementing international standards, other British standards and technical approvals or any other standards. Where an appropriate standard is current at the date of tender, all works, goods, services and supplies shall be at least of equal quality.

24.3 Specifications shall not refer to goods of a particular make or source unless:

24.3.1 it is justified by the purchasing requirement; or

24.3.2 the purchasing requirement cannot otherwise be described precisely and intelligibly, provided references are accompanied by the words 'or equivalent'.

25. Tender Bid Clarifications

25.1 At all times during the procurement process the Council shall ensure that all Tenderers and contractors are treated equally and in a non-discriminatory and transparent manner.

25.2 Tenderers must be provided with an opportunity to ask questions of the Council in relation to the procurement exercise and contract requirement. Where a Tenderer seeks clarification from the Council prior to Tender submission, the Responsible Officer shall ensure that the clarification question and response are brought to the attention of all Tenderers.

25.3 Following receipt of Tenders, the Responsible Officer may seek clarification from Tenderers where appropriate in consultation with the Head of Audit and Procurement.

26. Tender Submissions

26.1 The principles governing the submission of tenders should apply to both electronic and written (paper) submissions. All electronic tenders shall be submitted in accordance with the requirements of the E-Sourcing solution (where available) or the National Procurement Service website (Sell2Wales) and in compliance with the instructions to tenderers issued as part of the invitation to tender.

26.2 All written submissions above £50,000 shall require the Tenderer to submit his Tender to the Head of Law and Governance in a plain sealed envelope which shall be duly marked "Tender for the ....." according to the subject to which it relates, and the Tender conditions shall clearly indicate the last day and time for receipt of Tenders. The Head of Law and Governance shall duly endorse on each Tender envelope the date and time received and arrange for the safe custody of all submitted Tenders, which shall remain unopened until the time appointed for their opening.

26.3 Heads of Service must ensure that there is a system in place for the submission, opening and registration of Quotations and Tenders below £50,000 that replicates that for Tenders above £50,000, whereby the probity and transparency of the process cannot be called into question. Heads of Service may comply with the Tender submission process outlined in CPR 26.2 in respect of Quotations and Tenders below £50,000 if it is considered appropriate.

26.4 The envelope should bear no mark or reference which could identify the Tenderer. The Council does not have to reject Tenders where the envelopes have been marked with the name of the sender.

If a Tenderer continues to submit Tenders with its name on the Tender envelope, the Relevant Head of Service should write to the Tenderer concerned, stating that the practice should cease.

26.5 If a Tender is opened in error, no attempt shall be made to ascertain any contents of the Tender or its origin and the matter shall be reported to the Relevant Head of Service. The envelope shall be resealed immediately and signed by the Officer concerned and passed to the Head of Law and Governance.

26.6 No Responsible Officer or Member shall communicate with any Tenderer once the Invitation to Tender has been posted to, or collected by the Tenderer. No information relating to that procurement process shall be disclosed to anyone not involved directly in arranging the Contract, except where it is necessary:

26.6.1 for an Officer or Tenderer to carry out an inspection of works, in which case all Tenderers shall be offered an equal opportunity to carry out an inspection; or

26.6.2 to inform Tenderers of a change in the procurement arrangements, including the supply of additional or changed information, in which case all Tenderers shall be sent the same information at the same time; or

26.6.3 in response to a request for clarification.

27. Tender Opening

27.1 All Tenders shall be opened at the same time and place after the closing time for receipt of Tenders as stated in the Invitation to Tender or as early as reasonably practical thereafter.

27.2 Where the estimated value of a Contract is above £50,000 the tender opening shall be arranged by the Head of Law and Governance. Tenders shall be opened at the same time in the presence of at least two Officers of the Council designated for the purpose by the Head of Law and Governance and the Relevant Head of the Service.

27.3 The Head of Law and Governance shall record the following details of each Tender:

27.3.1 the last date and time for the receipt of Tenders;

27.3.2 the time and date the Tender was received;

27.3.3 the name of each Tenderer and where practicable the value of each Tender;

27.3.4 the date the Tenders were opened;

27.3.5 Contract title;

and the record shall be signed by all designated persons present at the Tender opening.

27.4 The information recorded under CPR 27.3 shall also be recorded on the E-Sourcing solution (where available).

28. Late Tenders Received

28.1 Any Tender received after the specified time shall be endorsed with the time and date of receipt.

28.2 If all other Tenders have been opened, the late Tender shall not be considered for evaluation and shall be opened only to ascertain the name of the Tenderer. No other details of the Tender shall be disclosed. The Responsible Officer shall arrange for the Tender to be returned to the Tenderer immediately. A notification letter explaining why the Tender has not been considered shall be sent to the Tenderer.

28.3 The late Tender may be considered, providing that the other Tenders have not been opened and that the Monitoring Officer or Head of Audit and Procurement is satisfied:

28.3.1 that there is evidence that the late Tender was posted or submitted in time for delivery by the due date in the normal course of postal service or internet service; or

28.3.2 that exceptional circumstances surrounds the submission of the late Tender.

28.4 Any decision made under CPR 28.3 is to be recorded on the Tender opening document and a copy of the decision is to be forwarded to the Head of Law and Governance for inclusion in the register.

29. Tender Evaluation

29.1 Heads of Service shall ensure that all Officers evaluating Tenders shall have the required skills. Responsible Officers shall also ensure an appropriate skill-mix is represented on any evaluation panel.

29.2 All Tenders above £100,000 for goods, services or works shall be evaluated and awarded on the basis of Most Economically Advantageous Tender, which shall include a combination of price and quality criteria, unless an exemption to this requirement has been approved by the Head of Audit and Procurement (see CPR 29.4).

29.3 Lowest price evaluation may only be used as an option for Contracts below £100,000. Any exception to this requirement shall need prior approval by the Head of Audit and Procurement.

29.4 Where a Contract is to be awarded on the basis of Most Economically Advantageous Tender, the Tenders shall be evaluated by an evaluation panel consisting of a minimum of three Officers, in accordance with the criteria stated in the Invitation to Tender. With respect to procurements above OJEU Thresholds, the Corporate Procurement Unit shall be notified of the evaluation process by the Responsible Officer and the Corporate Procurement Unit shall be involved in overseeing the Tender evaluation process, in order to ensure its robustness.

29.5 Any scoring or weighting attributable to any criteria or sub-criteria must be clearly stated in the Invitation to Tender. The criteria shall be strictly observed and remain unchanged at all times throughout the evaluation process. It must be noted that prior disclosure of and adherence to award criteria and weightings is a fundamental requirement of the core principle of transparency. The core procurement principles of transparency, equal treatment and non-discrimination apply to all procurements.

30. Errors in Tenders

30.1 As a general rule no adjustment or qualification to any Tender shall be permitted. However, errors identified during the examination of Tenders may be addressed. Invitations to Tender must state the method to be used for dealing with errors in Tenders.

30.2 Responsible Officers may invite Tenderers to amend their Tender to correct genuine arithmetical error(s). In this case, no other adjustment revision or qualification is permitted.

30.3 Where examination of Tenders reveals other errors not stated in CPR 30.2 or omissions which would affect the Tender figure, the Tenderer shall be given details of such errors and an opportunity of confirming or withdrawing its Tender.

30.4 Where a standard form contract is used, the Responsible Officer shall deal with errors in accordance with the rules applicable to that form of contract.

30.5 The Responsible Officer shall ensure that the forms of Tender are scrutinised in order to identify any errors or other discrepancy affecting the validity of the Tender. Where Tender values are compiled from a detailed bill of quantities the Responsible Officer shall also scrutinise the priced bill of quantities supporting the lowest Tender received and any others he considers appropriate.

30.6 If a Tenderer withdraws or a corrected Tender is no longer the highest ranking, the Tender from the next highest ranking Tenderer in competitive order will be examined in more detail.

31. Negotiations

31.1 Where procurement is conducted pursuant to the Public Contracts Regulations 2015 through either the open or restricted procedures, no negotiations are permitted following Tender submission. The Responsible Officer may seek clarification from Tenderers where appropriate. Negotiations on price are never permissible.

31.2 At all times during the procurement (whether subject to the Public Contracts Regulations 2015 or not), the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

31.3 The Responsible Officer shall keep a written record of all negotiations, including notes of all meetings and the names of all individuals present and signed as such by all participants. At least two Officers should be present when conducting negotiations; these procedures also apply where it is proposed to extend an existing Contract by negotiation.

31.4 Where negotiation results in a fundamental change to the specification or Contract terms, the Contract must not be awarded but re-tendered.

32. Contract Award

32.1 The Council shall only award a Contract where it represents best Value for Money**.** Tenders duly invited and submitted in accordance with the provisions of these Contract Procedure Rules may be awarded as follows:

- 32.1.1 Where the value does not exceed £250,000, by the Relevant Head of Service, provided there is specific financial provision in the Council's approved annual revenue estimates or capital programme and the Tender sum is within that provision;
- 32.1.2 Contracts with a value between £250,000 and £1,000,000 shall be referred to the Monitoring Officer and Section 151 Officer, in consultation with the relevant Director, based on a completed CPR Proforma from the Relevant Head of Service;
- 32.1.3 Contracts with a value in excess of £1,000,000 shall be referred to Cabinet, based on a written report from the Relevant Head of Service.

32.2 In respect of Contracts where the lowest price is predetermined to be the appropriate criteria for award, a Tender or Quotation other than the lowest if payment is to be made by the Council or the highest if payment is to be received by the Council shall not be accepted until the Monitoring Officer and Section 151 Officer, in consultation with the relevant Director has considered a written report from the Relevant Head of Service.

33. Joint Procurements

33.1 Any joint procurement arrangement with any other public sector organisation that results in the Council being committed to contractual obligations on behalf of those other organisations (not including Framework Agreements) shall be approved in the following manner prior to the commitment stage:

33.1.1 if the Council's estimated contribution over the Contract period is less than £250,000, by the Relevant Head of Service having consulted with the Section 151 Officer and Head of Audit and Procurement;

33.1.2 if the Council's estimated contribution over the Contract period is between £250,000 and £1,000,000, by the Relevant Head of Service having consulted with the Section 151 Officer and Head of Audit and Procurement, relevant Portfolio Lead Member and Finance Portfolio Holder;

33.1.3 if the Council's estimated contribution over the Contract period is over £1,000,000, by Cabinet based on a report from the Relevant Head of Service having consulted with the Section 151 Officer and Head of Audit and Procurement.

33.2 The use of any Framework Agreements or joint Contracts resulting from a procurement exercise involving other public bodies as the lead authority shall be approved by the Head of Audit and Procurement prior to their use. All such requests shall be made in writing to the Head of Audit and Procurement and, once approved; the Responsible Officer shall ensure that the Framework Agreement or joint Contract shall be inputted onto the Corporate Contract Register and within the E-Sourcing solution (where available).

33.3 The Relevant Head of Service will ensure that the Contract Procedure Rules or equivalent of the lead authority or organisation will be acceptable to the Council and are to be followed throughout the procurement exercise and the duration of the Contract.

34. Standstill Period

34.1 'Standstill' letters issued as part of the process for procurements over the OJEU Threshold under the Public Contracts Regulations 2015 or optionally as part of any Sub OJEU procurement process must not be issued prior to confirmation of Contract award.

34.2 There must be a mandatory standstill period between communicating the award decision to all Tenderers and conclusion of the Contract with respect to procurements above the OJEU Threshold. This standstill period shall be 10 calendar days if sent electronically or 15 calendar days for notices sent by other methods. Where the last day of the standstill period is not a Working Day, the standstill period is extended to midnight at the end of the next Working Day.

34.3 With respect to Contract awards involving mini competitions undertaken within a Framework Agreement or Contract awards with respect to Sub OJEU procurements a standstill period of 10 calendar days is recommended.

35. Notification of Tender Award and De-briefing Requests

35.1 The notification letters which are sent to any Tenderer who was successful or unsuccessful at either pre-qualification or Contract award stage shall be sent promptly once the decision has been made. The unsuccessful Tenderer shall be informed of the reasons for being unsuccessful and shall also be informed of the characteristics and relative advantages of the successful Contractor as well as the name of Contractor awarded the Contract.

36. Post-Contract Award Requirements

36.1 Following approval for Contract award and having received no legal challenges during the 'standstill' period, the Responsible Officer shall ensure all Contracts are in writing as per CPR 39 and that a purchase order is entered on to the purchase-to-pay solution (where available), once the Contract has been signed.

36.2 The Responsible Officer shall record all Contracts awarded by their service on the Corporate Contracts Register along with the E-Sourcing solution (where available).

36.3 The Responsible Officer shall send a Contract award notice to the OJEU within 30 days of the award with respect to an above OJEU Threshold Contract. The Responsible Officer shall publish a Contract award note to be published on the National Procurement Service (Sell2Wales) website for Sub OJEU Contracts.

37. Letters of Intent

37.1 Letters of intent must only be used in exceptional circumstances after prior approval in writing has been obtained from the Monitoring Officer and shall only be used as follows:

37.1.1 where the Contractor is required to provide services, goods or works prior to formal written acceptance by the Council; or

37.1.2 where all the contractual terms and conditions have been agreed and there would be an unacceptable delay in waiting for the contractual documentation to be completed.

In all cases, where appropriate, Contract award letters should be used rather than a letter of intent.

38. Non-Concluded Terms and Conditions of Contract

38.1 The Council must always ensure that terms and conditions are fully agreed by including them in the Invitation to Tender and requiring Tenderers to accept them as part of the procurement process.

38.2 Where the terms and conditions of contract are not fully agreed, no Contractor shall be allowed to commence delivery of goods, works or services until all

terms and conditions have been agreed and signature or written agreement of both parties obtained.

38.3 Responsible Officers must in no circumstances contemplate entering into a Contract on the Contractor's own standard terms and conditions, or negotiate terms which are significantly different to those included or referred to during the procurement process without the prior approval of the Monitoring Officer and subject to CPR 31.

Form of Contract

39. Contracts in Writing

39.1 The following Contracts shall be in writing and executed under seal:

39.1.1 if the Council wishes to enforce the Contract for more than six years after its end;

39.1.2 where the price paid or received under the Contract is a nominal price or there is no consideration and does not reflect the value of the works, goods or services;

39.1.3 where there is any doubt about the authority of the person signing for the other contracting party;

39.1.4 where it is required by law; or

39.1.5 where the total value of the Contract exceeds £250,000.

The seal must not be affixed without the authority of Cabinet or of a Cabinet Member or Director or Head of Service acting under delegated powers. All Contracts under seal will also require an official purchase order to be created on the purchase-to-pay solution (where available).

39.2 All Contracts above £50,000 in value shall be in writing and in a form of contract approved by the Monitoring Officer and be signed by the Relevant Head of Service or their nominated representative. All Contracts above £50,000 will also require an official purchase order to be created on the purchase-to-pay solution (where available).

39.3 All Contracts below £50,000 in value shall be in the form of an official purchase order which refers to the Council's relevant General Terms of Conditions or such other terms and conditions included in request for Quotation.
All such Contracts shall be created on the purchase-to-pay solution (where available) and can be approved or signed by the Relevant Head of Service or Director or their nominated representative.

39.4 Emergency Contracts awarded under CPR 14.3.3 or 14.3.11 need not be in writing before commencement but must be confirmed in writing as soon as possible.

39.5 All original Contracts in writing above £250,000 in value shall be stored and retained within Law and Governance. The responsibility to send original Contracts to Law and Governance shall rest with the Responsible Officer.

39.6 Where there is an appropriate national standard form of contract, that standard form shall be used, subject to any amendments as may be agreed with the Monitoring Officer in consultation with Relevant Head of Service. Responsible Officers must ensure that any standard form Contract used in any procurement is still in force, up to date and reflects current legislation.

39.7 Commencement of any Contract shall not take place until the written documentation is finalised, except in cases of emergency, in which case the written documentation shall be finalised as soon as practicable.

40. Bonds, Securities, Liquidated and Other Damages

40.1 The Responsible Officer shall undertake a risk assessment to determine whether a performance bond or performance guarantee is required.

40.2 All Contracts shall include a provision for liquidated damages to be paid by the Contractor where applicable in case the terms of the Contract are not duly performed, save where the Monitoring Officer approves another type of remedy.

41. Parent Company Guarantee

41.1 The Responsible Officer shall seek a Parent Company Guarantee when a Contractor is a subsidiary of a parent company and:

41.1.1 The award is based on evaluation of the parent company; or

41.1.2 There is some concern over the stability of the Contractor.

Operation of Contract

42. Contract Management

42.1 All Contracts must have a named Contract manager for the duration of the Contract. Contract managers must comply with these Contract Procedure Rules and where appropriate Conwy's Project Management Framework.

42.2 All Contracts which are strategically critical or high risk or high value or high profile as determined by the Relevant Head of Service, are to be subject to a minimum monthly formal Contract review with the Contractor.

42.3 All Contract management activities shall be undertaken via the E-Sourcing solution (where available).

43. Contract Performance

43.1 All Contractors shall be subjected to regular Contract performance reviews, which shall be undertaken via the E-Sourcing solution (where available) through feedback received from external and internal stakeholders. Where appropriate, a performance review shall be undertaken at the end of each completed

Contract or job. This shall include a requirement to record good and poor performance including complaints, issues and defects arising under a Contract and to monitor the aggregation of Contractor defaults including performance issues.

43.2 Incidents of poor performance shall first be raised with the Contractor in writing or at a meeting where notes are made and sent to the Contractor before the annual report is despatched. In cases of particularly poor performance or persistent poor performance, the Responsible Officer shall consider whether to recommend suspension or exclusion from the Council's Framework Agreement or Dynamic Purchasing Agreement or to terminate early the Contract as per CPR 44. The Strategic Leadership Team should be informed of any action to suspend a contractor under this clause.

43.3 A customer satisfaction form will be devised and issued on a random and periodic basis to Contractors in order for them to express their views and opinions on the operation of a Framework Agreement, Dynamic Purchasing Agreement or Contract.

44. Termination of Contract

44.1 Legal advice should be sought prior to the early termination of any Contract.

44.2 Contracts of less than £250,000 may be terminated early by the Relevant Head of Service or Director in consultation with the Monitoring Officer based on a written report by the Relevant Head of Service.

44.3 Contracts with a value above £250,000 may be terminated early by the Monitoring Officer in consultation with the Section 151 Officer, based on a written report by the Relevant Head of Service.

44.4 Any Contracts that are terminated early must be recorded against the Contract entry on the Corporate Contracts Register.

45. Contract Variations and Contract Extensions

45.1 Any Contract may be varied or extended in accordance with its terms.

45.2 Where the terms do not expressly provide for variation or extension then variations or extensions may be made with the agreement of the other contracting parties:

45.2.1 by a Head of Service if the Contract value is under £100,000 (including the variation) providing that the variation costs can be met within the budget;

45.2.2 by the Monitoring Officer and Section 151 Officer, in consultation with the relevant Director based on a completed CPR Proforma from the Relevant Head of Service, if the Contract value is over £100,000, providing that the variation costs can be met within budget;

45.2.3 by Cabinet if the Contract value is over £1,000,000 based on a written report from the relevant Head of Service.

PROVIDED THAT no variation or extension may be made if the proposed variation would:

(a) extend the Contract period by more than six calendar months, or

(b) add more than 20% to the agreed Contract sum, or

(c) mean the works, services or goods to be added to or deleted from the original Contract are substantially different in scope, or

(d) be in breach of UK or EU legislation.

45.3 In exceptional circumstances variations or extensions outside of the parameters set out in CPR 45.2 may be approved by the Monitoring Officer and Section 151 Officer, in consultation with the relevant Director on the basis of a completed CPR Proforma from the Relevant Head of Service.

45.4 The value of a variation or extension shall be calculated by taking the aggregate value of all variations or extensions made to the Contract. No variation which adds to the cost of the Contract shall be made until funding has been identified by the Relevant Head of Service.

45.5 Subject to CPR 45.2 and the provisions of the Contract, every other variation or extension shall, unless otherwise deemed appropriate, be authorised in writing by the Relevant Head of Service or the Responsible Officer as delegated by the Relevant Head of Service, providing that the variation costs can be met within budget.

45.6 CPR 45.2 shall not apply in cases of emergency or where the cost of Contract delay would exceed the variation or extension costs. In such cases, the variation or extension may be approved by the Relevant Head of Service providing that the same is reported as soon as practicable under the applicable thresholds as in CPR 45.2 to report on the impact of a variation order on a Contract, including budget implications.

45.7 As soon as it becomes known or apparent that the total cost of a scheme including variations will or is likely to exceed the Contract sum by more than 20% or £50,000 whichever is the lower, the Section 151 Officer or delegated accountant must be informed for financial monitoring purposes and may inform the Responsible Officer of any further financial requirements to be complied with.

45.8 Contract variations which change any significant term of the Contract, particularly as to price, quality or balance of risk, have the potential to amount to a new Contract and variations must therefore only be considered where:

45.8.1 The proposed variation is within the scope of the original Invitation to Tender, including any possible extensions or options which were included in the Contract notice or advertisement or procurement documents;

45.8.2 The proposed variation does not significantly exceed the value of the original Contract, including any possible extensions or options which were included in the Contract notice or advertisement or procurement documents;

45.8.3 Variations of the type proposed were contemplated at the time the original procurement exercise was carried out; or

45.8.4 The variation is permitted under the terms and conditions of the Contract, provided that those terms and conditions were known to Tenderers at the time of the original Tender.

45.9 Variations which alter the balance of risk in favour of the Council may in certain circumstances be judged not to be anti-competitive and thus may be permissible. Permission of the Monitoring Officer in consultation with the Head of Audit and Procurement must always be sought to determine if the variation is deemed significant.

45.10 The decision to extend the Contract period may only be made before the original expiry date, where it is in accordance with the terms and conditions of the original Contract.

45.11 Where the terms of the Contract or original procurement exercise do not expressly provide for extension then such Contract may only be extended in exceptional circumstances, where legislation permits and Value for Money issues have been addressed. Such decision shall be made by the Monitoring Officer, Section 151 Officer and relevant Director based on a completed CPR Proforma from the Relevant Head of Service.

45.12 All Contract variations shall be entered on the E-Sourcing solution (where available) and an amendment shall be made to the original purchase order via the purchase-to-pay solution (where available).

46. Contract Payments

46.1 The Relevant Head of Service shall notify the Section 151 Officer of the Contract value as soon as possible after any formal Contract has been entered into by either ensuring a purchase order is submitted on the purchase-to-pay solution (where available) or by written notification, and shall make available the Contract documents and accepted Tenders to the Internal Audit department for inspection as and when required.

46.2 Where Contracts provide for payment to be made by installments, the Relevant Head of Service shall arrange for the keeping of a Contract register to show the state of account on each Contract between the Council and the Contractor in respect of all Contracts.

46.3 Payments to Contractors on account of Contracts shall be made only on a certificate issued by the Relevant Head of Service, or private consultant whenever engaged by the Council, or by an Officer nominated by the Relevant Head of Service as appropriate. The names of Officers authorised to approve such records shall be sent to the Section 151 Officer by each Head of Service, together with specimen signatures (if applicable), and shall be amended on the occasion of any change.

46.4 The final certificate of any Contract should not be issued until the Responsible Officer has produced to the Head of Audit and Procurement a detailed statement of account and all relevant documents if and when required. The Head of Audit and Procurement may, to the extent considered necessary, examine final accounts for Contracts and shall be entitled to make all such enquiries and receive such information and explanations as may be required, in order to be satisfied as to the accuracy of the accounts.

46.5 The Section 151 Officer may at his discretion set off any sums due from a Contractor to the Council against any sums due from the Council to the Contractor, provided that where a standard form contract is in place, any action taken under this CPR 46.5 must be in accordance with that standard form.

46.6 Claims from Contractors in respect of matters not clearly within the terms of any existing Contract shall be referred to the Monitoring Officer and Section 151 Officer before a settlement is reached.

46.7 The Responsible Officer shall consider applying liquidated damages in accordance with the conditions of the Contract where the requirements of the Contract are not duly performed.

46.8 The Responsible Officer approving invoices should be different to the Responsible Officer engaging the Contractor to ensure proper segregation of duties.

47. Assignments and Novation

47.1 Assignment of any contract to another contractor can be done providing this has been included as a Contract condition and is permissible under EU legislation. Any request for assignment or novation must be referred to the Head of Law and Governance at the earliest possible instance. The assignment or novation of any Contract may be approved:

47.1.1 by the relevant Head of Service where the remaining value of the contract does not exceed £250,000 and there is sufficient financial provision in the Council's approved annual revenue estimates or capital programme;

47.1.2 where the remaining value of the contract is between £250,000 and £1,000,000 approval shall be referred to the Monitoring officer and Section 151 Officer, in consultation with the relevant Director, based on a completed CPR Proforma from the Relevant Head of Service;

47.1.3 Contracts with a remaining value in excess of £1,000,000 shall be referred to Cabinet, based on a written report from the relevant Head of Service.

48. Nominating Products or Contractors or Suppliers

48.1 The core procurement principles of transparency, non-discrimination and equal treatment are undermined by the nomination of products and suppliers.

48.2 Responsible Officers must seek to specify goods and services by reference to objective, non-product specific descriptions. Equivalent goods or services are nearly always capable of being specified. If this is not possible for genuine technical reasons, and a particular type of product or service or method of production or delivery has to be stated, then the words “or equivalent” must always be added.

48.3 The Council may provide potential main or principal Contractors with a list of Council-approved suppliers or sub-contractors provided that it is made clear that they are free to sub-contract to whoever they wish, subject to the Council’s right to consent. The Council’s consent shall not be unreasonably withheld. Any sub-contractors must meet the Council’s reasonable requirements in relation to technical standards, financial standing and insurance levels.

48.4 These Contract Procedure Rules apply to the nomination of a sub-contractor or supplier for carrying out works or services or supplying goods. Sub-contractors or suppliers shall send with the Tender an undertaking to work for the main Contractor and indemnify them for the sub-contracted works, services or goods.

Specific Contracts

49. Land Contracts

49.1 All land transactions must comply with Section 120 - 123 of the Local Government Act 1972.

49.2 The appointment of a developer under a Development Agreement may be subject to the Public Contracts Regulations 2015 and CPRs 18, 19, 20 and 21 of these Contract Procedure Rules.

49.3 Advice must be sought from the Monitoring Officer in respect of any land transactions which involve Development Agreements.

Other

50. Retention of Contract Files

50.1 Where funding has been received from an external organisation, the Responsible Officer must ensure that the Contract and Contract File are retained for the length of time specified by that funding body. For example, with respect to Contracts funded via Wales European Funding Office grants, Contracts and Contract Files must be retained for twenty years from the expiry of the Contract term.

50.2 In all other cases, the Contract File prepared for all Contracts over £50,000 must be kept for six years from the end of the Contract term unless the Contract was executed under seal, in which case the Contract must be kept for twelve years from the end of the Contract term.

50.3 Documents relating to unsuccessful Tenderers may be micro-filed or electronically scanned or stored by some other suitable method after 12 Months from award of the Contract, provided there is no dispute about the award.

51. Review and Amendment of the Contract Procedure Rules

51.1 The Monitoring Officer may make any minor or consequential changes to these Contract Procedure Rules.

51.2 The Head of Audit and Procurement in conjunction with the Monitoring Officer shall continually review these Contract Procedure Rules and shall undertake a formal review every three years.

SECTION 19 – MEMBERS' CODE OF CONDUCT

19.1 Introduction

The Council has adopted a Code of Conduct for Members embracing the following 10 principles.

1. **Selflessness**
   Members must act solely in the public interest. They must never use their position as member to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

2. **Honesty**
   Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

3. **Integrity and Propriety**
   Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

4. **Duty to Uphold the Law**
   Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

5. **Stewardship**
   In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

6. **Objectivity in Decision-Making**
   In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

7. **Equality and Respect**
Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others

8. **Openness**
Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law

9. **Accountability**
Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

10. **Leadership**
Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

SECTION 19.2 - THE MODEL CODE OF CONDUCT

19.2 Part 1 - Interpretation

1.—(1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

“registered society” means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“register of members’ interests” *(“cofrestr o fuddiannau’r aelodau”)* means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol"*) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("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.

19.3 Part 2 - General Provisions

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal

consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

(c) If you are a leader of a political group, you must :

(i) take reasonable steps to promote and maintain high standards of conduct by the members of the group; and

(ii) co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions.

(iii) In complying the i) and ii) above, you must have regard to any guidance issued by the Welsh Ministers.

19.4 <u>Part 3 - Interests</u>

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 place, or online portal 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.

19.5 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 of £25.00, 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.

SECTION 19 - APPENDIX 1: MEMBERS' SELF REGULATORY PROTOCOL

1. General Principles

1.1 To promote high standards of conduct and behaviour as a means of strengthening respect and trust among Members. It is NOT intended to replace the Code of Conduct but is intended to sit alongside that Code.

1.2 The aim is for the Protocol to provide a framework for dealing with a complaint by a Member against another Member of the Authority relating to behaviour which may not reach the threshold to become a breach of the Code of Conduct or behaviour which may not justify a formal complaint to the Public Services Ombudsman for Wales in the first instance.

1.3 The Protocol does not replace the Member-Officer Relations Protocol adopted by the Authority.

1.4 Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.

1.5 Referral to external regulators will become a last resort subject to Members' obligations under the Code of Conduct.

1.6 Members will avoid personal confrontation in any public forum, especially in Council, its Committees and through the media.

1.7 These commitments will not stifle legitimate political debate or scrutiny.

1.8 Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for reinforcing the principles of the Protocol with their own members.

1.9 Group Leaders individually and collectively will work to ensure compliance with this Protocol.

1.10 Members will commit to training and development in support of this Protocol.

1.11 This Protocol will NOT apply to a complaint that a Member has failed to declare an interest.

1.12 Complaints by members of the public or employees will not be dealt with under this Protocol and will be referred to the Ombudsman for consideration or dealt with under the Member/Officer Protocol as appropriate

2. Working to avoid problems

To minimise the number of instances of alleged breaches all Group Leaders will commit to:-

2.1 A Member Development Strategy – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Member Development Strategy identifies and responds to the needs of members.

2.2 Attending relevant Member training events - in particular those relating to the Code of Conduct or probity courses within the scope of their role.

3. Role of Group Leaders

3.1 Complaints should be made in the first instance to the Monitoring Officer (or Deputy Monitoring Officer).

3.2 A complaint by a Member relating to a Member of the same group will be referred by the Monitoring Officer to the Group Leader. A complaint by a Member concerning the activities of a Member of a different political group will be referred to the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the Member against whom the complaint is made.

3.3 Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal and resolved through face to face meetings whenever possible. Group Leaders will need to retain some records but the process will not be "document heavy". The emphasis should be on training, mediation and conciliation.

3.4 The relevant Group Leader must consult with an Independent Member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The involvement of a Standards Committee Member will seek to ensure fairness and consistency in the discipline imposed within each Group.

3.5 When appropriate, a sanction such as removal from a committee or an outside body may be imposed by the relevant Group Leader or the matter may still be referred to the Public Services Ombudsman for Wales by the complainant Member.

3.6 Whenever any issue of discipline is referred to a Group Leader, a meeting shall be convened (as soon as practicable) between all the Group Leaders and the Chair of the Authority to debate the issue and ensure that fair and consistent sanctions are applied. The Monitoring Officer or Deputy Monitoring Officer may give advice at that meeting if required.

3.7 Where the complaint relates to a Group Leader, the Chair will be requested to consider the complaint.

3.8 The timetable for dealing with complaints is shown on the flowchart attached.

4. Unaffiliated Members

4.1 The Chair of the Council will fulfil the role of Group Leader in respect of any unaffiliated Members. Concerns regarding the conduct of an unaffiliated Member should be referred by the Monitoring Officer to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation.

5. Persistent Breaches

5.1 In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual Member or Members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Monitoring Officer (or Deputy Monitoring Officer) to agree a way forward. Consideration will be given to joint references to the Ombudsman by the Group Leaders, for persistent low level breaches.

6. Standards Committee

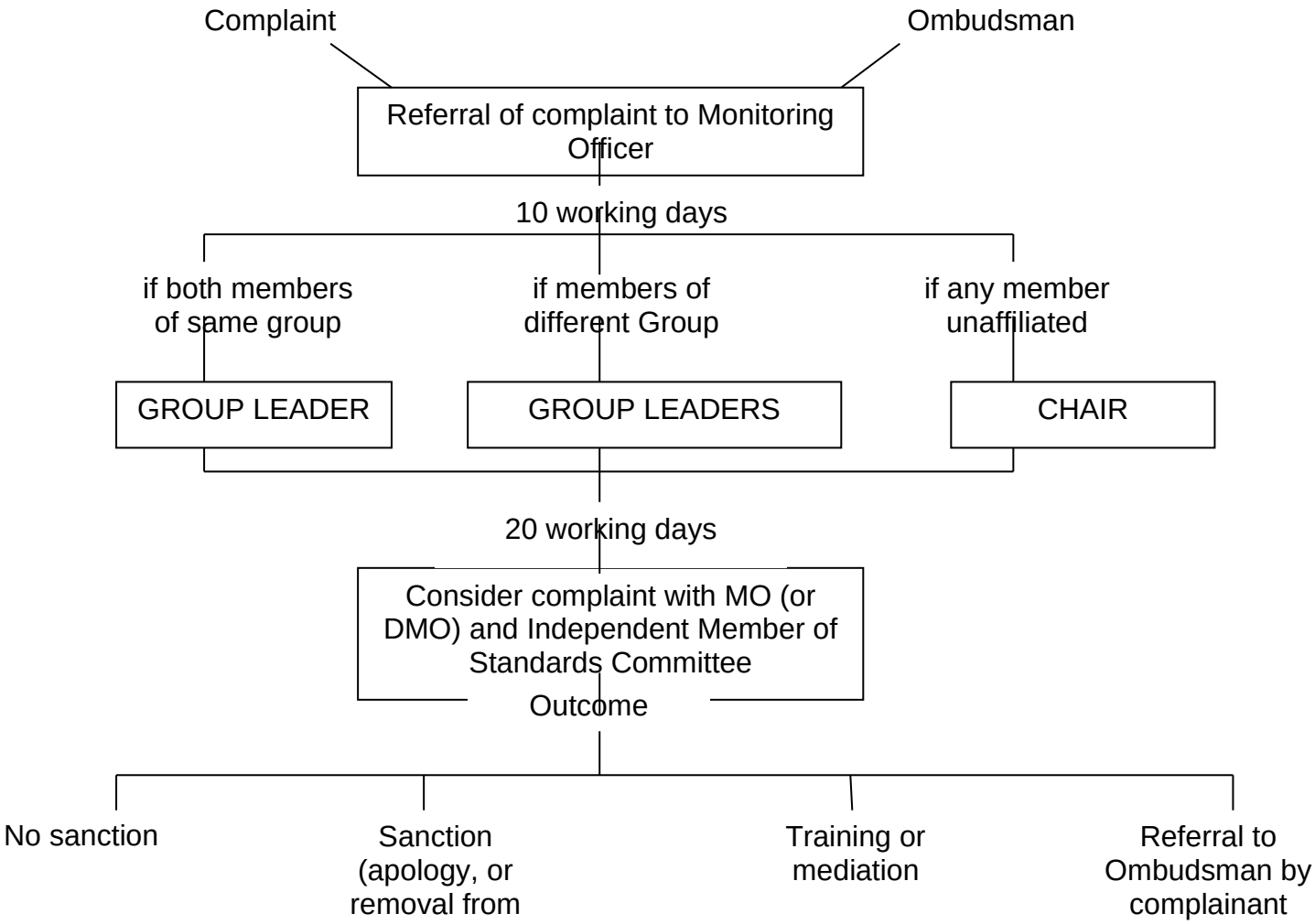
6.1 Owing to any potential issues of conflict, any involvement in this Protocol will include no more than one independent Member of the Standards Committee. This will be subject to a rotational basis and in accordance with availability.

6.2 The Standards Committee Member will play a supporting/advisory role to the Group Leaders/Chair. This process will be initiated at the request of the Group Leader in any particular case through consultation with the Monitoring Officers (or Deputy Monitoring Officer).

6.3 Such meetings will be private and informal.

6.4 Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Chair of the Council) and the Member of the Standards Committee shall remain private and confidential.

Local Protocol on Complaints
FLOWCHART



SECTION 19 - APPENDIX 2 - PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY

1. Introduction

1.1 You should treat with extreme caution any offer of a gift or hospitality made to you personally in your role as a Councillor. You are responsible for any decision to accept an offer of a gift or hospitality, and your personal reputation and that of the Council could be seriously jeopardised by the inappropriate acceptance of such an offer.

1.2 No hard and fast rules can be laid down to cover every circumstance but this protocol offers guidelines to assist you in making a decision.

2. The Law

2.1 Accepting a bribe is an offence. If it is proved that you have received any gift, loan, fee, reward or advantage by somebody seeking to obtain a contract from the Council then the onus will be on you (and the person making the offer) to prove that you have not acted dishonestly.

2.2 The Members Code of Conduct states that

- "you must 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."

- "you must not 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." and

- "you must within 28 days of being offered any gift, hospitality, material benefit or advantage above the value of £25 provide written notification to your Authority's Monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage. You must register any such offer whether you accept it or not."

3. Principles

3.1 Improper obligation – A gift or hospitality should never be accepted as a reward or inducement to act or vote in a particular way as a councillor or as a means of obtaining influence.

3.2 Benefit to the Council – Gifts or hospitality should only be accepted if there is a benefit to the Council (rather than to you personally) of so doing. The benefit should be proportionate with the value of the gift or hospitality

3.3 Misinterpretation – Gifts or hospitality should not be accepted if to do so would leave the council or member open to accusations of misconduct. Members must not only conduct themselves properly, they also be seen to be conducting themselves properly.

3.4 Soliciting a gift or hospitality – Gifts or hospitality should never be sought or invited in connection with a role as a councillor.

4. Gifts

4.1 A “gift” includes free goods and services, the opportunity to buy goods/services subject to a discount or terms which are not available to the public, or the opportunity to buy goods/services that are not available to the public. Care should be taken in situations where work or goods are ordered but no invoice is presented.

4.2 You may accept civic gifts on behalf of the Council. This protocol is not applicable to such gifts and neither do they need to be registered.

4.3 You should not accept personal gifts that are relevant to your position as a member or arising from that position, from anyone. However, it would be appropriate for you to keep small and insignificant gifts such biros, diaries etc. You may also accept raffle prizes.

4.4 You should refuse any gift offered to you, or to a member of your immediate family, from any person or organisation doing business or seeking to do business with the Council or applying to the Council for some sort of decision.

4.5 When a gift has to be declined the offerer should be courteously but firmly informed of the procedures and standards operating within the Council. If such a gift is delivered:

it must be returned immediately to the sender giving reason.
the acceptance and return of gifts over £25.00 should be registered
where an offerer insists that you accept the gift, you should contact the Monitoring Officer for advice on further appropriate action.

5. Hospitality

5.1 It is accepted that events which include hospitality can often be an appropriate and successful forum for promoting the Authority and its aims and objectives, economic, social or otherwise. A balance therefore needs to be achieved between the aims of promoting the Authority and the need for Members to be mindful of the perception of others when accepting hospitality.

The following principles should be observed by Members:

5.2 You should not ask for or solicit hospitality at any time

5.3 You should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the event where hospitality is provided. Particular care should be taken that the level of hospitality provided is proportionate to the nature and importance of any issues to be discussed at such an event

5.4 You should avoid hospitality in a situation where you would be the sole guest.

5.5 Offers to attend social or sporting functions should only be accepted when there is a legitimate reason to promote the economic or social wellbeing of the County Borough, and the Monitoring Officer's approval should be obtained in respect of any such functions which are outside Conwy County Borough.

5.6 Where visits are required as part of the process of making decisions you should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent decisions.

5.7 You may accept hospitality through attendance at relevant conferences and courses where it is clear that the hospitality is corporate rather than personal, where the Council has given permission beforehand and where the Council is satisfied that its decisions will not be compromised.

5.8 You may accept normal refreshment in connection with your work as a member (tea, coffee, biscuits etc.)

5.9 Where Members had been invited to an event as a representative of the Council or by Officers or the Chair of the Council, then such hospitality should be declared if it had been provided and paid for by a third party.

5.10 In circumstances where a Member is expected to represent the Council for networking purposes at events outside of normal working hours, i.e. in the evening or at the weekend, it would be reasonable for that Member to be accompanied by a 'plus 1' at no cost to that Member. Tickets for 'plus 1s' are non-transferrable. This applies to events arranged by an external organisation, business or individual, including events sponsored by the Council.

5.11 If a Member receives hospitality as a representative of an outside body e.g. National Park Authority then the Member concerned should comply with that organisation's Protocol on Gifts and Hospitality.

5.12 For the avoidance of doubt, hospitality sponsored by Conwy County Borough Council need not be declared.

6. Role of Members at Corporately Sponsored Events

6.1 Members attend various events organised or sponsored by the Council, in some instances by being allocated tickets or places where Conwy County Borough Council is host to selected guests by funding corporate hospitality.

6.2 Members act as ambassadors of the Council to assist in projecting and enhancing the Council's public image, promoting the work of the Council and networking with key partners or stakeholders.

6.3 Members are expected to attend any pre-event briefing sessions arranged by officers so they are fully supported in successfully undertaking the role of ambassadors of the Council.

6.4 Tickets or places for corporately sponsored events are automatically allocated to the Leader, the Chair of the Council, and the relevant Cabinet Member (if the event is linked to a particular portfolio). If they do not wish or cannot attend they may identify a Member of the Cabinet or other Member to represent them.

6.5 Where no Members are directly involved with an event a specific number of tickets or places will be reserved; the exact number will be determined in line with the capacity of the event or cost to the Authority as applicable.

6.6 Group Leaders are advised of the number of tickets or places available and asked to nominate Members to attend. Once nominated, tickets are not transferable to other non-nominated Members.

6.7 If there is a lack of take-up of available tickets or places then Members nominated to attend may request additional tickets for 'plus 1s'. Tickets allocated in this way are non-transferable.

6.8 If the nominated Member is not able to attend on the day of the event then organisers need to be informed as soon as possible so that tickets or places may be re-allocated or catering arrangements reviewed to avoid excess cost to the Authority.

7. Registration

7.1 Under the Council's Code of Conduct you must register any gift or hospitality that you receive that is worth more than £25.00. You should also register any such offer that you have refused; what circumstances you were offered the G&H and whether you accepted, or declined the offer and why.

7.2 The gift and hospitality register is kept by the Monitoring Officer who should be informed in writing of any gift or hospitality that you receive or refuse that is worth more than £25.00. The register will be available for public inspection.

7.3 The figure of £25.00 is of course relevant in considering what should be registered, it does not mean that you can accept all gifts or hospitality that are worth less than that. You must consider carefully every offer whatever its value.

8. Further Advice

8.1 If you have any doubt concerning an offer of a gift or of hospitality, you should seek the advice of the Monitoring Officer.

8.2 The Ombudsman has issued statutory guidance on the Code of Conduct and its interpretation. It can be seen on his website – www.ombudsmanwales.org.uk

SECTION 20 – PLANNING PROTOCOL

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1. INTRODUCTION

1.1 This Code of Practice is intended to guide the procedures by which Councillors ('Members') and officers of the Council deal with planning matters and to set standards of probity and conduct which the people of Conwy can expect of them.

1.2 As Planning affects peoples' lives and private interests, it can be very contentious. It is, therefore, important that the people of Conwy understand the system and have confidence in its integrity and transparency, and that Members and officers, involved in the 'planning' process, avoid impropriety or even the suspicion of impropriety. This approach is endorsed by the Committee on Standards in Public Life (the Nolan Committee), the District Audit and the Local Government Association.

1.3 Members must follow the *Code of Conduct for Members of Conwy County Borough Council* (Part III of which covers such matters as declarations of interests, gifts and hospitality) and the *Protocol for Member, Officer Relations*. When dealing with planning matters they must also act in accordance with this Planning Code of Practice.

1.4 A breach of 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.

1.5 If Members or officers are in doubt about the application of the 'Code of Conduct for Members of Conwy County Borough Council' or of this Planning Code of Practice they should seek advice from the Council's Monitoring Officer.

2. GENERAL ROLES, RESPONSIBILITIES AND CONDUCT

2.1 Members and officers have different, but complementary roles in the planning process. Members of the Planning Committee have different roles to those of other councillors.

2.2 Councillors who are Members of the Planning Committee determine the more significant and contentious planning applications received by the Council. In doing so these Members perform a quasi-judicial role and are required to consider all planning proposals against the wider public interest. Due to the nature of the role of the Planning Committee, Members of the Planning Committee must undertake training. Other applications are delegated to the Head of Regulatory and Housing Services to decide, as described in Paragraph 2.10.

2.3 Planning Committee Members shall:

- exercise personal responsibility in deciding whether to declare any relevant interest in any planning application that is before the Planning Committee for determination, and consider withdrawing from involvement in the decision. If in doubt, Members should consult and seek guidance from the Monitoring Officer.
- act fairly and openly and avoid any actions, which would give rise to an impression of bias.
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.
- approach each planning application / issue with an open mind, avoiding preconceived ideas.
- not organise support or opposition to a planning application if they do not wish to affect their ability to vote at Planning Committee.
- carefully weigh up all relevant planning issues before making a decision.
- make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality, (and whilst Committee Members have a special responsibility to their Electoral Division constituents, including those who did not vote for them, their Planning duty is to the whole community).
- not decide how to vote on applications on the basis of a political 'whip', but only on the planning merits of each case, (subjecting a planning decision to the discipline of the political 'whip' could amount to maladministration and result in Ombudsman intervention).
- give planning reasons / justification for their position and proposals.

Members of the Planning Committee who are also members of Community / Town Councils

2.4 Membership of a Community / Town Council provides an opportunity to listen to local views and does not of itself give rise to a conflict of interest for a Planning Committee Member provided he / she maintains an open mind until all the evidence and arguments have been presented at the Planning Committee.

2.5 Legally a Member may participate and vote when a planning application is under consideration at a meeting of the Community / Town Council. However, such involvement could give rise to a perception that the Member had already formed a view as to how he / she would vote in advance of reading the full and final report to the Planning Committee, and hearing the debate and could give rise to allegations that the Member has predetermined the application. That could undermine the integrity of the decision made by the Planning Committee and the decision could then be challenged on appeal, in the courts or by a claim of maladministration made to the Ombudsman.

2.6 Members should therefore give careful consideration as to whether they should take part in debates and vote at both the Community / Town Council, or at the Planning Committee, but not both. Members should seek advice from the Monitoring officer if in any doubt.

Non-Committee Members of the Council

2.7 Non-committee members representing their ward are entitled to speak at Committee but should register with the Chair prior to the meeting and shall abide by the same rules as members of the public (subject to declarations of interest), but may not vote. Such Members do not act in the quasi-judicial role performed by Committee Members, but shall: -

- act fairly and openly and avoid any actions, which would give rise to an impression of bias or undue influence.
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.

2.8 Such Members may express support for a particular opinion in advance of the matter being considered by the Planning Committee (or by the Head of Regulatory and Housing Services under delegated powers).

Officers

2.9 The function of officers is to support and facilitate Councillors in their work and to implement lawful decisions.

2.10 The Head of Regulatory and Housing Services 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 Committee and the Council. In considering applications and in advising Members and the public on planning policy, the determination of planning applications, enforcement and other planning matters, officers must: -

- act fairly and openly and avoid any actions, which would give rise to an impression of bias.
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.
- approach each planning application / issue with an open mind, avoiding preconceived ideas.
- carefully weigh up all relevant planning issues.
- make decisions purely on planning grounds having regard to the development plan and other material considerations.
- give professional, objective and consistent planning advice.
- provide a comprehensive and accurate analysis of the planning issues.
- give a clear recommendation.
- carry out the decisions of the Committee.

2.11 The Council's Legal Officers advise Members on legal and procedural matters. In doing so, they must: -

- act fairly and openly and avoid any actions, which would give rise to an impression of bias.

- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.
- give professional, objective and consistent advice.
- carry out the decisions of the Committee so far as they relate to the completion of any legal agreement, or instigation / defence of proceedings etc.

3. ADMINISTRATIVE PROCESSING ARRANGEMENTS

Planning application notification

3.1 All Members of Council will be informed of the submission of all planning and related applications through the "Weekly List of Planning Applications Submitted" in the Members' Information Bulletin. All applications registered since 15th July 2013 are available to view on the Council' website.

3.2 The weekly applications list will indicate whether the application decision is to be made by the Planning Committee or by officers under the scheme of delegation

Meetings with applicants and objectors

3.3 Local Members will not usually be invited by officers within the Development and Building Control section, to any general meetings with applicants or objectors to discuss an application in their electoral division, although they may be invited by the applicant / objector. Should Members attend any such meetings they should be aware of the need to avoid any indication of prior determination.

3.4 Local Members will be informed of public meetings being held in respect of any application relating to land or property in their electoral division, which are either being organised by the Council or by officers from Development and Building Control.

3.5 For applications comprising of new major development proposals, local ward members will also be notified of the proposals through the pre-application consultation process. This is a statutory process undertaken by the developer before a planning application is submitted.

Determination process

3.6 Should a Member wish for an application, designated to be determined under delegated powers, to be determined by the Planning Committee. He / she should make a request in writing to the Chairperson of the Planning Committee and the Development and Building Control Manager within 2 weeks from the application appearing on the weekly list of planning applications in which the receipt application is notified. The request should state the reasons why determination by the Planning Committee is necessary

3.7 Such requests for determination by the Committee shall be strictly adhered to and that out of time requests and requests with no valid planning reasons will not be considered.

3.8 Members shall not put pressure on officers to make particular recommendations or decisions nor to change recommendations or decisions in respect of any application. Members should abide by the Code of Conduct at all times.

4. PRE-APPLICATION AND ENFORCEMENT DISCUSSIONS

4.1 Discussions and negotiations are essential in the Planning process as these discussions can bring about improvements that can make an application acceptable or otherwise remedy problems, which can help to speed up the Planning application process and aid any negotiation that may form part of an Enforcement investigation.

4.2 Such discussions will normally take place at officer level and Members shall, wherever possible, refer requests for such advice to the officers. If Members become involved in such discussions they should make it clear that their views are personal and provisional and they may wish to make a record of the discussion.

4.3 All officers taking part in such discussions shall:

- identify the decision making process applicable to the application / issue under discussion.
- make it 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.
- express views in the context of the development plan and other material planning considerations.
- be consistent in interpreting planning policies and Government guidance.
- advise applicants and neighbours / objectors on procedural matters.

4.4 Occasionally local residents or Community / Town Councils will arrange public meetings to discuss a current application and may invite the applicants, Members and officers to attend. Given the need to avoid pre-determination, Members of the Planning Committee should consider carefully whether they should attend such meetings. If Planning Committee Members and officers do attend such meetings they shall only use them for fact-finding only; shall not express an opinion for or against the proposal and shall otherwise act in accordance with Paragraphs 2.4 to 2.6 and 4.2.

5. LOBBYING OF MEMBERS OF THE PLANNING COMMITTEE

5.1 Lobbying is the process by which applicants; agents, neighbours, non-Committee Members and other interested parties may seek to persuade Councillors on the Planning Committee to come to a particular decision. It is legitimate for them to approach Members of the Planning Committee and such discussions may help Members to understand the issues and concerns. As stated in the "Nolan Committee Third Report", it is essential for the proper operation of the Planning system that local concerns are adequately ventilated"

5.2 In responding to approaches of this kind, Planning Committee Members should not publicly express an opinion that may be taken to indicate that they have made up their minds prior to hearing all the evidence and arguments, which will be presented at the Planning Committee. They should explain their position in respect of probity if they express an opinion on a proposal before consideration at the Committee. They should;

- explain the procedures by which representations can be made.
- indicate that a decision will be taken only when all relevant planning considerations have been taken into account.
- explain the kinds of planning issues that the Council can take into account.
- report issues raised to the officers or direct the public to the Officers so that their views can be considered.

5.3 Although it is not unlawful for a Member of the Planning Committee to publicly support a particular outcome, or express a view on an application prior to the meeting of the Planning Committee, such involvement could give rise to a perception that the Member had already formed a view as to how he / she would vote in advance of reading the full and final report to the Planning Committee, and hearing the debate and it could give rise to allegations that the Member has predetermined the application. That could undermine the integrity of the decision made by the Planning Committee and the decision could then be challenged on appeal, in the courts or by a claim of maladministration made to the Ombudsman.

5.4 Accordingly, Members should avoid giving any indication that they have formed a view on an application prior to consideration of a full report and debate at Planning Committee.

6. PLANNING APPLICATIONS SUBMITTED BY MEMBERS, COMMUNITY / TOWN COUNCILS AND OFFICERS

6.1 Applications submitted by Members of the Council, Chief Officers, or officers employed within the Development Management function (including close relatives) and the officer recommendation is to grant permission shall be decided by the Planning Committee and not, under delegated powers by the Head of Regulatory and Housing Services.

This will also apply where the Member is acting as an agent for another party.

6.2 The affected Member(s) must declare their interest / relationship and withdraw from involvement in the decision and take no part in the decision.

6.3 Where a Community or Town Council submits a planning application, the County Borough Council Members who are also Members of that Community or Town Council should disclose their interest and not vote on that application should it come to Committee for decision.

7. PLANNING APPLICATIONS SUBMITTED BY THE COUNCIL

7.1 It is essential that the Council treat applications for its own development or on land owned by the Council (or a development involving the Council and another party) in a similar manner to all other applications and that this is seen to be the case.

7.2 All such proposals will be subject to the same administration processes, including consultation, as private applications. Determination shall similarly take into account planning policy and any other material planning considerations.

7.3 In order to ensure transparency and openness in dealing with such applications, Council proposals (apart from those listed below) will not be dealt with under delegated powers, but will be determined by the Planning Committee. Some applications will be minor in nature and it is considered that the following applications will not be referred to Planning Committee unless they are triggered by other sections of the scheme of delegation: variation of condition, non-material amendments, discharge of conditions and prior approval/notification applications.

8. OFFICER'S REPORTS TO THE PLANNING COMMITTEE

8.1 All Planning matters considered by Planning Committee will be the subject of appropriate written reports by the Head of Regulatory and Housing Services (or, in the case of legal matters, the Head of Law and Governance) incorporating the recommendations. Such reports shall be comprehensive, but succinct in setting out the key planning (or legal) issues to be considered (in terms of the provisions of the development plan and other material planning considerations), the substance of any representations received and any relevant planning history.

8.2 Members shall not put pressure on officers to make particular recommendations or decisions nor to change recommendations or decisions in respect of any application.

9. PLANNING OBLIGATIONS

9.1 The Planning Committee may, when considering the merits of an application, consider any planning obligation that has been recommended as part of the planning process and should form a view solely on the basis of the contents of the application and should take into account the planning obligations only to the extent that they are necessary to make a proposal acceptable in land use planning terms and meet the tests in the CIL Regulations. A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

9.2 Members should avoid becoming involved in discussions with applicants, prospective applicants, their agents, landowners or other interested parties regarding benefits, which may be offered to the Council or benefits which the Council itself wishes to obtain.

10. CONDUCT AND PROCEDURE OF PLANNING COMMITTEE MEETINGS

10.1 The Chairperson of the Planning Committee is responsible for the conduct of the meeting in accord with Council Procedure Rules and other procedures and for the effective delivery of business in a professional, courteous and transparent manner. The Members of the Committee and officers shall respect that role and behave in a manner that is commensurate with the high standards of conduct and propriety that are expected in public office.

10.2 The Chairperson will seek to ensure that Members and officers are treated in accordance with the Council's agreed Protocol For Member / Officer Relations, with regard to:

- the political neutrality of officers.
- the independence of officers.
- mutual respect, courtesy, civility and professionalism with respect to differing views.

10.3 Members of the public, Local Electoral Division and Cabinet members are usually only allowed to speak once for each application and in line with the. Guidelines for people speaking at Planning Committee (conwy.gov.uk).

10.4 If an application is referred back to the Planning Committee. Then in exceptional circumstances a further opportunity may be given to speak (in accordance with the above), but only where there has been a significant change to the application and with the Chair of the Planning Committee's consent.

10.5 Officers wishing to speak in support or against an application are required to abide by the same rules as a member of the public.

10.6 If these guidelines are not followed and the meeting is disrupted by the public the chairperson may suspend the meeting until the matter is resolved, or in extreme situations, close the meeting to the public.

Procedure

10.7 The deliberations of the Committee will be confined to the published agenda plus any urgent items that have been accepted by the Chairperson in accord with the Local Government Act 1972. The order of business will generally be in accord with the agenda but the Chairperson will seek to bring forward items of business that members of the public or applicants have come to hear.

10.8 The Chairperson will ensure that meetings of the Planning Committee are conducted in accordance with the Council's Committee Procedure Rules and safeguard that appropriate debate is able to take place in a structured and professional manner, with Members being given the opportunity to raise material planning issues (normally through a single presentation). The Chairperson will seek to avoid repetition or irrelevant debate.

10.9 Members shall endeavour to give not less than 24 hours notice (preferably in writing) to the Head of Regulatory and Housing Services of questions requiring a technical or detailed response so that an appropriate response can be prepared for the meeting of the Planning Committee.

10.10 Each planning decision shall be by way of a majority vote, taken in accord with Council procedures and this Code of Practice.

10.11 Planning officer(s) will update the Planning Committee on each application in respect of submissions and other material matters not addressed in the main report and, through the Chair, will be responsible for responding professionally to Member questions.

10.12 Appropriate legal or administration officers will be responsible for advising the Chairperson and the Committee on matters of procedure and protocol.

10.13 Where officers advise the Chairperson of material professional concerns or potential consequences of a particular course of action (or of any potential liabilities or errors of fact) officers shall be afforded reasonable opportunity to concisely explain those matters to the Planning Committee before it reaches a decision.

11 PLANNING COMMITTEE SITE INSPECTIONS

Purpose of Committee site inspections

11.1 Committee site inspections are fact-finding exercises to allow Planning Committee Members to make a more informed decision than would be possible from reading the officer's report and considering the views expressed at the Planning Committee meeting.

11.2 The sole purpose of site inspections is to allow Members to look at the site and its surroundings. In conducting the site visit, the Members will not fenter into any debate on the application express a prior opinion, or lobby for any particular decision or come to any decision.

Requests for Committee site inspections

11.3 Requests for Committee site visits in respect of non-delegated items shown on the weekly list shall be made in writing to the Chair (and Development and Building Control Manager) within 2 weeks of the issue of the Weekly List giving substantive and relevant reasons why a site assessment by the Committee is considered appropriate.

11.4 Applications referred to the Committee at the request of a Member with the approval of the Chair shall only be subject to a site visit under similar terms to those outlined below.

Criteria for agreeing to hold site inspections

11.5 Site visits requested after the application appears on the Committee report, will delay the determination of the application. While the decision whether or not to undertake an inspection in such circumstances is a matter for the Planning Committee, Members shall only make such visits where the Planning Committee cannot otherwise make an appropriately informed decision and the inspection would have substantial benefit. Examples where a site visit would not normally be appropriate include where:

- purely policy matters or issues of principle are involved.
- the Member simply disagrees with the conclusion reached in the report.
- the Member wishes to consider boundary or neighbour disputes.
- loss of property values.
- any issues which are not material planning considerations.
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances.

11.6 Members shall only resolve to defer the determination of an application for a site visit after an application has been discussed and deliberations have identified a significant reason why a decision cannot be reached without a Committee assessment of the site context with the reasons being minuted.

Notification of site inspections

11.7 All Council Members will be notified of site inspections. The applicant will usually be notified, to facilitate access to the site.

11.8 A list of site visits and times will be publicised in accordance with the normal arrangements and the statutory requirements for Committee meetings.

Attendance at site inspections

11.9 Members of the Planning Committee (together with any local Member and a Community / Town Council representative) will carry out the inspections. Non-Committee Members may also attend at the discretion of the Chairperson.

11.10 Members may only enter onto the site with the permission of the site owner who has the right of attendance at the site inspection.

11.11 The public does not have a right of access to a site but may attend and view the site by way of public vantage points or on-site with the consent of the owner.

11.12 The public cannot address the meeting, except to answer questions from the Chair of the Committee on issues of fact.

11.13 If a Member finds it necessary to visit a site alone, he or she shall view it from public vantage points only, seek to avoid discussion with interested parties, and (if dialogue occurs) make it clear that a decision will be taken when it has been discussed by the Planning Committee after the site inspection.

Conduct at site inspections

11.14 The inspection will be chaired by the Chairperson or Vice Chair of the Planning Committee who will ensure that it is conducted as a single meeting and in an orderly fashion.

11.15 The Planning Officer will give a brief summary of the application and the site inspection issues at the beginning of each site visit.

11.16 Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.

11.17 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.

11.18 Only with consent from the Chair of Planning Committee can Non-Committee members including the local member address their colleagues on issues of fact pertaining to the site context.

11.19 The applicant or members of the public will not be permitted to address Members during the site inspection, but may be asked to clarify issues of fact by the Chairperson. A representative of a Town / Community Council invited to attend a site inspection will be entitled to address Members with regard to, or expand on representations made by the Town / Community Council in relation to that particular application. The Town / Community Council representative shall not be permitted to express his / her personal views on the application where they differ from those of the Town / Community Council as a body.

11.20 Members may through the Chairperson, ask questions of officers, applicant, Town / Community Council representatives or public to clarify factual matters relevant to the site inspection. Any such questions put to the applicant; Town / Community Council representative, or public shall be put so that all parties can hear them.

11.21 If a request is received from a third party to inspect the site from a different location, the Members, as a group, should take the view whether to do so. Unless there are good reasons not to do so, such a request should normally be acceded to but only if all participants at the site inspection are extended the same invitation

12. PLANNING COMMITTEE DECISIONS CONTRARY TO OFFICER RECOMMENDATION

12.1 From time to time the Committee will disagree with professional advice given by the officers and may decide to determine an application contrary to that advice. When this occurs the Chair of the Planning Committee will ensure that the following principles are followed: -

- members shall clearly express the planning reason(s) for their decision (and these shall be minuted).
- a member proposing refusal of an application for which the officer recommendation is approval shall state his/her reasons prior to the vote being taken.

12.2 When the Committee has voted to determine a planning application contrary to the recommendation of officers, a formal decision will not normally be made on the application until after a consideration of a further report to be submitted by officers to the next subsequent meeting of the committee. Exceptionally, where the Committee decides that circumstances prevent it deferring the application, the reasons for this will be clearly stated, agreed and recorded in the minutes of the meeting.

12.3 Officers shall be given an opportunity to explain to the Planning Committee the planning and/or legal implications of their intended decision before the decision is confirmed.

12.4 Where the Planning Committee wishes to add or amend conditions / reasons or attach a planning obligation, officers shall be given the opportunity to explain the planning and / or legal implications before the decision is confirmed.

13. APPEALS AGAINST COUNCIL DECISIONS

13.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances (such as where specialist evidence is required or where a Member decision is contrary to officer recommendation) it may be necessary to appoint consultants to appear for the Council.

13.2 In giving evidence Officers will present the best possible case on behalf of the Council while complying with the RTPI Code of Professional Conduct3.

3The 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 opinion.

13.3 In cases where the appeal is against a decision which the Committee has made contrary to officers recommendation, the planning officers may be unable to defend decisions on appeal (due to requirements of the professional conduct rules of the Royal Town Planning Institute) and the Planning Committee should be aware of this before the final vote is taken. In such cases, the Committee shall nominate (at least) two of its members who voted contrary to the recommendation to appear at any appeal and explain the Committee's decisions and the reasons for them. These should normally be the proposer and seconder of the proposal, which was contrary to officers' recommendation. Two back up members should also be selected to be involved if for any reasons the two main members (proposer and seconder) are unable to participate in the appeal process.

13.4 Members can have an important role to play in appeals and may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at public local inquiries. In doing so they should state whether they are acting in their local Councillor capacity or, exceptionally, representing the Council's case.

13.5 Planning and Legal Officers will support Members attending or wishing to make representations at appeals and advise them on preparing and delivering evidence. Legal Officers will attend Inquiries and / or assist in preparing representations when Legal representation is required

14. MEMBER TRAINING

14.1 A Member of the Planning Committee shall have completed a basic Members requirements course (or similar refresher course provided by in-house or external source) within the previous four years and shall not be allowed to vote on the Committee without meeting such requirement.

14.2 All Members of the Committee will be expected to attend training sessions that have been identified by the planning Committee as necessary to provide essential update or skills in respect of changing Planning requirements and failure to do so will result in a loss of voting powers until such time as equivalent training has been undertaken.

14.3 Additional training should be provided in respect of matters of interest or general benefit. Members should make every effort to attend such sessions (to be normally scheduled for between 30 and 60 minutes before a Planning Committee meeting).. A record of such attendance would be kept but would not affect voting powers.

15. REVIEW OF DECISIONS

15.1 The Audit Commission's Report 'Building Quality' recommends that Councillors should visit a sample of implemented planning permissions to assess the quality of the decisions. The purpose of such a review is not to change decisions, but to assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy.

15.2 The Planning Committee will undertake an annual review of a sample of planning decisions made by the Committee. The review will include examples from a range of development types (e.g. major residential proposals, and listed building consents) and, where it is considered appropriate and beneficial, include visits to the sites.

15.3 The Planning Committee will formally consider the results of the review and decide whether it gives rise to the need for new procedures and practices.

15.4 The outcome of appeals against the decisions of the Council will be reported regularly to Planning Committee so that any lessons can be learned. The outcome of enforcement cases and legal proceedings will also be reported regularly so that the Planning Committee is kept up to date.

SECTION 21 - CODE OF CONDUCT FOR QUALIFYING EMPLOYEES OF RELEVANT AUTHORITIES IN WALES

General Principles

1. The public is entitled to expect the highest standards of conduct from all qualifying employees [(a)] of relevant authorities [(b)]. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

Accountability

2. Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

Political Neutrality

3. Qualifying employees of relevant authorities, whether or not politically restricted [(c)], must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

Relations with members, the public and other employees

4. Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.

5. Qualifying employees of relevant authorities should deal with the public, members and other employees sympathetically, efficiently, and without bias.

Equality

6. Qualifying employees of relevant authorities must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

Stewardship

7. Qualifying employees of relevant authorities must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

Personal Interests

8. Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:

(1) any rules of their relevant authority on the registration and declaration by employees of financial and non-financial interests,

(2) any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

Whistleblowing

9. In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's confidential reporting procedure, or any other procedure designed for this purpose.

Treatment of Information

10. Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

Appointment of Staff

11. Qualifying employees of relevant authorities involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

Investigations by Monitoring Officer

12. Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 [(d)] a qualifying employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

SECTION 22 - PROTOCOL ON MEMBER / OFFICER RELATIONS

1. Introduction

1.1 The purpose of this Protocol is to guide Members and Employees of the Council in their relations with one another.

1.2 Mutual respect between Members and Employees is essential to good local government. However, close personal familiarity between individual Members and Employees can damage this relationship and prove embarrassing to other Members and Employees.

1.3 Members and Officers should abide by the Nolan principles which are:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

1.4 The relationship has to function without compromising the ultimate responsibilities of Employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Employees.

1.5 This protocol should be read alongside other protocols such as the Member and Officer Codes of Conduct. The appendix to this protocol provides more information around the Member/Officer relationship, in general, and the distinct roles each have.

2. Roles of Members

2.1 Members undertake many different roles. Broadly these are:

- Providing political leadership by setting the Council's direction in terms of developing, monitoring and reviewing Council strategies and policies.
- Members express political values and support the policies of the party or group to which they belong (if any).
- Members represent their electoral ward and are advocates for the citizens who live in the area.
- Members are involved in active partnerships with other organisations as community leaders.
- Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
- Members help develop and review policy and strategy.

- Members monitor and review policy implementation and service quality.
- Members are involved in quasi-judicial work through their membership of regulatory committees.

3. Roles of Employees

3.1 Briefly, Employees have the following main roles:

- Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
- Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
- Initiating policy proposals.
- Implementing agreed policy.
- Ensuring that the Council always acts in a lawful manner.

4. Respect and Courtesy

4.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Employees. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Employees remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Employees, in public places.

5. Undue Pressure

5.1 It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position.

5.2 In their dealings with Employees (especially junior Employees) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.

5.3 A Member should not apply undue pressure on an Employee either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

5.4 Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. *(The Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Whistleblowing Policy.)*

6. Familiarity

6.1 Close personal familiarity between individual Members and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

6.2 Such familiarity could also cause embarrassment to other Members and/or other Employees and even give rise to suspicions of favouritism.

6.3 For these reasons close personal familiarity must be avoided.

7 Breach of Protocol

7.1 If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Employee's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Strategic Director responsible for the employee concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Employee if the circumstances warrant it.

7.2 If an employee considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Head of Service or Strategic Director. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential investigation by the Standards Committee. Many complaints will be capable of informal resolution. The Monitoring Officer or the Chief Executive will assist in this process if necessary.

8. Provision of Advice and Information to Members

8.1 Members are free to approach Employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.

8.2 Employees should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed i.e. either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within 10 working days of the receipt of the enquiry.

8.3 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.

8.4 The Access to Information Procedure Rules of this Constitution explain the position with regard to access to papers relating to the business of a Member body.

8.5 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make. Members should understand that unreasonable requests may add to pressures within services.

8.6 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area they represent. Local Members should be informed about proposals that affect their electoral ward and should also be invited to attend Council initiated events within their electoral ward. (Further details are contained in the Protocol for Liaison with Local Members).

8.7 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chair concerned should be advised about the information provided.

8.8 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.

8.9 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the "need to know". Employees are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member's enquiry that any individual would be entitled to receive such documentation. The Council's Information Governance Manager will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.

9. Confidentiality

9.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:

a) he/she has the consent of a person authorised to give it;
b) he/she is required by law to do so;
c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
d) the disclosure is:

i. reasonable and in the public interest; and

ii. made in good faith and in compliance with the reasonable requirements of the authority.

9.2 Confidential Committee papers (yellow papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial assessment as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.

9.3 Information and correspondence about an individual's private or business affairs will normally be confidential.

9.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.

9.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.

9.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

10. Provision of Support Services to Members

10.1 The only basis on which the Council can lawfully provide support services (e.g. laptop, tablet, mobile phone, stationery, word processing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

10.2 Correspondence

Official letters on behalf of the Council should normally be sent in the name of the appropriate Employee, rather than the name of a Member. On occasion, it may be appropriate for a 'joint' letter to be sent from a Senior Officer and Elected Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member unless that Member holds a senior position and has delegated authority to do so.

10.3 Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Employees provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Strategic Director or Head of Service concerned or ask the Press Office to do so.

11. The Council's Role as Employer

11.1 In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

12. Political Activity

12.1 Those employees whose posts have been identified as "politically restricted" are not permitted to engage in any political activity. This applies at all times both during work hours and outside and not only during the pre-election period. The main activities prohibited to these officers are:-

- being a candidate for election to the House of Commons, the Welsh Parliament/Senedd Cymru, the Police and Crime Commissioner or a Local Authority;
- acting as an agent for a candidate for the election to one of the bodies above;
- being an officer of a political party or acting on behalf of a candidate for election to one of the bodies above;
- canvassing on behalf of a political party or on behalf of a candidate;
- speaking to the public or to a section of the public with the apparent intention of affecting support for a candidate or political party;
- publishing any written work which appears to be intended to affect public support for a candidate or political party; and
- engaging in active political debate with candidates or parties via social media. In this regard such restricted staff should also avoid "liking", "following" or "befriending" candidates or political parties on social media.

12.2 The Chief Executive, Strategic Directors or Heads of Service may properly be called upon to advise Group Leaders but will not be expected to attend group meetings. Support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Employees must not be involved in advising on matters of party business.

12.3 Any particular cases of difficulty or uncertainty in the advice to party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leaders.

12.4 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Strategic Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold.

12.5 Both Members and Employees are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Members and Employees. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

13. Sanctions

13.1 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

13.2 Complaints about any breach of this protocol by an Officer may be referred to the relevant Chief Officer, the Chief Executive or the Head of Law and Governance.

14. Conclusion

14.1 It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.

SECTION 22 – APPENDIX: MEMBER/OFFICER RELATIONS

1.1 This appendix must be read in conjunction with the Member/Officer Relations Protocol. It provides more information around the relationship, in general, and the distinct roles each have, in particular.

1.2 At the heart of the Member and Officer Codes of Conduct and the Protocol for Member/Officer Relations, is the importance of mutual respect. Member/Officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

1.3 Members and Officers all aim to put the people of Conwy at the heart of what they do. They are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the public, whereas Officers are accountable to the Council as a whole.

A Quick Guide to some of the distinct roles	
Members ⟷	**Officers**
Accountable to the electorate	Accountable to the Council
Community Leader for a ward	Serve the whole Council
Add a political dimension	Politically impartial
Set high level policy/strategy	Ensure operational delivery is effective
Involved in CE/Director/Head of Service appointments	Day to day staff resources management
Collectively set the policy and strategy framework for the Council	

1.4 The roles of Members and officers cannot however be divided into completely separate areas. The effective running of the Council requires an effective partnership and collaboration between Members and Officers. Further to the description above, the following diagram outlines the differences and the overlaps:

1.5 A useful table to consider, in relation to expectations, is as follows:

What all Members can expect from Officers	**What all Officers can expect from Members**
A commitment to the authority as a whole, not to an individual political group	Political leadership and direction
A working partnership	A working partnership
A timely response to enquiries and complaints	Compliance with ethical standards and probity requirements
Professional advice not influenced by political views or preference	Non-involvement in the day to day management
Respect, integrity, mutual support and appropriate confidentiality	Respect, dignity and integrity, but no special consideration

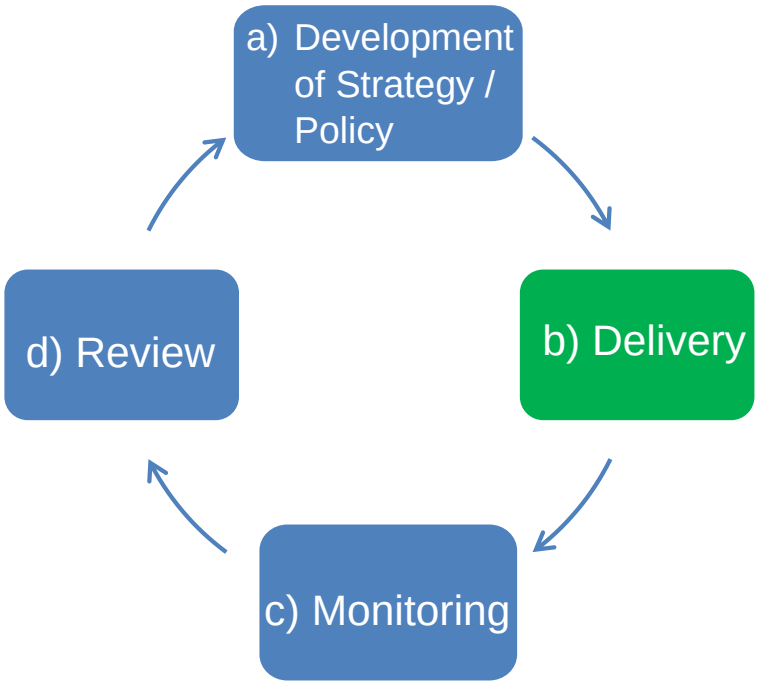
1.6 Both Member and Officers play an important role in the development of policy/strategy which can be summarised into four key areas:

a) The development of the policy/strategy

b) Delivery of the policy/strategy

c) Monitoring of the policy/strategy

d) Review of the policy/strategy linking to the revision of it (and back to the beginning of the cycle)



1.7 Within this model, 3 of the 4 activities are led by **Elected Members:** -

a) Development;
c) Monitoring
d) Review

One of the four domains is identified as activity led by **Officers**

b) Delivery

1.8 It is accepted that Officers support Members in the provision of information, data and advice in relation to the 3 processes of **development; monitoring and review**, and that Officers keep Members briefed on any key issues in relation to the **delivery** of strategy and policy.

1.9 It is the Cabinet that lead on many areas of strategy/policy development, monitoring and review, but other Members across all parties have a significant role to play.

1.10 Overview and Scrutiny Committee Members play a key role in policy development and review. Equally, there is a clear role for ward Members in liaison with communities to raise awareness of strategy and policy, and to feed back from a grass-roots level on proposals for development or review.

SECTION 23 – WHISTLEBLOWING POLICY

Contents

1. What is Whistleblowing?
2. Aims of the Policy
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4. Who can raise a concern under the policy?
5. Safeguarding – Duty to Report an Adult at Risk or a Child at Risk
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7. How to Raise a Concern
8. How the Council will respond
9. Training
10. Review of the Policy

Whistleblowing Referral Form

1. What is Whistleblowing?

1.1. In this policy “Whistleblowing” means the reporting of suspected misconduct, illegal acts or failure to act within the Council. The aim of this Policy is to encourage employees and others (see paragraph 4) who have serious concerns about any aspect of the Council’s work to come forward and disclose them.

1.2. Employees are often the first to realise that there may be something seriously wrong within the Council. Whistleblowing is viewed by the Council as a positive act that can make a positive contribution to the Council’s commitment to sustaining the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others (see paragraph 4) with serious concerns about any aspect of the Council's work to come forward and voice those concerns. Whilst this Policy largely focuses on our employees/workers and elected members, members of the public who wish to raise concerns should contact the officers named in paragraphs 7.3 and 7.4 below.

1.3. If you are considering raising a concern you should read this Policy first. It explains:

- The type of issues that can be raised.
- How the person raising a concern will be protected from victimisation and harassment.
- How to raise a concern.
- What the Council will do.

2. Aims of the Policy

2.1. The Policy is designed to ensure that you can raise your concerns about wrongdoing or malpractice within the Council without fear of victimisation, subsequent discrimination, disadvantage or dismissal, if you are an employee or “worker”. “Worker” in this context includes not only those who are directly employed by the Council but also other individuals such as agency workers and casual staff. Anyone who works for the organisation under any type of contract will fall within the scope of the protection.

2.2. It is also intended to encourage and enable you to raise serious concerns within the Council rather than ignoring a problem or “blowing the whistle” outside.

2.3. The Policy aims to:

- Encourage you to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns of practice.
- Provide avenues for you to raise those concerns and receive feedback on any action taken.
- Reassure you that you will be protected from reprisals or victimisation for whistleblowing or making a qualifying disclosure.

3. Scope of the Policy

3.1. This Policy is intended to enable those who, in good faith, believe there may be wrong doing in the Council affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

3.2. There are existing procedures in place to enable you to lodge a grievance relating to your own employment contract.

3.3. Separate procedures exist for service users with concerns about services provided to them or other matters:
(https://www.conwy.gov.uk/en/Council/Forms/Form-Complaint.aspx),

and for complaints about the conduct and behaviour of councillors

https://www.conwy.gov.uk/en/Council/Contact-Us/Contact-the-Council/How-to-make-a-complaint.aspx

3.4. The law provides protection for workers who raise legitimate concerns about specified matters. These are called “qualifying disclosures”. “Qualifying disclosures” are disclosures of information where the employee/worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence
- A breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- An act causing damage to the environment
- Concealment of any of the above

(ACAS: Whistleblowing-Public Interest Disclosure)

4. Who can raise a concern under the policy

The Policy applies to all:

- Employees*.
- Workers i.e. agency staff and casual workers.
- Employees of contractors engaged in work for the Council.
- Employees of suppliers.
- Those providing services under a contract or other agreement with the

Council e.g. a consultant or provider of an Occupational Health/Physiotherapy service.

- Employees of other organisations working with CCBC staff in joint teams and other forms of partnership working e.g. health, third sector and youth justice.
- Volunteers.
- Members of the public, who should report concerns directly to the three senior officers named in paragraphs 7.3 and 7.4 below.
- Elected Members.

* This policy applies to all employees of Conwy County Borough Council **other than** those in educational establishments, who have separate Whistleblowing Policy arrangements. If you are employed in, working with, or assisting Conwy County Borough Council schools please refer to your school's arrangements.

5. Safeguarding – Duty to Report an Adult at Risk or a Child at Risk

Safeguarding is about protecting children and adults from abuse or neglect, and educating those around them to recognise the signs and dangers.

Safeguarding is everyone's business. Employees/workers in each department in the Council need to recognise and act when they identify children and adults at risk. It is a legal duty to report an Adult at Risk and a Child at Risk under the Social Services and Wellbeing Act 2014. For further information regarding your responsibilities around Safeguarding, please refer to the Corporate Safeguarding Policy - http://intranet.corp.conwy.gov.uk/upload/public/attachments/689/Corporate_safeguarding_policy_April_2017.pdf or refer to your Designated Safeguarding Lead in your department if appropriate.

6. Safeguards: Protecting the Whistleblower

6.1. Your Legal Rights

This Policy has been written to take account of the Public Interest Disclosure Act1998 (PIDA) and the requirements of ss.17 to 20 of the Enterprise and Regulatory Reform Act 2013.

The PIDA makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.
Rarely, a case may arise where it is the employee/worker that has participated in the action causing concern. In such a case it is in the employee/worker's interest to come forward as soon as possible. The Council cannot promise not to act against such an employee/worker, but the fact that they came forward may be taken into account.

6.2. Harassment or Victimisation

The decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice.

The Public Interest Disclosure Act, 1998 will protect you from any reprisals, so long as you meet the rules set out in the Act. The Enterprise and Regulatory Reform Act 2013 made it a requirement that the employee/worker must have a reasonable belief that the disclosure is in the public interest. In brief, to obtain that protection, employees/workers must act reasonably and responsibly.

You must:

- Believe it to be substantially true
- Not act maliciously or make false allegations and
- Not seek any personal gains

The Council will not tolerate harassment or victimisation of a whistleblower and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence.

6.3. Anonymous Allegations and Confidentiality

You are encouraged to put your name to your allegation. Concerns expressed anonymously are much more difficult to investigate. This Policy is not ideally suited to concerns raised anonymously, (it would be helpful to understand your reason(s) for remaining anonymous, should that be your choice), however, they will be considered at the discretion of the Council.

In exercising that discretion, the factors to be taken into account would include:-

- The seriousness of the issues raised
- The likelihood of being able to confirm the allegation from other sources
- The credibility of the concern.

Every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this you will be offered advice and support from senior management. Your concerns will be taken seriously and the Council will do all it reasonably can to help you throughout the investigation and for a period after its conclusion.

Note

For those who are not Council employees**/**workers we will endeavor to provide appropriate advice and support where possible.

6.4. Untrue Allegations

If you are an employee of the Council and you make a protected disclosure in good faith, reasonably believing it to be true, but it is not confirmed by the investigation, the Council will recognise your concern and no action will be taken against you. If, however, you make an allegation(s) that is malicious, vexatious, frivolous or for personal gain, disciplinary action may be taken against you.

If you are a casual worker your engagement may be terminated, and if an agency worker your agency will be notified and your assignment to the Council may be ended.

7. How to Raise a Concern

7.1. This will depend on the seriousness and sensitivity of the issues involved and who is suspected of wrongdoing.

The officers and postholders specified below are responsible for responses to whistleblowing concerns and the overall effectiveness of the Policy.

7.2. As a first step, you should normally raise concerns with the Director or Head of Service responsible for your service.

7.3. If however you feel that you do not wish to raise you concerns with your Director/Head of Service, then you are encouraged to contact the Council's Monitoring Officer, Head of Law & Governance, Matt Georgiou on 01492 576075 or email matthew.georgiou1@conwy.gov.uk (or in his absence the Deputy Monitoring Officer: Ceri Williams ceri.williams@conwy.nwalescls.com

7.4. If your concern relates to financial irregularities the matter will be reported to the Strategic Director (Finance & Resources)/Section 151 Officer, Amanda Hughes email amanda.hughes2@conwy.gov.uk and the Head of Audit and Procurement, Sioned Parry email sioned.parry@conwy.gov.uk

7.5. Concerns are better raised in writing. You are invited to set out a background and history of the concerns, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation and why you believe them to be true. If you do not feel able to put your concerns in writing, you can telephone or meet the appropriate officer. Alternatively you can ask your trade union or professional association to raise a matter on your behalf.

7.6. The nearer to the event/incident you express the concern, the easier it is to action.

7.7. Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient genuine grounds for your concern.

8. How the Council will respond

8.1. The Council will respond to your concerns as quickly as practicable. Do not forget that testing your concerns is not the same as either accepting or rejecting them.

8.2. The overriding principle for the Council will be the public interest. In order to be fair to all employees and the Council, including those who may be wrongly or mistakenly accused, initial enquires will be made to decide whether an investigation is appropriate and, if so, what form it should take.

8.3. The investigation may need to be carried out under terms of strictest confidentiality i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. In certain cases, however, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.

8.4. Where appropriate the matters raised may:-

- be investigated internally by management, internal audit, or thorough the disciplinary, capability or grievance processes.
- be referred to the Police
- be referred to the external Auditor
- be referred and put through established child protection/safeguarding procedures.
- form the subject of an independent inquiry

8.5. The senior officers referred to in paragraphs 7.2, 7.3 and 7.4 above will make the decision.

8.6. Some concerns may be resolved by agreed action without the need for investigation.

8.7. Within ten working days of a concern being received, the officer who is dealing with the matter will write to you:-

- acknowledging that your concern has been received
- indicating how they propose to deal with the matter and if no investigation is to take place, why not
- giving an estimate of how long it will take to provide a final response
- supplying you with information on employee support mechanisms

8.8. The amount of contact between you and the officer(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood. Any meeting can be arranged away from your workplace, if you wish, and a trade union representative or a friend may accompany you in support.

8.9. The Council will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive appropriate advice and support.

8.10. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, the Council will tell you of the outcome of the investigation.

8.11. If you are not satisfied with the Council's response and wish to take the matter

further, you are advised to contact the Wales Audit Office at the following address:-

PIDA Officer
The Auditor General for Wales
1 Capital Quarter
Tyndall Street
Cardiff
CF10 4BZ

E-mail : whistleblowing@audit.wales Tel. 02920 320 522

If your information is about fraud or corruption and you do not feel able to talk to anyone within Conwy County Borough Council, you may contact the Audit Commission, Tel. 0845 052 2646.

Alternatively you may contact the charity Public Concern at Work, Tel. 020 7404 6609 for advice on any aspect of whistleblowing.

9. Training

An online training module on Whistleblowing is provided by the Council. Members of staff can access the Whistleblowing e-Learning module via our CCBC e-Learning portal, Guidance on how to access can be found on the Intranet under Staff Training.

10. Review of the Policy

This policy will be reviewed jointly with the Trade Unions 4 years after implementation. Minor amendments will be delegated to the Monitoring Officer and/or Head of People and Performance e.g. terminology, title descriptions, or legal changes, that have to be implemented.

SECTION 23: APPENDIX A - WHISTLELOWING REFERRAL

To be filled in by officer receiving complaint
(normally Head of Service or Strategic Director)

Date of report	
Service	
Name of officer taking complaint	
Name of person making complaint (anonymised if need be but see policy)	
Nature of whistleblowing complaint (include as much detail as possible including dates and times, names, location and witnesses and attach any emails or letters received)	
Was the matter resolved at service level	
If so, what action was taken	

Signed ……Head of Service

Date ……..

Please scan and send a copy of this completed form to

1. The Monitoring Officer (matthew.georgiou1@conwy.gov.uk) and
2. The Head of Audit and Procurement (sioned.parry@conwy.gov.uk)
3. The Strategic Director (Finance & Resources) (amanda.hughes2@conwy.gov.uk)

SECTION 24

24.1 Petition Scheme

1. Overview

1.1 Creating or taking part in a petition is one way, individuals, community groups and organisations can get involved in what the Council does. It allows people to raise issues of concern, giving Councillors the opportunity to consider the need for change.

1.2 Before submitting a petition, you should first check with your local Councillor to see if the Council is already acting on your concerns and that the Council is the most appropriate body to receive your petition.

2. Who can raise a petition?

2.1 Anyone who lives, works, owns a business or studies in the County Borough of Conwy can sign or submit a petition, including those under the age of 18. Anyone who lives in the area of a neighbouring Council may also sign or submit a petition IF they could reasonably be expected to be affected by the subject matter of the petition. Petitions may be submitted on paper or electronically using an online petition system which meets the requirements of a valid petition, or a combination of the two.

3. Consideration of a Petition

3.1 Depending on the subject matter and advice from the Council's Monitoring Officer, and in consultation with the Chair of the relevant committee, the petition can be presented at a meeting of the Council, the Cabinet, an Overview and Scrutiny Committee or Local Area Forum.

3.2 The Monitoring Officer will consider the petitions submitted and determine if the petition is admissible based on the criteria for a valid petition (section 4 below).

3.3 Local Members will be notified of petitions relevant to their wards, or if the lead petitioner is from their ward.

4. Requirements of a Valid Petition.

Lead Petitioner

4.1 All petitions require a lead petitioner to be identified who will act as the contact point for the petition. The following are the requirements necessary for a lead petitioner:

- The name of the lead petitioner, may be an individual who lives, works or studies within Conwy County Borough Council's area of responsibility or an organisation based in the Conwy area.

- The lead petitioner will be required to provide the Council with basic personal information so that we can contact you.

The Petition

4.2 The Council will consider all petitions with more than 100 signatories that fall within the scope of this Scheme, but will use its discretion where there are fewer than 100 signatories in cases where this is clear local support for action (for example, where the residents of a small community have petitioned for traffic calming measures). The Chair of the relevant committee will consult with the appropriate Cabinet Member before exercising this discretion.

4.3 Petitions can be submitted to the Council or one of its committees either on paper or **electronically**, with the general requirements of the Scheme applying to both paper and e-petitions. The petition must have:

- A title;

- A short statement, covering the subject of the petition, explicitly setting out what action you would like the Council to take, for example 'We call on Conwy County Borough Council to …'. The petition will be returned if it is unclear;

- Any information, which you feel is relevant to the petition and reasons why you consider the action requested to be necessary. You may include links to other relevant websites on an e-petition;

- Provide the names and postal addresses of those signing the petition, including postcodes.

4.4 If you submit an e-petition:

- A date for when you would like your e-petition to go live on the website. It may take Democratic Services up to 5 days to check your e-petition request and discuss any issues with you, so please ensure that you submit the request in sufficient time.
- A date for when your e-petition will stop collecting signatures. In order to achieve the maximum impact, you may want to set this date so that the e-petition will be submitted before a date on which a debate is to be held or a decision taken on the issue. We will host your e-petition for up to four months but would expect most to be shorter in length than this.
- Your name - as lead petitioner, your name will be displayed with your e-petition on the website.
- When an e-petition reaches its closing date, you will no longer be able to sign it online. The list of signatories will be collated by Democratic Services and the lead petitioner will be contacted regarding the submission of the completed e-petition.

4.5 A suggested petition template is shown at Appendix A.

4.6 Petitions may be rejected if the Council's Monitoring Officer considers that it:

- contains intemperate, inflammatory, abusive or provocative language
- is defamatory, frivolous, vexatious, discriminatory or otherwise offensive, or contains false statements
- discloses confidential or exempt information, including information protected by a court order or government department
- discloses material, which is otherwise commercially sensitive
- names individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies, or makes criminal accusations
- contains advertising statements
- relates to the Council's planning or licensing functions as there are separate statutory processes in place for dealing with these matters

4.7 Petitions that are not admissible under this Scheme:

- Petitions relating to an issue that the Council does not have any power or duty or shared delivery responsibility.
- Petitions submitted in response to a formal public consultation exercise or statutory consultation as there are separate processes in place for dealing with these matters.
- Statutory petitions, or petitions relating to Local Authority Referendums which fall under the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001, for which separate arrangements apply.
- Petitions asking the Council to adjudicate, arbitrate or mediate personal or staffing issues or commercial interests where this is the role of a court or tribunal.
- Petitions on matters that are subject to legal proceedings in the courts.
- Petitions on matters that are already subject to determination by an Ombudsman (or person with similar powers).
- Petitions that are essentially freedom of information (FOI) requests, comments, compliments or complaints, which will be passed to the appropriate department for a suitable response.

- Petitions, which raise issues of possible councillor or local government employee misconduct will be taken as complaints arising under the Local Government Act 2000 and will be reported to the Monitoring Officer rather than considered under this petition scheme.

- When a petition has been presented to Council or a Committee no further petition on a similar topic and seeking a similar outcome shall be considered within six months of the Council meeting at which the petition was first considered or the petitioner heard.

Petition Signatories

4.8 An appropriate signatory is an individual who lives, works, owns a business or studies in Conwy County Borough; or who lives in the area of a neighbouring Council and could reasonably be expected to be affected by the subject matter of the petition.

4.9 An individual can only sign a petition once. People must not sign both an online and a paper petition, and duplications may be removed if it is found that a petitioner has signed twice.

4.10 An individual who signs a petition will be required to provide us with basic personal information including name, address; those who sign a paper petition, should also include a signature.

4.11 If an individual signs an e-petition they will be required to provide us with basic personal information, including an e-mail address, to enable us to verify the 'signatures' collected are genuine. When they have submitted this information they will be sent an e-mail to the e-mail address provided. This e-mail will include a link to confirm the e-mail address is valid. Once this step is complete, the 'signature' will be added to the e-petition. The individual's name (but no other details) will be published on the e-petition website.

5. Submitting a Petition

Where to submit a petition

5.1. Paper or electronic petitions are to be submitted to:

- An Elected Member of Conwy County Borough Council for presentation to Council or committee; or

- To Democratic Services , Conwy County Borough Council, PO Box 1, Conwy, LL30 9GN; or

- Electronically to: committees@conwy.gov.uk

How and by when the council will acknowledge receipt of a petition

5.2 Receipt or notification of a paper petition or submission of an electronic petition submitted to Democratic Services will be acknowledged within 5 working days provided that the contact details of the lead petitioner are provided at the same time.

Confirming a Valid Petition

5.4 Initial checks to confirm that a submitted petition meets the requirements of the Scheme will be undertaken by Democratic Services Officers for all petitions.

5.5 If a number of petitions are received on a similar topic with similar desired outcomes, only one lead petitioner will be able to present their petition. The lead petitioner for each petition will be notified by Democratic Services and requested to liaise with each other to consider options to amalgamate petitions and determine which lead petitioner will present the petition. If agreement is not reached, the petitioner with the largest number of signatures will have the right to present the petition.

5.5 Any concerns regarding the validity of the petition will be raised initially with the Head of Democratic Services, who will consult with the Monitoring Officer before determining the validity of any petition.

5.6 If we decide that a petition is not acceptable then we will let the lead petitioner know our reasons.

6. The steps the Council may take in response to a petition received by it.

6.1 In accordance with the rules of procedure:

- At a meeting of the Council, the Executive (Cabinet) or an Overview and Scrutiny Committee, any member of the Council may present a petition, signed by persons other than members of the Council, which is relevant to some matter in relation to which the Council have functions, or which affects the area of the Council, or part of it, or the inhabitants of that area, or some of them. The member presenting the petition shall satisfy him/herself that the petition is proper to be received.

- A member wishing to present a petition shall give notice of his/her intention to do so to the Proper Officer before the beginning of the meeting at which he wishes to present it.

- The presentation of a petition shall be limited to not more than five minutes, and shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.

- Petitions shall be presented in the order in which notice of them is received by the Proper Officer.

- In addition to provisions in sub-paragraphs (1 to 4) above, petitions (including e-petitions) may be presented by members of the public in accordance with the provisions of the Overview and Scrutiny Public Engagement Protocol – Petitions (including e-Petitions) in Section 7 of the Constitution.

Exceptions

6.2 In the period immediately before an election or referendum, we may need to deal with your petition differently. If this is the case, we will explain the reasons and discuss any revised timescale which may apply.

7. Response to the Petition.

7.1 Following the meeting a response will be sent to the lead petitioner within 15 working days of the meeting and will be posted on the Council's website.

8. Alternatives to Petitions

8.1 After reading the Petition Scheme, an individual or organisation may consider that a petition is not the most appropriate avenue to achieve your desired outcome. Alternative options to enable members of the public to have their say include:

- Writing to the appropriate Cabinet Member or Senior Officer
- Contacting your local Councillor
- Responding to a Consultation
- Use of the Overview and Scrutiny Public Engagement Protocol
- Contact the Council via Have your say
- If your petition relates to an issue, which is beyond the powers of the Council to address, it may be more appropriate to start an e-petition on the Senedd Cymru website.

APPENDIX A: SUGGESTED PAPER PETITION TEMPLATE – CONWY COUNTY BOROUGH COUNCIL

LEAD PETITIONER DETAILS:	
Name:	
Full Postal Address:	
Lead Petitioner's email address	
Lead Petitioner's Telephone Number (Optional)	

PETITION DETAILS:	
A clear, short statement covering the subject of the petition. The petition will be returned if it is unclear;	
Call for Conwy County Borough Council to take some specific action, for example: "*We call on Conwy Council to…"*	*We call on..*

Petition Signatories:			
Serial	**Name**	**Full Postal Address**	**Postcode**
1.			
2.			
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24.2 – Multi-Location Meeting Policy

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Review of Policy

Overview

Background

1. Arrangements were first made to progress “remote meetings” in the Local Government (Wales) Measure 2011, however this required at least 30% of the attendees to be in attendance in person and was rarely used. At the outset of the coronavirus pandemic in March 2020, the Welsh Government introduced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 which established a framework for Councils to convene remote meetings for all attendees throughout 2020 and part of 2021.

2. With the implementation of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) the Welsh Government has provided Councils the power and freedom to convene multi-location meetings which will enable greater accessibility and public participation in local government decision making.

Local Authority Meetings

3. In accordance with the 2021 Act this Multi-Location Meeting Policy will apply to all meetings of:

   a. The Council
   b. Cabinet
   c. Regulatory Committees
   d. Overview and Scrutiny
   e. Joint Committees
   f. A committee or sub-committee of b. – c. above.

4. Formal meetings of the Council or its committees are convened in accordance with the relevant legislative requirements for those meetings. These meetings are usually held to make formal decisions or recommendations and are often held in public. Notice of these meetings are published in advance on the Council’s website and includes information about the location, timing and business to be conducted. Previously these meetings would have been held with all participants being in physical attendance at a single venue.

Legal Requirements

5. Under the Local Government and Elections (Wales) Act 2021 ('the 2021 Act'), Part 3, Chapter 4, local authorities are required to:

   a. Broadcast full Council meetings (with effect from May 2022).

   b. Make and publish arrangements to ensure that all Council, Cabinet, Committee and Joint Committee meetings may be attended remotely (i.e. enabling persons who are not in the same place to attend the meeting) – also referred to as 'multi-location meetings'.

      - Meetings must be capable of being held virtually, but each authority must decide whether their meetings will be held fully virtually, partially virtually (where some participants are in the same physical location, whilst others join the meeting virtually, also referred to as 'hybrid meetings') or as physical meetings (although authorities may not mandate physical attendance at meetings).

      - Meeting participants must be able to speak to and hear each other; and for meetings which are required to be broadcast (i.e. full Council meetings), participants must also be able to see and be seen by each other.

      - These requirements took effect from May 2021, when the temporary provisions for remote attendance at meetings made under the Coronavirus Meeting Regulations 2020 ended.

   c. Publish all meeting documents on the Council's website, including notices, summonses, agendas, reports and background papers (with effect from May 2021).
      - A note of the meeting, including Members in attendance, any declarations of interest and decisions made, must be published within 7 working days of the meeting.

      - Notice of meetings is no longer required to be posted at the Council's offices. However, copies of agendas and reports must be made available for the public if meetings are held physically.

      - The Council is also required to make public access provision for members of the public who cannot access electronic documents, for example, by providing access to computers, copies of documents, or making documents available for inspection.

6. When considering arrangements for multi-location meetings, authorities must have regard to the statutory guidance issued by the Welsh Ministers.

7. Section 2 of the statutory guidance sets out a number of general principles to guide authorities when developing their meeting arrangements, namely, transparency, accessibility, good conduct, Welsh language, local needs and future generations. This sets the framework within which authorities must consider options and decide the meeting arrangements which best suit the authority and the communities it serves.

8. The guidance also confirms that the meeting arrangements should be reflected in the procedure rules set out in the Constitution.

Policy on Multi-Location Meetings

9. Alongside the legally mandated arrangements that authorities must make for multi-location meetings, the statutory guidance says that authorities should develop a wider policy setting out the detailed systems chosen by the authority for the operation of its multi-location meetings.

10. This policy is intended to clarify the arrangements of multi-location meetings for:

    a. Participants in meetings convened by the Council;
    b. Officers providing support to formal meetings;
    c. Officers with adjacent responsibilities – for example, those responsible for drafting and clearing reports, attending meetings to present reports to members and officers with supervisory responsibilities on governance matters;
    d. Anyone with an interest in the way in which the business of this authority is conducted.

What are Multi Location Meetings?

11. Multi-location meetings are meetings of the Council or its committees whose participants are not all in the same physical place. This may include:

    - all participants are in the same physical location except one individual who joins from another location, with a physical public gallery being provided;
    - a roughly equal number of members are present in one physical space compared with those joining through remote means;
    - all members are joining through remote means but nonetheless a physical public gallery has been made available in a Council venue;
    - a meeting taking place wholly through remote means where no physical meeting arrangements have been made.

12. Multi-location meetings offer this Council an opportunity to raise its profile in the community and to bring its work directly into people's homes. For participants in meetings there are other benefits associated with the flexibility of being able to attend remotely, particularly around balancing meeting attendance with other commitments and a reduction in travel requirements.

Participating at a Meeting

13. A “participant” of a multi-location meeting is defined in the statutory guidance as a person who takes an active part in that meeting. They might be an elected Member, an officer of the Council, a public speaker, an appellant or claimant on a regulatory matter, someone presenting a petition, or taking part formally in another way.

Observing a Meeting

14. An “observer” of a multi-location meeting is defined in the statutory guidance as a member of an audience, or otherwise spectating, a multi-location meeting. They might be in the same room that a meeting is taking place or they might be observing by remote means.

The Meeting Environment in Conwy

Physical Venue

15. At present, the Council Chamber at Bodlondeb, Conwy, is the only venue with the ability to fully support multi-location meetings (with livestreaming and translation capabilities).

The Technological Requirements

16. The delivery of multi-location meetings requires the provision of equipment and facilities to enable those involved to participate or observe meetings as identified below:

Control Systems

17. Any multi-location meeting will be facilitated by Democratic Services who will use the control systems to ensure that the full range of meeting facilities and functionality can be co-ordinated and integrated for all participants and observers to deliver effective meeting support. The control systems will provide and co-ordinate cameras, audio inputs and outputs, simultaneous translation, integration with the livestreaming system and to support participants and observers.

ICT equipment required

18. Physical Participants and Observers:
    - Microphones to enable other participants and observers to hear the meeting proceedings
    - Headsets to enable access to simultaneous translation facilities where required.
    - Appropriate cameras to show other participants and observers when the individual is speaking.
    - Display screens to enable those physically participating/ observing to see those attending remotely.
    - Audio enhancement and hard of hearing support without compromising the audio quality of the remote attendees.

19. Remote Participants:
    - A suitable laptop/tablet with camera and microphone facilities.

- A headset allowing participants to effectively communicate with other attendees (particularly those with hearing difficulties).
- Suitable access to the internet.
- Relevant software which is publicly available to support remote attendance at meetings.

20. Remote Observers:
    - A suitable ICT device with an audio output and ideally a visual display
    - Internet access to view the Council's webcasting website.

Determining the type of Meeting

21. The Welsh Government guidance identifies that the needs of local democracy, and the needs of the public in engaging with multi-location meetings, are a paramount consideration in deciding where and when meetings will be convened partially or wholly by remote means. The overriding intention of the 2021 Act is to help the public to be able to access and engage with local democratic systems. The convenience of participants and the efficient operation of relevant authorities themselves is important but the needs of the public are important and a balance has to be achieved with the physical and remote element of meetings when decisions are being made.

22. In addition to Council and Cabinet meetings the Council has a number of other committees and sub-committees which support it's statutory, regulatory and governance arrangements.

23. Physical meetings should not be seen as representing the "gold standard" with multi- location meetings being second best. Physical meetings may be convenient and effective for those who are digitally excluded or most familiar with and comfortable with how they work – but they may also be inaccessible and impractical to many.

Multi-Location Meetings

24. All meetings must be able to operate as multi-location meetings to ensure that participants, as defined above are able to attend remotely or observe the livestream. This includes meetings of the following:

    - Council
    - Cabinet (and Sub-Committees)
    - Planning Committee
    - General Licensing Committee (and Sub-Committees)
    - Statutory Licensing Committee
    - Governance & Audit Committee
    - Democratic Services Committee
    - Finance & Resources Overview & Scrutiny Committee
    - Economy & Place Overview & Scrutiny Committee

- Education Overview & Scrutiny Committee
- Social Care & Health Overview & Scrutiny Committee
- Standards Committee
- Conwy Harbour Advisory Committee

25. Experience has identified that some meetings may be better suited to having a higher level of physical attendance. These will primarily be around any appointment or appeals processes where additional flexibility is needed due to the sensitive nature of these meetings and how they could potentially impact the livelihoods of those participants other than the Council representatives in attendance. However, this does not preclude some or all participants attending these meetings remotely if they wish or if there are overriding reasons for doing so.

Remote Meetings

26. Joint Committees that are supported by the Local Authority and that have representatives from two or more other Local Authorities or other partner organisations will primarily be held as fully remote meetings to ensure maximum participation and reduce the need for travel. However, there may be a need at times to meet fully face to face, and this will be a matter for each joint committee to assess. These include:

    - Standing Advisory Council on Religious Education (SACRE)
    - Corporate Joint Consultative Committee
    - Corporate Joint Health, Safety and Health Promotion Committee

27. With appropriate facilities in other local authority venues, multi-location meetings may enable some participants to attend physically in venues in or near their own area whilst the remaining participants attend remotely.

28. Meetings that aren't formal committee meetings and aren't open to the general public will predominantly be held as fully remote meetings unless there are overriding reasons for operating as a multi-location meeting. These include:
    - Task and Finish Groups
    - Working Groups
    - Liaison Groups
    - Local Area Forums
    - Member Development and Information Forum

    Note: These meetings are not broadcast and there is no simultaneous translation provision. As such, there is more flexibility with the meeting venue and remote meeting software to be used.

Use of Cameras

29. The Law requires participants of meetings that are broadcast to be able to "speak to and be heard by each other" and "to see and be seen by each other". Committee Members are required to ensure that their cameras remain on throughout debates and during voting in order to maintain the integrity of the decision-making process and to reduce the opportunity for legal challenge of any decision.

30. There are occasions when a remote participant may need to disable their camera to stabilise their connection to the meeting due to internet issues. If a Member needs to leave the meeting temporarily they should make sure their video is off and post a message using the chat function (e.g. "I need to leave for 5 minutes" and "I'm back"). This emulates the situation within the Council Chamber when the Democratic Services Officer notes this type of activity.

Establishing the Calendar of Meetings

31. To provide clarity and transparency for participants and observers of council meetings a programme of meetings is developed and approved annually by Council which identifies when, where and how each of the Council's main committee meetings will be held. This is subject to change during the year for operational reasons, but always in consultation with the Chair, e.g. cancellation of a meeting if there are insufficient items on the agenda, or calling an additional 'special' meeting for items that need to be considered before the next scheduled meeting or to balance out the committee work programme. Additional meetings should only be convened in exceptional circumstances.
32. Officers scheduling other meetings (outside the formal programme of meetings) to which elected Members are invited should avoid scheduling meetings to be held simultaneously or immediately following another meeting.

The Survey of Meeting Timings

33. After each local election a survey will be circulated to all elected members to give the opportunity to provide views on the frequency, the most suitable day and time for each committee meeting to take place.
34. The feedback from the survey will be reflected in the Council's programme of meetings which is published on the Council's website.

Attendance at Meetings

Elected Member and Council Officer Participants

35. Invitations to meetings will be provided electronically using Microsoft Outlook. The invitation will include a link to further details of the meeting on the Council's Intranet site and will include links to enable participants to join remotely should they wish to do so.

36. All meetings must be quorate and if quorum is achieved the meeting will proceed, notwithstanding a Committee Member's or Members' failure to achieve a connection. If a Committee Member joins the meeting at a later time they must make themselves known immediately by using the chat

function within Zoom and comment and vote only on those complete agenda items remaining.

Remote Participants

37. Those participants considering attending the meeting remotely should also ensure that they have appropriate internet connectivity to join and maintain their attendance throughout the meeting. Members are able to make use of other Council facilities (e.g. Coed Pella or Glasdir) to ensure a stable internet connection but they should liaise with Democratic Services in advance to make sure a suitable space is available. Participants should also ensure that they have headphones and use of appropriate IT kit as mentioned above.

38. If connectivity is lost for any remote attendee during proceedings so that the quorum is not met, the Chair will require the meeting to be paused in order to allow re-establishment of connectivity if at all possible. If connectivity is lost for a number of Committee Members which is above the ordinary quorum level and it proves impossible to re-establish connection for a sufficient number of Members, the meeting will be adjourned to either to later in the day or a later date.

39. If remote attendees declare a personal and prejudicial interest in a particular item, in order to continue to comply with the Code of Conduct for Members, they will be removed from the meeting by the Democratic Services Officer and placed in the virtual 'waiting room' for the duration of the relevant item.

40. Elected Members and officers should have regard to the *'Best Practice' Guidance* that has been prepared to assist remote attendees.

Physical Attendance

41. It is up to each elected member whether or not they want to physically attend any meeting (subject to the guidance on the type of meeting taking place).

42. Officers are encouraged to attend in person, if possible.

43. If public health requirements are instituted at any particular time further guidance will be issued at that time. For example, if social distancing requirements are introduced which reduces the capacity for in person attendees this will be communicated as appropriate.

Attendance of other participants

44. Meetings are also attended by a range of participants other than committee members. These include external partners, stakeholders and members of the public speaking in accordance with the Council's agreed protocols.

45. Once the need for additional participants (as listed above) is identified by the service area or support officers, they will inform Democratic Services of the details and contact information of the participant. The external participants will be contacted by the Democratic Services Officer to confirm their attendance,

explain how they can join the meeting either as a physical or remote participant and the meeting procedures.

46. If the external participant is joining the meeting remotely an electronic meeting invitation similar to that of other participants will be sent. They will also be offered the opportunity of a test meeting to familiarise themselves with the technology and the arrangements that are in place.

47. All remote public speakers will be invited to join the meeting when they enter the 'waiting room' but must remain in mute mode and not speak unless invited by the Chair to do so. The Chair will invite each speaker to begin their presentation at the appropriate time. Speakers will 'leave' the meeting following the relevant agenda item.

    (Note: There is separate guidance available for members of the public speaking at a Planning Committee.)

Recording and broadcasting of meetings

48. All meetings open to the public will be recorded and livestreamed and made available for viewing after the meeting has concluded. Should the livestreaming fail the meeting will continue and a recording will be available through the Council's website following the conclusion of the meeting.

49. Notice is given (on the meeting agenda and signage in the Council Chamber) so that everyone attending the meeting is aware that they may be recorded and that by attending the meeting they are deemed to consent to this.

50. No person other than the Council shall be entitled to make a video or audio recording or transmission of a meeting of the Council or its Committees.

Record of Attendance

51. The attendance of each committee member, non-committee member and other participant(s) will be recorded by the Democratic Services Officer supporting the committee. This will be achieved by recording attendance on a sign in sheet or using the attendance record from the remote meeting software to confirm attendance at the meeting. These records will be combined and added into the minutes of the meeting before being published on the Council's website.

52. Committee Members are to inform the relevant Democratic Services Officer if they are unable to attend a meeting and their apologies will be recorded: at the meeting, in the minutes of the meeting and published on the Council's website.

Observing Meetings

Livestream of Meeting

53. The main purpose of livestreaming is to aid transparency, governance and accountability by giving members of the public, elected Members, officers and other interested parties the opportunity to observe meetings without having to attend in person and for the Council to have an audio and visual record of its decision making process.

54. The formal meetings of Council will be livestreamed and recorded for subsequent upload to the Council's webcasting website within 48 hours of the end of the meeting.

55. The recording does not replace the formal record of the meeting and the decisions taken, which are published on the Council website in the form of minutes and retained in hard copy in accordance with the Council's retention policy.

56. A Livestreaming Protocol is included as part of the Council's Constitution which serves to:
    - Ensure compliance with the Council's obligations under the Data Protection Act 2018 and the Human Rights Act 1998.
    - Specify the notifications to be given about livestreaming in agenda packs, for public speakers and observers and at the start of each meeting being streamed or recorded.
    - Ensure that appropriate signage is provided at physical meeting venues to make clear that recording is taking place.
    - Provide the Chair with the discretion to terminate or suspend the livestream in appropriate circumstances.
    - Safeguard that no exempt or confidential agenda items will be livestreamed.
    - Confirm the availability of recordings to be viewed on the Council's website and subsequently stored in accordance with the Council's records management procedures.
    - Provide for the removal of recordings or parts of recordings by the Monitoring Office, if necessary.

Physical Attendance of Observers at Multi-location Meetings

57. Observers will be able to attend the physical element of meetings from the public gallery in the Council Chamber at Bodlondeb, Conwy.

Physical attendance of observers for Remote Meetings

58. To enable those observers who do not have access to the internet to view fully remote meetings, they may request to attend a public viewing of that meeting. For viewing a fully remote meeting this will require a request to be submitted 2 clear working days prior to the remote meeting to enable arrangements to be made in a suitable location for the viewing.

Online Meeting Platforms

59. The Council currently uses Zoom as its primary remote meeting platform so it can effectively facilitate dual language meetings and offer a simultaneous translation services for in person and remote attendees. However other platforms may be utilised from time to time.

60. When attending remotely, Members must access the meeting individually. Elected Members are encouraged to use their Council laptop or iPad but there is nothing to prevent the use of personal devices.

61. Other participants are able to join meetings using links contained within the meeting invitation which is circulated to all participants.

Publication of Meeting Information

Public information

62. The production and publication of the programme of meetings, public agenda, reports, decision records and minutes are facilitated by the Council's committee administration software Civica-Modern.gov. Meeting participants are sent an email which includes links to the electronic agenda pack at least three clear working days prior to a meeting.

63. The software enables the Council to publish public information to its Welsh and English webpages for the public to view. The public are also able to subscribe to updates on the Meetings webpages and identify any specific meetings or topics which they have an interest in. Once registered, the Modern.gov system will automatically provide electronic updates when new information is published on the website.

64. The Modern.gov software creates a pdf version of the agenda pack thus providing a paperless facility which enables participants to annotate their meeting document during their preparation for a meeting (if saved to GoodReader). This reduces the need and cost attributed to the printing of these documents.

65. For those participants with an identified need or to provide ease of reading for more complex documents, hard copies can be provided with prior arrangement with the Democratic Support Officer as necessary.

Non-Public Information

66. The law provides that some information may not be made publicly available and this is known as exempt or confidential information. When this type of information is considered at a formal meeting the documents are published on the Council's intranet and are only available to those entitled to view them.

Consideration of exempt or confidential information at meetings

67. When exempt or confidential information is to be considered at a formal meeting, wherever possible, the agenda will schedule those items at the end of the meeting, so as to minimise any inconvenience to observers who will be required to leave the meeting at that point.

68. Agenda items which contain public information, and which are not fully exempt or confidential can be considered in a public environment. Should any participant wish to refer to the exempt or confidential information the Chair must be informed, and the meeting should exclude the press and public before continuing.

69. When an exempt or confidential item is planned to be considered the Chair will request that those not entitled to consider the exempt information leave the meeting. Those attending in person will be asked to leave the Council Chamber and those attending remotely will be removed from the virtual meeting (and placed in the virtual 'waiting room' if the meeting is to be re-opened to the public) by the Democratic Services Officer whilst the exempt information is considered.

70. The live link will cease before consideration of the exempt item commences and there may be a hiatus in proceedings to ensure that no recording is taking place.

71. When consideration of the exempt information has been completed, if there are further public items to be considered, all remote participants will be invited to re-join the public remote meeting and the recording and/or webcast will be resumed.

    The observers or participants attending the physical meeting will be invited to return into the meeting venue.

Access and Participation at meetings

Officer support at meetings

72. Primary support for multi-location meeting will be provided by Democratic Services Officers. This will include the:
    - "Organiser" who will circulate the meeting appointment which will include a link to enable participants to join remotely. The organiser will also monitor the remote participants and assist them to join or re-join the remote meeting.
    - "Clerk" who will support the meeting, facilitate any voting and take the minutes.
    - "Recording controller" will facilitate the live streaming of the meeting or the recording and subsequent upload of the meeting to the Council's webcasting webpage.

- For larger or more technical meetings an additional Democratic Services Officer will support the other Democratic Services Officers as necessary during the meeting.
- Additional support may be required from ICT Officers to ensure that the technology used during meetings operates effectively and that the meeting can be progressed as planned.

Meeting preparation

73. When attending remotely, Members and officers should have regard to the 'Best Practice' Guidance that has been prepared to assist remote attendees. At the very minimum remote participants should:
    - Know how to join the meeting in advance
    - Know how to adjust settings such as microphone sensitivity and volume levels
    - Know how to turn their camera on and off
    - Know how to mute/unmute equipment – this is very important

74. Prepare thoroughly. The Chair will assume that everyone has read any reports being considered and be looking for observations and focussed debate.

75. Remember that meetings are being recorded and that all participants should be aware of their demeanour and surroundings.

76. Report any technical issues that prevent being seen or heard to Democratic Services and IT as soon as possible.

77. Members are reminded that should adhere to the Members Code of Conduct at all times.

Voting at Meetings

78. The voting rule are set out in the relevant procedure rules in the Council's Constitution and, unless a ballot or recorded vote is demanded, the vote will be taken by show of hands or electronic voting (once this is technically possible) or if there is no dissent, by the affirmation of the meeting.

79. If there is any doubt relating to a show of hands the Chair may request a roll-call. This requires the Clerk to ask each participant individually if they are for or against the recommendation or if they wish to abstain from the vote. If a participant cannot be contacted to provide their vote, the clerk will continue with the roll-call vote and return to those participants who have not responded after an attempt to contact all participants has been made. If the participant cannot be contacted after a second attempt to provide their vote and there is a quorum in attendance at the meeting the participant shall be recorded as not in attendance.

80. Responses are recorded and when all of the participants in attendance have indicated their vote, the Clerk will then collate the responses and inform the Chair of the outcome of the vote.

81. The Chair will announce the outcome of the vote to the meeting.

Chairing meetings

82. Chairing a multi-location meeting is very different to chairing a face-to-face meeting and the Chair will be supported to carry out their role effectively. The role of the Chair is particularly challenging at a physical meeting with some participants joining remotely. The "balance" between individuals in a room, and those joining by remote means, will have a significant effect on how business will be transacted.

83. Chairs have a particular responsibility to prepare for a multi-location meeting, in a more planned and directed way than might be necessary for a physical meeting.

84. At the start of the meeting the Chair will ensure that the system allows everyone to participate. The Chair will also:
    - Introduce themselves and explain who the Committee Members are to ensure that those watching or listening to a broadcast are aware who is who.
    - Provide a reminder of the meeting arrangements (including technical issues) particularly relating to conduct and behaviour.

85. Given the nature of multi-location meetings, the Chair will use their absolute discretion as to the order in which Members are given the opportunity to contribute to the debate on a specific item. The Chair will ensure every member has the opportunity to participate in the meeting.

86. The Chair must allow officers to speak if they indicate that they wish to do so.

Chat Function use by Remote Participants

87. The chat function cannot be seen by those present in the Council Chamber and will only be monitored by the Democratic Support Officer to keep track of those remote attendees that need to temporarily excuse themselves from the meeting and when they return.

88. The chat function should be used for meeting purposes only. Members should note that the chat may appear on the livestream.

Review of Policy

89. This policy will be reviewed on an as required basis.

24.3 - PROTOCOL FOR WEBCASTING OF COUNCIL AND OTHER COMMITTEE MEETINGS

Introduction

The Council has agreed that certain Council and Committee meetings will be transmitted live on the Council's website (webcasting). The Council has fixed cameras located within the Council Chamber at Bodlondeb, Conwy for this purpose.

The main purpose of webcasting is to aid transparency, governance and accountability by giving members of the public, elected Members, officers and other interested parties the opportunity to view meetings without having to attend in person and for the Council to have an official audio and visual record of its decision making process.

Webcasting does not replace the formal record of the meeting and the decisions taken, which are published on the Council website in the form of minutes and retained in hard copy in accordance with the Council's retention policy.

This protocol governs the conduct of Council and Committee meetings which are the subject of webcasting and aims to ensure that the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

Accordingly the following principles will apply to all meetings which are to be webcast by the Council:

Notification of Webcasting

Agenda Packs

Included with each Council and Committee agenda notification the following notice will be attached for meetings that are being webcast:

WEBCASTING This meeting will be filmed for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months. A copy of it will also be retained in accordance with the Council's data retention policy.
If you make representation at the meeting you will be deemed to have consented to being filmed. By entering the Council Chamber you are also consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area. If you have any queries regarding webcasting of meetings, please contact Democratic Services on…

Public Speakers

In any correspondence notifying public speakers of the meeting date at which permission to speak has been granted, the following advice will be included if the particular meeting is to be webcast:

Please note that this meeting will be filmed for live and/or subsequent broadcast on the Council's website. If you do not wish to be filmed/recorded, please contact the Democratic Services Team to discuss your concerns.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people.

Signage at meetings

The following signage will be displayed inside and outside of the meeting room:
WEBCASTING PLEASE NOTE THAT CONWY COUNTY BOROUGH COUNCIL WILL BROADCAST THIS MEETING LIVE ON ITS WEBSITE AND THE RECORD WILL BE ARCHIVED FOR FUTURE VIEWING.

AS YOUR IMAGE MAY BE INCLUDED IN THE BROADCAST, BY ENTERING THE COUNCIL CHAMBER YOU ARE CONSENTING TO BE FILMED AND TO THE POSSIBLE USE OF THOSE IMAGES AND ANY SOUND RECORDINGS

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 webcast.

The Chair of the meeting shall have the discretion to terminate or suspend the webcast if:

(i) The meeting is suspended;
(ii) A resolution is lawfully passed to exclude the press and public from the meeting;
(iii) There is a public disturbance;
(iv) Webcasting may lead to a potential infringement of the rights of any person or other breach of law, subject to legal advice; or
(v) The Chair considers that continuing to webcast would prejudice the proceedings of the meeting, subject to agreement by the majority of Members attending the meeting.

No exempt or confidential agenda items shall be webcast. The Democratic Services Officer for the meeting will ensure that webcasting of the meeting has ceased and will confirm this to the Chair of the meeting before any discussion of exempt or confidential matters is commenced.

All archived webcasts will be available to view on the Council's website for a minimum period of six months and thereafter will be stored in accordance with the Council's records management procedures.

Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

If the Monitoring Officer has decided to take such action they must notify all Elected Members in writing as soon as possible of the decision and the reasons for such a decision. It is anticipated, however, that meetings will be conducted lawfully and that the need to exercise this power will occur only on an exceptional basis.

The actual webcasts and archived material, and copyright therein, remain the property of the Council, and the right to copy, issue, rent, perform, communicate or adapt any of the webcast or archived material is restricted as follows:

(i) Subject to (ii) and (iii) below, any person may copy and use webcast material or part thereof provided that the facility is not used in a way that otherwise breaks the law and that the whole agenda item is displayed.
(ii) The use of any webcast involving the alteration or editing of the material which results in changing the message or context is not permitted without the prior written approval of the Monitoring Officer.
(iii) The use of any webcast for commercial purposes involving re-use of the material is not permitted, unless the prior written approval of the Monitoring Officer is obtained.

Any Elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.

If a technical fault develops, the Chair may agree a short adjournment to see if the problem can be resolved. If after adjourning the problem still persists, the meeting should continue irrespective of it not being transmitted live.

Other Filming and Recording of meetings
This protocol does not affect existing provisions in the Council's Constitution regarding the recording of meetings which states that no person other than the Council shall be entitled to make a video or audio recording or transmission of a meeting of the Council or its Committees.

Amendment of this Protocol
The Head of Law and Governance, in consultation with the relevant Cabinet Member, shall be authorised to make any minor amendments to this Protocol to ensure it is kept up to date and fit for purpose.

24.4 - REMOTE ATTENDANCE AT MEETINGS BEST PRACTICE FOR CONWY COUNTY BOROUGH COUNCILLORS AND OFFICERS

Introduction

This guidance aims to support Members and Officers with remote attendance in meetings (whether that is a fully remote meeting of a multi-location meeting).

The majority of the Council's democratic meetings will be live streamed and will also be available for subsequent viewing on-line. If the live streaming fails the meeting will continue and a recording will be uploaded to the Council's website at the conclusion of the meeting. Therefore, it is important that Members and Officers present themselves professionally throughout the meeting.

Preparation – Virtual Attendance

1. Know how to join the meeting. You can join from a laptop or an iPad if you have downloaded the Zoom App from the App Store. You will get a better experience if you join through the App and not the browser. If you have to join by phone it is better to note down the phone number to call, Meeting ID and Passcode on a piece of paper so you have the information ready when prompted to join.
2. The Outlook calendar invitation will provide a link with all the other information required to join any formal democratic meeting, such as the Meeting ID and passcode – in the interest of security, please do not share this passcode. Make sure you have access to this information.
3. Know what to do if your equipment fails, have a phone number to hand to call in case of technical difficulties (included in the calendar invite).
4. Working from home through Netscaler can slow the connection down. You can disconnect from Netscaler if it is causing issues – particularly if you want to use audio, video and present your screen.
5. If you do disconnect from Netscaler make sure you have the meeting details to hand and any documents you want to present are available from your desktop. Or, send your presentation to Democratic Services in advance of the meeting, giving them sufficient time to prepare.
6. Fully charge your equipment, long meetings can take a lot of battery, or make sure you're connected to a power source.
7. Locate yourself in a comfortable place as some meetings may take some time.
8. Keep your device still and on a flat surface.
9. Make sure that you are in the centre of the screen by positioning your device or camera appropriately and look into the camera. Aim for a head and shoulders shot similar to a passport photo.
10. Consider your personal appearance, you'll be visible throughout the meeting.
11. Consider the background, either use the corporate background (with Council logo) or aim for a plain wall backdrop as your bookshelves or notice board may be distracting for other meeting participants. You may have confidential or inappropriate information on the wall behind you. Is there enough light for people to see you? Is the sun or artificial lighting 'bleaching' out your face? Some applications provide you with an option to blur the background, so no detail is shown.

12. Ask anyone in your immediate vicinity to stay out of shot.
13. Minimise any noise around you that could be picked up on your mic and turn off any noisy gadgets, e.g. mobile phone on silent, set Teams to 'do not disturb', etc.
14. Have everything to hand, e.g. glass of water, agenda, glasses, pen, paper. If you need to leave the meeting momentarily make sure you turn your video off.
15. Remember that you should be the only person able to hear any confidential and exempt items being discussed.
16. Remember that meetings, if not live, may be made available to the public, so it is important to conduct yourself as you would in any public meeting.
17. Prepare thoroughly for the meeting, reading reports in advance and preparing any questions in advance so they are focused on the subject matter. Avoid repetition where possible. Focus on the business under discussion. Make sure your contributions are necessary and helpful for securing the outcomes required.
18. Make sure you can view your papers easily. You can view papers by using two devices (laptop and iPad), connecting an additional screen, or splitting your screen, whichever is more comfortable for you.

During the Meeting

19. Meetings will be set-up with a Waiting Room. Committee Members and Officers should enter the Waiting Room **at least 15 minutes prior** to the start of the meeting. If everyone waits until the last minute this can create a queue, not enable enough time to sort out any technical / connectivity issues, check Translation, all of which may result in you missing the start of the meeting. You can join the meeting in plenty of time and switch off your audio and video until the meeting starts.
20. All participants will be invited to join the meeting as soon as the host (the Democratic Services Officer) is able to do so.
21. Committee Members will be identified as such, to make it easier to distinguish between Committee Members and Non-Committee Members.
22. All participants will be muted with video switched off on arrival to the meeting. A test will be carried out for each participant, prior to re-muting for the commencement of the meeting.
23. All microphones should remain muted until the participant is invited to speak by the Chair.
24. Committee Members will be invited to open video participation. Committee Members are required to keep their cameras on throughout debates and during voting in order to maintain the integrity of the decision-making process.
25. To assist the Chair (by minimising the number of videos open on screen) with the exception of the Senior Leadership Team, Officers are asked to keep their video off until they are invited to participate by the Chair.
26. The Democratic Services Officer will turn off an individual video if deemed necessary. For example, if a participant has to leave the meeting momentarily their camera should be turned off; cameras can be turned back on by the participant when they are able to re-join the meeting.

27. If a Committee Member does have to leave the meeting for any reason they should use the chat facility to inform the Democratic Services Officer when they are leaving and when they return to the meeting.
28. If translation is available participants must select their language of choice. Select 'English' if translation is required. Participants must select 'Cymraeg' if they want to speak in Welsh and do not require the translation service.
29. As is the case with face-to-face meetings the Chair controls the meeting and all interaction is through the Chair. Respect the Chair and wait in turn to be called.
30. Anyone wishing to speak should use the 'raise hand' function on Zoom. If this cannot be used for any reason participants can attempt to attract the attention of the Chair (or the Committee Officer) by raising their physical hand or, if that fails, they can politely interject. Do not use the chat function for this purpose as it isn't always possible to monitor.
31. Members may use the chat function for meeting business only. Remember, the 'chat' can sometimes appear on a livestream.
32. When invited to speak by the Chair, participants are responsible for 'un-muting' their mics and then 'muting' once they have finished speaking. The Democratic Services Officer can assist when needed.
33. If the Chair has not already done so, participants are expected to introduce themselves prior to speaking. Officers are asked to state their name and the position they hold in the Council for the benefit of public viewers.
34. Rules around voting are defined within the Council's Constitution and, unless a ballot or recorded vote is requested, the vote will be taken by show of hands. Make sure videos are on and hands clearly remain raised whilst the Democratic Services Officer is counting. The Chair will advise when you can lower your hand.
35. There may be times when a roll call or recorded vote is required. Listen for your name, make sure your video is on and unmute your mic to respond.
36. In the event of a secret ballot a Zoom poll will appear on your screen. Select your vote and make sure you 'submit' your response for it to register.
37. The Committee Officer will confirm the numbers that have voted, but it is the role of the Chair to confirm the outcome of the vote.
38. If any participant has declared a prejudicial interest in an agenda item they should leave the meeting. They will be placed in the Zoom 'waiting room' for the duration of the discussion and voting. They will be re-admitted to the meeting prior to moving onto the next agenda item.
39. When a meeting goes into private session any livestreaming will be ended. The meeting will be paused and anyone not required to be in the meeting will be asked to leave (the Democratic Services Officer can remove an attendee from the meeting if required to do so).
40. Councillors should ensure that private/exempt matters are dealt with privately otherwise it would be a breach of the Members' Code of Conduct. Participants are encouraged to use a headset with microphone to ensure that confidential information cannot be overheard by anybody nearby.
41. If you wish to leave the meeting early, if you are a Committee Member please inform the Democratic Services Officer by using the chat function and click on 'leave meeting' and log out of Zoom, do not leave the meeting streaming unattended

24.5 - PROTOCOL FOR LIAISON BETWEEN COUNCIL OFFICERS AND MEMBERS OF PARLIAMENT / MEMBERS OF THE SENEDD

Liaison between Council Officers and MPs and MSs should take place at Chief Officer level.

Correspondence with MPs and MSs should be issued from Chief Officers.

Meetings with MPs and MSs. Relevant Conwy County Borough Council members should be advised of any proposed meeting and, if appropriate, be given the opportunity to attend. Which member(s) is (are) relevant will depend on the subject matter of the meeting; relevant members may therefore be local members, scrutiny chairs / vice chairs, cabinet members and/or the Leader.

Chief Officers are expected to follow up meetings by writing to the MP / MS confirming the key points from the meeting and any action to be implemented.

24.6 - PROTOCOL FOR LIAISON WITH LOCAL MEMBERS

1. Scope

1.1 Members are elected to represent the views of their constituents. Local Members also have an important role to play in representing the Council in their electoral divisions, responding to the concerns of their constituents, in meetings with partners and serving on external bodies and organisations. It is essential for the proper running of the Council that Members are fully informed about matters on which they may be required to make decisions or which affect their wards.

1.2 The Council accepts that Members need to be aware of significant and relevant matters within their local area if they are to be effective in their roles as spokespersons on behalf of their local communities. It is difficult to define what constitutes 'significant and relevant' matters but they include matters or issues that are of concern to the general public and Local Members. Officers may not always be aware of matters that could potentially be sensitive, either locally or politically, so if there is any doubt there will be a presumption in favour of liaising with the Local Member.

1.3 For the avoidance of doubt this Protocol does not cover Social Care cases or instances where third parties request matters to be kept confidential for commercial or personal reasons.

1.4 The following protocol sets out a framework of rights or practices which are to be applied to Local Members. It isn't possible to provide examples of all possible eventualities but, quite simply, the spirit of the protocol is to keep Members involved and aware of events and issues affecting their wards.

2. Responsibility

2.1 It is the duty of all senior officers to ensure that all relevant staff (and external agencies undertaking work on behalf of the Council) are aware of the requirement to keep Local Members informed and that the timing of such information allows Members to contribute to those discussions effectively. Local Members can add value and provide local knowledge, perspective and insight to any discussion and should be able to influence discussions going forward.

2.2 The protocol will be disseminated throughout the Council to ensure that all officers communicate with and involve local ward members

2.3 Local Members should also be kept informed about matters affecting their electoral divisions during the formative stages of policy development. It is important in an effective democratic process that they know early on if they are to deal with their constituents' concerns or to exert influence on their behalf.

3. Reports via Democracy

3.1 Officers will ensure that local matters being reported through the committee process are identified and marked accordingly on the front page of the report.

3.2 Local Members will be consulted on any local matter being reported through the committee process and their comments (including 'no comment') will be included under the 'consultation' heading within the standard report template. Where there is a multi-member ward the author of the report will ensure that all Local Members are consulted and given the opportunity to comment. Cabinet Members and Member Champions will be consulted in a similar way.

3.3 Subject to the Council's Code of Conduct for Members, the usual rules regarding bias and predetermination, the current rules permit local members to attend and speak at meetings of committees in relation to items which affect the Member's own electoral division. Local Members are expected to advise the Chair of the Committee of their intention to speak. There are separate arrangements in place for the Planning Committee.

4. Business Conducted Outside Committee

4.1 Senior Officers as well as the Leader, Cabinet Members and Committee Chairs and Vice-Chairs are expected to keep Local Members appraised of significant and relevant matters that are not the subject of a report to Council or its Committees, but which relate specifically to the local member's ward or which may have a material impact in the local area of which the ward is a part.

4.2 In particular, the Local Member(s) should, where appropriate, be invited to relevant meetings. If Local Members do not attend such meetings for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant outcome.

5. Consultation

5.1 Whenever the Council undertakes any form of consultation exercise, the local member(s) will be notified at the outset of the exercise.

5.2 Local Members will be advised of all planning applications relating to their electoral divisions and can make representation in line with the Planning Code of Practice. Local Members will be informed of any significant change in recommendation as soon as possible.

5.3 All Licensing applications are available for viewing on the website, which is routinely updated.

5.4 In terms of Asset Management, Local Members will be consulted in line with the *Disposal and Acquisition Policy* which recognises that communication with relevant Members in securing local opinion and support to an activity is vital, and the earliest such contact can be made may assist in the process.

5.5 Consultation on Section 106 moneys will be undertaken in line with the *Section 106 Spending Protocol*.

5.6 For issues that affect a wider geographic area it may be appropriate to consult via the relevant Local Area Forum in line with their Terms of Reference.

6. Delegated Decisions

6.1 Before Chief Officers exercise delegated powers under the Scheme of Delegation they shall consider whether their decision is likely to have a significant impact upon the Council's profile or have significant financial implications; if it does there will be a presumption in favour of the referring the matter to Members.

6.2 In any event, when exercising delegated powers each Chief Officer will, where appropriate, keep the Cabinet fully informed, in particular the relevant Portfolio Holder, have regard to any comments from the relevant Scrutiny Committee and ensure that they consult with/inform the Local Member in advance.

6.3 Where an individual Cabinet Member makes a decision in accordance with the scheme of delegation on a local matter the local member will be consulted as part of the process and any comments will be included in the report presented to the Cabinet Member for consideration.

6.4 Delegated Planning Decisions will be taken in accordance with the Planning Code of Practice.

7. Local Meetings

7.1 Where any public meeting to be held in a member's electoral division is arranged by the Council the Local Member(s) for the ward in which the public meeting takes place will be informed of the event and invited to attend.

7.2 Where a meeting has been arranged by the Council with Town and Community Councils or other community groups the Local Member(s) will be informed and invited to attend. If an officer is invited by a Town or Community Council to attend it's meeting, as a matter of courtesy, the Local Member should be made aware.

7.3 If Local Members do not attend such meetings for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant or relevant outcome.

7.4 Local members will be invited to the opening of any Council buildings/projects or launches of services in their wards though if present the Chair of the Council/Deputy Chair or Leader/Deputy Leader shall take precedence unless otherwise agreed.

8. General Correspondence

8.1 Routine meetings and correspondence between the public and officers on operational matters will not be referred to the Local Member(s). This does not apply where the matter is significant and relevant. If there is a recurring theme which could develop into a significant issue then Local Members should be kept informed.

9. Action Relating to Other Members' Wards

9.1 Where a member wishes to propose a motion or seek a debate or otherwise speak in a meeting of the Council or a Committee in relation to a local matter in another member's ward, they should seek wherever possible, as a matter of courtesy, to give prior warning to the local ward member(s).

9.2 All members who involve themselves in matters relating to the Council or its functions in wards other than their own should seek, as a matter of courtesy, to advise the local ward members of these actions and should do so in advance if circumstances permit. (This shall not apply to canvassing or other party political activity.)

However, it must be accepted that Cabinet and Scrutiny Members will on occasion have a need to consider issues which involve individual wards and it may not always be possible to inform local ward members in advance.

10. Confidentiality

10.1 The local member(s) under this protocol must not make public nor make personal use of any information or material supplied to them where the supplier of the information has indicated that it is of a confidential nature. They must also comply with any relevant provisions of the Data Protection Act and the Freedom of Information Act.

11. Commitments

11.1 Local members are reminded that they do not have the right to commit the Council or its officers to any particular course of action and should ensure that they do not convey to the public any false impression of commitment or give any undertaking that they are not in a position to personally fulfil.

24.7 - POLICY FOR THE REMOVAL OF LOCAL AUTHORITY GOVERNORS

1. This document sets out the Council's policy for the removal of school Governors appointed to their role by the Council (an "Authority Governor")

2. The Government of Maintained Schools (Wales) Regulations 2005 ("the Regulations") set out that an Authority Governor is a school governor who has been appointed to their position by the Local Authority (Regulation 7)

3. Under the Council's Constitution, Authority Governors are appointed by the Cabinet Member with responsibility for Education and Skills ("the Cabinet Member") under delegation.

4. Regulation 27 provides that an Authority Governor may be removed from office by the person who has appointed them, which, in the Council's case, is the Cabinet Member.

Disqualification from acting

5. Schedule 5 of the Regulations sets out the circumstances in which an Authority Governor is disqualified from acting in that role. Some of these circumstances involve automatic disqualification, and so any relevant Governors would be informed in writing accordingly. These circumstances are:

    5.1 where they are liable to be detained under the Mental Health Act 1983;
    5.2 where they have, without the consent of the governing body, failed to attend meetings for a period of 6 months beginning with the date of the first such meeting which he or she failed to attend;
    5.3 where they have been made bankrupt;
    5.4 where they have been disqualified from acting as a director of a company or are subject to an order made under s429(2)(b) of the Insolvency Act 1986;
    5.5 where they have been removed as a trustee or manager of a charity;
    5.6 where they have been prohibited from working with children; or
    5.7 where they refuse to apply for a check by the Disclosure and Barring Service.

6. An Authority Governor who becomes aware that they are disqualified from acting as a governor must immediately inform the Council's Education Department or Cabinet Member in writing.
7. Where the Council becomes aware that an Authority Governor is disqualified from acting by virtue of Schedule 5 of the Regulations, whether having been notified by that Governor or otherwise, the Council must take immediate steps to remove that Authority Governor from their position.
8. Where it appears that any of the disqualification criteria may apply, the Council's Legal Department should be consulted to verify the position if there is any doubt.

Removal for any other reason

9. Paragraph 5 of this policy sets out the reasons for disqualification of an Authority Governor. However, Regulation 27 does not limit the reasons for which the Cabinet Member may remove an Authority Governor from their role and an Authority Governor can be removed for other reasons. However, in seeking to remove an Authority Governor, the Cabinet Member must act reasonably and lawfully. The Cabinet Member must also consider any equalities issues and in particular must not remove an Authority Governor due to a protected characteristic

10. Examples of reasons where the Cabinet Member may remove the Authority Governor include:-
    - Conduct or bias that is clearly not in the best interest of the school as a whole;
    - Serious failure to co-operate with the Local Education Authority, or the Governing Body as a whole;
    - An irretrievable breakdown in the relationship between the Authority Governor and the Governing Body;
    - Failure to meet the standard of behaviour set out in the Code of Conduct for
      School Governors.

11. The examples in the previous paragraph do not constitute an exhaustive list as there may be other situations where the Cabinet Member, acting reasonably, considers that it is in the best interests of the school to remove the Authority Governor

Authority Governors ceasing to be an elected Member

12 Authority Governors who leave their position as an elected Member, for whatever reason, or who are not re-elected to the Council shall be removed from their position as the Council's appointee to the governing body from the date upon which they cease to be an elected Member and no right of appeal shall apply in this case.

Notification of Removal

13. In cases falling within paragraphs 9, 10 and 11 above**,** the Cabinet Member shall, as soon as reasonably practicable, inform the Authority Governor and the Clerk to the Governing Body by written notice ("the Notice") of the intention to remove the Authority Governor from the Governing Body.

14. The Notice shall contain clear and detailed reasons as to why the removal is being considered.

15. The Notice shall be served on the Authority Governor at his or her last known address by ordinary first class post and a copy shall be sent by email if an email address has been provided.

Appeal process

16. Where the Cabinet Member has issued the Notice, the Authority Governor may appeal such decision. The Authority Governor must provide written notice of appeal ("the Appeal Notice") in writing within 10 working days of the date of the Notice. The Appeal Notice shall be sent or hand delivered to the Head of Democratic Services at the Council's offices at Bodlondeb, Conwy LL32 8DU

17. The Appeal Notice shall set out the grounds under which the Authority Governor wishes to challenge the intention to remove him or her as an Authority Governor

18. If no Appeal Notice is received by 5pm on the 10th working day from the date of the Notice then the Authority Governor shall from that time be removed as an Authority Governor. This shall not be the subject of a call-in.

19. If an Appeal Notice is received, the Council will convene a Panel ("the Panel") to consider the Authority Governor's appeal which will be held within 10 working days of receipt of the Appeal Notice. Both the Authority Governor and the Cabinet Member shall be told no later than 5 working days in advance as to where and when the Panel meeting will take place

20. The Panel shall comprise one Member of the Education and Skills Overview and Scrutiny Committee, one Independent Member of the Council's Standards Committee and one Member of the Executive (who must not be the Cabinet Member)

21. The Authority Governor and the Cabinet Member shall both have the right to attend the Panel meeting to make representations. Alternatively if both parties agree, the matter can be dealt with by way of written representations

22. The Panel and its advisers may ask questions of the Authority Governor and the Cabinet Member

23. The Panel, following submission by the parties, shall deliberate in private but may ask any Council officers to provide advice if required

24. The Panel will provide a recommendation to the Executive in writing ("the Recommendation"), which will include reasons for such decision, within 5 working days of the Panel meeting

25. The Recommendation shall be considered at the next available meeting of the Executive, where the Executive shall decide whether or not the Authority Governor should be removed. Neither the Authority Governor or the Cabinet Member may make further representations to the Executive

26. The decision of the Executive shall be final and shall not be subject to call-in. The Authority Governor and the Clerk to the Governing Body shall be informed of the decision as soon as practicable after the Executive meeting. In the event that the decision is to confirm the removal of the Authority Governor from the Governing Body, this will take effect from the date of the Executive meeting.

24.8 – ANTI FRAUD POLICY

1 INTRODUCTION

1.1 Conwy County Borough Council is one of the largest organisations in the County Borough, employing over 5,000 full and part-time staff which includes agency workers and contractors etc. The Council controls millions of pounds of public money and takes very seriously the high expectations of the public and the degree of scrutiny to which the affairs of the Council are subject.

9.2 In carrying out its functions and responsibilities the Council wishes to promote a culture of openness and fairness and expects that elected members and employees at all levels and others who serve the Council e.g. temporary workers, agency staff, contractors, voluntary staff and other individuals which the term “employee” may not explicitly capture such as suppliers etc, will adopt the highest standards of propriety and accountability. Proper accountability, achieved through probity, internal control and honest administration is therefore essential. This commitment will result in the desired outcome of creating a zero tolerance culture, promoting high ethical standards, encouraging prevention, promoting detection, and formalising the procedures for investigation. This will assist in minimising the opportunity for fraud and corruption to exist within the Council’s systems. This framework is in line with the strategic aims and objectives of the Council in relation to preventing crime and ensuring value for money.

1.3 An effective policy requires support across the Council and involves :

- Culture
- Prevention (of error, irregularities, fraud and corruption)
- Detection and Investigation
- Deterrence
- Awareness and Training

1.4 The Council's Anti-Fraud and Corruption policy is based on a series of comprehensive and inter-related procedures designed to deter, frustrate, or take effective action against any attempted fraudulent or corrupt acts affecting the Council.

1.5 The Council must maintain constant vigilance in order to safeguard the resources to which it is entrusted and protect its reputation. This involves raising awareness to deter and identify fraud and, at the same time, ensure there are mechanisms for employees to raise legitimate concerns when they feel justified.

1.6 The Council is also aware of the high degree of external scrutiny of its affairs by a variety of bodies including:

- Public Services Ombudsman for Wales
- Wales Audit Office
- The Audit Commission
- Central Government Departments and Parliamentary Commissions

- Her Majesty's Revenue & Customs
- The Department of Works & Pensions
- Senedd Cymru and Welsh Government

2 WHAT IS FRAUD AND CORRUPTION?

Fraud

2.1 The Fraud Act 2006 provides definitions of the criminal offence of fraud and identifies three key offences :

- ***Fraud by false representation -*** a person is in breach of this section if this is done dishonestly and there is intent, by making the representation, to make a gain for himself or another; or to cause or expose the risk of loss to another.

- ***Fraud by failing to disclose information -*** a person is in breach of this section if he dishonestly fails to disclose to another person information which he is under a legal duty to disclose; and intends by failing to do so, to make a gain for himself or another; or to cause or expose the risk of loss to another.

- ***Fraud by abuse of position -*** a person is in breach of this section if he occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person; dishonestly abuses that position with the intention to make a gain for himself or another; or to cause or expose the risk of loss to another.

2.2 It also creates new offences:

- Obtaining services dishonestly
- Possessing, making and supplying articles for use in frauds
- Fraudulent trading applicable to non-corporate traders

2.3 The maximum sentence is 10 years imprisonment.

2.4 The Act largely replaces the laws relating to obtaining property by deception, obtaining a pecuniary advantage and other offences that were created under The Theft Act 1978.

Corruption

2.5 The Bribery Act 2010 provides definitions of the criminal offence of bribery and identifies four key offences:

- **Bribing another person** - A person commits an offense by offering, promising or giving a financial or other advantage to another person, directly or through an intermediary :

a) intending that advantage to induce a person to perform improperly a Function or to reward a person for so doing (whether or not it is the same person to whom the advantage is offered) or

b) knowing or believing that accepting the advantage would itself be improper performance of a Function.

c) **Being bribed** - A person commits this offence by requesting, agreeing to receive or accepting a financial or other advantage, directly or through a third party, for his or her own or someone else's benefit :

d) that person intends that, as a consequence, there is improper performance of a Function or

e) there is improper performance of a Function (whether as a reward, in anticipation of or as a consequence of the request, agreement or acceptance). The request, agreement or acceptance itself may be the improper performance of a Function.

- **Bribery of a Foreign Public Figure –** This offence will be committed if a person offers or gives a financial or other advantage to a foreign public official with the intention of influencing the foreign public official and obtaining or retaining business, where the foreign public official was neither permitted nor required by written law to be so influenced.
- **Failing to prevent Bribery -** A company is “strictly liable” for any bribe paid by a person performing services on its behalf, unless the organisation proves that adequate anti-bribery procedures were in place.

2.6 The maximum penalty for the offenses is 10 years' imprisonment and/or an unlimited fine. For the "failure to prevent" offense, the fine alone applies.

2.7 The Bribery Act 2010 replaces the fragmented and complex offences at common law and in the Prevention of Corruption Acts 1889-1916.

3 CULTURE

3.1 The Council is determined that the culture and tone of the organisation represents honesty and opposition to fraud and corruption.

3.2 There is an expectation and requirement that all individuals and organisations associated with the Council will act with integrity and that elected Members and Employees at all levels will lead by example. All aspects of this policy must be complied with and the Council will maintain a zero tolerance culture to fraud and corruption.

3.3 The Council's elected Members and Employees are an important element in its stance on fraud and corruption and are positively encouraged to raise any concerns they may have. They can do this in the knowledge that such concerns will be treated in strictest confidence and be properly investigated. If necessary, a route other than to the line manager may be used to raise such concerns, examples of which include:

- Directly with Internal Audit

- The Chief Executive
- Head of Service

The Council also has a *Whistleblowing Policy* to ensure the highest possible standards of openness probity and accountability.

3.4 Members of the public are also encouraged to report any concerns which they may have which may be made by any of the above routes. This may also be via the Corporate Information and Customer Service Manager to whom all complaints by members of the public are referred.

3.5 Senior management are responsible for following up any allegations of fraud or corruption received by contacting the Audit Manager. The investigating officer, usually a member of the Internal Audit Department, will:

- Deal promptly with the matter
- Record all evidence received
- Ensure that all evidence is sound and adequately supported
- Ensure the security of all evidence collected
- Contact other agencies, such as the Police (where appropriate)
- Notify the Council's Insurers (where appropriate)
- Assist management to implement Council disciplinary procedures (where appropriate)

3.6 Senior management must deal swiftly and firmly with those who defraud the Council or who are corrupt. The Council should be considered robust in dealing with financial malpractice.

3.7 There is a need to ensure that any investigation process is not misused. Any abuse, such as raising unfounded or malicious allegations, will be dealt with as a disciplinary matter.

4 PREVENTION

4.1 The Corporate Framework requires a whole range of high level component parts, if it is to contribute to the Council having an effective counter-fraud policy, and some of the key ones include:

- An Anti-Fraud & Corruption Policy Statement which emphasises the importance of probity to all concerned
- Member support
- Codes of Conduct for Members and Employees
- Protocol for Members on Gifts and Hospitality
- Formal Declarations of Interest for all staff
- Whistleblowing Policy, confidential reporting and Complaints Procedures
- Benefits Anti-Fraud Policy, Strategy and Sanctions Policy

- Contracts procedure rules and Financial procedure rules
- IT Security Policy
- The Regulation of Investigatory Powers (RIPA) procedure
- Sound internal control systems, procedures and reliable records
- Effective Internal Audit
- Scheme of delegation
- Clear responsibilities, accountabilities and standards
- Effective recruitment procedures
- Induction and training
- The Council's Disciplinary Procedure
- Proceeds of Crime Act (Anti-Money Laundering) Policy

4.2 In particular, employees are required to operate within the following guidelines:

- The Council recognises that a key measure in the prevention of fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential employees in terms of their propriety and integrity. In this regard temporary and contract employees should be treated in the same manner as permanent employees.

- Employees recruitment is in accordance with procedures laid down by the Head of Corporate Human Resources. Written references regarding honesty and integrity of potential employees must be obtained before employment offers are made. Professional qualifications including driving licenses should be checked, where necessary with the examining body, to ensure they are correct as part of the appointment procedure.

- Employees are expected to follow standards of conduct related to their personal Professional Institute, where applicable, and also to abide by any specific Council requirements on personal conduct.

- The Council has in place, a Disciplinary Procedure for dealing with allegations of fraud and corruption. All employees are notified of this through the Employees Handbook.

- Elected Members and Employees are reminded under the Council's *Contract Standing Orders* and *Financial Regulations* that they must operate within *Section 117 of the Local Government Act 1972*. This requires declaration of any interests in contracts (such as membership of contracting bodies) that have been, or are proposed to be, entered into by the Council. The legislation also prohibits the acceptance of fees or rewards other than by means of proper remuneration.

4.3 Elected Members are required to operate within:

- *Council Standing Orders and Financial Regulations*
- *The Code of Conduct for the time being in force and*
- *All relevant and applicable legislation*

These matters are brought to the attention of the Member when elected in the form of an information pack, which is signed for by the Member. The Member must then register any potential areas of conflict between Members' Council duties and responsibilities and any other areas of their personal or professional lives.

4.4 Systems operating:

- The Council has *Contract Standing Orders* and *Financial Regulations* which place an obligation on employees, when dealing with the Council's affairs, to act in accordance with best practice.

- The Strategic Director – Finance and Efficiencies has a statutory responsibility under *Section 151 of the Local Government Act 1972, Sections 114 and 116 of the Local Government Finance Act, and Accounts and Audit Regulations*, currently in force, to ensure the proper administration of the Council's affairs and has developed *Financial Codes of Practice* which outline systems, procedures and responsibilities of employees, in relation to the Council's financial activity. The *Financial Codes of Practice* shall be distributed to relevant officers within the Council. The Head of Corporate Financial Services also maintains a Head of Profession role within the Council and through this, exercises amongst other things, a quality control through financial administration.

- The Council has in place systems and procedures which incorporate efficiency and effective internal controls, including adequate separation of duties. Heads of Service are also required to ensure that such controls, including those in a computerised environment, are properly maintained and documented.

- Their existence and appropriateness is independently monitored by the Internal Audit Department.

4.5 Combining with Others:

Arrangements are in place which encourages the exchange of information between the Council and other agencies on national and local fraud and corruption activity in relation to local authorities. These include:

- Police
- Local Authority Financial Organisations
- Internal Auditor Networks
- Audit Commission
- Wales Audit Office

- Other Councils

5 DETECTION AND INVESTIGATION

5.1 The array of preventative systems, particularly internal control systems within the Council, help to provide indicators of and help to deter, any fraudulent activity.

5.2 It is often the alertness of staff, elected members and the public to the possibility of fraud and corruption, that enables detection to occur and appropriate action to be taken. The Council's *Whistleblowing policy* is intended to encourage enable staff to raise their concerns.

5.3 Despite the best efforts of financial managers and auditors, many frauds are discovered by chance or "tip-off", and the Council has in place arrangements to enable such information to be properly dealt with.

5.4 Employees of the Council are required by its *Contract Standing Orders* and *Financial Regulations* to report all suspected irregularities to Internal Audit either directly or through line management. Reporting is essential to the Anti-Fraud and Corruption policy, as this:

a) Ensures the consistent treatment of information regarding fraud and corruption.

b) Facilitates proper investigation by an experienced Audit team.

c) Ensures proper implementation of a fraud response investigation plan.

5.5 The Council takes part in the National Fraud Initiative which is co-ordinated by Internal Audit. Details of the exercise and findings are published on the Council's Intranet and web site.

5.6 Depending on the nature and anticipated extent of the allegations, Internal Audit will normally work closely with senior managers of the service concerned and other agencies, such as the Police, to ensure that all allegations and evidence are properly investigated and reported on. The Council has a *Fraud Response Plan* which provides further details on the investigation process including preservation of evidence, sanctions, dealing with the media etc. Similarly there is a separate *Money Laundering policy and guidelines* which should be referred to where necessary.

5.7 The Council's *Disciplinary policy and procedures* will be used where the outcome of the audit investigation indicates improper behavior and the Head of Service considers appropriate.

5.8 The Council will normally wish the Police to be made aware of and to independently prosecute offenders where financial impropriety or other crime is discovered. Referral to the Police will normally be a matter for the Head of Law and Governance.

6 DETERRENCE

6.1 There are a number of ways to deter potential fraudsters from committing or attempting fraudulent or corrupt acts, whether they are inside and/or outside of the Council, and these include :

- Publicising the fact that the Council is firmly set against fraud and corruption and states this at every appropriate opportunity e.g. clause in contracts, statements on benefits claim forms, website, publications etc.

- Acting robustly and decisively when fraud and corruption are suspected and proven e.g. the termination of contracts, dismissal, prosecution, reporting employee to their professional body etc.

- Taking action to effect the maximum recoveries for the Council e.g. through agreement, Court action, penalties, under Proceeds of Crime Act etc.

- Having sound internal control systems, that still allow for innovation, but at the same time minimising the opportunity for fraud and corruption.

- The operation and advertising of a Benefit Fraud Hotline and formal arrangements for whistleblowing.

- Publicising instances of fraud/corruption and the resultant disciplinary/prosecution action for cases both within the Council and for other public organisations.

7 AWARENESS AND TRAINING

7.1 The Council recognises that the continuing success of its *Anti-Fraud and Corruption policy* and its general credibility will depend largely on the effectiveness of programmed training and responsiveness of elected members and employees throughout the organisation.

7.2 To facilitate this, the Council supports the provision of training programmes and circulation of relevant information to ensure that responsibilities and duties in this respect are regularly highlighted and reinforced. This includes the requirement for information to be provided to third parties providing services to and on behalf of the Council.

7.3 Specialist training in fraud and corruption issues will also be given to appropriate staff involved in investigation work.

7.4 Internal Audit will publicise the Anti-Fraud and Corruption policy on the Intranet with other up to date advice and guidance on current issues and will provide fraud awareness training to staff as and when required.

8 CONCLUSION

8.1 The Council has in place a clear network of systems and procedures to prevent fraud and corruption. It is determined that these arrangements will keep pace with any future developments in techniques for preventing fraudulent or corrupt activity that may affect its operation.

8.2 To this end, the Council maintains a continuous overview of such arrangements and through the Strategic Director – Finance and Efficiencies, it will ensure a regular review of its *Contract Standing Orders, Financial Regulations, Financial Codes of Practice* and audit arrangements.

SECTION 25

25.1 - Elected Member Role Description

1 Accountabilities

- To the electorate of the Electoral Division that the Member represents
- To the electorate of the County Borough of Conwy

2 Role Purpose and Activity

Representing, supporting and enabling communities

- To represent electoral division interests
- To be an advocate for the Council in the electoral divisions and communities they serve
- To be a channel of communication to the community on Council strategies, policies, services and procedures
- To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally
- To liaise with executive members, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported
- To promote tolerance and cohesion in local communities

Internal governance, ethical standards and relationships

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
- To adhere to the Member's Code of Conduct, the Member/Officer
- Protocol and the highest standards of behaviour in public office

Making decisions and overseeing council performance

- To participate in Council meetings, reaching and making informed and balanced decisions, and overseeing performance
- To participate in informed and balanced decision making on committees and panels to which they might be appointed
- To adhere to the principles of democracy in decision making
- To promote and ensure efficiency and effectiveness in the provision of Council and other public services
- To act in a responsible manner to support the Council.

Representing the Council (subject to appointment and where appropriate, to further the agreed policies of the Council)

- To represent the Council on local outside bodies as an appointee of the Council
- To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain
- To represent and be an advocate for the Council on national bodies and at national events

Personal and role development

- To attend and participate in training and development opportunities provided for members by the Authority

3 Values

- To be committed to the values of the Council and the following values in public office:

  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

25.2 - Elected Member Person Specification

To fulfil his or her role as laid out in the role description, an effective member requires the following:

Representing and supporting communities

- Good advocacy skills
- Interpersonal skills
- Integrity and the ability to set aside own views and act impartially
- The ability to present relevant and well reasoned arguments Good communication skills

Making decisions and overseeing council performance

- Knowledge and understanding of meetings law, rules and conventions
- An understanding of strategic, policy and service contexts for decisions
- The ability to challenge ideas and contribute positively to policy development

Representing the Council (subject to appointment)

- Good public speaking skills
- Good presentation skills
- The ability to persuade others and act with integrity

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Personal and role development

- An ability to asses personal and role development needs
- Desire and skills to participate in development

25.3 - Leader (and Deputy) Role Description

1 Accountabilities

- To the electorate of the County Borough of Conwy
- To the Council

2 Role Purpose and Activity

Provide political leadership to the Council

- To be the political figurehead for the Council; to be the principal political spokesperson for the Council.
- To provide leadership in building a political consensus around Council policies
- To form a vision for the Council and community
- To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery

Appoint the Cabinet

- Designate the appropriate portfolios
- Appoint appropriate elected members to each portfolio
- Allocate cabinet members to roles with regard to their abilities.
- Designate Deputy Leader, if deemed necessary by the Leader.

Representing and acting as ambassador for the Authority

- Represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County and at external bodies.
- Represent the Authority on the WLGA coordinating committee and the WLGA regional partnership board.
- Provide leadership and support local partnerships and organisations.
- Represent the Authority in regional and national bodies as appropriate.

Provide leadership within the portfolio

- Fulfil the role of a portfolio holder, having regard to the role purpose and activities, and role specification of an executive member

Manage and lead the work of the Cabinet and chair meetings

- Ensure the effective running of the Cabinet by managing the forward work programme and ensuring its continuing development.
- Ensure the work of the Cabinet meets national policy objectives.
- Advise and mentor other cabinet members in their work.
- To chair meetings of the Cabinet in line with the Constitution.

- In the Leader's absence the Deputy Leader (if appointed by the Leader) should fulfil this role.

Participate in the collective decision making of the Cabinet

- To work closely with other cabinet members to ensure the development of effective Council policies and the budgetary framework for the Council, and the delivery of high quality services to local people.
- To accept collective responsibility and support decisions made by the Cabinet once they have been made.

To work with officers to lead the organisation

- Liaise with the Chief Executive, and other appropriate officers, on a regular basis
- Work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues.

Leading partnerships and community leadership

- To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
- To negotiate and broker in cases of differing priorities and disagreement
- To act as a leader of the local community by showing vision and foresight

Internal governance, ethical standards and relationships

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
- To adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

3 Values

- To be committed to and demonstrate the following values in public office:

    - Openness and transparency
    - Honesty and integrity
    - Tolerance and respect
    - Equality and fairness
    - Appreciation of cultural difference
    - Sustainability
    - Inclusive leadership

- Consensus building

Deputy Leader (if appointed by the Leader)

- To fulfil the duties of the Leader in his or her absence
- To assist the Leader in specific duties as required

25.4 - Leader Person Specification

To fulfil his or her role as laid out in the role description, an effective leader requires:

Providing political leadership to the Council

- Knowledge of community strengths, areas of improvement and key issues.
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations

Appointing the Cabinet*

- An understanding of the rules for the appointment of Cabinet Members
- An ability to recognise talent amongst members
- An ability to negotiate the most advantageous appointments within and across political groups
- To appraise, guide and mentor senior members

Representing and acting as ambassador for the Authority

- High level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills

Providing leadership within the portfolio

- The skills necessary for a cabinet member to fulfil their role.

Managing and leading the work of the Cabinet and chairing meetings of the Cabinet

- An understanding of the Cabinet procedure rules
- Skills to Chair meetings, including encouraging participation from all members.
- A knowledge and understanding of national policy objectives
- An overview of the work being carried out by cabinet members.

Participating in the collective decision making of the Cabinet

- The ability to constructively challenge decisions and suggest alternatives

Working with officers to lead the organisation

- An understanding of the roles and responsibilities of the Chief Executive and other officers

Leading partnerships and community leadership

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

25.5 - Cabinet Member Role Description

1 Accountabilities

- To the electorate of the County Borough of Conwy
- To the Leader
- To the Cabinet (through collective responsibility)
- To the Overview and Scrutiny Committees
- To the Council

2 Role Purpose and Activities

Portfolio leadership

- Giving political direction to officers working within the portfolio and contribute to the planning framework of the Council as a whole
- Gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes
- Provide leadership in the portfolio
- Liaise with the appropriate overview and scrutiny chairs and receive scrutiny reports as required
- Be accountable for choices and performance in the portfolio
- Have an overview of the performance management, efficiency and effectiveness of the portfolio
- Making executive decisions within the Portfolio

Contribute to the setting of strategic agenda and work programme for the Authority and the portfolio

- Work with officers to formulate policy documents both strategic and statutory. Ensure that the political will of the majority is carried to and through the Cabinet.
- Provide assistance in working up and carrying through a strategic work programme both political and statutory.
- Carry out consultations with stakeholders as required.
- Make sure that the portfolio's forward work programme is kept up to date and accurate.
- Collective responsibility for delivering the Corporate Plan as authorised by the Council.

Provide representation for the portfolio

- Provide a strong, competent and persuasive figure to represent the portfolio. Take the lead in meetings with stakeholders.

Reporting and accounting

- Report as appropriate to the Leader, the Council, Cabinet, appropriate chair of scrutiny, regulatory bodies and the media.
- Be the principal political spokesperson for the portfolio.
- Appear before overview and scrutiny committees in respect of matters within the portfolio.

Take an active part in cabinet meetings and decision making

- To show an interest in and support for the portfolios of others
- To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility

Leading partnerships and community leadership

- To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
- To negotiate and broker in cases of differing priorities and disagreement
- To act as a leader of the local community by showing vision and foresight

Internal governance, ethical standards and relationships

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

3 Values

- To be committed to the values of the Council and the following values in public office:

    - Openness and transparency
    - Honesty and integrity
    - Tolerance and respect
    - Equality and fairness
    - Appreciation of cultural difference
    - Sustainability
    - Inclusive leadership

25.6 - Cabinet Member Person Specification

To fulfil his or her role as laid out in the role description, an effective Cabinet Member requires:

Portfolio leadership

- An understanding of the Council's strategy, policies and operations Leadership skills

Contributing to the setting of the strategic agenda and work programme for the portfolio

- The ability to present to others
- The ability to exercise strategic awareness and judgement
- Knowledge of relevant issues and who to involve in decision making
- The ability to persuade others
- Knowledge of Council and national objectives

Providing representation for the Portfolio

- Public speaking skills
- Good presentation skills

Reporting as appropriate

- High level communication skills

Taking an active part in cabinet meetings and decisions

- The ability to constructively challenge decisions and suggest alternatives
- The knowledge, confidence and ability to contribute to discussion and resolution of cross cutting and collective issues

Leading partnerships and community leadership

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

25.7 - Chair of the Council Role Description

1 Accountabilities

- The electorate of the County Borough of Conwy
- The Council

2 Role Purpose and Activity

Act as a symbol of the Council's democratic authority

- As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council
- To represent the Council at civic and ceremonial functions

Chair Council meetings

- To preside over meetings of the Council, so that its business can be carried out efficiently
- To ensure the Council conducts its meetings in line with the Council's Standing Orders

Uphold and promote the Council's Constitution

- To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution

Internal governance, ethical standards and relationships

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office
- To ensure the Council's Complaints Procedure is adhered to.

Work programming

- To oversee the annual work of the Council to meet its legal obligations (e.g. approving the Council Tax and making Head of Paid Service and Directors appointments)

3 Values

- To be committed to the values of the Council and the following values in public office:

    - Openness and transparency
    - Honesty and integrity
    - Tolerance and respect
    - Equality and fairness
    - Appreciation of cultural difference
    - Sustainability

Vice Chair

- To fulfil the duties of the Chair in his or her absence
- To assist the Chair in specific duties as required
- To ensure the Council's Complaints Procedure is adhered to.

25.8 - Chair of the Council Person Specification

To fulfil his or her role as laid out in the role description, an effective member requires the following:

Acting as a symbol of the Council's democratic authority

- Good public speaking skills
- An in-depth understanding of role of Chair

Chairing Council meetings

- Skills to chair meetings, to ensure business is carried out effectively and all those attending participate
- An understanding of the Council's Standing Orders

Upholding and promoting the Council's Constitution

- An understanding of the Council's Constitution
- An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution

Internal governance, ethical standards and relationships

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

Work programming

- The ability and discipline to plan and manage work programmes

25.9 – Protocol - The Role of the Chair – Conwy County Borough Council

The Chair is 'the first citizen' of the County Borough.

Accordingly, he or she represents the Council at all civic and ceremonial functions and acts as the ambassador for the Council at such functions.

As the ceremonial head of the Council, when exercising the role of Chair he or she will be non-political and will seek to uphold the democratic values of the Council.

It is appropriate for the Chair to be invited whenever a representative of the Council is required to officiate at a public function and to greet distinguished visitors of national and international significance to the County Borough area including, of course, members of the Royal family.

As the first citizen the Chair takes precedence in the area over everyone, other than the Queen or her representatives. Accordingly, the place to be reserved for the chair should be after the Lord Lieutenant and High Sheriff in a line of introduction or on the immediate right of the person presiding at a seated gathering or similar. The Chair of Conwy County Borough Council always takes precedence over Town Mayors and Chairs of Community Councils.

Therefore, the Chair should represent the Council at 'ceremonial' or 'meeting and greeting' functions, whereas the Council Leader should be the Council's representative at meetings or discussions with people such as Assembly Members or Members of Parliament.

The Chair may choose a person, normally his or her spouse or partner to act as Chair's consort and may attend functions with the Chair

The Chair may have such arrangements made for a Civic service, an annual charity dinner and other civic events during his or her tenure in office as he or she considers appropriate.

In the absence of the Chair the Vice-chair is empowered to act.

25.10 - Chair of Democratic Services Committee Role Description

1 Accountabilities

- To Full Council

2 Role Purpose and Activity

Providing leadership and direction

- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To lead the committee in its role in:
  - Designating the Head of Democratic Services
  - Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate
  - Make annual reports to the full council in relation to the above
  - Appointing sub committees and chairs of subcommittees to undertake functions delegated by the committee
  - Considering reports prepared by the Head of Democratic Services
  - Developing the Authority's member support and development strategy
  - Ensuring that members have access to a reasonable level of training and development as described in the Authority's member development strategy and the Wales Charter for Member Support and Development
  - Ensuring that the budget for member development is sufficient
  - Ensuring that members have access to personal development planning and annual personal development reviews
  - Work with the member support and development champion where relevant to promote the role of members and necessary support and development.
- To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements

Promoting the role of the Democratic Services Committee

- To act as an ambassador for the Democratic Services Committee, facilitating understanding of the role
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.

Internal governance, ethical standards and relationships

- To develop the standing and integrity of the committee and its decision making
- To understand the respective roles of members, officers and external parties operating within the Democratic Services Committee's area of responsibility
- To promote and support good governance by the Council.

3. Values

- To be committed to the values of the council and the following values in public office:

  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

25.11 - Member of a Democratic Services Committee Role Description

1 Accountabilities

- To Full Council
- To the Chair of the Democratic Services Committee

2 Role purpose and activity

Understanding the nature of the Democratic Services Committee:

- To be aware of and effectively undertake the role of the committee in:
    - Designating the Head of Democratic Services
    - Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate
    - Make annual reports to the full council in relation to the above
    - Appointing sub committees and chairs of subcommittees to undertake functions delegated by the committee
    - Considering reports prepared by the Head of Democratic Services
    - Developing the Authority's member support and development strategy
    - Ensuring that members have access to a reasonable level of training and development as described in the member development strategy and the Wales Charter for Member Support and Development
    - Ensuring that the budget for member development is sufficient
    - Ensuring that members have access to personal development planning and annual personal development reviews
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee.

Participating in meetings and making decisions

- To participate effectively in meetings of the Democratic Services Committee

- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements

Internal governance, ethical standards and relationships

- To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements

- To promote and support good governance by the Council

- To understand the respective roles of members, officers and external parties operating within the Democratic Services Committee's area of responsibility

3 Values

- To be committed to the values of the Council and the following values in public office:

  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

25.12 - Chair of a Regulatory Committee Role Description

1 Accountabilities

- To the electorate of the County Borough of Conwy
- To the Council
- To the members of the regulatory committee, where appropriate.

2 Role Purpose and Activity

Provide leadership and direction

- Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- Ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
- Demonstrate integrity and impartiality in decision making which accord with legal, constitutional and Council policy requirements

Promoting the role of the regulatory committee and quasi-judicial decision making

- Act as an ambassador for the regulatory committee, facilitating understanding of the role
- Act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- Ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings

Internal governance, ethical standards and relationships

- Develop the standing and integrity of the committee and its decision making
- Understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
- Promote and support good governance by the Council.
- To give a commitment to undertake appropriate training
- To adhere to any protocols approved by the Standards Committee

3 Values

- To be committed to the values of the council and the following values in public office:

    - Openness and transparency
    - Honesty and integrity
    - Tolerance and respect

- Equality and fairness
- Appreciation of cultural differences
- Sustainability

25.13 - Chair of Regulatory Committee Person Specification

To fulfil his or her role as set out in the role description, an effective regulatory committee chair requires:

Providing leadership and direction

- Ability to conduct meetings to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused
- Understanding of the Council's role and ability to ensuring that stake holders are aware of that role
- Communication skills
- Knowledge of local issues
- Ability to manage the work of the committee
- Ability to support and develop necessary skills in fellow members of the committee

Promoting the role of the regulatory committee and quasi-judicial decision making

- Understanding and appreciation of the regulatory framework
- Ability to inspire and enthuse committee members for the work of the committee
- Integrity and the ability to set aside own views and act impartially
- Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

Internal governance, ethical standards and relationships

- Knowledge and understanding of the Code of Conduct(s) and protocols Knowledge of and commitment to the values of the Council

25.14 - Member of a Regulatory Committee Role Description

1 Accountabilities

- To the electorate of the County Borough of Conwy
- To the Council
- To the Chair of the regulatory committee

2 Role purpose and activity

Understanding the nature of the regulatory committee and quasi-judicial decision making

- To be aware of the quasi-judicial nature of regulatory committee decision making
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee

Participating in meetings and making decisions

- To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and Council policy requirements

Internal governance, ethical standards and relationships

- To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
- To promote and support good governance by the Council
- To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
- To give a commitment to undertake appropriate training
- To adhere to any protocols approved by the Standards Committee

3 Values

- To be committed to the values of the Council and the following values in public office:

    - Openness and transparency
    - Honesty and integrity
    - Tolerance and respect
    - Equality and fairness
    - Appreciation of cultural difference
    - Sustainability

25.15 - Regulatory Committee Member Person Specification

To fulfil his or her role as laid out in the role/job description, an effective member of a regulatory committee requires the following:

Understanding the nature of the regulatory committee and quasi-judicial decision making

- Integrity and the ability to set aside own views and act impartially
- Knowledge of law, policy and procedures for that regulatory/quasi judicial area
- Maintenance of knowledge
- Objectivity and judgement

Participating in meetings and making decisions

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

Internal governance, ethical standards and relationships

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and a commitment to the values of the Council

25.16 - Chair of Standards Committee Role Description

1. Accountabilities

- To Full Council.

2. Role Purpose and Activity

(a) Providing Leadership and Direction

13.2.1.1.1 To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.

13.2.1.1.2 To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Code of Conduct.

13.2.1.1.3 To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.

13.2.1.1.4 To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.

13.2.1.1.5 To lead the committee in its role in:

- promoting and maintaining high standards of conduct by Councillors and co-opted members;
- assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
- granting dispensations to Councillors and co-opted members on dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales;

- the exercise of these functions in relation to community councils and the members of those community councils.

3. Values

- To be committed to the values of the council and the following values in public office:

    a) openness and transparency;

    b) honesty and integrity;

    c) tolerance and respect;

    d) equality and fairness;

    e) appreciation of cultural differences;

    f) sustainability.

25.17 - Member of a Standards Committee Role Description

1. **Accountabilities**

- To Full Council.

- Accountable to the Chair of the Standards Committee for matters conducted under the purview of the Committee

2. **Role Purpose and Activity**

- Understanding the nature of the Standards committee and effectively fulfilling its functions by:

    (i) promoting and maintaining high standards of conduct by Councillors and co-opted members;

    (ii) assisting the Councillors and co-opted members to observe the Members' Code of Conduct;

    (iii) advising the Council on the adoption or revision of the Members' Code of Conduct;

    (iv) monitoring the operation of the Members' Code of Conduct;

    (v) advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;

    (vi) granting dispensations to Councillors and co-opted members on dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.

- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.

- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee.

    - *Participating in Meetings and Making Decisions*

        (i) To participate effectively in meetings of the Standards committee.

        (ii) To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.

- *Internal Governance, Ethical Standards and Relationships*

  (i) To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.

  (ii) To promote and support good governance by the Council.

  (iii) To understand the respective roles of members, officers and external parties operating within the Standards committee's area of responsibility.

3. Values

To be committed to the values of the Council and the following values in public office:

- openness and transparency;
- honesty and integrity;
- tolerance and respect;
- equality and fairness;
- appreciation of cultural difference;
- sustainability.

25.18 - Chair of Governance and Audit Committee Role Description

1. Accountabilities

- To Full Council

2. Role Purpose and Activity

Providing Leadership and Direction

- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.
- To agree the agendas for Governance and Audit Committee meetings.
- To lead the committee in its role in:
  - reviewing and scrutinising the authority's financial affairs;
  - making reports and recommendations in relation to the authority's financial affairs;
  - reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority;
  - making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;
  - overseeing the authority's internal and external audit arrangements;
  - reviewing the financial statements prepared by the authority and approving them when powers are delegated;
  - developing relationships with internal and external auditors and the Authority's Monitoring Officer;
  - developing a Forward Work Programme designed to deliver the governance and audit committees functions;
  - reviewing and self-assessing the performance of the Committee and its members; and
  - reviewing and making recommendations in relation to the self-assessment report pursuant to section 91 of the Local Government and Elections (Wales) Act 2021.

3. Promoting the Role of the Governance and Audit Committee

- To act as an ambassador for the governance and audit committee, facilitating understanding of the role.
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in the audit process.

4. Internal Governance, Ethical Standards and Relationships

- Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it.
- To develop the standing and integrity of the committee and its decision making.
- To understand the respective roles of members, officers and external parties operating within the governance and audit committee's area of responsibility.
- To promote and support good governance by the Council.

5. Values

- To be committed to the values of the council and the following values in public office:
  - openness and transparency;
  - honesty and integrity;
  - tolerance and respect;
  - equality and fairness;
  - appreciation of cultural differences;
  - sustainability.

25.19 - Member of a Governance and Audit Committee Role Description

1. Accountabilities

- To Full Council
- To the Chair of the Governance and Audit Committee

2. Role Purpose and Activity

- Understanding the role of the Governance and Audit Committee and undertaking its functions:
  - reviewing and scrutinising the authority's financial affairs;
  - making reports and recommendations in relation to the authority's financial affairs;
  - reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority;
  - making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;
  - overseeing the authority's internal and external audit arrangements;
  - reviewing the financial statements prepared by the authority.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee.

3. Participating in Meetings and Making Decisions

- To participate effectively in meetings of the governance and audit committee; questioning and seeking clarification on matters falling within the committee's remit.
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.

4. Internal Governance, Ethical Standards and Relationships

- Understanding the financial risks associated with corporate governance; being satisfied that the authorities assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it.
- To ensure the integrity of the committee's decision making and of his/her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements.
- To promote and support good governance by the Council.

- To understand the respective roles of members, officers and external parties operating within the governance and audit committee's area of responsibility.

5. Values

- To be committed to the values of the Council and the following values in public office:
  - openness and transparency;
  - honesty and integrity;
  - tolerance and respect;
  - equality and fairness;
  - appreciation of cultural difference;
  - sustainability.

25.20 - Overview and Scrutiny Chair Role Description

1. Accountabilities

- The electorate of the County Borough of Conwy
- The Council
- External Regulatory Bodies

2. Role purpose & activity

Provide leadership and direction

- Provide confident and effective management of the member team
- Promote the role of Overview and Scrutiny within and outside the Council, liaising effectively both internally within the Council and externally with the Council's partners
- Develop a balanced work programme of the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, and performance monitoring
- Ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues
- Demonstrate an objective and evidence based approach to scrutiny
- Evaluate the impact and added value of scrutiny activity and identify areas for improvement
- To liaise with appropriate Cabinet Member/s

Manage the work programme

- Ensure that the work programme is delivered
- Report on progress against the work programme to Council, and others as appropriate
- Liaise with officers, other members and community representatives to resource and deliver the work programme

Hold the Executive to account

- Evaluate the validity of executive decisions and challenge inappropriate decisions through call in

Effective meeting management

- Set agendas containing clear objectives and outcomes for the meeting
- Manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
- Ensure that the necessary preparation is done beforehand

- Ensure that all participants have an opportunity to make an appropriate contribution

Community leadership

- Act as a focus for liaison between the council, community and external bodies in relation to the overview and scrutiny function
- Build understanding and ownership of the overview and scrutiny function within the community
- Identify relevant community based issues for overview and scrutiny
- Involve fully external stakeholders for example, service users expert witnesses and partners in overview and scrutiny activity

Development of committee members

- Identify appropriate training opportunities with respect to the work of the Committee.

25.21 - Overview and Scrutiny Chair Person Specification

To fulfil his or her role laid out in the role description an effective Scrutiny Chair requires:

Providing leadership and direction

- Ability to see the 'big picture'
- Understanding of the role and functions of the council
- Understanding of the key strategies, priorities and direction of travel of the Council
- Understanding of the purpose of the scrutiny function and its role in the council's wider improvement planning and reporting arrangements
- Ability to promote an approach to scrutiny which is (a) member led, (b) seeks to provide an evidence based challenge of decision makers and service providers and (c) is an important mechanism for community engagement and service improvements
- Understanding of the legal requirements around scrutiny, including prohibition of political whipping and taking the views of the public into account
- Understanding of the purposes and processes associated with the Councillor Call for Action and the Call In procedure
- Understanding of the terms of reference for the committee and the role of the chair
- Understanding of member support functions
- Understanding of council service, improvement and financial priorities and risks
- Ability to develop work programmes
- Understanding of community issues
- Objectivity and understanding of equalities and diversity
- Negotiation and consensus building
- Ability to build constructive and 'critical friend' relationships with the Executive
- A commitment to personal development in the role
- Commitment to develop other members by mentoring and guidance
- Working closely with scrutiny support officers to ensure the continual development of scrutiny
- Making sure that scrutiny is making a difference

Managing the work programme

- Ability to manage projects and resources
- Ability to manage people
- Ability to prioritise
- Ability to report progress to different groups in different styles – verbally and in writing
- Ability to monitor and constantly review work programmes

Leading Joint Scrutiny

- An ability to create an effective, supportive and welcoming environment for scrutiny members and partner representatives from different organizations
- An ability to see the big picture at the regional level
- A clear understanding of the role and functions of the partnership/regional organization
- An understanding of the key strategies, priorities and direction of travel of the partnership/regional organization
- A commitment to enabling an approach to joint scrutiny which is member-led, provides an evidence-based challenge and is an important mechanism for community engagement and service improvement
- An ability to work constructively with partnerships/regional organisations under scrutiny
- A commitment to develop and embed an apolitical, objective, collective and inclusive scrutiny process
- A commitment to offer guidance and mentorship to scrutiny members
- A willingness to ensure that joint scrutiny makes a difference
- An ability to negotiate and build consensus
- An ability to manage people, projects and resources
- A commitment to raising the profile of joint scrutiny and an ability to champion it within the authority and beyond

Effective meeting management

- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements including protocols for public speaking and webcasting
- Ability to chair meetings effectively, managing members contributions and the agenda and progressing business to achieve the desired outcomes
- Ability to facilitate effective discussions focussing on the agreed questioning strategy.
- Ability to listen and question effectively
- Ability to prepare and introduce speakers and make them feel at ease when presenting to the committee
- Ability to be impartial and ensure that the committee is acting in a non-political way

Community engagement

- Understanding of the role of scrutiny in enabling local people and communities to contribute to the decision and policy making process
- Knowledge of local issues and expectations

- Ability to work effectively with all members of the community and to build an understanding of the role of scrutiny with the public and stakeholders
- ability to engage with individuals and organisations in the community especially those traditionally excluded
- To promote an understanding that scrutiny is a last resort for matters such as CCfA
- Ability to manage expectations of the public in asking scrutiny to consider issues

Involving and developing of committee members

- Understanding of the role and skills of the scrutiny committee and its individuals
- Ability to support members and the committee in assessing their performance
- Ability to identify any training and development needs and Champion and participate in appropriate learning and development
- Provide mentoring, guidance and support to members in their roles such as members leading task and finish groups

25.22 - Overview and Scrutiny Member Role Description

1. Accountabilities

- The electorate of the County Borough of Conwy
- Chair of the appropriate overview and scrutiny committee
- The Council

2. Role purpose & activity

- To participate fully in the activities of the Overview and Scrutiny Committee, delivery of its work programme and any associated task and finish groups

Reviewing and developing policy

- Assist in the creation, development, improvement and refinement of Council policy
- Challenge policies on a sound basis of evidence for example against legislation or local political priority
- Assess impact of existing policy

Monitoring performance and service delivery

- Monitor the performance of internal and external providers against standards and targets
- Contribute to the identification and mitigation of risk
- Investigate and address the causes of poor performance

Promoting the work of scrutiny

- Promote the role of scrutiny within and outside the council, developing effective internal and external relationships
- Demonstrate an objective and evidence based approach to scrutiny
- Add value to the decision making and service provision of the authority through effective scrutiny
- To give a commitment to undertake appropriate training

Community leadership

- Use scrutiny as a means to address community issues and engage the public
- Encourage stakeholders to participate in the work of the authority
- Develop locally viable and acceptable policy solutions
- Build a dialogue around priorities, objectives and performance, among communities and stakeholders

Meeting participation

- Make adequate and appropriate preparation for meetings through research and briefings
- Participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements

Hold the Executive to account

- Evaluate the validity of executive decisions and challenge inappropriate decisions through call in

25.23 - Overview and Scrutiny Member Person Specification

To fulfil his or her role as laid out in the role description, an effective scrutiny member requires:

- Understanding of the role and functions of the council
- Understanding of the key strategies, priorities and direction of travel of the Council
- Understanding of the purpose and a commitment to the scrutiny function
- Full understanding of the scrutiny remit and role, to deliver an approach to scrutiny which is (a) member led, (b) seeks to provide an evidence based challenge of decision makers and service providers and (c) is an important mechanism for community engagement and service improvements
- Understanding of the terms of reference for their own committee and how they relate to others.
- Ability to operate apolitically, objectively and with an understanding of equalities and diversity
- Understanding of member support functions
- Willingness to work within the guidance of the chair
- Willingness to undertake personal development as necessary and understand the skills they need to undertake the role
- Understanding of the legal requirement to take the views of the public into account
- Ability to negotiate and build consensus
- Understanding of the purposes and processes associated with the Councillor Call for Action and the Call In procedure
- Understanding of council service, improvement and financial priorities and risks
- Understanding of community issues
- Engage fully in scrutiny including asking questions

Scrutinising and developing policy

- Knowledge of and ability to evaluate existing policy
- Understanding of best practice
- Understanding of national and local legislative and policy context

Monitoring performance and service delivery and holding the executive to account

- Understanding of the councils improvement programme and associated risk assessment arrangements
- Understanding of the principles and practice of performance management

- Understanding of council's performance management arrangements
- Ability to analyse data and challenge performance
- Understanding of the arrangements for call in
- Ability to act as a critical friend and in a non political way
- Undertake an overview rather than detailed monitoring
- Ability to hold executive members / officers to account for the achievement of targets / objectives
- Monitoring action plans arising from internal or external regulator reviews

Participating in Joint Scrutiny

- A commitment to working jointly with scrutiny members of other authorities and representatives of partner organizations
- An understanding of the role and functions of the partnership/regional organization
- An understanding of the key strategies, priorities and direction of travel of the partnership/regional organization
- A commitment to an approach to joint scrutiny which is member-led, provides an evidence-based challenge and is an important mechanism for community engagement and service improvement
- An ability to operate apolitically, objectively, collectively and inclusively
- Willingness to work within the guidance of the chair
- Willingness to undertake personal development as necessary and understand the skills they need to undertake the role
- An ability to negotiate and build consensus
- Full engagement in scrutiny, including asking questions

Community engagement

- Understanding of the role of scrutiny in enabling local people and communities to contribute to the decision and policy making process
- Knowledge of local issues and expectations
- Ability to work effectively with all members of the community and to build an understanding of the role of scrutiny with the public and stakeholders
- ability to engage with individuals and organisations in the community especially those traditionally excluded

Meeting participation

- Ability to interpret information and data from a range of sources
- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements
- Ability to participate in meetings including effective listening, questioning and speaking
- Preparation work including considering lines of questioning Ability to present information to the committee

25.24 - Leader of the Opposition Person Specification

To fulfil his or her role as laid out in the role description, an effective leader of the opposition requires:

1. In Providing Political Leadership for the Opposition Group

- Knowledge of community strengths, areas of improvement and key issues.
- An understanding of the relationship between national and local politics.
- Have a good strategic awareness of issues facing the Council.
- An understanding of the Council's strategy, policies and operations.
- An ability to challenge different strategies, policies and operations.

2. In Representing the Authority's Opposition

- High level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills.
- Creative and lateral thinking skills; the ability to see ahead and be foresighted.
- Leadership skills.

3. Internal Governance, Ethical Standards and Relationships

- An understanding of the roles of officers, members and different agencies Respect for, and willingness to work with, different groups and individuals.
- A thorough knowledge and understanding of the Code of Conduct and Member/Officer Protocol.
- A knowledge of and commitment to the values of the Council.

25.25 - Member Champion Role Description

1. Accountability

- To the Council for council functions
- To the Executive for executive functions

2. Role Purpose and Activities

Within the Council

- To promote the interest being championed within the Council's corporate and service priorities
- To promote the needs of the client group represented in the interest to the decision makers within the council
- To work with the decision makers in the Council to establish strategies/ policies/work plans connected with the interest
- To maintain an awareness of all matters connected with the interest
- To contribute to good practice and the continuous improvement of services and functions related to the interest
- To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet/Full Council meetings etc.
- Raising awareness of and assisting in the development of all members and officers in relation to the interest

In the Community

- To raise the profile of the interest in the community
- To engage with citizens and community groups in matters related to the interest
- To lead and support local initiatives related to the interest

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership

25.26 - Member Champion Person Specification

Within the Council

- Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group
- Ability to engage with a range of members and officers around the area of interest and listening to requirements
- Ability to advocate on behalf of the area of interest within the council

In the Community

- Understanding of the needs of the community in relation to the interest
- Ability to engage with citizens and community groups in matters related to the interest.
- Ability to lead and support local initiatives related to the interest.
- Ability to represent the position of the council to the community in relation to the interest.

25.27 - Protocol for Member Champions

1. What are Member Champions?

1.1 Member Champions exist to provide a voice for traditionally underrepresented groups, or issues which need to be kept at the forefront of Council business although they may not be the responsibility of any individual or committee.

1.2 Member Champions are elected members who, in addition to their other Council responsibilities, make sure that the issue or group that they are championing are taken into account when council policy is being developed and decisions are made.

1.3 The Council has, in recent years, appointed Member Champions for various roles or areas of Council activity. Many of these are now synonymous with, and are subsumed within, the role of the relevant portfolio holder, but it is still considered appropriate for some cross-cutting themes to have specific, identified Member Champions which do not necessarily link to a relevant portfolio.

2. Appointment of Member Champions

2.1 A Member Champion can be any member of the Council.

2.2 The Cabinet is responsible for appointing Member Champions unless such appointment is a Council function or is reserved by law to the Council. If an Overview and Scrutiny Member is to be appointed, expressions of interest in the role will be invited via group leaders before any appointment is considered and confirmed by the Cabinet (either formally or informally).

2.3 Member Champions will normally be expected to serve for the period of his/her term of office to ensure some stability in the role. However, an appointment may be made during the term of office to any new position that is established or to a position where there is a vacancy.

2.4 A bi-annual review of appointments will be carried out to ensure Members are undertaking their Champion roles effectively. Member Champions will be expected to provide an annual update on their work to the Member Development and Information Forum. If the Champion cannot provide a satisfactory annual update this will be reported, as part of the bi-annual review, to the Cabinet for it to consider whether a replacement Member is required.

3. Role of Member Champions

3.1 It is difficult to create a role description that fits with the different roles expected of champions but a generic model has been developed and is attached as appendix 1 to this protocol.

4. How does their role fit within the corporate structure?

4.1 There is potential for confusion and overlap between the role of the Member Champion and that of the relevant Cabinet Member (if they are not one and the same). It is important that Member Champions are clear about their role and what they can and cannot do. The work of the Member Champion should complement the work of the relevant Cabinet Member.

4.2 All Member Champions must act reasonably in their role and recognise and work effectively within the political management and working arrangements adopted by the Council. They should take care not to impinge on issues outside their area of interest.

4.3 A Member Champion cannot make decision (unless the Champion is a Cabinet Member with delegated authority) and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may, however, confirm a position as stated in a published policy. Member Champions should not talk to the media without first consulting with the Cabinet Member and relevant professional officer.

5. Internal Working Relationships

5.1 The Champion will:

- liaise regularly with other Member Champions and Cabinet Members whose portfolios are relevant to the role (for some generic interests this will be all or many of them)
- monitor the Committee Forward Work Plan and seek information from the relevant officers and Cabinet Members about forthcoming business and exert influence on behalf of the interest
- serve (alongside the Cabinet Member) where appropriate on Working Groups/Task and Finish Groups relating to their area of responsibility
- take advice from professional officer(s)
- in consultation with the Cabinet Member, seek to place appropriate items on agendas for Overview and Scrutiny/Cabinet where a review of policy/decision is needed
- keep other Councillors up-to-date with activities within the interest via the Member Development and Information Forum, the Members' Information Booklet, or directly by e-mail, whichever is deemed to be most appropriate
- generally promote the interest

5.2. In turn, the Leader, Cabinet Members, Overview and Scrutiny Chairs and officers will:

- acknowledge the right of Champions to be consulted on matters relating to their interest
- take full account of any views offered by Champions prior to any recommendations or executive decision being made on matters within the interest

6. External Working Relationships

6.1 The Champion will:

- monitor and work closely with partner bodies in the field of the interest being championed
- communicate on behalf of the ‘interest’ group and the Council to outside bodies
- (may) be the Council’s representative on certain relevant external bodies
- identify the most relevant community bodies whose work is associated with the interest and foster good working relationships with those groups
- take to promote within the wider community the specific issues on which the Champion is to focus and to provide opportunities for local engagement – involving Cabinet and Overview and Scrutiny lead Members as appropriate.

25.28 - Political Group Leader Role Description

1. Accountabilities

- To the nominating Group

2. Role Purpose and Activity

Providing political leadership to the Group

- To be a political figurehead and role model for the Group
- To be the principal political spokesperson for the Group
- If in power, to provide Party Political leadership in the development of the Council's vision or policies and, if in opposition to provide constructive challenge and alternatives to the ruling Political Group's vision and policies.
- To canvass a range of views within the Political Group in the formulation of policy.
- To integrate and represent Political Group policy at a local level.
- To co-operate with other Political Groups where appropriate, particularly in matters of a non-Party Political nature.
- To chair and/or attend meetings where appointed to a representative role within the Council.
- To liaise with other local and regional representatives of the party.
- To be the representative voice of the Group for example and where applicable, in its dealings with outside organisations such as the Welsh Government or Senedd

Internal governance, ethical standards and relationships:

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To promote, support, and adhere to respectful, appropriate and effective relationships with employees and other members of the Council
- To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office
- Encourage due regard to the Seven Principles of Public life and to civility in
  public life
- To participate in and encourage Group members to take part in relevant development opportunities.
- To set clear expectations of the behaviour of group members and challenge
  any inappropriate behaviour
- To promote diversity among Group members

- To encourage Group members to claim salaries and reimbursements due to them in accordance with the determinations of the IRPW

Duty to promote and maintain high standards of conduct by Group Members in accordance with the Local Government and Elections (Wales) Act 2021

- Take reasonable steps to promote and maintain high standards of conduct by
  the members of the Group.
- Co-operate with the council's standards committee (and any sub-committee of
  the committee) in the exercise of the standards committee's functions.
  Specifically, to co-operate with the Standards Committee in its duty to monitor
  compliance of Group Leaders with their duty under the act and in providing information for the Standards Committee's annual report.
- To work constructively with the Monitoring Officer and other Group Leaders in
  relation to this duty
- To work within the local resolution protocol where this applies
- To participate in any training relating specifically to this duty.

3. Values

To be committed to and demonstrate the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership
- Consensus building

Political Group Leader supplementary guidance

The Local Government and Elections (Wales) Act places a duty on Group Leaders to take “Reasonable Steps” to promote and maintain high standards of conduct by the members of their group. The following note provides further interpretation of the Act in support of the Group Leaders’ role description.

- Group Leaders have a duty to promote and maintain high standards of behaviour by members of their group in a Unitary Authority. This applies to those group members whenever they are acting or giving the impression of acting in their capacity as a member.
- This duty has been introduced by the Welsh Government to encourage high standards of behaviour from members, including civility and respect in all situations and towards all people. The duty is not intended to be onerous and will not cover everyone (clearly those members who do not belong to a group), but rather to be proportionate and helpful and encourage the prevention of inappropriate behaviour before it becomes a breach of the Code.
- All councillors already have a responsibility to report breaches of the Code of Conduct
- The Duty applies to Group Leaders for their group members whenever these members are for example acting on the Council, in political group meetings, in the community and on outside bodies such as Fire and Rescue Authorities, National Park Authorities, Police Authorities, Community and Town Councils, Corporate Joint Committees and school governing bodies.
- In the case of outside bodies, the standards of conduct which apply are those set out by the body on which the group member is serving. If these are not available, the Council Code of Conduct applies.
- The Duty does not make Group Leaders accountable for the behaviour of their members as Conduct must be a matter of individual responsibility. However, Group Leaders must take “Reasonable steps” to promote and maintain high standards of conduct by the members of the group. And must cooperate with the standards committee and any subgroup of the committee in the exercise of the standards committee’s functions. And must have regard to guidance issued by Welsh Ministers on these matters.
- “Reasonable steps” might include Group Leaders:
    - Having informal discussions with and/or requesting training for members who may be showing early signs of inappropriate behaviour to ‘nip this in the bud’ before it becomes problematic or in danger of breaching the Code.
    - Working constructively with Standards committees to report compliance with their duty, any serious concerns about members’ behaviour which have not been remedied by informal actions, and training requirements for themselves and for their group members.
    - Working constructively with and supporting the Monitoring Officer in these matters
    - Acting as a positive role model for members, demonstrating the highest possible standards of behaviour, civility, and respect.

    - Maintaining an awareness of what constitutes very high standards of behaviour, civility, and respect, particularly with regard to equalities and diversity.
    - Working constructively with other group members on the council and on other councils to ensure the highest possible standards of behaviour both in the Council and throughout Wales.
    - Welcoming and responding to concerns raised by Group members about behaviour in the group.

- Standards committees have a duty to monitor compliance by Political Group Leaders with their duties and advising, training or arranging to train leaders of political groups on the council about matters relating to their duties.
- Standards committees must give an annual report to council about their work including compliance of group Leaders with this duty.
- The sanctions which may be applied to group members acting inappropriately on an outside body are those set out by those bodies. Where sanctions are not set out, the Council rules apply.
- If a member has breached the Code of Conduct and is suspended, they are only suspended in the capacity as a member of one relevant authority. They would have to be disqualified for it to apply to their capacity as a member of more than one relevant authority. (Local Government Investigations (Functions of Monitoring Officers and Standards Committees (Wales) regs 2001)
- “A group leader who fails to comply with the new duty in a meaningful way may potentially be regarded as bringing their office into disrepute, in breach of paragraph 6(1)(a) of the Code” The Public Services Ombudsman for Wales, The Code of Conduct for members of local authorities in Wales May 2021.