Bridgend County Borough Council
Constitution

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PART 1 - SUMMARY AND EXPLANATION

The Council's Constitution

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

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

What's in the Constitution?

Article 1 of the Constitution commits the Council to arrangements which will deliver visible and accountable leadership for the Council and the County Borough and will provide transparent and effective decision-making.

Articles 2 -15 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- The Mayor (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Cabinet (Article 7).
- Regulatory and other committees (Article 8)
- The Standards Committee (Article 9).
- Joint arrangements (Article 10).
- Officers (Article 11).
- Decision making (Article 12).
- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).

Part 1 Summary and Explanation

How the Council operates

The Council is composed of 54 councillors elected every five years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

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

All County Borough Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors determine the main strategic policies and set the budget each year.

After extensive public consultation the Council opted for a Leader and Cabinet style of executive. Every year the Council appoints a Leader and appoints the members of the Cabinet. It also approves policies of major significance, which are known collectively as the Policy Framework, together with the annual Budget, and it must authorise any proposal by the Cabinet or anyone on the Cabinet's behalf which would be contrary to the either Policy Framework or the Budget.

The public, as well as Councillors, are given an opportunity to ask questions of the Leader and Cabinet Members at Council meetings and every quarter there is a debate on a topic of the Members choosing.

How Decisions are Made

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. It is made up of the Leader, the Deputy Leader and 4 Cabinet Members each with responsibility for covering a specific subject area or portfolio. The Leader appoints, from those Members appointed to the Cabinet, the Deputy Leader.

When major decisions are to be discussed or made, these are published in the Cabinet's forward work programme in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where exempt or confidential matters are being discussed.

The Cabinet must make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the Budget or Policy Framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

There are 4 Overview and Scrutiny Committees which oversee the decision making of the Cabinet Members and which support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public meetings into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery.

In discharging its crime and disorder functions, the Corporate Overview and Scrutiny Committee has the additional function of overseeing the decision making of the community safety partnership and its constituent bodies (in respect of their community safety roles).

The Corporate Overview and Scrutiny Committee also has the additional functions of overseeing the work of the Public Service Board (PSB).

Overview and Scrutiny Committees can ‘call-in’ a decision which has been made by the Cabinet or an Officer but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

Other Committees

Although the Cabinet system is intended to replace most of the traditional committee structure some Committees are still needed in addition to the Overview and Scrutiny Committees.

Some of these remaining Committees are required to make impartial assessments of all relevant factors before making their decisions, such as the Development Control Committee which is responsible for determining planning applications and considering other planning matters. Others perform important corporate functions, such as the Standards Committee already referred to and the Governance and Audit Committee, which is responsible for ensuring that the Council’s financial affairs are conducted properly.

The Council's Staff

The Council has employees (called `officers`) to give advice, implement decisions and manage the day-to-day delivery of its services. The Council itself must confirm the appointment of the Head of Paid Service, who is the most senior Council officer. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Relationships between members of the Council and officers are governed by a Member/Officer Protocol.

Citizens' Rights

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

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

- vote at local elections if they are registered;

- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Cabinet, the Council and their committees except where exempt or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- find out, from the Cabinet's forward work programme, what business is to be considered by the Cabinet, Overview and Scrutiny Committees or the Council as a whole;
- see reports and background papers considered by the Cabinet, the Council and any of their committees and the record of any decisions made by the Council, the Cabinet, any of their committees, and Councillors and officers under delegated powers, except where they contain exempt or confidential information;
- complain to the Council about the Council's services;
- complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged to do this after using the Council's own complaints procedure;
- complain to the Ombudsman if they have evidence which they think shows that a Councillor or co-opted member has not followed the Code of Conduct for Members and Co-opted Members;
- inspect the Council's accounts and make their views known to the external auditor;
- make a request under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004;
- exercise their rights under the Data Protection Act 2018 as set out in the Council’s Data Protection Policy.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact:

Cabinet & Committee Services,
Civic Offices,
Angel Street,
Bridgend CF31 4WB
Telephone: 01656 643385
Email: cabinet_committee@bridgend.gov.uk

PART 2 - ARTICLES OF THE CONSTITUTION

Article 1 - The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Bridgend County Borough Council.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;

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

3. help councillors represent their constituents more effectively;

4. enable decisions to be taken efficiently and effectively;

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

6. ensure that no one will review or scrutinise a decision in which they were directly involved;

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

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

1.04 Interpretation and Review of the Constitution

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

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

Article 2 - Members of the Council

2.01 Composition.

The Council will comprise 54 members, otherwise called Councillors. One or more Councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Boundary Commission for Wales and approved by the National Assembly for Wales.

2.02 Election and terms of office of Councillors

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

2.03 Roles and functions of all Councillors

(a) Key roles. All Councillors will:

(i) collectively be the ultimate policy-makers;

(ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

(iii) where appropriate, refer a local crime and disorder matter (as defined by Section 19 of the Police and Justice Act 2006) to the Corporate Overview and Scrutiny Committee as an agenda item for discussion at a meeting of the Committee where it could then be allocated to a Subject Overview and Scrutiny Committee; or where appropriate, to the Public Service Board Overview and Scrutiny Panel; where is exercising its functions in relation to crime and disorder;

(iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(v) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;

(vi) contribute to the continual improvement of Council services;

(vii) be involved in decision-making;

(viii) be available to represent the Council on other bodies; and

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

(b) Rights and duties

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

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

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

2.04 Conduct

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

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme.

2.06 Family Absence

Elected Members are entitled to a period of family absence, during which a member is entitled to be absent from Authority meetings. There are five types of family absence:

- Maternity absence
- Newborn absence
- Adopter’s absence
- New adoption absence
- Parental absence

A Member on maternity absence or parental absence may attend particular meetings and/or perform particular duties subject to the points below:

i) The Member must obtain the permission of the chair of the authority before attending any meeting or performing any duty;
ii) The chair of the authority must inform the leaders of each political group of the Authority before granting permission;
iii) A Member may complain in writing to the Head of Democratic Services regarding a refusal:
iv) The Head of Democratic Services must refer a complaint to the chair of the authority;
v) A Panel (as set out in Part 3) must determine a complaint.

Article 3 - Citizens and the Council

3.01 Citizens’ rights

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

(a) **Voting and petitions.** Citizens on the electoral roll for the County Borough have the right to vote and sign a petition to request a referendum for an Elected Mayor form of Constitution.

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

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

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

(iii) see reports and background papers, and any records of decisions made by the Council and the Cabinet other than those that are exempt or confidential;

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

(v) make a request under the Freedom of Information Act 2000 or Environmental Information Regulations 2004; and

(vi) exercise their rights under the Data Protection Act 2018 as set out in the Council's Data Protection Policy.

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

(i) the Council itself under its complaints procedure;

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

(iii) the Ombudsman where they believe a member or co-opted member of the Council has breached the Code of Conduct for Members and Co-opted Members.

3.02 Citizens' Responsibilities

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

Article 4 - The Full Council

4.01 Meanings

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

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

4.02 Functions of the Full Council

Only the Council will exercise the following functions:

(a) adopting and changing the Constitution;

(b) approving or adopting the Policy Framework and the Budget;

(c) subject to the urgency procedures contained in the Access to Information Procedure Rules and Budget and Policy Framework Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget;

(d) appointing the Leader and appointing the other Cabinet Members;

(e) agreeing and/or amending the terms of reference of committees of Council, deciding on their composition and making appointments to them;

(f) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;

(g) adopting an allowances scheme under Article 2.05;

(h) changing the name of the area, conferring the title of honorary alderman or freedom of the County Borough;

(i) making or confirming the appointment of Chief Officers and Heads of Service in accordance with the Officer Employment Procedure Rules as set out in Part 4 of this Constitution.;

(j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

(k) all local choice functions as determined from time to time; and

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

4.03 Council meetings

There are three types of Council meeting;

(a) the annual meeting;

(b) ordinary meetings;

(c) extraordinary meetings.

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

4.04 Responsibility for functions

Part 3 of this Constitution will contain Tables listing the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

Delegated Authority to Individual Officers (whether or not requiring consultation with (a) member(s) or (an) officer(s)) are listed in the Schemes of Delegation of Functions.

Article 5 - The Mayor

5.01 Roles and functions of the Mayor

The Mayor or, in his/her absence, the Deputy Mayor will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;

2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

3. 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 Councillors who are not members of the Cabinet are able to hold the Cabinet and committee chairpersons to account;

4. to promote public involvement in the Council's activities;

5. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.02 Mayoral Protocol

The Mayor and, in his/her absence, the Deputy Mayor will discharge the responsibilities described in Article 5.01 in accordance with the Mayoral Protocol approved from time to time by the Council.

Article 6 - Overview and Scrutiny Committees

6.01 Terms of reference

The Council will appoint the Overview and Scrutiny Committees set out in the table below to discharge the functions conferred by section 21 of the Local Government Act 2000. For full details of each Overview and Scrutiny Committee's terms of reference, please refer to the Responsibility for Council Functions Section, in Part 3 of this Constitution.

Committee
Corporate Overview and Scrutiny Committee
Subject Overview and Scrutiny Committee 1 (Education themed but not exclusive to)
Subject Overview and Scrutiny Committee 2 (Social Services themed but not exclusive to)
Subject Overview and Scrutiny Committee 3 (Communities themed but not exclusive to)

6.02 General Role

Within their terms of reference, Overview and Scrutiny Committees will:

(a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
(b) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint committee in connection with the discharge of any functions;
(c) consider any matter affecting the County Borough or its inhabitants; and
(d) exercise the right to call-in, for reconsideration, decisions made by or on behalf of the Cabinet but not yet implemented.

6.03 Specific functions

(a) **Policy review.** Overview and Scrutiny Committees will review the policies of the Authority and make recommendations.

(b) **Scrutiny**. Overview and Scrutiny Committees may:

i) review and scrutinise the decisions made or actions taken:
- by the Cabinet and/or committees and Council officers both in relation to individual decisions;
- in connection with the discharge by the responsible authorities of their crime and disorder functions;

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

iii) question members of the Cabinet and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

iv) make recommendations to the Cabinet and/or appropriate committees and/or the Council arising from the outcome of the scrutiny process

v) review and scrutinise the performance of other public bodies in the County Borough which impact upon the duties and functions of the Authority and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance; and

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

vii) consider at its meeting any local government matter (as defined by Section 21A of the Local Government Act 2000) referred to the committee by a member of this authority, to include any local crime and disorder matter referred to the committee;

viii) where appropriate refer a matter relating to the work of the Public Service Board to the PSB Overview and Scrutiny Panel via the Corporate Overview and Scrutiny Committee;

(e) **Annual report**. Overview and Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 Specific functions of the Corporate Overview and Scrutiny Committee when exercising powers in relation to the Public Service Board

i) Consider matters relating to the Public Service Board as the Welsh Ministers may refer to it an report to the Welsh Ministers accordingly;

ii) Review and scrutinise the decisions made or actions taken by the Public Service Board;

iii) Review and scrutinise the Public Service Board's governance arrangements;

iv) Carry out other functions in relation to the Board that are imposed on it by the Act.

v) Make reports or recommendations to the Public Service Board regarding its functions or governance arrangements;

vi) A copy of any report or recommendation made to the Public Service Board must be sent to the Welsh Ministers, the Commissioner and the Auditor General for Wales.

vii) To determine the scrutiny arrangements for the Public Services Board whilst maintaining overall responsibility for monitoring the effectiveness of the Board.

viii) Any recommendations made by any Overview and Scrutiny or Public Service Board and Scrutiny Panel in relation to the Public Service Board are to be presented to the Corporate Overview and Scrutiny Committee for approval prior to submission to the Board.

6.05 Specific functions of the Corporate Overview and Scrutiny Committee when exercising powers in relation to crime and disorder

i) to review and scrutinise the decisions made or actions taken in connection with the discharge by the responsible authorities of their crime and disorder functions;

ii) to make reports or recommendations to Council or Cabinet, as appropriate, with respect to the discharge of crime and disorder functions by the responsible authorities;

iii) to consider at its meeting any local crime and disorder matter referred to the committee by a member of this authority;

iv) to decide whether or not to make a report or recommendations to Council or Cabinet, as appropriate, in respect of a local crime and disorder matter, having regard to any representations made by the member as to why the committee should do so;

v) to notify the member concerned of its decision and the reasons for its decision in any case where the committee decides not to make a report or recommendation in respect of a local crime and disorder matter

vi) where the committee makes a report or recommendations, to provide a copy of any committee report or recommendations to the member

concerned and to such responsible authority and co-operating person or bodies, as it thinks appropriate

vii) to review responses to committee reports and recommendations, and to monitor action taken by responsible authorities and co-operating persons or bodies.

viii) to decide the appropriate method for scrutiny and consideration of a crime and disorder matter to include the referral to the Public Service Board Overview and Scrutiny Panel or allocation to a Subject Overview and Scrutiny Committee. Where a crime and disorder matter is referred to the Public Service Overview and Scrutiny Panel or to a Subject Overview and Scrutiny Committee, any comments or recommendations will be presented to the Corporate Overview and Scrutiny Committee for approval prior to onward progression.

6.05 Proceedings of Overview and Scrutiny Committees

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

Article 7 - The Cabinet (the Executive)

7.01 Role

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

7.02 Form and composition

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

7.03 Leader

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

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

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

(c) he/she is no longer a Councillor; or

(d) the annual meeting save that the Council may remove the Leader from office at an earlier date but only in the event of a change in political control of the Council.

7.04 Other Cabinet Members

Other Cabinet members shall hold office until:

(a) they resign from office; or

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

(c) they are no longer Councillors; or

(d) the annual meeting save that the Council may remove them from office, either individually or collectively, at an earlier date but only in the event of a change in political control of the Council.

7.05 Deputy Leader

The Leader may appoint one of the Cabinet Members to be the Deputy Leader who will chair Cabinet meetings in the absence of the Leader and will assist the Leader in the discharge of his/her duties in whatever manner the Leader shall specify.

7.06 Proceedings of the Cabinet

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

7.07 Responsibility for Functions

Part 3 of the Constitution contains a list of Cabinet Committees and their functions and Joint arrangements with another authority or authorities responsible for the exercise of particular Cabinet function.

Delegated Authority to Individual Cabinet Members and Officers (whether or not requiring consultation with (a) member(s) or (an) officer(s)) are listed in the Schemes of Delegation of Functions.

7.08 Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 8 - Regulatory and Other Committees

8.01 Regulatory and other Committees

The Council will appoint the committees set out in the left hand column of Table 2 in Part 3 of this Constitution to discharge the functions described in column 3 of that Table.

8.02 The Governance and Audit Committee

The Council will appoint a Governance and Audit Committee for the purpose set out below and specifically to discharge the functions described in column 3 of Table 2 in Part 3 of this Constitution.

Purpose:

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

Composition:

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

(a) At least two thirds of the Members must be County Borough Councillors of which no more than one Member may be a Member of the Executive who must not be the Leader;
(b) Up to one third of the members may be from outside the Council and at least one member must be a Lay Member;
(c) There is no statutory requirement for the membership of the Governance and Audit Committee to be politically balanced however the balance of members of the committee should at least be as favourable to non-executive groups as would be achieved by the political balance rules.

Chairing the Committee
The Governance and Audit Committee shall be chaired by a person elected by its members, the Chairperson may be a County Borough Councillor or a Lay Member but must not be a Member of the Executive group.

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

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

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

Article 9 - The Democratic Services Committee

The Council will appoint a Democratic Services Committee to discharge the functions described in column 3 of Table 2 in Part 3 of this Constitution.

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

(a) Members must be County Borough Councillors of which no more than one Member may be a Member of the Executive who must not be the Leader;

(b) Political balance rules apply.

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

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

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

Article 10 - The Standards Committee

10.01 Standards Committee

The Council meeting will establish a Standards Committee to exercise the functions set out in Article 10.04 below.

10.02 Composition

(a) **Membership.** The Standards Committee shall consist of not less than five nor more than nine members at least two of which shall be County Borough councillors.

Where the total number of members of a Standards Committee is an even number at least half that number shall be independent members.

Where the total number of members of a Standards Committee is an odd number a majority of that number shall be independent members.

The Leader shall not be a member of the Standards Committee and not more than one member of the Cabinet shall be a member of the Committee.

The Committee will include at least one Community Council member who is not also a member of the County Borough Council.

(b) **Independent Members.** Independent members of the Standards Committee will be persons who are not:

(i) Councillors or Council officers;

(ii) the husbands or wives of Councillors or Council officers; or

(iii) former Councillors or Council officers unless at least twelve months have elapsed since they ceased to be councillors or officers.

Independent members will be entitled to vote at meetings.

10.03 Chairing the Committee.

The Standards Committee shall be chaired by a person elected by their members from amongst the independent members of the Committee.

10.04 Role and Functions of Standards Committee

The Standards Committee will have the following roles and functions:

(a) To promote and maintain high standards of conduct by Town and Community Councillors and County Borough Councillors, co-opted members and Church and Parent Governor representatives;

(b) To assist Town and Community Councillors and County Borough Councillors, co-opted members and Church and Parent Governor representatives to observe the Code of Conduct adopted by their Council;

(c) To advise Town and Community Councils and the County Borough Council on the adoption or revisions of a Code of Conduct.

(d) To monitor the operation of the Town and Community Councils' and County Borough Council's Code of Conduct and to report to the County Borough Council on any matters of concern;

(e) To advise Town and Community Councillors and the County Borough Council on the effective implementation of the Code of Conduct, including appropriate training measures for Councillors, co-opted members and Church and Parent Governor representatives;

(f) To consider:

(i) reports submitted by the Public Services Ombudsman for Wales;

(ii) reports submitted by and any recommendation made to it by the Council's Monitoring Officer;

(iii) any representations received;

relating to alleged breaches of the Code of Conduct by Town and Community Councillors and County Borough Councillors or co-opted members and to make appropriate determinations;

(g) To monitor the operation of the County Borough Council's Whistleblowing Policy;

(h) To grant dispensations from the prohibitions contained in the Code of Conduct from Town and Community Councillors and County Borough Councillors or co-opted members participating in that Council's business, in accordance with the Regulations from time to time made by the National Assembly for Wales.

Article 11 - Joint Arrangements

11.01 Arrangements to promote well-being

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

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of any person or body;

(c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint arrangements

(a) Council may establish joint arrangements with one or more local authorities to discharge functions which are not executive functions in any of the

participating authorities, or to advise Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

(b) Where such joint committee has functions in respect of part of the area of the authority and the representatives of the authority on that committee are appointed by Council, the political balance requirements shall not apply to the appointment of those representatives and those representatives must be members of the authority who have been elected for electoral divisions or wards which are wholly or partly within that part of the authority's area.

(c) The Cabinet may establish joint arrangements with one or more local authorities to discharge functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

(d) Subject to paragraph (e) below, Cabinet or a Cabinet committee as respects any functions which are allocated to the committee by executive arrangements, may appoint a member or an officer of the authority to a joint committee regardless, in the case of a member, of whether that person is a member of that Cabinet, and the political balance requirements shall not apply to the appointment of such members.

(e) Where such joint committee has functions in respect of part only of the authority’s area; and those functions are the responsibility of Cabinet; and either the area of that part does not exceed two-fifths of the total area of the authority; or the population of that part, as estimated by the authority, does not exceed two-fifths of the total population of the authority as so estimated, the representatives of the authority on the joint committee may include any members of the authority who have been elected for electoral divisions or wards which are wholly or partly within that part of the authority's area, and the political balance requirements shall not apply to the appointment of those members.

(f) Details of any joint arrangements including any delegations to joint committees will be found at Part 3 of this Constitution.

11.03 Access to information

(a) The Access to Information Procedure Rules in Part 4 of this Constitution apply.

(b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

(c) If the joint committee contains members who are not members of the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Discharge of functions of and by other local authorities

(a) The Council may arrange for the discharge of non-executive functions by another local authority or, in certain circumstances, by the executive of another local authority or by a committee or specified member of such an executive.

(b) The Cabinet may arrange for the discharge of executive functions by another local authority or by the executive of another local authority or by a committee or specified member of such an executive in certain circumstances.

(c) The decision whether or not to accept an arrangement for the discharge of the functions of another local authority shall be reserved to the Council meeting.

11.05 Contracting out

The Council may in the case of functions which are not executive functions and the Cabinet may in the case of executive functions, contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 12 – Officers

12.01 Management structure

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

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

Post	Functions and areas of responsibility
Chief Executive Officer (and Head of Paid Service)	• Overall corporate management and operational responsibility (including overall management responsibility for all officers). • Acting as principal policy adviser on all matters of general policy and local governance. • Representing the Council as required on national and local bodies. • Assisting the Mayor in the performance of civic functions. • Finance
Corporate Director –	Management and overall responsibility for, taking the lead role

Education and Family Support	in strategy and policy development in respect of and ensuring effective service co-ordination of the following services: • Family Support • Learning
Corporate Director – Communities	Management and Overall Responsibility for, taking the lead role in strategy and policy development in respect of and ensuring effective service co-ordination of the following services: • Regeneration & Development; • Neighbourhood services
Corporate Director – Social Services and Wellbeing	Management and Overall Responsibility for, taking the lead role in strategy and policy development in respect of and ensuring effective service co-ordination of the following services: • Wellbeing • Safeguarding

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

Post	Designation
Chief Executive Officer	Head of Paid Service; Returning Officer; Electoral Registration Officer.
Head of Legal and Regulatory Services	Monitoring Officer; Solicitor to the Council; Proper Officer for Committees; Senior Information Risk Owner.
An Officer of the Authority	Chief Finance Officer / Section 151 Officer
Corporate Director – Social Services and Wellbeing	Director of Social Services
Corporate Director – Education and Family Support	Director of Education
An Officer of the Authority	Head of Democratic Services

Such posts will have the functions described in Articles 12.02 – 12.06 below. The term 'Proper Officer' denotes an officer with specific responsibility for the given function.

(d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.

12.02 Functions of the Head of Paid Service

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

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

12.03 Functions of the Monitoring Officer

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

(b) **Ensuring lawfulness and fairness of decision making**. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

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

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

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

(f) **Advising whether Cabinet decisions are within the Budget and Policy Framework**. The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

(g) **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.

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

(i) **Proper officer for the purposes of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001** (as amended). The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant

officer reports and background papers are made publicly available as soon as possible.

(j) **Contributing to corporate management**. The Monitoring Officer will contribute to the corporate management of the Council,

12.04 Functions of the Chief Finance Officer

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

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

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

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

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

12.05 Functions of the Director of Social Services

(a) **Designation as Director of Social Services.**
The Corporate Director – Social Services and Wellbeing is to be the officer known as the Director of Social Services for the purposes of the Authority's statutory social services functions. He /she will be required to provide clear professional leadership across social services and will have overall responsibility for social services workforce planning, training and professional development.

(b) **Responsibility for functions.**
The Director of Social Services is to have overall responsibility for the Authority's statutory social services functions, ensuring that strong performance management arrangements and proper safeguards to protect vulnerable adults and children are in place including regular reporting at a corporate level and to Elected Members.

(c) **Ensure the delivery of all statutory social services functions.**

The Director of Social Services will have direct access to the Head of Adult Social Care, the Head of Children's Safeguarding, Elected Members and all officers responsible for the delivery of social services functions.

(d) **Report to Cabinet.**
After consulting with the Head of Paid Service and the Corporate Management Board, the Director of Social Services will report to the Cabinet if he or she considers that the Authority is failing, or in danger of failing, in its delivery of its statutory social services functions.

12.06 Functions of the Head of Democratic Services

(a) to provide support and advice (but see note 1 below)

- to the authority in relation to its meetings;

- to committees of the authority and the members of those committees;

- to any joint committee which a local authority is responsible for organising and the members of that committee;

- in relation to the functions of the authority's overview and scrutiny committee(s), to members of the authority, members of the executive and officers;

- to each member of the authority in carrying out the role of member of the authority (but see note 2 below);

(b) to promote the role of the authority's overview and scrutiny committee(s);

(c) to make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff;

(d) any other functions prescribed by the Welsh Ministers.

Notes –
1. the function of providing advice about whether or how the authority's functions should be, or should have been, exercised, only applies to advice concerning the functions of the overview and scrutiny and democratic services committees;
2. in this case, advice to a member does not include advice in connection with their role as an executive member, and does not include advice about a matter being or to be considered at a meeting (other than a meeting of an overview and scrutiny or democratic services committee)."

12.07 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 Head of Democratic Services with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.08 Conduct

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

12.09 Employment

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

Article 13 - Decision Making

13.01 Responsibility for decision making

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

13.02 Decisions reserved to the full Council

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

13.03 Decision making by the full Council

Subject to Article 13.07, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.04 Decision making by the Cabinet

Subject to Article 13.07, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision making by Overview and Scrutiny Committees

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

13.06 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.07, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.07 Decision making by Council bodies acting as tribunals

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

Article 14 - Finance, Contracts and Legal Matters.

14.01 Financial management

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

14.02 Contracts

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

14.03 Legal proceedings

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

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Solicitor to the Council or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council, or where appropriate Cabinet, has given requisite authority to another person in accordance with the Schemes of Delegation of Functions.

Every contract entered into on behalf of the Council must be executed in accordance with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Solicitor to the Council . A decision record
of the Council, Cabinet and any Officer authorised in accordance with the Schemes of Delegation of Functions, will be sufficient authority for sealing any document necessary to give effect to the decision. Contracts to which the Common Seal must or may be affixed are specified in Contracts Procedure Rules in Part 4 of this Constitution. The Common Seal will also be affixed to those other documents which in the opinion of the Solicitor to the Council should be sealed. The affixing of the

Common Seal will be attested by either the Mayor, the Deputy Mayor, the Leader or the Deputy Leader and by the Solicitor to the Councilor a person authorised by him/her.

Article 15 - Review and Revision of the Constitution

15.01 Duty to monitor and review the Constitution

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

15.02 Protocol for monitoring and review of Constitution by Monitoring Officer

In undertaking the task of monitoring and reviewing the Constitution the Monitoring Officer may:

(a) observe meetings of different parts of the member and officer structure;

(b) undertake an audit trail of a sample of decisions;

(c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and

(d) compare the Council's practices with those of other comparable authorities, or national examples of best practice.

15.03 Changes to the Constitution

(a) **Approval by the full Council.**

(i) Subject to paragraphs 15.03(b) below changes to the Constitution shall be approved by the full Council on the recommendation of the Monitoring Officer.

(b) **Approval otherwise than by the full Council.**

Cabinet may, on the recommendation of the Monitoring Officer, approve those changes to the Constitution which relate to its remit and powers.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

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

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

(c) **Rules capable of suspension**. The Rules which may be suspended in accordance with Article 16.01 are the Council Procedure Rules, with the exception of Rules 17.5 and 18.2.

16.02 Interpretation

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

16.03 Publication

(a) The Monitoring Officer will ensure that an electronic copy of this Constitution and of the Council's Schemes of Delegation is available to Members and Officers of the Council via the intranet.

(b) The Monitoring Officer will ensure that copies of this Constitution and of the Council's Schemes of Delegation are available to the public via the Council's website.

PART 3 - RESPONSIBILITY FOR FUNCTIONS

1. Responsibility for Local Choice Functions

Function	Decision Making Body	Membership	Delegation of Functions
Functions under the Mid Glamorgan County Council Act 1987			
Section 6 (Coal-mining operations: Performance bonds).	Council, through Development Control Committee.	18 County Borough Councillors	Delegated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 8 (Council to be trust corporation).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Education and Family Support (see Schemes of Delegation of Functions).
Section 9 (Access for fire brigade).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 10 (Dust, etc., from building operations).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 11 (Dust from the movement of coal).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of

Function	Decision Making Body	Membership	Delegation of Functions
			Functions).
Section 12 (Cost of weatherproofing walls).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 13 (Retaining walls).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 14 (Plans, etc., of new sewers).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 15 (Seizure of stray animals).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Head of Legal and Regulatory Services (see Schemes of Delegation of Functions).
Section 16 (Expenses of executing demolition orders).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 17 (Prohibition of parking of certain vehicles in residential streets).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of

Function	Decision Making Body	Membership	Delegation of Functions
			Functions).
Section 18 (Restriction on use of dustbins, etc.).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 19 (Repair of walls, etc., of yards).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).
Section 22 (Protection of seashore and adjoining land from pollution).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 23 (Power to employ lifeguards).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Social Services and Wellbeing (see Schemes of Delegation of Functions).
Part V (Porthcawl Harbour).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Communities (see Schemes of Delegation of Functions).
Section 67(1) of, and Schedule 18 to, the School Standards and Framework Act 1998 (Making of arrangements for appeals against exclusion of pupils).	Council.	54 County Borough Councillors.	None.
Section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act	Council.	54 County Borough Councillors.	None.

Function	Decision Making Body	Membership	Delegation of Functions
1998 (Making of arrangements for admission appeals).			
Section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (Making of arrangements regarding appeals by governing bodies).	Council.	54 County Borough Councillors.	None.
Section 20 of the Police Act 1996 (Making of arrangements for questions on police matters at Council meetings).	Council.	54 County Borough Councillors.	None.
Paragraphs 2 to 4 of Schedule 2 to the Police Act 1996 (Making of appointments to police authorities).	Council.	54 County Borough Councillors.	None.
Any function relating to contaminated land.	Cabinet.	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Head of Legal and Regulatory Services (see Schemes of Delegation of Functions).
Any function relating to the control of pollution or the management of air quality.	Cabinet.	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the CouncilServices (see Schemes of Delegation of Functions).
The service of an abatement notice in respect of a statutory nuisance.	Cabinet.	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).

Function	Decision Making Body	Membership	Delegation of Functions
Passing of resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 shall apply to the authority's area.	Cabinet.	Leader, Deputy Leader and four other County Borough Councillors.	None.
Inspection of the authority's area to detect any statutory nuisance.	Cabinet.	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).
Investigation of a complaint as to the existence of a statutory nuisance.	Cabinet.	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Solicitor to the Council(see Schemes of Delegation of Functions).
Section 330 of the Town and Country Planning act 1990 (Obtaining of information as to interests in land).	Council.	54 County Borough Councillors.	Delegated to Corporate Director - Communities (see Schemes of Delegation of Functions).
Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (Obtaining of particulars of persons interested in land).	Cabinet.	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities and the Solicitor to the Council(see Schemes of Delegation of Functions). Functions).
Making of agreements for the execution of highway works.	Cabinet.	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director - Communities (see Schemes of Delegation of Functions).
The appointment of any individual:	Cabinet (in respect of appointments to	Leader, Deputy Leader and four	None.

Function	Decision Making Body	Membership	Delegation of Functions
(a) To any office other than an office in which he/she is employed by the Council; (b) To any body other than: (i) the Council; (ii) a joint committee of two or more authorities; or c) a committee or sub-committee of such a body, and the revocation of any such appointment.	offices or bodies discharging or performing any role in connection with functions which are the responsibility of the Cabinet); otherwise the Council.	other County Borough Councillors (Cabinet); otherwise 54 County Borough Councillors (Council).	
Power to make payments or provide other benefits in cases of maladministration etc.	Council.	54 County Borough Councillors.	None.
Discharge of any function by an authority acting as a harbour authority.	Cabinet.	Leader, Deputy Leader and four other County Borough Councillors.	Allocated to Corporate Director – Communities (see Schemes of Delegation of Functions)
Licensing Functions in accordance with: Part 2 of the Licensing Act 2003 except Section 6	Council	54 County Borough Councillors	None
The functions contained in sections 25 and 26 of the Highways Act 1980 (Creation of Highways).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).

Function	Decision Making Body	Membership	Delegation of Functions
The functions contained in sections 116, 117, 118, 118ZA, 118A, 118B, 118C, 119, 119ZA, 119A, 119B, 119C, 119D, 120, 121B of the Highways Act 1980 (Stopping up and diversion of Highways).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
The functions contained in sections 130, 139, 140, 140A, 142, 147, 147ZA, 149, 169, 171, 171A, 172, 173, 178, 179, 180 of the Highways Act 1980 (Lawful and unlawful interference with Highways and Streets).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
The functions contained in section 34 of the Wildlife and Countryside Act 1981 (Limestone pavement orders).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
The functions contained in section 53 of the Wildlife and Countryside Act 1981 (Duty to keep definitive map and statement under continuous review).	Cabinet	Leader, Deputy Leader and four other County Borough Councillors.	Specified functions allocated to the Corporate Director - Communities (see Schemes of Delegation of Functions).
Functions in respect of gambling under sections 29, 30, 166, 212, 284, 304, 346, 349, 350 and Part 5 of Schedule 11 of the Gambling Act 2005.	Council	54 County Borough Councillors.	Specified functions allocated to the Licensing Committee and to the Solicitor to the Council(see Constitution and Schemes of

Function	Decision Making Body	Membership	Delegation of Functions
			Delegation of Functions).
To determine all appeals against decisions made by or on behalf of the Authority except where there is other specific statutory requirement.	Council	54 County Borough Councillors.	To the Appeals Panel - Chairperson and/or Vice Chairperson together with one or two County Borough Councillors drawn on a rota basis from a panel of ten County Borough Councillors.
Functions in respect of the 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 for the item mentioned in paragraph (a) or (b) above.	Council	54 County Borough Councillors	None

Function	Decision Making Body	Membership	Delegation of Functions
The functions set out in the Scrap Metal Dealers Act 2013.	Cabinet	Leader, Deputy leader and four other County Borough Councillors.	Specified functions allocated to the Solicitor to the Council(see Schemes of Delegation of Functions).

2. Responsibility for Council Functions

(a) Committees, Sub-Committees, Panels and other Bodies

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
Appeals Panel	Chairperson and/or Vice Chairperson together with one or two County Borough Councillors drawn on a rota basis from a panel of ten County Borough Councillors.	1. To hear and determine appeals under the following policies and procedures of the Council: • Disciplinary; • Grievance; • Management of Absence; • Dignity at Work; • Capability; • Redundancy and Redeployment	None.
Appointments Committee	The Appointments Committee is comprised of 8 Elected Member representatives: • Leader (Chairperson) • Deputy Leader	1. To undertake the appointment process of JNC officers (other than the Chief Executive). Substitution of Appointments Committee Members is permissible but only for the whole of an appointments process. 2. To facilitate the JNC Determination	None

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
	• Cabinet Member (of relevant portfolio to the post) • 1 x Conservative Member • 1 x Independent Member • 1 x Plaid Cymru Member • 1 x Llynfi Independents Member • 1 x Labour Group Member	and JNC Appeals panels. These will comprise of 3 members with the Leader or Deputy Leader chairing the panel supported by 2 other members of the committee. The JNC Panels cannot be substituted and must be comprised from the original membership of the Appointments Committee.	
Governance and Audit Committee	12 County Borough Councillors and Lay Members (as set out in Article 8)	• Review, scrutinise and issue reports and recommendations in relation to the Council's financial affairs, • Review, scrutinise and issue reports and recommendations on the appropriateness of the Council's risk management, internal control, arrangements to secure value for money and corporate governance arrangements. • To consider the report on the annual risk assessment, any interim reports and the Corporate Risk Management Policy. • Oversee the Council's internal and external audit arrangements (including the performance of external providers of Internal Audit) and review its financial statements. • To approve the Internal Audit Charter. • To approve the risk-based internal	None.

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		audit plan and to approve significant interim changes to the risk-based internal audit plan. • To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years. • To consider and approve the Head of Internal Audit's annual report and opinion, a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements. • To consider and approve reports from Internal Audit on the adequacy of internal control. • To consider and approve reports dealing with the management and performance of the providers of internal audit services. • To consider reports from Internal Audit on agreed recommendations not implemented within a reasonable timescale and approve necessary remedial action. • To identify issues from the Annual Improvement Report by the Wales Audit Office. • To identify areas for examination by Internal and External Audit. • To be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies, in accordance with the Treasury Policy Statement and Treasury Management Prudential Indicators. • To maintain an overview of the Council's Constitution in respect of Contract and Finance Procedure Rules. • To review any issue referred to it by the Chief Executive Officer, the	

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		Monitoring Officer and the Section 151 Officer. • To monitor the Council's Anti-Fraud and Bribery Strategy, and Anti-Money Laundering Policy. • To review and approve the Council's Annual Governance Statement and Code of Corporate Governance. • To assess the Council's compliance with its own and other published standards and controls. • To review and approve the Annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. • To consider and approve the External Auditor's report in relation to those charged with governance on issues arising from the audit of the accounts. • To review and consider reports from the External Auditor on the Council's performance, financial probity and corporate governance and providing the opportunity for direct discussion with the auditor on these. • To receive reports from the External Regulators as appropriate. • To attend relevant training sessions in accordance with the Members Training programme e.g. Treasury Management. • To receive reports concerning the incidents and near misses reported under the Corporate Risk Management Incident and Near Misses Reporting Procedure (Excluding Health and Safety)	

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
Democratic Services Committee	11 County Borough Councillors (as set out in Article 9 of Part 2)	1. To designate an officer as the Head of Democratic Services, 2. To review the adequacy of provision of staff, accommodation and other resources to discharge democratic services functions, and 3. To make reports and recommendations to Council, at least annually, in relation to such provision. 4. At the request of the Council, review any matter relevant to the support and advice available to members of the Council, and the terms and conditions of office of those members. 5. To make reports and recommendations to the Council following a review.	
Democratic Services Sub-Committee	3 County Borough Councillors that are members of the Democratic Services Committee	A Panel constituted under The Family Absence for Members of Local Authorities (Wales) Regulations 2013 a) Determine a complaint made by a Member regarding cancellation of family absence by the authority b) The Sub-Committee may confirm a decision made or substitute its own decision as to the Member's entitlement to a period of family absence in accordance with the 2013 Regulations. c) Determine a complaint made	

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		by a Member on maternity absence or parental absence regarding a decision made by the chair of the authority as to the Member attending any meeting or performing any duty; d) The Sub-Committee may confirm the decision of the chair of the authority or substitute its own decision as to the Member attending any meeting or performing any duty; e) The decision of the Sub-Committee is final.	
Development Control Committee	Eighteen County Borough Councillors.	1. To make recommendations to the Council in respect of Departure Applications which the Committee are minded to approve and Applications which accord with Council policy which the Committee are minded to refuse; 2. To determine applications for planning permission including applications by the Council for deemed planning permission other than Departure Applications which the Committee are minded to approve and Applications which accord with Council policy which the Committee are minded to refuse; 3. To deal with all matters relating to or arising under the regulations for the time being in force governing the control of advertisements; 4. To authorise the service of notices and the making of orders in accordance with the powers conferred upon the Council as local	Details of the planning and other functions of the Development Control Committee which are delegated to the Corporate Director - Communities and other officers in their Directorate are contained in the Council's Schemes of Delegation of Functions.

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		planning authority by Parts III, IV, VI, VII, VIII and XIII of the Planning (Listed Buildings and Conservation Areas) Act 1990; 5. To discharge the Council's functions pursuant to Part I, Chapters II, III, IV and VI, Part II, Sections 72-75, Part III and Part IV of the Planning (Listed Buildings and Conservation Areas) Act 1990; 6. To discharge the Council's functions pursuant to the Planning (Hazardous Substances) Act 1990; 7. To deal with all matters relating to or arising under the regulations for the time being in force governing European Nature Conservation Sites; 8. To discharge the Council's functions under the Building Regulations; 9. To be responsible for: a) The making of Tree Preservation Orders; b) The confirmation of Tree Preservation Orders in respect of which there are no subsisting objections or representations; c) The determination of all applications for consent under confirmed Tree Preservation Orders; d) The making of observations on tree felling licences proposed to be granted by National Resources Wales; e) The determination of applications under the Woodland Grant Scheme; 10. To approve design briefs and	

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		advice notes relating to the control of development; 11. To accept tenders for the execution of work, the performance of services or the supply of goods or materials in connection with the exercise of the functions of the Committee; 12. To exercise those functions relating to town and country planning and development control specified: (a) In column (1) of Schedule 1 to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001; and (b) In Regulations 2(2), 2(3) or 2(4) of those Regulations; which are not specified in paragraphs 1 to 11 above, unless the responsibility for exercising any of those functions has been delegated by the Council to any other committee, sub-committee, panel or other body.	
Rights of Way Sub-Committee	Six County Borough Councillors (plus one observer from each: Ramblers' Association; the British Horse Society; and a Footpath Secretary.	1. To approve the making of applications for and the making, modification or variation of orders relating to rights of way in pursuance of any provision contained in the following enactment (or any statutory modification, re-enactment or amendment thereof): Town and Country Planning Act 1990; 2. To confirm, where the Council has power to do so, any proposed Order made in accordance with paragraph 1 above to which there are no objections or in respect of which any objections made are withdrawn; 3. Where the Council does not have	None.

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		power to determine any proposed Order to refer the proposed Order to such determining body (i.e. the National Assembly for Wales, the Magistrates' Court or the County Court) as is appropriate in the circumstances.	
The Licensing Committee	Fourteen County Borough Councillors.	1. To determine from time to time any standard conditions applicable to and detailed policies governing the issue of the following licences, permits and consents; to determine the amount of the fees to be charged from time to time in respect of those licenses, permits and consents; and to determine objections in relation to proposed fee revisions: a) Hackney Carriage and Private Hire Vehicle Licences, Drivers' Licences and Operators' Licences; b) Licences for Pleasure Boats and Vessels; c) Street Trading Licences and Consents; d) Sex Establishments; e) Street Collections; f) House to House Collections; g) Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987. h) Section 26(1)(bb) of the Marriage Act 1949, (as amended) 2. To prescribe guidelines, conditions,	Details of the licensing functions within the purview of the Licensing Committee and the Licensing Sub-Committee which are delegated to the Solicitor to the Counciland other officers in Legal and Regulatory Services are contained in the Council's Schemes of Delegation of Functions.

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		limitations or restrictions governing the grant of applications for Hackney Carriage and Private Hire Vehicle Drivers' Licences by Council officers under the power delegated to them; 3. To resolve to designate any street within the County Borough under the street trading provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and to deal with any matter arising there from, including licence and consent issues.	
The Licensing Sub-Committee	Two Panels sitting on a rota basis each consisting of seven county borough councillors, and chaired by the Chairperson and Vice Chairperson of the Licensing Committee	1. To hear and determine applications and to deal with all detailed matters (including the suspension and revocation of licences) relating to: a. Hackney Carriage and Private Hire Vehicle Licences, Drivers' Licences and Operators' Licences; b. Licences for Pleasure Boats and Vessels; c. Street Trading Licences and Consents; d. Sex Establishments; e. Street Collections; f. House to House collections; 2. To determine any matters in relation to the Drivers Awareness Course for Hackney Carriage and Private Hire Vehicle Drivers, including the making of any charges deemed appropriate.	

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		3. To determine all applications in respect of both designated grounds and regulated stands and grounds under the Safety of Sports Grounds Act 1975 and the Fire Safety and Safety of Places of Sports Act 1987. 4. To hear and determine applications for the grant or renewal of approvals of premises for the solemnisation of marriages in pursuance of Section 26(1)(bb) of the Marriage Act 1949, (as amended) or to revoke such approvals, in circumstances in which the Council Officer to whom the power to determine such applications, or to revoke such approvals, has been delegated has declined to exercise the delegated power.	
The Licensing Act 2003 Committee	Fourteen County Borough Councillors	1. All matters relating to the discharge by the licensing authority of its licensing functions under the Licensing Act 2003 other than any function conferred by section 5 in respect of its statement of licensing policy; 2. All matters relating to the discharge by the Licensing Authority of its licensing functions under the Gambling Act 2005 other than any function conferred by section 349 in respect of its statement of Licensing Policy and section 166 in respect of a resolution not to issue a casino license.	Details of the licensing functions within the purview of the Licensing Act 2003 Committee and the Licensing Act 2003 Sub-Committee which are delegated to the Solicitor to the Counciland other officers in Legal and Regulatory Services are contained in the Council's Schemes of Delegation of
The Licensing Act 2003 Sub-Committee(s)	Ad-hoc panels of 3 Licensing Act 2003 Committee members sitting on a rota basis chaired by the Chairperson or Vice-Chairperson	1. To hear and determine or make decisions (as appropriate) under the Licensing Act 2003 regarding the following matters: (a) Applications for personal licences (if police objection): (b) Applications for personal	

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
	of the Licensing Act 2003 Committee or in their absence a member of the panel to be elected as chairperson for that meeting	licences with unspent convictions: (c) Applications for premises licences/club premises certificates (if relevant representation made); (d) Applications for provisional statements (if relevant representation made); (e) Applications to vary premises licences/club premises certificates (if relevant representation made); (f) Applications to vary designated premises supervisor (if police objection); (g) Applications for transfer of premises licence (if police objection); (h) Applications for interim authorities (if police objection); (i) Applications to review premises licences/club premises certificate; (j) Whether to object when the authority is a consultee and not the relevant authority considering an application; (k) Determination of police objections (counter notices) to temporary event notices; (l) Revocations of licences where convictions come to light.	Functions.

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		2. To determine applications received in respect of the Legislative Reform (Minor variations to Premises Licences and Club Premises Certificates) Order 2009. 3. To determine applications received in respect of the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls &c.) Order 2009. 4. To hear and determine or make decisions (as appropriate) under the Gambling Act 2005 regarding the following matters: (a) Applications for Premises Licence; (b) Application for variation of Premises License; (c) Application for transfer of Premises Licence; (d) Application for Provisional Statement; (e) Review of Premises License; (f) Application for Club Gaming / Club Machine permit; (g) Cancellation of Club Gaming / Club Machine permit; (h) Cancellation of Licensed Premises Gaming Machine permit; (i) Consideration of temporary use notice; (j) Decision to give counter notice to a temporary use notice;	

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		(k) Decision to refuse application for small lottery registration; (l) Decision to disapply s282 - automatic entitlement to gaming machines in licensed premises. (m) Other matters where the Council Officer to whom the power to determine or revoke has been delegated declines to exercise the delegated power.	
Standards Committee	Four Independent Members; Two County Borough Councillors; One Town / Community Councillor.	1. To promote and maintain high standards of conduct by Town and Community Councillors and County Borough Councillors, co-opted members and Church and Parent Governor representatives; 2. To assist Town and Community Councillors and County Borough Councillors, co-opted members and Church and Parent Governor representatives to observe the Code of Conduct adopted by their Council; 3. To advise Town and Community Councils and the County Borough Council on the adoption or revisions of a Code of Conduct. 4. To monitor the operation of the Town and Community Councils' and County Borough Council's Code of Conduct and to report to the County Borough Council on any matters of concern; 5. To advise Town and Community Councillors and the County Borough Council on the effective	None.

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		implementation of the Code of Conduct, including appropriate training measures for Councillors, co-opted members and Church and Parent Governor representatives; 6. To consider: a) reports submitted by the Public Services Ombudsman for Wales; b) reports submitted by and any recommendation made to it by the Council's Monitoring Officer; c) any representations received; relating to alleged breaches of the Code of Conduct by Town and Community Councillors and County Borough Councillors or co-opted members and to make appropriate determinations; 7. To monitor the operation of the County Borough Council's Whistleblowing Policy; 8. To grant dispensations from the prohibitions contained in the Code of Conduct from Town and Community Councillors and County Borough Councillors or co-opted members participating in that Council's business, in accordance with the Regulations from time to time made by the National Assembly for Wales.	
Town and Community Council Forum	Nineteen County Borough Councillors and one Town / Community Councillor representing each Town /	To consult with representatives of Town and Community Councils within the County Borough on matters of mutual interest.	None.

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
	Community Council.		
Corporate Overview and Scrutiny Committee	Twelve County Borough Councillors. (For consideration of education matters to include 5 Education Representatives)	1. To consider the service provision, planning, management and performance relating to corporate performance and Governance; 2. To consider policies, protocols and plans relating to corporate performance and Governance; 3. To co-ordinate and contribute to the annual budget consultation process on behalf of the other Overview & Scrutiny Committees and provide a strategic overview of Cabinet's draft budget proposals; 4. To take an overview of the financial performance of all Directorates in the achievement of corporate priorities; 5. To consider the performance of Bridgend's Public Service Board in accordance with guidance; 6. To oversee the decision making of the Community Safety Partnership and its constituent bodies in respect of their community safety roles in accordance with the Crime and Disorder guidance; 7. To consider the Council's Business Planning Process and the content of the Corporate Plan and all Directorate Business Plan in line with the Wales Programme for Improvement guidance; 8. To consider the Council's improvement objectives; 9. To consider the Council's	None

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
		Improvement Objectives; 10. To develop and implement a Forward Work Programme for the Committee and for each Subject Scrutiny Committee having regard to the Council's Corporate Priorities and Risk Management Framework.	
Subject Overview and Scrutiny Committee 1 (Education themed but not exclusive to)	Sixteen County Borough Councillors. (For consideration of education matters to include 5 Education Representatives)	1. To consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 2. To consider policies, protocols and plans relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 3. To contribute to the annual budget consultation process in relation to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 4. To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management framework for the Corporate Overview and Scrutiny Committee to then prioritise and schedule.	None.
Subject Overview and Scrutiny Committee 2 (Social Services and Wellbeing themed but	Sixteen County Borough Councillors (For consideration of education matters to include 5	1. To consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 2. To consider policies, protocols and	None.

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions
not exclusive to)	Education Representatives)	plans relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 3. To contribute to the annual consultation process in relation to the relevant subject area prioritised and allocated by the Corporate Overview and scrutiny Committee; 4. To propose items for the Forward Work Programme having regard for the Council's Corporate Priorities and Risk Management framework for the Corporate Overview and Scrutiny Committee to then prioritise and schedule.	
Subject Overview and Scrutiny Committee 3	Sixteen County Borough Councillors (For consideration of education matters to include 5 Education Representatives)	1. To consider the service provision, planning, management and performance relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 2. To consider policies, protocols and plans relating to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 3. To contribute to the annual consultation process in relation to the relevant subject area prioritised and allocated by the Corporate Overview and Scrutiny Committee; 4. To develop propose items for the Forward work Programme having regard for the Council's Corporate Priorities and Risk Management framework for the Corporate Overview and Scrutiny Committee to the prioritise and schedule.	None.

Committee, Sub-Committee, Panel or other Body	Membership	Functions	Delegation of Functions

(b) Delegation to Council Officers

Details of the Council functions which the Council has delegated to Council Officers, and the terms upon which they have been so delegated, are contained within the Schemes of Delegation of Functions.

3. Responsibility for Executive (Cabinet) Functions

Executive (i.e. Cabinet) functions are discharged in one or more of the following ways:

(a) By the Cabinet itself;
(b) By a Committee of Cabinet;
(c) By individual Cabinet Members within the Schemes of Delegation of Functions;
(d) By Council Officers within the Schemes of Delegation of Functions.
(e) By means of joint arrangements with the executives of other authorities.

Committees of Cabinet:

Committee,	Membership	Functions	Delegation of Functions
Equalities Committee	16 elected members, 6 of whom are Cabinet members and have voting rights.	▪ To ensure that appropriate equality and Welsh language policies and procedures are in place to fulfil the Authority's statutory duties. ▪ To consider and make recommendations to Cabinet on proposals from the Corporate Equality Management Group on the development and implementation of the Authority's Corporate Equality Scheme and Welsh language Scheme. ▪ To monitor and review community and employee involvement in the development and implementation of the Corporate Equality Scheme. ▪ To request and receive information and statistical monitoring reports	None

Committee,	Membership	Functions	Delegation of Functions
		about the authority's workforce related to those groups of people protected by anti-discrimination legislation, (including: gender, marital status, age, race, disability, Welsh language, religion, belief and sexual orientation). ▪ To monitor and assess the Authority's performance against the Equality Improvement Framework. ▪ To report annually to Cabinet on the Authority's progress against the objective set out in the Corporate Equality Scheme and Welsh language scheme in line with the Wales Programme for Improvement. ▪ To make recommendations to Cabinet for improvement in performance in fulfilment of the Authority's statutory duties.	
Corporate Parenting	8 elected members, 6 of whom are Cabinet members and have voting rights.	▪ To ensure that Looked After Children are seen as a priority by the whole of the Authority and by the Children and Young People's Partnership. ▪ To seek the views of Children and Young People in shaping and influencing the parenting they receive. ▪ To determine appropriate policies, opportunities and procedures. ▪ To monitor and evaluate the effectiveness of the Authority in its role as corporate parent against Welsh Assembly guidance. ▪ To approve the Permanence Policy in relation to Looked After Children. ▪ To approve individual Statements of Purpose for the service areas of Fostering, Adoption and Children's Homes. ▪ To receive information specifically relating to Looked After Children and the Authority's Corporate Parenting Role. ▪ To approve the Placement Strategy. ▪ To approve Support Plans and Recruitment Campaigns for Foster	None

Committee,	Membership	Functions	Delegation of Functions
		Parents. ▪ To approve Schemes in relation to work experience, training and apprenticeships for Looked After Children and former Looked After Children. ▪ To approve increases in allowances which can be funded within existing budgets and amendments to the method of assessing financial support relating to Looked After Children. ▪ To approve Residential Reviews relating to Looked After Children.	

Joint Arrangements:

Description of Joint Arrangement	Constituent Authorities	Membership	Onward Delegation
Catalogue Supplies Service Joint Committee	Bridgend County Borough Council; Caerphilly County Borough Council; Merthyr Tydfil County Borough Council; Rhondda Cynon Taff County Borough Council.	One Cabinet Member; and one other County Borough Councillor	
Coychurch Crematorium Joint Committee.	Bridgend County Borough Council; Rhondda Cynon Taff County Borough Council; Vale of Glamorgan County Borough Council.	One Cabinet Member; and five other County Borough Councillors	
Glamorgan Archives Joint Committee	Bridgend County Borough Council; Caerphilly County Borough Council; Council of the City and County of Cardiff; Merthyr Tydfil	One Cabinet Member; and one other County Borough Councillor	

Description of Joint Arrangement	Constituent Authorities	Membership	Onward Delegation
	County Borough Council; Rhondda Cynon Taff County Borough Council; Vale of Glamorgan County Borough Council.		
Capita Glamorgan Consultancy Joint Committee	Bridgend County Borough Council; Merthyr Tydfil County Borough Council; Rhondda Cynon Taff County Borough Council.	Two Cabinet Members; and three other County Borough Councillors	
Central South Consortium Joint Education Committee	Bridgend County Borough Council; Council of the City and County of Cardiff; Vale of Glamorgan Council; Merthyr Tydfil County Borough Council; Rhondda Cynon Taff County Borough Council.	One Cabinet Member; and one other County Borough Councillor	
Margam Crematorium Joint Committee	Bridgend County Borough Council; Neath Port Talbot County Borough Council.	One Cabinet Member; and one other County Borough Councillor	
Welsh Purchasing Consortium Management Committee	Blaenau Gwent County Borough Council; Bridgend County Borough Council; Caerphilly County Borough Council; Council of the City and County of Cardiff;	One Cabinet Member	

Description of Joint Arrangement	Constituent Authorities	Membership	Onward Delegation
	Council of the City and County of Swansea; Merthyr Tydfil County Borough Council; Monmouthshire County Council; Neath/Port Talbot County Borough Council; Newport City Borough Council; Rhondda Cynon Taff County Borough Council; Torfaen County Borough Council; Vale of Glamorgan County Borough Council.		
South East Wales Transport Alliance Joint Committee	Blaenau Gwent County Borough Council; Bridgend County Borough Council; Caerphilly County Borough Council; Council of the City and County of Cardiff; Merthyr Tydfil County Borough Council; Monmouthshire County Council; Newport City Borough Council; Rhondda Cynon Taff County Borough Council; Torfaen County Borough Council; Vale of Glamorgan County Borough Council.	One Cabinet Member; and one other County Borough Councillor	

PART 4 – RULES OF PROCEDURE

Council Procedure Rules

1 Annual Meeting of Council

1.1 Timing

The annual meeting shall be held on the second Wednesday following the first Thursday in May.

1.2 Business

The annual meeting will:

(i) elect a person to preside and to exercise the powers of the Mayor at the meeting if the Mayor is not present;
(ii) receive any declarations of interest from members;
(iii) receive any announcements from the Mayor
(iv) receive any announcements from the Leader
(v) elect the Mayor, the Mayor announces their consort;
(vi) appoint the Deputy Mayor, the Deputy Mayor announces their consort;
(vii) receive any announcement from the newly elected Mayor;
(viii) elect the Leader;
(ix) agree the number of members to be appointed to the Cabinet
(x) the Leader appoint members of the Cabinet;
(xi) the Leader may announce the Deputy Leader from those members appointed to the Cabinet and may announce the appointment of Cabinet Members to portfolio;
(xii) appoint the overview and scrutiny committees and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions and:

(a) determine the size and terms of reference for those committees;

(b) determine the allocation of seats to political groups in accordance with the political balance rules;
(c) determine which political groups represented at Council are entitled to make which appointments of overview and scrutiny chairpersons:
(d) receive nominations of councillors to serve on each committee;
(e) appoint to those committees (and elect the chairpersons and vice chairpersons);
(f) where any overview and scrutiny chairperson appointments have not been made, determine how the unappointed chairpersons are to be appointed.

(xiii) approve a programme of committee meetings for the period up to the end of the municipal year;

(xiv) in a year of ordinary elections of councillors to the Council appoint the requisite number of elected Members to the Standards Committee;

(a) determine the allocation of seats to political groups in accordance with the political balance rules;
(b) receive nominations of councillors to serve on the committee;
(c) appoint to the committee.

(xv) receive nominations of councillors to serve on each outside body and appoint to those outside bodies (where a function of Council);

1.3 Civic Inauguration Ceremony

A civic ceremony for the Inauguration of the Mayor, the Deputy Mayor and the Youth Mayor will be included in the municipal calendar, to be held during the period between the Annual Meeting of Council and the first Ordinary meeting of Council.

2. Ordinary Meetings of the Council

2.1 Timing

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting subject to any variation which the Council may approve at any subsequent meeting.

2.2 Business of Ordinary Meetings

Ordinary meetings will:

(i) elect a person to preside and to exercise the powers of the Mayor at the meeting if the Mayor and Deputy Mayor are not present;

(ii) approve the minutes of the last meeting;

(iii) receive any declarations of interest from members;

(iv) receive any announcements from the person presiding, Members of the Cabinet or the Chief Executive Officer;

(v) receive any announcements from the Leader

(vi) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;

(vii) deal with any outstanding business from a previous Council meeting;

(viii) receive reports from the executive, Council's committees and Officers

(ix) receive reports on the business of joint arrangements and external organisations and receive questions from any member on those reports for clarification only;

(x) receive questions to the Leader and Members of the Executive

(xi) consider motions; and

(xii) consider any other business specified in the summons to the meeting.

3. Extraordinary Meetings

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

(i) the Council by resolution;
(ii) the Mayor;
(iii) the Chief Executive;
(iii) the Monitoring Officer
(iv) the S151 Officer; and
(iv) any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

4. Urgent Business

Business may be brought before a meeting as a matter of urgency provided notice of it has been given to the proper officer by 10.00am on the day of the meeting in the case of an afternoon meeting or by 1.00pm on the working day preceding the day of the meeting in the case of a morning meeting and the person presiding at the meeting is of the opinion that by reason of special circumstances the business in question should be transacted at the meeting as a matter of urgency.

5. Time and Place of Meetings

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

6. Notice of and Summons to Meetings

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. The summons will give the date, time and place of each meeting and specify the business to be transacted.

7. Chairperson of Meeting

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

8. Quorum

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

The quorum of a meeting of the Development Control Committee will be 50% of the whole number of members. No business is to be transacted at a meeting of the Development Control Committee unless at least half of the total number of members of the committee, rounded to the nearest whole number, is present. The Council is not to appoint another of their members to act as a member of a committee in the absence of the member appointed in accordance with the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017. In the case of a multiple member ward, only one of the local authority members of that ward is eligible for appointment to a committee of the Council.

The quorum of a meeting of the Standards Committee will be at least 3 members including the Chairperson and at least half the members (including the Chairperson) are independent members.

In respect of meetings where remote attendance is permitted, there will be no quorum at the meeting if the number of members in actual attendance constitutes less than 30% of the total number of members in attendance at the meeting.

9. Remote Attendance

The Council may make arrangements for Elected Members (not a co-opted member) to attend a council meeting remotely and participate in either Welsh or English by audio-visual, virtual or other electronic means provided that the remote attendance identifies themselves, is able to be seen and heard by the members who are in actual attendance at the meeting and, in turn, the remote attendee is able to see and hear the proceedings, cast their votes and in turn see and hear any member of the public entitled to attend the meeting and who exercise a right to speak at the meeting.

9.1 Confidential or Exempt issues

When confidential or exempt issues as defined in Schedule 12A of the Local Government Act 1972 are under consideration at the meeting, no members of the public at remote locations must be able to hear or see the proceedings during such meetings. Any member in remote attendance who fails to disclose that there are other persons present who are not so entitled will be in breach of their Code of Conduct responsibilities.

9.2 Technical Difficulties

If a technical difficulty results in the breakdown of the communications facility used for remote attendance, the Chairperson of the meeting shall declare a recess while the fault is addressed. If necessary, the meeting may have to be

abandoned and shall not continue without the involvement of the remote members. If however, an urgent decision is being made, the meeting will proceed in the event of a communications failure and a vote will be taken without the attendance of the remote member.

10 Questions by the public

10.1 General

Members of the public may ask questions of members of the executive at ordinary meetings of the Council other than the first ordinary meeting following the annual meeting in a year of ordinary elections of councillors to the Council in pursuance of paragraph2.2(6).

10.2 Order of questions

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

10.3 Notice of questions

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

10.4 Number of questions

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of one organisation.

10.5 Scope of questions

The proper officer may reject a question if it:

- is not about a matter for which the local authority has a responsibility to which affects the County Borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

10.6 Record of questions

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

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

10.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

10.8 Written answers

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

10.9 Reference of question to the executive

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the executive. Once seconded, such a motion will be voted on without discussion.

11. Questions by Members

11.1 Questions on notice at full Council

Except at the annual meeting, and subject to Rule 11.3, a member of the Council may ask:

- the Leader, or
- member of the executive,

a question on any matter in relation to which the Council has powers or duties or which affects the County Borough of Bridgend, as an item of business after the consideration of reports.

11.2 Questions on notice at committees and sub-committees

Subject to Rule 11.3, a member of a committee or sub-committee may ask the chairperson of it a question on any matter in relation to which the Council has powers or duties or which affect the County Borough of Bridgend and which falls within the terms of reference of that committee or sub-committee, as an item of business prior to any reports.

11.3 Number of questions and time limit

No member shall give notice of more than one question for any meeting and the questions will be included in the agenda and papers. The provisions as to time limits will be the same as in paragraph 14.5 below

11.4 Notice of questions

A member may only ask a question under Rule 111 or 11.2 if either:

(a) they have given at least ten clear working days notice in writing of the question to the proper officer or

(b) in the opinion of the Mayor or the person presiding the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the proper officer by 10.00 a.m. on the day of the meeting in the case of an afternoon meeting or by 1.00 p.m. on the working day preceding the day of the meeting in the case of a morning meeting. In the event of an urgent question being asked the requirements of paragraph 11.5 in respect of written answers need not apply.

11.5 Response

A written answer to the question will be made available on the day of the meeting and shall be made available to the public. Written answers will be read out in the order in which the question was received and the provisions of paragraph 11.6 below shall apply prior to the next answer in order being provided.

11.6 Supplementary question

A member asking a question under Rule 11.1 or 11.2 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. Where a question has been asked under Rule 11.1, additionally, any two Members may ask one supplementary question each, without notice, of the member to whom the first question was asked.

11.7 Overall time limit for questions

The allocated time for questions at any meeting will be 30 minutes. Questions not answered within that time limit will not be considered further.

12. Motions on Notice

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by the member giving notice, must be delivered to the proper officer not later than ten clear working days before the date of the meeting. These will be entered in a register open to public inspection.

12.2 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.

12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the County Borough.

13. Motions without Notice

The following motions may be moved without notice:

(a) to appoint a chairperson of the meeting at which the motion is moved;
(b) in relation to the accuracy of the minutes;
(c) to change the order of business in the agenda;
(d) to receive a report, to adopt a recommendation of the Cabinet, a committee or officer, to move any resolution consequential upon that adoption or to propose a resolution which differs from that recommended in a report upon which the Council is called upon to make a decision;
(e) to withdraw a motion;
(f) to amend a motion;
(g) to proceed to the next business;
(h) that the question be now put;
(i) to adjourn a debate;
(j) to adjourn a meeting;
(k) to suspend a particular council procedure rule;
(l) to exclude the public and press in accordance with the Access to Information Rules;
(m) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
(n) to give the consent of the Council where its consent is required by this Constitution.

14. Rules of Debate

14.1 No debate shall take place until a motion has been moved and seconded.

14.2 No speeches until motion seconded

The proposer of a motion shall have the opportunity to explain the purpose of the motion prior to it being moved and seconded.

14.3 Right to require motion in writing

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

14.4 Seconder's speech

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

14.5 Content and length of speeches

Individual members speaking to the debate must direct their speech to the question under discussion. Members may also provide a personal explanation or raise a point of order. No speech may exceed five minutes without the consent of the Mayor.

14.6 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;
(c) in exercise of a right of reply;
(d) on a point of order; and
(e) by way of personal explanation.

14.7 Amendments to motions

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

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

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.

(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.8 Alteration of motion

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

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

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

14.9 Withdrawal of motion

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

14.10 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;

14.11 Motions which may be moved during debate

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

(a) to withdraw a motion;
(b) to amend a motion;
(c) to proceed to the next business;
(d) that the question be now put;
(e) to adjourn a debate;
(f) to adjourn a meeting;
(g) to exclude the public and press in accordance with the Access to Information Rules; and
(h) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

14.12 Closure motions

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

(i) to proceed to the next business;

(ii) that the question be now put;

(iii) to adjourn a debate; or

(iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

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

(d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor 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.

14.13 Point of order

A Member may raise a point of order at any time. The Mayor 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 that he/she has a point of order by raising their hand and must state the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

14.14 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 Mayor on the admissibility of a personal explanation will be final.

15. County Borough Debate

15.1 Frequency of debate

A debate will be held quarterly on a date and in a form to be agreed with the Mayor.

15.2 Subject of debate

The Leader will liaise with the Leaders of the political groups to agree where possible the topic of the debate. Where agreement cannot be reached the topic will be put to the vote at the Council meeting prior to the quarterly debate.

15.3 Chairing of debate

The debate will be chaired by the Mayor.

15.4 Results of debate

The results of the debate will be:

(i) disseminated as widely as possible within the community and to agencies and organisations in the area; and

(ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.

16. Previous Decisions and Motions

16.1 Motion to rescind a previous decision

Except in the case of a motion moved in pursuance of a recommendation by the executive or by a Committee a motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least five members.

16.2 Motion similar to one previously rejected

Except in the case of a motion moved in pursuance of a recommendation by the executive or by a Committee 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 five members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. Voting

17.1 Majority

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

17.2 Mayor casting vote

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote notwithstanding Rule 17.6.

17.3 Methods of voting

Unless a recorded vote is demanded under Rule 17.4 the vote will be taken by any one of the following means:

(a) by utilising an electronic voting system; or

(b) by show of hands; or

(c) if there is no dissent, by the affirmation of the meeting.

17.4 Recorded vote

If not less than one-fifth of the members present and entitled to vote at the meeting demand it, the names for and against the motion or amendment or abstaining from voting shall be recorded and entered into the minutes. The method of undertaking the recoded vote will be by use of the electronic voting system unless unavailable in which case the vote will be recorded manually.

17.5 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.

17.6 Voting on appointments

The vote will be taken in respect of each candidate for appointment separately. Members will vote for only one of the candidate(s). When the electronic voting system is used voting will be by means of pressing the yes button. A gross error check will be undertaken to ensure that only 1 vote has been registered by each Member.

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(s) of the person(s) 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.

The Mayor's casting vote will not apply.

18. Minutes

18.1 Signing the minutes

The Mayor or other person presiding will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed is their accuracy.

18.2 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.

19. Record of Attendance

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

20. Exclusion of public

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

21. Members' Conduct

21.1 Addressing the Meeting

When a member speaks at full Council they must address the meeting through the Mayor and remain seated. If more than one member wishes to speak the Mayor will ask one to do so.

21.2 Mayor wishing to speak during debate

When the Mayor indicates, either by standing or otherwise, during a debate that he or she wishes to speak, any member speaking at the time must stop speaking and the meeting must be silent.

21.3 Member not to be heard further

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

21.4 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Mayor 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.

21.5 General disturbance

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

22. Disturbance by Public

22.1 Removal of member of the public

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

23. Suspension and Amendment of Council Procedure Rules

23.1 Suspension

All of these Council Rules of Procedure except Rule 17.5 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

23.2 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.

24. Application to Committees and Sub-Committees

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the executive. Only Rules 4-7, 11, 13, 14 and 16-22 (but not Rule 17.4) apply to meetings of committees and sub-committees. Rule 8 shall apply to meetings of committees and sub-committees save that the quorum shall not be less than 3.

Access to Information Procedure Rules

1 Scope

These Rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committees, the Standards Committee and regulatory and other committees.

2. Additional Rights to Information

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

3. Rights to Attend Meetings

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

4. Notices of Meeting

Unless a meeting is convened at shorter notice the Council will give at least three clear days notice of any meeting by posting details of the meeting at the Civic Offices, Angel Street, Bridgend.

5. Access to Agenda and Reports before the Meeting

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least three clear days before the meeting or if the meeting is convened at shorter notice from the time the meeting is convened. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to agenda.

Where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

6. Supply of Copies

The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

(b) any further statements of particulars necessary to indicate the nature of the items in the agenda; and

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

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

7. Access to Minutes etc After the Meeting

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

(a) the minutes of the meeting or record of decisions taken by the 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.

8. Background papers

8.1 List of background papers

The Proper Officer for Committees will ensure that there is set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

8.2 Public inspection of background papers

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

9. Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Civic Offices, Angel Street, and Bridgend.

10. Exclusion of Access by the Public to Meetings

10.1 Public and private meetings of the Cabinet

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

10.2 Confidential information - requirement to exclude public

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

10.3 Exempt information - discretion to exclude public

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

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

10.4 Meaning of confidential information

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

10.5 Meaning of exempt information

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

Part 4 – Description of Exempt Information	**Part 5 – Qualifications**
12. Information relating to a particular individual.	**21.** Information which falls within paragraph 12 to 15, 17 and 18 in the left hand column and is not prevented from being exempt by virtue of paragraph 19 or 20 below, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
13. Information which is likely to reveal the identity of an individual.	**21.** Information which falls within paragraph 12 to 15, 17 and 18 in the left hand column and is not prevented from being exempt by virtue of paragraph 19 or 20 below, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
14 Information relating to the financial or business affairs of any particular person (including the authority holding that information).	**21.** Information which falls within paragraph 12 to 15, 17 and 18 in the left hand column and is not prevented from being exempt by virtue of paragraph 19 or 20 below, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. **19** Information falling within paragraph 14 in the left hand column is not exempt information by virtue of that paragraph if it is required to be registered under— (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.

Part 4 – Description of Exempt Information	Part 5 – Qualifications
15 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown, and employees of, or office holders under, the authority.	**21.** Information which falls within paragraph 12 to 15, 17 and 18 in the left hand column and is not prevented from being exempt by virtue of paragraph 19 or 20, 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.
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.	**21.** Information which falls within paragraph 12 to 15, 17 and 18 in the left hand column and is not prevented from being exempt by virtue of paragraph 19 or 20, 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.
18 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	**21.** Information which falls within paragraph 12 to 15, 17 and 18 in the left hand column and is not prevented from being exempt by virtue of paragraph 19 or 20, 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.

20. Information falling within any paragraph of Part 4 above is not exempt information by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992 (SI 1992/1492).

The following provisions apply, in addition to those set out above, in respect of Standards Committees.

Where a meeting of a Standards Committee, or a sub-committee of a Standards Committee, 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, the provisions of Part 4 to 6 of Schedule 12A of the 1972 Act will apply as if, after paragraph 18 of that Schedule, the following descriptions of exempt information were inserted

(18A) Information which is subject to any obligations of confidentiality.

(18B) Information which relates in anyway 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.

11. Exclusion of Access by the Public to Reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. The Forward Work Programme

12.1 Period of forward work programme

The forward work programme will be prepared by the Solicitor to the Councilto cover a period of four months except when ordinary elections of councillors occur, in which case the forward work programme will cover the period up to the date of the elections. The forward work programme will be updated quarterly.

12.2 Contents of forward work programme

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

(a) the timetable for considering the Budget and any plans, policies or strategies forming part of the Policy Framework and requiring Council approval, and which body is to consider them;
(b) the timetable for considering any plans, policies or strategies which are the responsibility of the Cabinet;
(c) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
(d) the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

The forward work programme will be published at least 14 days before the start of the period covered. The Chief Executive Officer will publish once a year a notice in at least one newspaper circulating in the area, stating that a forward work programme will be published and giving the publication dates for that year.

13. Record of Decisions of the Executive

13.1 The decision record

(a) A written record will be made of every executive decision made by the Cabinet and its committees (if any) and individual Cabinet members, and

by joint committees and joint sub-committees whose members are all members of a local authority executive, and officers.

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

(i) the decision made;
(ii) the date the decision was made;
(iii) the reasons for that decision;
(iv) any personal interest disclosed;
(v) any dispensation granted by the Council's Standards Committee;
(vi) the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.
(vii) any reasons for urgency which led to the implementation of the decision before the preparation of the decision.

13.2 Preparing the decision record

(a) The Solicitor to the Council his or her representative shall attend any meeting of the Cabinet, a committee of the Cabinet or a joint committee or joint sub-committee where all its members are members of a local authority executive, and shall as soon as reasonably practicable after the meeting produce a decision record.

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

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

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

(i) the Chairperson of the relevant Overview and Scrutiny Committee, or

(ii) if there is no such person or that person is unable to act, the Mayor, or

(iii) if there is no Chairperson of the relevant Overview and Scrutiny Committee or Mayor, the Deputy Mayor;

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

14. Decisions by an Individual Member of the Cabinet

14.1 The Schemes of Delegation

An individual Cabinet Member may only make a decision within the terms of the Schemes of Delegation for the time being in force. The Cabinet Member will comply with the procedural requirements of the Scheme of Delegation.

15 Overview and Scrutiny Committee Members' Access to Documents

15.1 Rights of Access

Subject to Rule 16.1 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 Cabinet or its committees and which contains material relating to:

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

15.2 Limit on rights

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

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

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

16. Additional Rights of Access for Members

16.1 Rights of Access

All members will be entitled 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.

17.2 Limitation on rights

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

(a) it would disclose exempt information falling within Part 4 Schedule 12A of the Local Government Act 1972, or
(b) confidential information, or
(c) it would disclose advice of a political advisor or assistant.

17.3 Nature of rights

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

Budget and Policy Framework Procedure Rules

1. The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its Budget and of its Policy Framework as set out in Article 4. The Budget and the Policy Framework 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 operate within it.

2. Process for obtaining Approval of the Budget

The process by which the Budget shall be approved is as follows:

(a) The Cabinet will publicise by including it in the forward work programme a timetable for making proposals to the Council for the approval of the Budget, and its arrangements for consultation upon its initial Budget proposals. The Chairpersons of Overview and Scrutiny Committees will also be notified of the initial Budget proposals. The consultation period shall be not less than 4 weeks. If an Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so.

(b) At the end of the consultation period and in accordance with the published timetable, the Cabinet will draw up firm proposals having regard to the responses to that consultation. The Cabinet will take any response from an Overview and Scrutiny Committee and other consultees into account in drawing up firm Budget proposals for submission to the Council, and its report to the Council will reflect the comments made by consultees and the Cabinet's response;

(c) Once the Cabinet has approved the firm Budget proposals, the proper officer will refer them at the earliest opportunity to the Council for decision;

(d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place. Any alternative budget proposals must be submitted in sufficient time for officers to fully consider them and advise the Council on the implications thereof. Any proposed amendment must be submitted in the form of a written report to the Chief Executive and the Section 151 Officer at least three working days before the date on which the annual budget is to be adopted by the Council. Any amendment will only be acceptable if it proposes a budget which balances overall income with expenditure for the year. The source of funding any proposals must be robust and defined and accepted as such by the Section 151 officer.

(e) If Council accepts the Cabinet's proposals without amendment, the Council may make a decision which is final. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting;

(f) The decision will be publicised and a copy shall be given to the Leader;

(g) An in-principle decision will automatically become effective 5 working days from the date of the Council's decision, unless the Leader informs the proper officer in writing before the end of that period that he/she objects to the decision becoming effective and provides reasons why;

(h) In that case, the proper officer will call a Council meeting within a further 5 working days. The Council will be required to re-consider its decision and the Leader's written submission. The Council may:

i) approve the Cabinet's proposals by a simple majority of votes cast at the meeting;

or

(ii) approve a different decision which does not accord with the Cabinet's proposals by a simple majority;

The decision shall then be made public, and shall be final.

3. Process for Developing the Policy Framework

The process by which the Policy Framework shall be developed is as follows:

(a) The Cabinet will publicise by including it in the forward work programme a timetable in accordance with which it will make proposals to the Council for the adoption or modification of any plan, policy or strategy that forms part of the Policy Framework.

(b) Overview and Scrutiny Committees will publicise by including it in the forward work programme a timetable in accordance with which it will make proposals to the Council for the adoption or modification of any plan, policy or strategy that forms part of the Policy Framework but prior to doing so will consult Cabinet.

(c) Any Chief Officer may make proposals to the Council for the adoption or modification of any plan, policy or strategy that forms part of the Policy Framework, but prior to doing so will consult the relevant Overview and Scrutiny Committee and Cabinet;

The Council will consider the proposals of the Cabinet, Chief Officer and Overview and Scrutiny Committee and may adopt them, amend them, refer them back to the Cabinet, Chief Officer and Overview and Scrutiny Committee for further consideration, or substitute its own proposals in their place;

If the Council accepts the proposals of the Cabinet, Chief Officer and Overview and Scrutiny Committee without amendment their decision is effective immediately. The Council's decision will be publicised

(d) If the proposals of the Cabinet, Chief Officer and Overview and Scrutiny Committee are not accepted without amendment, the decision will be provisional. The decision will become effective on the expiry of 10 working days after the publication of the decision, unless the Leader formally objects to it in that period.

(e) If the Leader objects to the decision of the Council, then the Leader shall give written notice to the proper officer to that effect prior to the date upon which the decision is to become effective. The written notification must state the reasons for the objection. Where such notification is received, the proper officer shall convene a further meeting of the Council to re-consider its decision and the decision shall not be effective pending that meeting;

(f) The Council must take place within 10 working days of the receipt of the Leader's written objection. At that Council meeting, the previous decision of the Council shall be re-considered in the light of the objection, which shall be available in writing for the Council;

(g) The Council's decision, if not in accordance with the recommendation of the Cabinet, shall require a simple majority of those voting at the meeting;

(h) The decision shall then be made public, and shall be implemented immediately;

(i) In approving the Policy Framework the Council will also specify the degree of in-year changes to the Policy Framework which may be undertaken by the Cabinet in accordance with paragraph 6 of these Rules (In-year changes to the Policy Framework). Any other changes to the Policy Framework are reserved to the Council.

4. Decisions outside the Budget and/or Policy Framework

(a) Subject to the provisions of the Financial Procedure Rules in Part 4 of this Constitution relating to virement and to the provisions of paragraph 5 of these Rules (Urgent decisions outside the Budget and/or Policy Framework) the Cabinet, a committee of the Cabinet, an individual member of the Cabinet and any officers, area committees or joint arrangements discharging executive functions may only take decisions in line with the Budget and the 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 the full Council, then that decision may only be taken by the Council, subject to paragraph 5 of these Rules and the Schemes of Delegation of Functions.

(b) If the Cabinet, a committee of the Cabinet, an individual member of the Cabinet and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or 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 of paragraph 5 of these Rules shall apply.

5. Urgent decisions outside the Budget and/or Policy Framework

(a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet and any officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget approved by the full Council if the decision is a matter of urgency. However, the decision may only be taken:

i) if it is not practical to convene a quorate meeting of the full Council; and

ii) if the Chairperson of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency;

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

(c) 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.

6. In-year Changes to the Policy Framework

The responsibility for agreeing the Policy Framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet and any officers, area committees or joint arrangements discharging executive functions must be in line with it. No changes to any plan, policy or strategy 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, a direction issued by a government minister or by the National Assembly for Wales or government guidance;

(c) in relation to the Policy Framework in respect of a plan, policy or strategy which would normally be agreed annually by the Council following

consultation, but where the existing policy document is silent on the matter under consideration.

7. Call-in of Decisions outside the Budget and/ or the Policy Framework

(a) Where an Overview and Scrutiny Committee is of the opinion that a 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 may call in that decision and having determined to call in that decision shall seek advice from the Monitoring Officer and/or the Chief Finance Officer;

(b) Having determined that a proposed or actual decision is outside the budget or policy framework the Overview and Scrutiny Committee may refer the matter to Cabinet or Council in accordance with the Overview and Scrutiny procedure rules;

(c) Should the Monitoring Officer or the Chief Finance Officer be of the view that a proposed or actual decision is outside the budget or policy framework each may report to Council.

(d) 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/or the Chief Finance Officer's report and prepare a report to the Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure;

(e) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the Overview and Scrutiny Committee may refer the matter to the 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 10 working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

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

Or

ii) amend the Council's Budget or the plan, policy or strategy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that

the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Budget or the plan, policy or strategy concerned to accommodate it, require the Cabinet to re-consider the matter in accordance with the advice of the Monitoring Officer and/or the Chief Finance Officer.

Cabinet Procedure Rules

1. How does the Cabinet Operate?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions other than by the Cabinet as a whole are set out in the Schemes of Delegation of Functions.

In the case of executive functions which are not exercised by Cabinet as a whole, functions may be discharged by: -

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

1.2 Allocation of executive functions

Unless expressly prohibited by a legislative provision or by a limitation to a delegation or allocation of functions:

(i) The Cabinet may at any time arrange for the discharge of any of its functions by a Cabinet Committee, a Cabinet Member or an officer or through joint arrangements with another authority or authorities and may amend or discontinue any such arrangements it has previously made for the discharge of any of its functions;

(ii) A committee may arrange for the discharge of any of its functions by a sub-committee and may amend or discontinue any such arrangements it has previously made for the discharge of any of its functions;

(iii) A committee or sub-committee may arrange for the discharge of any of its functions by an officer and may amend or discontinue any such arrangements they have previously made for the discharge of any of their functions;

(iv) A Cabinet Member may arrange for the discharge of any of the Cabinet functions allocated to the Cabinet Member by an officer and may amend or

discontinue any such arrangements the Cabinet Member has previously made for the discharge of any of the Cabinet Member's functions.

At the annual meeting of the Council, the Leader may present to the Council a written record of allocations of executive functions made by Cabinet for inclusion in the Council's Schemes of Delegation. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

i) the extent of any authority allocated to Cabinet members individually, including details of the limitation on their authority;
ii) the terms of reference and constitution of such Cabinet and names of Cabinet members appointed to it;
iii) the nature and extent of any allocation of executive functions to area committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
iv) the nature and extent of any allocation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of Executive Functions

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

(b) Even where executive functions have been allocated, that fact does not prevent the discharge of allocated functions by the person or body who allocated them.

1.4 The Council's Schemes of Delegation and Executive Functions

(a) Subject to (b) the Council's Schemes of Delegation of Functions will be subject to adoption by the Council and may only be amended by the Council. They will contain the details required in Article 7 of this Constitution.

(b) Cabinet may approve changes to the schemes of delegation insofar as those changes relate to Executive functions

(c) Where the Cabinet seeks to withdraw the allocation of an executive function or functions from a committee, notice will be deemed to have been served on that committee when he/she has served it on its Chairperson.

1.5 Conflicts of Interest

(a) Where the Leader or any other Cabinet Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members and Co-opted Members in Part 5 of this Constitution.

(b) If the discharge of an executive function has been allocated to a committee of the Cabinet, an individual Cabinet Member or an officer, and

should a conflict of interest arise in relation to a decision to be made in connection with the discharge of that function, then the decision will be referred to a person or body having power to take the decision as required by the Code of Conduct for Members and Co-opted Members in Part 5 of this Constitution.

1.6 Cabinet Meetings

The Cabinet will meet at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet or committee or three, whichever is the larger.

1.8 How are decisions to be taken by the Cabinet?

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

(b) The mode of voting at Cabinet meetings shall be by a show of hands. If there are equal numbers of votes for and against the Leader, Deputy Leader or other person appointed to preside at the meeting will have a second or casting vote.

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

2. How are Cabinet Meetings Conducted?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside. In the absence of both the Leader and Deputy Leader the Cabinet will elect a Chairperson.

The Chairperson of a Cabinet Committee will be determined at the time of the Committee being set up and in the absence of the Chairperson the Committee will elect the person who is to preside.

2.2 What business?

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

i) consideration of the minutes of the last meeting;
ii) declarations of interest, if any;
iii) matters referred to the Cabinet (whether by an 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 Part 4 of this Constitution;

iv) consideration of reports from Overview and Scrutiny Committees; and
v) matters set out in the agenda for the meeting.

2.3 Consultation

All reports to the Cabinet, when required by the Budget and/or the Policy Framework shall contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees or Policy Forums, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.4 Who can put items on the Cabinet agenda?

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

(b) Any member of the Cabinet may require the proper officer to place an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the proper officer will comply.

(c) The proper officer will ensure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

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

(e) Business may be brought before a meeting as a matter of urgency provided notice of it has been given to the Proper Officer by 10.00 am on the day of the meeting in the case of an afternoon meeting or by 1.00 pm on the working day preceding the day of the meeting in the case of a morning meeting and the chairperson of the meeting is of the opinion that by reason of special circumstances, which shall be specified in the Minutes, the business in question should be considered at the meeting as a matter of urgency.

2.5 Presentation of Reports

(a) Reports to Cabinet will be presented by Officers.

(b) Reports of the Cabinet, presented to Council, shall be presented by the relevant Cabinet Member, by the Leader or by such other Cabinet Member as the Leader determines.

Overview and Scrutiny Procedure Rules

1. The Number and Arrangements for Overview and Scrutiny Committees?

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint Members to them. Such Committees may appoint sub-committees.

2. Who may sit on Overview and Scrutiny Committees?

All Councillors except Cabinet Members may be members of an Overview and Scrutiny Committee, but no member may participate in scrutinising a decision which he/she has been directly involved in making.

3. Co-optees

Each Overview and Scrutiny Committee or sub-committee shall be entitled to recommend to the Council the appointment of a number of people as non-voting co-optees, subject to the following:

- The number of co-opted members on an Overview and Scrutiny Committee should not exceed one third of the total membership of the Committee;

- No limit is placed on the number of co-opted members that may participate in a sub-committee except that co-opted members should not comprise the whole membership of a sub-committee which should include at least three voting members.

Co-optees' membership of any Committee or Sub-Committee may be for:

- The life of the Committee,

- Until such time as it is terminated by Council, upon the recommendation of the Committee, or

- For the purpose of a particular review or performance monitoring exercise.

In discharging its crime and disorder functions, Overview and Scrutiny Committees may co-opt any person except a member of the Cabinet. Co-optees' membership of the Committee may be limited to the exercise of the Committee's powers in relation to a particular matter or type of matter. Co-optees shall not be entitled to vote on any particular matter, unless the Committee so determines. Co-optees' membership of the Committee may be withdrawn at any time by the Committee.

4. Education Representatives

(a) An Overview and Scrutiny Committee or sub-committee whose functions relate wholly or in part to education functions which are the responsibility of the Cabinet shall include in its membership the following voting representatives:
- (i) One Church in Wales representative;
- (ii) One Roman Catholic Church representative;
- (iii) Three parent governor representatives (one from a Primary School, one from a Secondary School and one from a Special School);

(b) A member of an Overview and Scrutiny Committee or sub-committee appointed by virtue of sub-paragraph (a) above will be entitled to vote at a meeting of the Committee or sub-committee on any matter:
- (i) which relates to any education functions which are the responsibility of the Cabinet; and
- (ii) which falls to be decided at the meeting;

but will not otherwise be entitled to vote.

5. Overview and Scrutiny Meetings

Meetings of Overview and Scrutiny Committees and sub-committees shall be called by the Proper Officer for Committees and may be required to do so by the Chairperson of the relevant Overview and Scrutiny Committee, by any 5 members of the Committee or 3 members of a sub-committee.
The Corporate Overview and Scrutiny Committee shall meet to exercise its crime and disorder functions at least once each year.

6. Quorum

The quorum for an Overview and Scrutiny Committee is a quarter of all Members of the committee or 3 whichever is greater.

7. Who Chairs Overview and Scrutiny Committee Meetings?

The Subject Overview and Scrutiny Committee Chairpersons will be appointed at the Annual Meeting of Council.

The Chairperson of the Corporate Scrutiny Committee is to be appointed by the members of the Corporate Scrutiny Committee from one of the Chairpersons of the Scrutiny Subject Committees but it must be in accordance with the political balance rules.

8. Work Programme

At the beginning of the municipal year each Subject Overview and Scrutiny Committee will be asked to identify issues for consideration during the year, using pre-determined criteria which emphasises the need to consider issues such as impact, risk, performance, budget and community perception when identifying topics for investigation.

These items will be presented to the Corporate Overview and Scrutiny Committee for prioritisation and designation to each Subject Overview and Scrutiny Committee.

There is an understanding that the Forward Work Programme will remain flexible and be revisited at each Corporate Overview and Scrutiny Committee meeting to consider all potential items and reprioritise with input from the Subject Overview and Scrutiny Committees.

Forward Work Programme Development Meetings will take place between Cabinet Members and Scrutiny Chairs every three months in order for both Cabinet and Scrutiny to discuss and coordinate their Forward Work Programmes. Information will be fed back to the Corporate Overview and Scrutiny Committee as part of their Forward Work Programme item for consideration and approval.

9. Agenda Items

(a) Any member may refer a local government matter (as defined by Section 21A of the Local Government act 2000) to the Corporate Overview and Scrutiny Committee in accordance with Section 21A of the Local Government Act 2000.

(b) Overview and Scrutiny Committees shall respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Council and/or the Cabinet as appropriate;

(c) Any member may refer a local crime and disorder matter (as defined by Section 19 of the Police and Justice Act 2006) to the Corporate Overview and Scrutiny Committee in accordance with Section 19 of the Police and Justice Act 2006.

10. Policy Review and Development

(a) The roles of Overview and Scrutiny Committees in relation to the development of the Council's Budget and its Policy Framework are set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution;

(b) In relation to the development of the Council's approach to other matters not forming part of its Budget or Policy Framework, Overview and Scrutiny Committee or sub-committees may make proposals to the Cabinet for the review and development of policy in so far as they relate to matters within their terms of reference;

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

11. Reports from Overview and Scrutiny Committees and Sub-Committees

(a) Once an Overview and Scrutiny Committee or sub-committee has formed recommendations on proposals for development, the Committee/sub-committee will prepare a formal report and submit it to the proper officer for committees for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate;

(b) If an Overview and Scrutiny Committee/sub-committee cannot agree on one single final report to the Council or the Cabinet as appropriate, then a majority report may be prepared which also records the minority view and submitted for consideration by the Council or the Cabinet.

12. Reports to Cabinet and Council

(a) The reports of Overview and Scrutiny Committee for Cabinet and Council shall be provided to the proper officer for inclusion in the appropriate agenda within 4 weeks of receipt.

(b) A maximum of six reports may be submitted by each Overview and Scrutiny Committee/sub-committee to the Cabinet in any 12 month period, this calculation does not include any report requested by the Cabinet;

(c) Overview and Scrutiny Committees will have access to the Cabinet's forward work programme.

13. Overview and Scrutiny Committee exercising powers in relation to Crime and Disorder Functions

(a) Paragraphs 10, 11 and 12 above do not apply to the Corporate or Subject Overview and Scrutiny Committee in exercising its crime and disorder functions.

(b) This Committee may review and scrutinise decisions made or other actions taken in connection with the discharge of crime and disorder functions by responsible authorities (as defined by Sections 5 of the Crime and Disorder Act 1998). The Corporate Overview and Scrutiny Committee may make reports or recommendations to Council or Cabinet, as appropriate, with respect to the discharge of crime and disorder functions. Where the Committee makes such reports or recommendations it must provide a copy to each of the responsible authorities and to each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998.

(c) In addition, the Committee must consider any local crime and disorder matter (as defined by Section 19 of the Police and Justice Act 2006) included on the agenda for the meeting where the matter has been referred to the Committee by a Member of the Authority. It must consider whether to make a report or recommendations to Council or Cabinet with respect to that local crime and disorder matter, having regard to any representations made by the Member concerned. If the Committee decides not to make a report or recommendations it must notify the Member concerned of its decision and the reasons for it. If the Committee does make a report or recommendations to Council or Cabinet then it must provide a copy of the report or

recommendations to the Member concerned and to such of the responsible authorities and co-operating persons or bodies, as it thinks appropriate.

(d) Whenever the Committee provides a copy of a report or recommendations to a responsible authority or a co-operating person or body, it must remind that authority / body of its statutory duty to have regard to the report or recommendations in exercising its functions, to consider the report or recommendations and to respond to the Committee indicating what (if any) actions that person or body proposes to take.

14. Consideration of Member Referrals

Any Overview and Scrutiny Committee receiving a referral from a Member, who is not a Member of the Committee, may choose to conduct some work on the issue, including reviewing and scrutinising decisions and actions and making reports and recommendations. In deciding whether to do any of these things the Committee may have regard to anything that the member may have already done in relation to the matter and any representations made by the Member concerned. If the Committee decides not to make a report or recommendations it must notify the Member concerned of its decision and the reasons for it. If the Committee does make a report or recommendations to Council or Cabinet then it must provide a copy of the report or recommendations to the Member concerned.

15. Rights of Overview and Scrutiny Committee Members to Documents

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

(b) When exercising its functions in relation to crime and disorder, Overview and Scrutiny Committees have a right to request and receive information from the responsible authorities and co-operating persons or bodies (as defined by Section 5 of the Crime and Disorder Act 1998) on written request. Information provided will normally be de-personalised and will exclude information likely to prejudice legal proceedings or current or future operations.

16. Members and Officers giving Account

(a) Any Overview and Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role it may require (subject to the operation of the Member and Officer Codes of Conduct) the Leader and any (other) member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
   (i) any particular decision or series of decisions; and/or
   (ii) the extent to which the actions taken implement Council policy; and/or

(iii) the performance of their respective department / directorate portfolio;; and those persons shall attend if so required;

(b) Where any member or officer is required to attend an Overview and Scrutiny Committee/sub-committee under this provision, the Chairperson of that Committee/sub-committee will inform the relevant Scrutiny Officer. The officer for scrutiny shall inform the member or officer giving at least 5 clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee/sub-committee. Where the account to be given to the Committee/sub-committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation;

(c) Where the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee/sub-committee shall in consultation with the member or officer arrange an alternative date for attendance.

(d) When exercising its functions in relation to crime and disorder, the Overview and Scrutiny Committees may require attendance of an officer or employee of a responsible authority or co-operating person or body to answer questions, on reasonable notice being given.

17. Attendance by Others

An Overview and Scrutiny Committee/sub-committee may invite members of the public and other stakeholders to address it and assist it in its deliberations.

18. Call-in

(a) Where a decision is made by the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, or an Officer the decision shall be published by the Proper Officer for Committees, including where possible by electronic means, and shall be available at the main offices of the Council as soon as reasonably practicable after being made. All Members will be sent copies of the written records of all such decisions by the Proper Officer for Committees within the same time scale.

(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 clear working days after the publication of the decision ("the call-in period"), unless an Overview and Scrutiny Committee objects and calls it in for review.

(c) During the period of 5 clear working days from the date of publication of a decision ("the call-in period") any 3 Members of a scrutiny committee and a Scrutiny Chair may call-in a decision by giving notice in writing ("the call-in notice") on the form provided by Democratic Services, to the Proper Officer.

(d) A "call-in notice" shall specify precisely which aspects of the decision is questioned or challenged, and in particular shall contain the grounds why it is

considered that the scrutiny committee will be likely to refer the decision requested to be called in back to the decision making person or body.

(e) The Proper Officer may rule that a call-in is not valid if:

(i) The call-in request has not been made within the 5 clear working days allowed for call-in;
(ii) It is not clear which decision is being called-in;
(iii) The decision is exempt from call-in on account of the urgency provisions as indicated at paragraph 18 below;
(iv) The call-in request provides too little information to enable scrutiny committee members or the decision maker to adequately prepare for the call-in meeting;
(v) The decision being called in, or broadly the same decision, has been called in during the last 6 months.
(vi) The call-in request is trivial or without substantial merit

(f) The role of scrutiny committees in calling in a decision is:

(i) To test the merits of the decision;
(ii) To consider the process by which the decision has been formulated;
(iii) To make recommendations (to support the decision, change aspects of the decision, or to invite the decision making person or body to reconsider);
(iv) To suggest further steps before a decision is made (but not to try to carry out those steps in place of the decision making person or body);
(v) To come to a view in a relatively short time scale, so as not to compromise the speed and efficiency of the decision making process.

(g) On receipt of a valid call-in notice containing the details specified above, the Proper Officer shall notify the decision taker of the call-in and hold a meeting of an Overview and Scrutiny Committee on such date as he/she may determine, where possible after consultation with all Overview and Scrutiny Chairpersons, and in any case within 5 clear working days of the decision to call-in. The Chairpersons will collectively determine which Overview and Scrutiny Committee will be allocated the meeting.

(h) Only in exceptional circumstances will the Proper Officer consider extending this time limit.

(i) 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, setting out in writing the nature of its concerns. If referred to the decision maker that decision maker shall then reconsider the decision within a further 7 clear working days, amending the decision or not, before adopting a final decision.

(j) If following an objection to the decision, the Overview and Scrutiny Committee does not meet within the 5 working day period set out above (or agreed extended period), or does meet but does not refer the matter back to the decision making person or body, the decision may be determined on

the date of the Overview and Scrutiny Committee meeting, or the expiry of that further 5 working day period (or agreed extended period), whichever is the earlier.

(k) In order to ensure that call-in is neither abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

(i) Overview and Scrutiny may only call-in a total of six decisions per year;
(ii) three Members of an Overview and Scrutiny Committee and a Scrutiny Chair are needed for a decision to be called in;
(iii) the Proper Officer may veto any request for call-in if it falls outside the remit of this scheme.

19. Call-in and Urgency

The call-in procedure set out in paragraph 18 above shall not apply where the decision being taken by the Cabinet, Cabinet committee, Cabinet Member or Officer is urgent AND not subject to call-in. A decision will be urgent AND not subject to call-in if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state why in the opinion of the Cabinet, Cabinet committee, Cabinet Member or Officer the decision is an urgent one not subject to call-in. Consultation will be sought of all three Chairpersons of Overview and Scrutiny to agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and not subject to Scrutiny call-in. The agreement of one Chairperson is sufficient for the matter to be treated as urgent and not subject to call-in. In the absence of all three Chairpersons, the Mayor or Deputy Mayor's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

20. The Party Whip

At each meeting of an overview and scrutiny committee, each member of the committee must declare any prohibited party whip which the member has been given in relation to the meeting.

The minutes of each meeting of an overview and scrutiny committee will record all such declarations of prohibited party whips made at the meeting.

It is for the person chairing a meeting of an overview and scrutiny committee to determine whether a member of the committee has been given a prohibited party whip in relation to the meeting.

21. Procedure at Overview and Scrutiny Meetings

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

(i) Minutes of the last meeting;
(ii) Declarations of interest (including whipping declarations);
(iii) Consideration of any matter referred to the Committee/sub-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) The business otherwise set out on the agenda for the meeting;

(b) Where the Overview and Scrutiny Committee/sub-committee conducts investigations, the Committee may ask people to attend to give evidence at Committee meetings, and such investigations shall be conducted in accordance with the following principles:
(i) the investigation shall be conducted fairly and all members of the Committee/sub-committee given the opportunity to ask questions of attendees, and to contribute and speak;
(ii) those assisting the Committee/sub-committee by giving evidence shall be treated with respect and courtesy; and
(iii) the investigation shall be conducted so as to maximise the efficiency of the investigation or analysis;

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

Financial Procedure Rules

Section A - Financial Control

1. General

1.1 For the purposes of these Rules:

(a) "the Chief Executive Officer" means the officer designated by the Council as Head of Paid Service under Section 4 of the Local Government & Housing Act 1989.

(b) "the Chief Finance Officer" means the officer designated by the Council as the officer responsible for the administration of its financial affairs under Section 151 of the Local Government Act 1972.

(c) "Chief Officer" means any of the following:
- The Chief Executive Officer;
- The Corporate Director – Social Services and Wellbeing;
- The Corporate Director - Education and Family Support
- The Corporate Director - Communities;

(d) "the Monitoring Officer" means the officer designated as such by the Council under Section 5 of the Local Government & Housing Act 1989.

(e) "the Cabinet" means the Executive established under Part II of the Local Government Act 2000.

(f) "Cabinet Member" means the Leader and any of the members of the Cabinet.

(g) "Budget Head" means the budget for a particular service/services.

(h) Words importing the singular number only shall include the plural and vice versa, words importing the masculine gender include the feminine and vice versa.

1.2 A Chief Officer may nominate any suitably qualified officer in his Directorate to undertake any of the duties placed upon him or exercise any power granted to him by these Rules.

1.3 Each Chief Officer shall consult with the Chief Finance Officer on any matter which is liable to materially affect the finances of the Council before any commitment is incurred and before reporting thereon to the Cabinet or the Council.

1.4 (a) Chief Officers shall be responsible for bringing these Financial Procedure Rules to the attention of staff and for ensuring the observance of these Rules throughout their respective Directorates;

(b) Staff who fail to observe these Rules may be subject to disciplinary action.

1.5 Each Chief Officer shall be responsible for the accountability of staff, and the security, custody and control of all other resources including plant, buildings, materials, cash and stores appertaining to their individual Directorates in accordance with the procedures agreed with the Chief Finance Officer.

1.6 Each Chief Officer shall have a duty to endeavour to maximise the value for money obtained in running the activities within his purview.

1.7 Each Chief Officer shall have a duty to consult the Chief Finance Officer if he has reason to believe that any matter within his purview may result in:

(a) The Council incurring expenditure in excess of its approved budget;

(b) The Council incurring expenditure for which it has no statutory power to incur;

(c) The Council failing to comply with the financially related provisions of any National or European legislation;

(d) The Council failing to comply with the financially related provisions of any code of practice adopted by the Council.

1.8 Whenever any matter arises which involves or is thought to involve irregularities concerning cash, stores or other property of the Council or held on trust by the Council, the Chief Officer concerned shall notify the Chief Finance Officer who shall take such steps as he considers necessary by way of investigation and report.

1.9 Each Chief Officer shall have a duty to inform the Chief Finance Officer and the Monitoring Officer if he suspects that the Council or its officers are exceeding the Council's statutory powers.

1.10 No Chief Officer may recommend to the Council or the Cabinet that expenditure be incurred or any other action taken on the assumption that sufficient statutory power is provided by either Sections 137 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000, without prior approval of the Chief Finance Officer and the Monitoring Officer.

1.11 The Chief Finance Officer in consultation with the Monitoring Officer shall be authorised to vary from time to time any amount included in the Rules, but any alteration shall be reported to the next meeting of Council.

2. Accounting Systems

2.1 All accounting procedures and accounting records of the Council and its Officers shall be subject to the approval of the Chief Finance Officer.

2.2 All accounts and accounting records of the Council shall be compiled by, or under the direction of, the Chief Finance Officer.

2.3 The following principles shall be observed 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) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

2.4 A Chief Officer shall be responsible for the financial management and audit of any private fund entrusted to him as part of his duties and will apply regulations to such funds as stipulated by the Chief Finance Officer.

2.5 Notwithstanding the duties of a Chief Officer in Rule 2.4, the Chief Finance Officer shall have the right to audit any private fund at any time.

2.6 For the purposes of these Rules “private fund” shall mean any fund in the management of which a Chief Officer of the Council is concerned and which may affect any person or property for which the Council has a responsibility, notwithstanding that contributions towards such fund shall have been made by another party other than the Council.

3. Budgeting and budgetary control

3.1 Council’s Budget

3.1.1 The Budget shall be approved by the Council in accordance with Rule 2 of the Budget and Policy Framework Procedure Rules;

3.1.2 In referring the Cabinet's Budget Proposals to Council the proper officer will forward to the Council a report of the Chief Finance Officer incorporating the recommendations of the Cabinet and detailing for approval of the Council :

(a) A probable out-turn for the current year;

(b) A revenue budget for the forthcoming year detailing the Budget Heads over which that budget is allocated to specific services and service programme areas;

(c) A forward indication of the medium term financial strategy which will comprise the revenue budget for the first year and indicative budgets for the subsequent three years and a capital budget for the forthcoming year incorporating a capital programme of at least three years, but no more than ten years;

(d) an assessment of any major financial risks which may impact on the budget;

(e) an analysis of reserves and balances and movements over the forthcoming financial year;

(f) fees and charges for the forthcoming year;

(g) A recommendation of the level of Council Tax to be levied for the forthcoming year.

3.1.3 The detailed form of the Budget will be determined by the Chief Finance Officer within the general direction of the Council and Cabinet after consultation with Chief Officers.

3.2 **Amendments to the agreed budget (virements and technical adjustments)**

3.2.1. Each Chief Officer shall have the authority to incur expenditure on any activity under his control up to the amounts specified in respect of that activity in the revenue or capital budgets approved by the Council for the financial year, unless directed otherwise by the Chief Finance Officer.

3.2.2 Each Chief Officer, subject to the agreement of the Chief Finance Officer, may approve virements between specific revenue Budget Heads which do not amend any individual Budget Head by more than £100,000 from that approved by the Council. The relevant Chief Officer and Chief Finance Officer must jointly report to Cabinet on any virements which amend individual Budget Heads by more than £100,000.

3.2.3 Cabinet may, following a report of the appropriate Chief Officer in consultation with the Chief Finance Officer, approve virements between individual revenue Budget Heads which do not amend any individual budget head by more than £500,000 from that approved by the Council.

3.2.4 All approved virements over £100,000 must be reported to the Council for information as soon as reasonably practicable after their approval.

3.2.5 Any variations to the capital programme, other than those permitted under paragraphs 3.4.7 and 3.4.9, shall require the approval of the Council following a report of the Chief Finance Officer after taking into consideration the recommendations of the Cabinet.

3.2.6 All proposals for revenue and capital budget virements that exceed the above limits will need to be approved by the Council on receipt of a report of the appropriate Chief Officer in consultation with the Chief Finance Officer following consideration by the Cabinet. Virement proposals must also be approved by the Council if they:

a) Imply a change in a plan, policy or strategy which would be contrary to the existing policy framework;

b) Have a major operational impact on existing service provision;

c) Are contrary to or not wholly in accordance with the Budget;

d) Imply any additional revenue commitment in future years.

3.2.7 There are also technical adjustments to budgets as a result of the Council adhering to the Code of Practice on Local Authority Accounting. These could include, but are not limited to, the reallocation of budgets and spend for central support services to other areas within the Council or the allocation of capital charges across the Council. These are not subject to the authorisation limits of budget virements and the Chief Finance Officer or nominated representative can authorise these.

3.3 Budgetary control

3.3.1 The Chief Finance Officer shall provide each Chief Officer with regular information relating to income and expenditure under each approved budget head and any other relevant information available. Each Chief Officer shall be responsible for ensuring control of expenditure and income against the approved budget (attention is drawn to Rule 6.1).

3.3.2 A Chief Officer in consultation with the Cabinet Member responsible for the function in respect of which the service is provided will be expected to manage his services within the approved cash limited budget and to provide the Chief Finance Officer with such information as is required to facilitate and monitor budgetary control. A Chief Officer or Cabinet Member may not incur expenditure or forego income if this will result in the approved budget being exceeded.

3.3.3 A Chief Officer may delegate responsibility for management of budgets within their control to other senior officers within their Directorate. Such delegation shall be within defined parameters and shall be recorded in writing.

3.3.4 At year end, consideration will be given to the overall financial position of the Council including the final outturn, any accrued Council Tax income, the Council's reserve levels and any new pressures or risks that need to be provided for. At that time, in line with the Council's Reserves and Balances Protocol, a Chief Officer will be invited to submit earmarked reserve requests to meet any specific unfunded one-off expenditure that they expect to arise in the following financial year and these will be considered by the Chief Finance Officer in the context of the Directorate outturn position as well as that of the Council as a whole. Chief Officers will be notified of successful earmarked reserves.

3.3.5 Any over-spending against budget may be carried forward at the discretion of the Chief Finance Officer. In no circumstances should this provision be seen as giving a Chief Officer power to overspend against approved budgets. Any such overspend will be treated as a breach of the

Financial Procedure Rules and the respective Chief Officer held accountable. No Chief Officer or Cabinet Member may budget for a deficit. Where a net overspending occurs this will be a first call on the following year's budget.

3.3.6 Urgent expenditure not included in any budget approval may only be incurred with the approval of the Chief Finance Officer.

3.3.7 The cash limited budget only relates to the "controllable" elements of the budget and exclude:

- Capital charges
- Central support service charges
- Centrally controlled office accommodation budget
- Joint Committee precepts

3.4 Capital programme

3.4.1 As part of the budget process the Chief Finance Officer or appropriate Cabinet Member will annually present to the Council a capital programme which shall include:

(a) Those capital expenditure items proposed to commence during the next three years as a minimum;

(b) An estimate of the capital costs of those schemes together with the associated proposed funding.

3.4.2 Schemes for which external funding has been approved will be added to the capital programme once the funding has been accepted and included in the next capital programme report to Council.

3.4.3 A Chief Officer, before submitting a scheme for inclusion in the capital programme, shall satisfy himself that:

(a) Land purchases, design planning consents and relevant studies are sufficiently advanced to ensure that the proposed year of start of a scheme is feasible, and;

(b) The level of expenditure envisaged is realistic, following a full feasibility assessment, and taking into account the Chief Finance Officer's forecast of capital resources available and the ability of each service directorate to meet the consequential costs resulting from prudential borrowing, if applicable, and any on-going maintenance costs.

(c) Each scheme in the programme has been fully appraised to ensure it is the most economic method of satisfying an identified need.

3.4.4 The Capital Programme upon approval by the Council shall:

(a) Confer authorisation upon the Chief Officer concerned to take steps to enable design work to be completed and land to be acquired in due time.

(b) Form the basis of the annual Capital Estimates.

3.4.5 The inclusion of any item in the approved capital estimates shall not confer authority to incur any expenditure (except on design work and land acquisition) until:

(a) All necessary statutory approvals have been obtained;
(b) Any external funding contribution to the project has been secured; and

(c) A tender or quotation has been received and accepted in accordance with the Contract Procedure Rules, which does not exceed that part of the total cost included in the capital estimate in respect of the main contract work for the project by more than 10% or £100,000, whichever is lower.

3.4.6 If the tender or quotation exceeds the criteria in 3.4.5(c) above, its acceptance will be subject to the approval of the Chief Finance Officer, in consultation with the Cabinet Member(s) responsible for the function in respect of which the decision is required to a diversion of money from other approved schemes within the appropriate Chief Officer's control sufficient to meet any additional cost to be borne within the first year.

3.4.7 Chief Officers shall monitor both the progress of schemes and the totality of capital expenditure with the aim of avoiding under or overspending against the approved capital estimates. Should such a situation appear likely, a Chief Officer in conjunction with the Chief Finance Officer, shall recommend to the Council the remedial action necessary to accelerate or retard existing schemes within the approved capital programme.

3.4.8 Remedial action which necessitates the retardation or deletion of a scheme within the first year of the programme shall be subject to the prior approval of the Council based on a joint report of the Chief Finance Officer and Chief Officer.

3.4.9 The Chief Finance Officer shall give Chief Officers information relating to actual payments made for each scheme in such detail and at such time as arranged between them in order that they may carry out their responsibilities under paragraph 3.4.7.

3.4.10 The capital programme includes an annual allocation for capital minor works. Allocation of this funding to individual schemes is the responsibility of the Corporate Property Group (or its successor) and approval on individual schemes will not be sought from Council insofar as the overall

funding allocated to schemes does not exceed the funding agreed by Council in the capital programme for that financial year.

3.4.11 Urgent expenditure not included in any budget approval, which needs to be agreed prior to the next meeting of Council, may only be incurred with the approval of the Chief Finance Officer. Any such decision requires approval by either the Chief Executive Officer or Solicitor to the Council , under the Scheme of Delegation, Scheme B1 paragraph 2.1.

3.5 Capital Strategy

3.5.1 The Chief Financial Officer will be responsible for preparing a Capital Strategy for submission to Council for approval prior to the start of each financial year. The Strategy must demonstrate that capital expenditure and investment decisions are in line with service objectives and properly take account of stewardship, value for money, prudence, sustainability and affordability.

3.5.2 The Capital Strategy will need to comply with the requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA)'s Prudential Code for Capital Finance in Local Authorities. It will incorporate the Prudential Indicators that will need to be approved by Council.

3.5.3 The Chief Finance Officer shall report quarterly to Cabinet an update on the Capital Strategy and the Prudential Indicators.

4. Internal audit

4.1 The Chief Finance Officer shall have a duty to maintain an effective internal audit of the Council's operations in order to review, evaluate and test the adequacy of the Council's systems of internal control as contributions to the proper, economic, efficient and effective use of resources.

4.2 The Chief Finance Officer shall have the responsibility to review, appraise and report to Council, the Governance and Audit Committee, Cabinet, Cabinet Member, or Chief Officer as appropriate upon:

4.2.1 The soundness, adequacy and application of financial and other related operations of the Council.

4.2.2 The extent of compliance with, and financial effect of, established policies, plans and procedures.

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

(a) fraud and other offences;

(b) waste, extravagance, poor value for money or other cause.

4.2.4 The suitability and reliability of financial and other related management data developed within the Council.

4.3 The Chief Finance Officer or an authorised representative of the Chief Finance Officer shall have the authority to require any officer to:

4.3.1 Provide access to any Council premises or land under his control. Where sites are in the possession of a contractor or subject to any tenancy or licence to occupy, such entry will be governed by the conditions of the contract or other legal agreement.

4.3.2 Produce any records, documents and correspondence in his possession.

4.3.3 Provide explanations of matters arising from an audit.

4.3.4 Produce and account for any cash, stores or other Council property under his control.

4.4 The Chief Finance Officer shall have the authority to request the immediate suspension from duty of any officers who:

(a) He has reasonable grounds to suspect of misappropriation of Council funds or other property;

(b) He believes present a threat of further misappropriation or hindering of any investigation.

4.5 Notwithstanding the duty of the Chief Finance Officer for the control and direction of Internal Audit, it shall be the duty of the Chief Internal Auditor to report direct to the Chief Executive Officer and to the Cabinet Member for Corporate Resources on any matter in which the Chief Finance Officer appears to be personally involved.

5. Contracts of building, construction or engineering work

5.1 Contracts for the execution of capital works shall only be entered into for those schemes which are included in the approved Capital Programme.

5.2 Each Chief Officer will maintain contract registers showing for each contract under his control which has a value greater than £50,000:

(a) The contract sum;

(b) The value of any extras or variations to the contract;

(c) The amounts and dates of any instalments made;

(d) The amount of any retentions held or bonds taken under any contract;

(e) The balance outstanding to the Contractor.

5.3 Payments to contractors on account of contracts shall be made only on a certificate issued by the responsible officer.

5.4 When authorising any extra or variation to a contract the appropriate Chief Officer shall:

(a) Estimate the cost of the variation;

(b) Issue written instructions to the Contractor to carry out the work, except in cases of urgency a Chief Officer may issue verbal instructions but shall confirm them in writing as soon as possible, but in any case within 7 days.

(c) Ensure that such variation is in accordance with the Council's Contract Procedure Rules

5.5 The final settlement of a contract shall not be certified by the appropriate Chief Officer until the final account has been presented to the Chief Finance Officer, who may then, at his discretion, decide to audit the final account before certification.

5.6 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Solicitor to the Councilfor consideration of the Authority's legal liability and, where necessary, to the Chief Finance Officer for financial consideration before a settlement is reached.

5.7 Each Chief Officer shall as soon as practical report to Cabinet the total of extras or variations to any contract which exceeds 10% of the original contract sum, or £100,000 whichever is the greater.

5.8 If the final account of any contract has not been agreed within eighteen months of the completion of works, then the Chief Officer controlling that contract shall report to the Cabinet on the outstanding items. Any report under this regulation shall include a comparison of the final or likely cost with the original contract sum together with reasons for any differences.

6. Orders for work, goods and services

6.1 Each Chief Officer has a duty to issue official orders for all works and services to be carried out, and all goods supplied, within their Directorate with the exception of:

(a) Public utilities;

(b) Periodical payments;

(c) Petty cash purchases;

(d) Purchases made using Purchasing Cards

(e) Works, goods and services subject to formal written contracts, or excepted from this requirement by the Chief Finance Officer.

(f) Framework and call off contracts.

Before issuing official orders, Officers authorising them must be satisfied that there is provision in the estimates and that the Contract Procedure Rules have been complied with.

6.2 Each official order shall be in a form prescribed and approved by the Chief Finance Officer and shall include:

(a) A description of the works, goods and services ordered;

(b) The name and address of the supplier;

(c) An estimate of the cost;

(d) The financial code to which the cost is to be charged;

(e) Name of the authorising officer.

6.3 Verbal orders may only be placed in exceptional circumstances the details of which must be confirmed by e-mail or fax on the same day and confirmed by written official order within 3 working days.

6.4 Electronic orders will be treated in the same way as other official orders. Changes to on-line authorising officers shall be notified to the Chief Finance Officer immediately.

7. Leasing

7.1 The Chief Finance Officer shall be responsible for making leasing arrangements for the acquisition of Buildings, Plant, Vehicles and Equipment.

7.2 No Chief Officer other than the Chief Finance Officer may enter into any type of leasing arrangements unless agreed in writing or delegated by the Chief Finance Officer.

7.3 Provision within revenue estimates to cover the annual costs of leasing should be made only following consultation with the Chief Finance Officer.

8. Grant Funding and Third Party Funding

8.1 It is essential that proper management of external funding or grants received, or funding awarded by the Council, is undertaken in order to safeguard the financial position of the Council and also to maximise the benefits to service delivery from the receipt of these additional funds.

8.2 The Council has a Grants Management Policy which all Chief Officers and their staff must adhere to in order to ensure in the proper management of grant funding and other internal and external funds. Failure to comply could result in funding being withheld by the funding body or recovered at a later date. Any failure to comply with the Grants Management Policy, which results in funding being reduced to the Council, may be reported to Governance and Audit Committee, and any shortfall in the funding borne by the responsible directorate.

Section B - Expenditure and Income

9. Payment of accounts

9.1 Apart from petty cash and other payments from imprest accounts, the normal method of payment of money due from the Council shall be by automated transfers from the Council's bank accounts by the Chief Finance Officer.

9.2 The Chief Finance Officer shall be the authorised signatory of any joint bank account opened in the name of the Council and any other party and will be responsible for the payment of any cheques into that joint bank account.

9.3 Each Chief Officer is responsible for examining, verifying and authorising invoices and any other payment vouchers or accounts arising from sources in his Directorate including the use of purchasing cards. Authorised officers can discharge this responsibility on behalf of the Chief Officer. Each Chief Officer will supply the names and specimen signatures for authorised officers together with authorisation limits to the Chief Finance Officer and will need to confirm the list on an annual basis.

9.4 The Chief Finance Officer, in consultation with a Cabinet Member, can give approval for payment in advance of goods or services in exceptional circumstances and on request from a Chief Officer.

9.5 Before authorising an account, the authorising officer shall be satisfied that:

(a) The work, goods or services to which the account relates have been received, carried out, examined and approved.

(b) The invoice satisfies VAT regulations and that prices, extensions, calculations, trade discounts, other allowances and credits are correct.

(c) The relevant expenditure has been properly incurred and is within the relevant estimate provision.

(d) The financial code to which the expenditure is to be charged is correct and sufficient budget is available.

(e) The account or invoice indicates the official order number relating to the goods or services provided, or if there is no such order the reason for the omission unless it relates to services not subject to orders such as care contracts.

(f) Appropriate entries have been made in inventories, stores records or stock books as required.

(g) The account has not been previously passed for payment and is a proper liability of the Council.

(h) In the case of accounts for the supply of public utility services and other periodic payments relevant expenditure, and where appropriate, units of energy consumed, have been entered in records approved by the Chief Finance Officer.

9.6 Accounts authorised manually should be passed for payment to the Chief Finance Officer, unless alternative arrangements have been specifically agreed with the Chief Finance Officer. All payments should be processed within 30 days.

9.7 Where payments are electronically uploaded into the financial system via a feeder file, appropriate controls, including standardising of files and validity checks, are put in place to ensure their integrity. For any new feeder files, Internal Audit will be asked to review and give assurance on the process for authorisation before usage,

9.8 The Chief Finance Officer shall set down procedures for the retention of financial documentation. Such documentation must not be disposed of without the specific approval of the Chief Finance Officer. All invoices shall be retained for at least 6 years plus the current financial year. In the case of invoices relating to grant claims, these must be kept until after the grant claim has been audited even if this exceeds 6 years. It is the responsibility of the Chief Officer of the grant to ensure the correct retention period is maintained. The same retention periods apply to electronic copies of all original invoices.

9.9 Changes to on-line authorising officers shall be notified to the Chief Finance Officer immediately.

9.10 Each Chief Officer shall, no later than a date specified at the financial year end, notify the Chief Finance Officer of any outstanding expenditure relating to the previous financial year.

10. Imprest accounts

10.1 Where appropriate, the Chief Finance Officer shall provide imprest accounts for such officers of the Council as may need them for the purpose of defraying petty cash and other expenses. Such accounts shall be maintained in accordance with the notes of guidance issued to imprest holders by the Chief Finance Officer.

10.2 Where appropriate, the Chief Finance Officer shall open an account with the Council's bankers for use by the imprest holder who shall not cause the account to be overdrawn. It shall be a standing instruction to the Council's bankers that the amount of any overdrawn balance on an imprest holder's banking account shall be reported to the Chief Finance Officer. Where an officer holds a cheque

book in respect of any account he must ensure that all cancelled cheques are crossed and retained with the counterfoils of the original cheque book.

10.3 Any officer responsible for an imprest account shall be personally responsible for making good any deficiencies in that account.

10.4 No income received on behalf of the Council may be paid into an imprest account but must be dealt with in accordance with paragraph 15.3.

10.5 Except as otherwise agreed between the Chief Finance Officer and the Chief Officer concerned, payments out of the accounts shall be limited to petty disbursements and shall not include sums due to any tradesman with whom the Council has a current account, nor any account for goods exceeding in value a sum to be agreed from time to time by the Chief Finance Officer nor travelling expenses other than those of a casual nature.

10.6 An officer responsible for an imprest shall on a regular basis as specified by the Chief Finance Officer, or at any other time if so requested, provide a certified statement as to the state of the account.

10.7 Whenever an officer who is an imprest holder leaves the employment of the Council, or ceases to be entitled to hold an imprest advance, the officer shall account to the Chief Finance Officer for the amount advanced to him.

11. Purchasing Cards

11.1 Where appropriate, a Purchasing Card will be issued to support the current Purchase to Pay invoice process and should not be considered as a replacement mechanism to bypass the formal requisition and approval process. Expenditure shall be made in accordance with the purchasing card guidelines.

11.2 Each card has an individual monthly expenditure limit, individual transaction limit and restricted category types for expenditure. The cardholder will be making financial commitments on behalf of the Council and will be responsible for obtaining value for money in accordance with Contract Procedure Rules & Corporate Contracts.

11.3 Except, as otherwise agreed with the Chief Finance Officer, payments by purchasing card shall be limited to approved disbursements and shall not include sums due to any tradesman with whom the Council has an account. Where appropriate, invoices should be paid via the Financial System. Travelling expenses, such as train fares, can be pre-booked and paid with use of the purchasing card; however the purchasing card cannot be used to reimburse travelling expenses nor subsistence expenses other than those of a casual nature.

11.4 The cardholder is responsible for updating the Barclaycard Spend Management system with costing, VAT and narrative details of the expenditure in a timely manner and in accordance with the purchasing card guidelines.

11.5 Whenever a member of staff who is a purchasing card holder leaves the employment of the authority, or ceases to be entitled to hold a purchasing card, the member of staff must return the purchasing card immediately on cessation of entitlement to the Corporate Procurement Manager for cancellation. Any replacement member of staff who requires a purchasing card must apply for a new card via the Corporate Procurement Manager.

11.6 Any person holding a purchasing card shall be personally responsible to notify the Corporate Procurement Manager of any unauthorised / unrecognised spend made on the card. The cardholder shall be personally responsible for making good any unauthorised spend that they incur on the card.

11.7 Where appropriate, the Chief Finance Officer shall provide a purchasing card enabled for cash withdrawal to give services access to cash for the purpose of defraying petty expenditure. Such cards shall be maintained in accordance with the notes of guidance to card holders by the Corporate Procurement Manager. There is an administration charge for cash withdrawals. Detailed records of monies withdrawn, spending of this money, including VAT split and costing information, must be kept and be available for examination on request.

11.8 Except as otherwise agreed with the Chief Finance Officer, payments out of the cash withdrawn from the bank by purchasing card shall be limited to petty disbursements and shall not include sums due to any tradesman with whom the authority has an account, nor travelling expenses, nor subsistence expenses other than those of a casual nature.

11.9 A person responsible for the cash balance held shall, if so requested, give to the Chief Finance Officer certification as to the state of the funds.

11.10 Whenever a member of staff who is a cash balance administrator leaves the employment of the authority, or ceases to be entitled to administer the cash balance, the member of staff shall repay to the Chief Finance Officer the unexpended cash balance of the withdrawn amount, or shall transfer monies, records and vouchers relating to the account to the new cash administrator. When a purchasing card holder leaves, the card in their name must be returned to the Corporate Procurement Manager for cancellation and a new card applied for via the Corporate Procurement Manager unless the new cash administrator is not to be allocated a purchasing card.

11.11 Any person holding a cash balance obtained by a purchasing card cash withdrawal shall be personally responsible for making good any deficiencies in that account.

12. Salaries, wages and Members' allowances

12.1 The payment of all salaries, wages, allowances, expenses or other emoluments to all employees or members shall be made by, or under arrangements approved and controlled by, the Chief Finance Officer.

12.2 Each Chief Officer shall notify the Chief Finance Officer as soon as possible and in the prescribed form, of all matters affecting the payment of such emoluments and in particular:

(a) Appointments, resignation, dismissals, suspensions, secondments, and transfers.

(b) Absences from duty for sickness or other reason, apart from approved leave with pay.

(c) Changes in remuneration.

(d) Information necessary to maintain records of service for superannuation, income tax, national insurance etc.

(e) Any failure to comply with Council or statutory regulations.

12.3 Appointments of all employees shall be made in accordance with the regulations of the Council and the approved establishment, gradings and rates of pay.

12.4 All-time records and other pay documents shall be in a form prescribed or approved by the Chief Finance Officer and shall be certified by or on behalf of the Chief Officer. The names of the officers authorised to certify such records shall be sent to the Chief Finance Officer by each Chief Officer together with specimen signatures and shall be amended on the occasion of any change. Changes to on-line authorising officers shall be notified to the Chief Finance Officer immediately.

12.5 No payments to staff may be made other than through the normal payroll system without the specific approval of the Chief Finance Officer. In particular, casual staff must be recorded on the payroll.

13. Officers fees, travelling and subsistence allowances

13.1 All claims for payment of fees, car allowances, subsistence allowances and travelling expenses shall be submitted, duly certified, in a format approved by the Chief Finance Officer, to the appropriate Chief Officer in accordance with the timetable set down by the Chief Finance Officer. A record of all officers authorised to approve such records shall be sent to the Chief Finance Officer together with specimen signatures and shall be amended on the occasion of any change. This applies to both manual and electronic expenses systems.

13.2 The certification by, or on behalf of, the Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, the vehicle used had appropriate insurance cover, the necessary receipts of expenditure retained and that the fees and allowances are properly payable by the Council.

13.3 Claims submitted more than three months after the expenses were incurred must be accompanied by a letter of explanation for the delay and shall be paid only with the express approval of the Chief Finance Officer who shall refer the matter to Cabinet if necessary.

13.4 All claims for payment of incidental expenses such as removal, lodging and disturbance allowances and training course fees etc. shall be made on the appropriate form and shall be in accordance with the appropriate scheme approved by the Council.

14. Banking arrangements and cheques

14.1 All arrangements with the Council's bankers shall be made by or under arrangements approved by the Chief Finance Officer, who shall be authorised to operate such bank accounts as considered necessary.

14.2 All cheques shall be ordered only on the authority of the Chief Finance Officer who shall make proper arrangements for their safe custody.

14.3 Any such bank account opened in respect of monies held on behalf of the Council shall be arranged in consultation with or under the direction of the Chief Finance Officer. The Chief Finance Officer shall maintain a list of authorised signatories, along with specimen signatures, for all such accounts. Any change in signatory shall be reported to the Chief Finance Officer immediately.

14.4 No Standing Orders or Direct Debits from the Council's bank accounts shall be set up unless arranged in consultation with or under the direction of the Chief Finance Officer. The Chief Finance Officer shall maintain a list of all officers authorised to set up Direct Debits and Standing Orders.

14.5 The Chief Finance Officer shall be authorised to:

(a) Nominate officers empowered to authorise payment out of these bank accounts.
(b) Negotiate charges with the Council's bankers.

14.6 The Chief Finance Officer will be responsible for ensuring that there are adequate controls in place to ensure that all payment methods, whether physical or electronic, have appropriate authorisations, approvals and signatures as necessary.

14.7 The Chief Finance Officer shall ensure that appropriate arrangements are in place to facilitate the monthly reconciliation of the Council's Bank Accounts,

15. Income

15.1 Each Chief Officer will be responsible for the prompt and accurate billing, collection and banking of all income due to the Council in connection with the Directorate's activities, except where in the interests of efficiency or security it is agreed with the Chief Finance Officer that all or part of the duties should be discharged by some other Chief Officer.

15.2 Except as agreed between the Chief Finance Officer and the Chief Officer concerned, all receipt forms, books, tickets and other such items shall be ordered

and supplied to Directorates by the Chief Finance Officer, who shall be satisfied as to the arrangements for their control.

15.3 In carrying out this function, each Chief Officer shall ensure that any officer of the staff engaged in the collection of money:

(a) Maintains a record of receipts and bankings in a form approved by the Chief Finance Officer.

(b) Pays without delay any money collected either:

i) To the approved officer;
ii) To a security firm employed by the Chief Finance Officer for this purpose, or:
iii) To one of the Council's main bank accounts or via outlets of the nominated collector(s) as agreed by the Council.

(c) Makes no deduction from monies collected, except with the specific and exceptional approval of the Chief Finance Officer.

(d) Makes good any shortfalls in cash collected and pays in any surpluses.

(e) In the case of cheques received, enter on any paying-in slips details of the cheque and a reference to the related debt.

15.4 Personal cheques shall not be cashed out of the money held on behalf of the Council.

15.5 Outstanding debts which are found to be irrecoverable may be written off by the Chief Finance Officer, except where it is considered that there are matters of principle or policy which should be referred to the Cabinet.

15.6 Any officer holding a cash float shall be personally responsible for making good any deficiencies in that account.

15.7 Where an officer takes cash for works, goods or services that is either:-

i. in excess of the level stipulated within the Council's Anti-Money Laundering Policy;
ii. or where there is anything suspicious regarding, but not limited to, multiple use of high denomination notes, multiple and frequent disaggregation of payment of a higher value outstanding debt

then the officer must report it immediately to the Money Laundering Reporting Officer (MLRO) in accordance with the Policy.

16. Fees and Charges

16.1 The Council has an Income Generation and Charging Policy to support the Medium Term Financial Strategy. It is intended to provide a consistent and co-ordinated approach to charging across the Council, setting out the key principles for charging and for reviewing charges and must be adhered to by all Chief Officers and their staff.

16.2 When setting charges, there is recognition that where possible, the full cost of the service should be recovered. However, there is also a recognition that in some instances, there will be a conscious decision not to fully charge and the remaining cost will be met by the Council Tax payer.

16.3 In line with the Medium Term Financial Strategy, a review of fees and charges should be undertaken at least annually and any new or increased charges must receive approval from Cabinet or delegated authority under the Scheme of Delegation, Scheme A paragraph 1.6.

Section C - Security and Assets

17. Security

17.1 The Chief Finance Officer shall have overall responsibility to the Council for security of Council property.

17.2 Each Chief Officer shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, title deeds, securities, etc. under his/her custody.

17.3 Maximum limits for cash holdings shall be agreed with the Chief Finance Officer.

17.4 Every transfer of official money from one member of staff to another will be evidenced in the records of the Directorate concerned by the signature of the receiving officer.

17.5 Keys to safes and similar receptacles for the safeguarding of money or other valuables are to be carried on the person of those responsible; the loss of any such keys must be reported to the Chief Finance Officer.

18. Data Protection

18.1 The Council's Data Protection Officer shall be responsible for undertaking the tasks set out in Section 71 of the Data Protection Act 2018 and Article 39 of the General Data Protection Regulation 2017.

18.2 Each officer shall be responsible for maintaining proper security, privacy and compliance with the General Data Protection Regulation 2016 and the Data Protection Act 2018 in respect of information held.

18.3 Each Chief Officer shall have a duty to notify the Solicitor to the Councilof any computer system in their Directorate which holds personal data or automatically

processible personal data and therefore needs to be registered under the Data Protection Act 2018.

18.4 Each Chief Officer shall have a duty to ensure the safekeeping and prevention of improper use of any information held in the Directorate, regardless of the media on which it is held.

18.5 The Chief Finance Officer, or an authorised representative of the Chief Finance Officer, 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 2018.

18.6 The security of financial systems, e.g. use of passwords, shall be maintained by adhering to instructions issued by the Chief Finance Officer and in line with the ICT Code of Conduct.

19. Stocks and stores

19.1 Each Chief Officer shall be responsible for the custody of the stocks and stores in the Directorate and shall have a duty to:

(a) Ensure that stocks are adequate but not excessive for the purpose envisaged;

(b) Maintain accurate and up to date records of such stocks and stores and ensure that a stock take is undertaken at year end and the certificate is submitted to Finance;

(c) Provide the Chief Finance Officer with such information as he requires in relation to stores for accounting, costing and financial records.

19.2 A Chief Officer shall arrange for periodical test examinations of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year. Any surpluses or deficiencies revealed by such periodical test examinations shall be reported to the Chief Finance Officer and, after consultation with the Chief Officer, the Chief Finance Officer will decide what action to take.

19.3 Losses due to theft of stocks shall be reported to the Chief Finance Officer as soon as possible and, where found to be irrecoverable, shall be written off.

19.4 In all other instances write offs need the consent of the Chief Finance Officer following the submission of a report by the Chief Officer outlining the reasons for write off.

20. Investments, borrowings and trust funds

20.1 The Council has adopted Chartered Institute of Public Finance and Accountancy (CIPFA)'s Code of Practice on Treasury Management in the Public Services.

20.2 The Chief Finance Officer will be responsible for preparing and presenting an annual Treasury Management Strategy to the Governance and Audit Committee prior to submission to Council for approval prior to the start of each financial year. The Strategy must include an Investment Strategy and set the Council's Treasury Management for the forthcoming financial year.

20.3 All investments and borrowing transactions shall be undertaken in accordance with the Treasury Management Strategy with due regard to the requirements of the CIPFA's Code of Practice on Treasury Management in the Public Services.

20.4 All investments of money under its control shall be made in the name of the Council. Any borrowing activity must have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities and the Code of Practice on Treasury Management in the Public Services.

20.5 The Chief Finance Officer shall report quarterly to the Cabinet, summarising borrowing and investment activity and indicating compliance with any statutory or Council approved guidelines together with a half yearly and an annual report to Council.

20.6 The Chief Finance Officer, or an agent nominated by the Chief Finance Officer, will be the Council's Registrar of loan instruments and shall maintain records of all borrowing of money by the Council.

20.7 The Chief Finance Officer will have a duty to ensure a proper, efficient and effective mix of borrowing and investments.

20.8 The Governance and Audit Committee is responsible for ensuring effective scrutiny of the Treasury Management policies and practices. The Committee will review the Annual Report on Treasury Management as well as the Treasury Management Strategy. The Committee will make any recommendations for improvements on treasury management to the Chief Finance Officer and raise any concerns that the Council is exceeding its legal powers with the Monitoring Officer.

21. Inventories

21.1 Each Chief Officer shall be responsible for the plant, vehicles, machinery, equipment, tools, furniture and other non consumable property in the Directorate and shall have a duty to:

(a) Maintain an up to date inventory of such goods;

(b) Carry out an annual physical check on goods listed in the inventory;

(c) As far as is practicable see that such goods are marked as Council property;

(d) Ensure that such goods are not removed or used except in accordance with the ordinary course of the Council's business.

21.2 Every transfer of items contained in the inventory from one establishment to another shall be evidenced in the records of the establishment concerned by the signature of the receiving officer.

22. Insurances

22.1 The Chief Finance Officer shall have a duty to:-

(a) affect adequate insurance cover in accordance with the Council's Insurance Strategy contained in the Risk Management Policy. He will insure losses which would have a significant impact on budgets and the provision of services, where it must be bought by law and where the insurance provides additional benefits which enable an activity to take place,

(b) promptly claim any insurance loss the Council has suffered, and liaise with the Council's Insurers to settle any claim brought by another party, if it is assessed that the Council has a legal liability to do so.

(c) ensure that sums insured and limits of indemnity are regularly reviewed.

(d) maintain comprehensive records of insurance including policy documents and understand what coverage they provide.

(e) employ the services of a professional insurance broking company who can provide expert advice.

(f) only transfer risks to Insurance Companies which are financially strong.

(g) comply with the "duty of fair presentation" contained in the Insurance Act 2015. The Council must disclose to its Insurers all information, facts and circumstances which are, or ought to be, known to it, which is material to the risk. A material circumstance is one which would influence the judgement of a prudent Underwriter in considering whether to provide insurance and, if so, on what basis and cost.

22.2 A Chief Officer will have a duty to:

(a) Promptly notify the Chief Finance Officer of any new risks, insurable assets or liabilities which are required to be insured under the Insurance Strategy.;

(b) Promptly notify the Chief Finance Officer in writing of any loss, liability, damage or any event likely to lead to a claim and where appropriate inform the Police;

(c) Promptly provide any information required by the Chief Finance Officer or the Council's Insurers to progress a claim.

(d) Assist the Chief Finance Officer to comply with the “duty of fair presentation contained in the Insurance Act 2015 by disclosing all relevant information.

22.3 The Chief Finance Officer shall maintain an ongoing review of all insurances in consultation with other Chief Officers as appropriate.

22.4 No indemnity shall be given in the name of the Council without the prior approval of the Chief Finance Officer.

23. Prevention of Theft, Fraud and Corruption

23.1 The Chief Finance Officer is responsible for advising on effective systems of internal control to prevent fraud and corruption.

23.2 The Chief Finance Officer is responsible for developing, maintaining and implementing an Anti-Fraud and Bribery Policy. If a Chief Officer suspects any irregularities concerning cash, stores or other property of the Council or held on trust by the Council, they will notify the Chief Finance Officer who will take such steps as considered necessary by way of investigation and report.

23.3 The Chief Finance Officer is also responsible for developing, maintaining and implementing an Anti-Money Laundering Policy. The key message of this Policy is to make staff aware of their responsibilities and if they suspect that money laundering activity may be taking place or proposed, they must disclose those suspicions to the Council's Money Laundering Reporting Officer who is the Chief Finance Officer.

23.4 All Chief Officers are responsible for ensuring compliance with both the Anti-Fraud and Bribery Policy and Anti-Money Laundering Policy and with systems of internal control.

24. Estates

24.1 The Chief Executive Officer shall maintain a register of all properties owned by the Council recording details including:

(a) Purpose for which held;

(b) Location, extent, and plan reference;

(c) Particulars of nature of interest held;

(d) Purchase details;

(e) Rents payable;

(f) Particulars of tenancies granted.

24.2 The Chief Finance Officer will maintain an asset register of all Council assets.

24.3 Where land and/or buildings are found to be surplus to requirements the responsible Chief Officer shall, as soon as possible, submit a report to the appropriate Cabinet Member for appropriate action in accordance with the Schemes of Delegation.

25. Protection of private property

25.1 The Chief Officer shall in any known case where steps are necessary to prevent or mitigate loss of or damage to moveable property, prepare in a form agreed with the Chief Finance Officer, an itemised inventory in each case prepared in the presence of two officers.

25.2 All valuables such as jewellery, watches and other small articles of a similar nature and documents of title deposited with the Council for safe custody shall be recorded in a form agreed by the Chief Finance Officer.

25.3 All monies deposited with the Council for safekeeping shall be dealt with in accordance with guidelines agreed by the Chief Officer and the Chief Finance Officer.

25.4 Where a Chief Officer is required as part of his duties to hold in trust any property, valuables or cash belonging to a third party he should do so in accordance with guidelines agreed with the Chief Finance Officer.

26. Risk Management

26.1 The Chief Finance Officer is responsible for preparing the Council's Risk Management Strategy and its promotion throughout the Council and for advising of strategic, financial and operational risks.

26.2 Chief Officers shall be responsible for the identification, classification and control of all risks falling within their areas of responsibility. The risks identified shall be notified to the Chief Finance Officer for incorporation into the Risk Register, which shall be subject to periodic review at no more than annual intervals.

26.3 Chief Officers shall take responsibility for risk management within their areas of responsibility, having regard to advice from the Chief Finance Officer and other specialist Officers (e.g. crime prevention, fire prevention, health and safety), and shall undertake regular reviews of risk within their own Directorates.

Contract Procedure Rules

1. Interpretation

In these Contract Procedure Rules:-

“the Cabinet” means the Executive established under Part II of the Local Government Act 2000.

“the Cabinet Functions” means the functions for which the Cabinet is responsible.

“the Cabinet Members” means the Executive Leader and the members of the executive.

"the Appropriate Chief Officer" means whichever of the following is responsible in any particular case for inviting tenders or placing an official order:-

The Chief Executive
The Corporate Director – Operational and Partnership Services
The Corporate Director – Education and Family Support
The Corporate Director – Social Services and Wellbeing
The Corporate Director – Communities.

This definition also includes any Officer to which functions have been delegated under the Council’s Scheme of Delegation

"the Appropriate Body" means the Cabinet, and any committee, panel or other body to which power has been delegated to accept tenders for Contracts of the category for which tenders are to be or have been invited.

“the Chief Audit Officer” means the Head of Audit Service for the Council.

"the Chief Finance Officer" means the nominated Section 151 officer under the Local Government Act 1972 for the time being having statutory responsibility for the administration of the Council's financial affairs.

“Community Benefits” shall include any benefit to the local community which does not directly positively impact on the operation of the Council. This can include the provision of additional facilities/resources or the training of primarily inactive people through programmes which may include apprenticeships. “Core” benefits are those which are directly related to the purpose of the Contract and can be measured as an outcome. “Non-Core” benefits are those which are not essential in the delivery of the service and will not be assessed as part of the tender evaluation process.

“Contract” means any form of Contract or agreement entered into by the Council with any other party for the supply of goods, services or works, or any combination thereof.

“Contractor” means any person or organisation that undertakes a Contractual relationship with the Council.

“Contract Value” means the total value of the Contract over the whole term of the Contract. If there is no total price then the value of the Contract is to be calculated on the expected aggregate spend over the four year period, if there is no fixed term for the Contract. In the case where there is a Contract term but no total price then the value of the Contract is to be calculated on the expected expenditure over the whole Contract period, in accordance with the Public Contracts Regulations 2015. All Contract values are exclusive of VAT.

The “Corporate Procurement Manager” means the lead Officer for the Corporate Procurement Unit, who has functional responsibility for the delivery of Procurement strategy and guidance.

“Coroporate Contracts Register” means a live database of contracts let by the Council.

“Data Protection Legislation” means (i) the GDPR and any applicable national implementing Law, as amended from time to time; (ii) the Data Protection Act 2018 (subject to Royal Assent) to the extent that it relates to processing of personal data and privacy; and (iii) all applicable Law about the processing of personal data and privacy;

“EU” means the European Union.

“Form of Tender” means a covering document signed by the tenderer to indicate that it understands the tender and accepts various terms and conditions and other requirements of participating in the exercise a copy of which is attached at Appendix 3 to these Contract Procedure Rules

“Framework Agreement” means an agreement between one or more Contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing Contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

“GDPR” means the General Data Protection Regulation (Regulation (EU) 2016/679);

“Internal Providers” means an organisation managed, funded and staffed by the Council, which provides a service to various directorates and schools as its core business.

"the Monitoring Officer" means the officer for the time being designated as such under Section 5 of the Local Government and Housing Act 1989.

“Most Economically Advantageous Tender” (MEAT) means criterion which enables the Council to take account of criteria that reflect qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision

“Parties” means collectively the Council and any other party or more than one party entering into a Contract or agreement.

“Pre-tender Client Information Sheet” means a document that requires completion by the client before going out to tender or to obtain quotations a copy of which is attached at Appendix 2 to these Contract Procedure Rules.

"Trade Journal" means a newspaper or journal circulating among such persons or bodies as undertake Contracts of the category for which tenders are to be invited.

Words importing the singular shall include the plural and vice versa.

Any reference to any statutory provision shall include reference to any statutory modification amendment or re-enactment thereof and any subordinate legislation made under them.

2. Compliance with Contract Procedure Rules and Relevant European and UK Legislation

2.1 Every Contract for the sale, purchase or hire of goods by or the carrying out of works or provision of services for the Council shall comply with:

(a) the Council's Constitution, including in particular Financial Procedure Rules, Scheme of Delegation, Council's Contract Procedure Rules and the Corporate Procurement Strategy;

(b) all relevant statutory provisions including in particular, but not limited to, the Local Government Act 1988 Part II, the Local Government (Contracts) Act 1997, the Local Government Act 1999 Part I, and the Public Contracts Regulations 2015

(c) Achieve Value for Money for public money spent (Most Economically Advantageous Tender);

(d) Be consistent with the highest standards of integrity, having regard to The Bribery Act 2010 and The Competition Act 1998

(e) Ensure fairness in allocating public Contracts;

(f) Comply with all legal requirements in particular any relevant EU law, EU Treaty, and EU public procurement Directives as implemented in the legislation of England and Wales;

(g) Comply with the Equality Act 2010;

(h) Comply with the Modern Slavery Act 2015

(i) Comply with relevant employment legislation

(j) Support the Council's corporate and departmental aims and policies and Comply with any council policy

(k) Comply with Data Protection Legislation

(l) Apply the Welsh Government approved Supplier Qualification Information Database (SQuID) approach as standard to Supplier selection

2.2 For the avoidance of doubt, the Appropriate Chief Officer shall ensure that where the estimated Contract Value or amount of a proposed Contract (or series of

Contracts) is likely to be equal to or to exceed the thresholds set by the EU for the public procurement Contracts referred to in Rule 2.1 above, then the tendering procedures to be adopted must be in accordance with the relevant EU Directive, and any statutory provision relating thereto.

2.3 Where an invitation to tender is in excess of £100,000 for goods and services and £250,000 for works the appropriate Service budget holder shall prepare the relevant part of the Pre-tender Client Information Sheet and submit to the Corporate Procurement Manager and Chief Finance Officer for approval.

2.4 The procurement of goods, services or works shall not be divided into more than one Contract where that would result in the avoidance of the Contract Procedure Rules or would affect the application of the Contract Procedure Rules. This Rule shall, however, not be construed as to avoid the requirements relating to “lots” under the Public Contracts Regulations 2015.

2.5 The procurement of goods, services and works shall not be artificially over estimated or under-estimated which would result in either the avoidance of the Contract Procedure Rules or which would affect the application of the Contract Procedure Rules.

2.6 It shall be a condition of Contract between the Council and any person (not being an Officer of the Council) who is required to supervise a Contract on its behalf that, in relation to such Contract, s/he shall comply with the requirements of these Contract Procedure Rules and the Council's Financial Procedure Rules as if s/he were an Appropriate Chief Officer.

2.7 The Monitoring Officer with the agreement of the Chief Finance Officer may issue procurement guidance or protocols, and all Chief Officers and any person who is required to supervise a Contract on behalf of the Council shall have due regard to any such guidance or protocol.

2.8 The award of work to Internal Providers is not covered by or subject to these Rules. Any work subsequently awarded by the internal provider to Sub-Contractors will be let in accordance with these Contract Procedure Rules.

2.9 Any failure by officers to comply with any of the provisions of these Contract Procedure Rules or associated guidance adopted by the Council may result in disciplinary action.

2.10 Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks as set out in the Council’s Scheme of Delegation contained within the Council’s Constitution.

3. Exemptions and Waiver

Exemptions

3.1 Exemption from any of the following provisions of these Contract Procedure Rules may be made:-

3.1.1 In an emergency situation in which injury or damage to persons or property is threatened in which case the Appropriate Chief Officer may take any necessary action but must report the circumstances and the action taken to the next meeting of the Appropriate Body.

3.1.2 For the acquisition or disposal of land, unless it involves a development agreement which would require a tender process.

3.1.3 In the case of Contracts for services entered into in pursuance of powers under the National Health Service and Community Care Act 1990, the Children Act 1989 , Children's (Leaving Care) Act 2000 for the benefit of an individual client, the Corporate Director Social Services and Wellbeing, insofar as it is consistent with the law, will make appropriate arrangements for provision.

3.1.4 In the case of professional arrangements between the Councils Solicitor and Counsel or external Solicitors, the Corporate Director - Operational and Partnerships Services will not be expected to comply with the requirements of this Rule when instructing and briefing Counsel or Solicitors. The Corporate Director - Operational and Partnerships Services will make arrangements to ensure that a record is kept of all such instructions or briefs together with a record of Counsel's/ Solicitors fees.

3.1.5 Where goods, services and works are procured by another public body on behalf of the Council or through collaborative arrangements awarded via the National Procurement Service or by the Council through a Contract properly let by another such organisation, then those organisations Procurement / Contract Procedure Rules will apply subject to compliance with European Union and Procurement Law of England and Wales.

3.1.6 Where a tendering procedure is prescribed by legislation.

3.1.7 For the carrying out of security works where the publication of documents in accordance with the tendering procedure could prejudice the security of the work to be done, provided the method of tendering has been approved by the Appropriate Body.

3.1.8 Contracts which can only be performed by a statutory undertaker.

3.1.9 Employment Contracts which make an individual a direct employee of the Council.

3.1.10 Contracts between entities within the public sector as prescribed in Regulation 12 of the Public Contracts Regulations 2015, including those Contracts where Regulation 12 would be applicable if the Contract Value was not below the financial thresholds specified in or by the Public Contracts Regulations 2015.

3.2 Waiver from obtaining quotations or tendering will only apply to the criteria listed in Rules 3.2.1 to 3.2.9 below and any waiver must be obtained, either:

(a) in respect of any new Contract or the modification of an existing Contract (including any extension of a Contract) from the Appropriate Body where the value of the Contract or modification of a Contract exceeds £100,000; or

(b) in respect of any new Contract or the modification of an existing Contract (including any extension of a Contract) in accordance with the Council's Scheme of Delegations where the value of the Contract or modification of Contract does not exceed £100,000

3.2.1 Where no quotes or tenders have been received in response to the Council's procedure for obtaining competitive offers. This is to include the open procedure, restricted procedure, Competitive Dialogue, Competitive Procedure with Negotiation, Innovative Partnerships procedures where procurement falls within the scope of the Public Contract Regulations 2015 which implement EU Procurement Directives.

3.2.2 The Contract involved is purely for the purpose of research, experiment, study or development under the conditions stated in the Public Contract Regulations 2015 which implement EU Procurement Directives

3.2.3 The works/goods/services can be provided only by a particular Tenderer. Single tender procedure shall only be permitted when a single firm or Contractor or a proprietary item or service of a special character is required and justified and is due to the needs of the service .

3.2.4 Extreme urgency brought about by events unforeseeable by the Council and in accordance with the strict conditions contained in the Public Contracts Regulations 2015 which implement EU Procurement Directives.

3.2.5 New works/services, constituting a repetition of existing works/services and ordered in accordance with the strict conditions contained in the Public Contract Regulations 2015 which implement EU Procurement Directives, subject to approval in accordance with Rule 3.4

3.2.6 A Contract awarded to the successful tenderer or one of them after a design contest.

3.2.7 For supplies quoted and purchased on a commodity market.

3.2.8 For the purchase of supplies on particularly advantageous terms from a Supplier which is definitely winding up its business activities, or from the receivers or liquidators of an insolvency, bankruptcy, an arrangement with creditors or a similar procedure.

3.2.9 Contracts and frameworks agreements may be modified without the requirement for a new procurement procedure in accordance with any of the following Rules:

3.2.9.1 Where the modifications in a Contract or Framework Agreement have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses:

(a) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and

(b) do not provide for modifications or options that would alter the overall nature of the Contract or the Framework Agreement;

3.2.9.2 Subject to Rule 3.2.9.7 and Rule 3.2.9.8 where the modification(s) in a Contract or Framework Agreement is for additional works, services or supplies by the original Contractor that have become necessary and were not included in the initial procurement, and where a change of Contractor:

(i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and

(ii) would cause significant inconvenience or substantial duplication of costs for the Council,

provided that any increase in price does not exceed 50% of the value of the original Contract;

For the purpose of the calculation of the price the updated figure shall be the reference figure when the Contract includes an indexation clause.

3.2.9.3 Where all of the following conditions are fulfilled:

(i) the need for modification has been brought about by circumstances which the Council having been duly diligent could not have foreseen;

(ii) the modification does not alter the overall nature of the Contract;

(iii) any increase in price does not exceed 50% of the value of the original Contract or Framework Agreement.

For the purpose of the calculation of the price the updated figure shall be the reference figure when the Contract includes an indexation clause.

3.2.9.4 Where a new Contractor replaces the one to which the Council had initially awarded the Contract as a consequence of:

(i) an unequivocal review clause or option in conformity with Rule 3.2.9.1, or

(ii) universal or partial succession into the position of the initial Contractor, following corporate restructuring, including takeover, merger, acquisition or

insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not entail other substantial modifications to the Contract and is not aimed at circumventing the application of the Public Contract Regulations 2015;

3.2.9.5 Where the modifications, irrespective of their value, are not substantial.

A modification shall be considered substantial where one or more of the following conditions is met:

(a) the modification renders the Contract or the Framework Agreement materially different in character from the one initially concluded; or

(b) the modification introduces conditions which, had they been part of the initial procurement procedure, would have—

(i) allowed for the admission of other candidates than those initially selected,

(ii) allowed for the acceptance of a tender other than that originally accepted, or

(iii) attracted additional participants in the procurement procedure;

(c) the modification changes the economic balance of the Contract or the Framework Agreement in favour of the Contractor in a manner which was not provided for in the initial Contract or Framework Agreement;

(d) the modification extends the scope of the Contract or Framework Agreement considerably;

(e) a new Contractor replaces the one to which the Contracting authority had initially awarded the Contract in cases other than those provided for in Rule 3.2.9.4

3.2.9.6 Where the value of the modification is below both of the following values:—

(a) the relevant applicable financial thresholds contained in the Public Contracts Regulations 2015, and

(b) 10% of the initial Contract Value for service and supply Contracts and 15% of the initial Contract Value for works Contracts,

provided that the modification does not alter the overall nature of the Contract or Framework Agreement.

Where several successive modifications are made, the value shall be the net cumulative value of the successive modifications and the updated figure shall be the reference figure when the Contract includes an indexation clause.

3.2.9.7 Where several successive modifications are made:—

(a) the limitations imposed by the proviso at the end of Rule 3.2.9.2 and by Rule 3.2.9.3 (iii) shall apply to the value of each modification; and

(b) such successive modifications shall not be aimed at circumventing the Public Contracts Regulations 2015.

3.2.9.8 Where the Council has modified a Contract in accordance with Rule 3.2.9.2 or Rule 3.2.9.3 the Council is required to send a notice to that effect, in accordance with Regulation 51 of the Public Contracts Regulations 2015 for publication. Such a notice shall contain the information set out in part G of Annex 5 to the Public Contracts Directives.

Notification of Waiver

3.3. If the Chief Officer is seeking from the Appropriate Body a waiver from the Council's Contract Procedure Rules under Rule 3.2, the report to the Appropriate Body shall set out the reason for requiring the waiver and the Contract Procedure Rule(s) from which the waiver is required. The report shall include a legal and financial statement and shall highlight any future commitments (whether or not of a financial character) which the proposed Contract might entail.

3.4. Where the value of the waiver does not exceed £100,000, the reasons for requiring the waiver must be approved by the Corporate Procurement Manager, and recorded in accordance with the Scheme of Delegation.

3.5. Where waiver is sought by a Chief Officer in respect of obtaining quotations or tendering, the report to the Appropriate Body or record of the decision under the Council's Scheme of Delegations shall in addition to the requirements of Rule 3.2 justify the use of an alternative method of selection so that propriety, value for money and compliance with European Union Procurement Directives and the applicable legislation of England and Wales can be demonstrated.

3.6. Purchasing arrangements made for the Council by the Corporate Procurement Manager do not constitute exceptions as such, because they are made under the full provisions of these Rules.

3.7. Correct use of these arrangements, as advised by the Corporate Procurement Manager will however be sufficient to ensure officers meet their responsibilities for compliance. Such arrangements are mandatory and include, but are not limited to,:

3.7.1. Purchasing Frameworks endorsed for use by the Council, where items are specified and costed and the option of a Direct Award has been provided for.i.e., no requirement to undertake a further mini competition

3.7.2. Collaborative procurement arrangements undertaken by, or in consultation with the Corporate Procurement Manager

3.7.3. Electronic systems and catalogues endorsed for use by the Council in procurement.

3.8 The Appropriate Chief Officer must ascertain whether there is a Framework Agreement approved by the Corporate Procurement Manager for use by the Council. Where currently valid frameworks are available, the framework must be used in accordance with the guidance provided by the Corporate Procurement Manager.

3.9 Any joint procurement arrangements with other local authorities and or public sector bodies including membership or use of any consortia must be approved by the Corporate Procurement Manager.

Established framework and consortia arrangements endorsed by the Corporate Procurement Manager for use by the Council shall be mandatory except where there is an applicable waiver or exemption, a copy of which shall be sent to the Corporate Procurement Manager.

3.10 Contracts to be awarded on the basis of a Framework Agreement must be in conformity with the Public Contracts Regulations 2015 which implement EU Procurement Directives. Where it is necessary to run a further mini competition, any subsequent mini-tender must be in accordance with the terms of the original collaborative arrangement, and the rules of the framework (except for the requirement to advertise and those stages in the procurement that are not applicable to a framework).

3.11 These Contract Procedure Rules do not apply to Contracts let by school or college governing bodies acting in accordance with their approved schemes of delegation or Contract procedure rules

4. Delegate Authority to Enter To Contracts

4.1 Each Cabinet Member has been allocated the following functions under Scheme A of the Council's Schemes of Delegations (Scheme for the Allocation of Cabinet Functions to Individual Cabinet Members) in respect of any proposed Contract relating to services falling within the Cabinet Member's portfolio having an estimated value exceeding £1,000,000 but not exceeding £5,000,000:

(a) To authorise the invitation of tenders;

(b) To accept the Most Economically Advantageous Tender received and enter into a Contract, or the highest tender received where payment is to be received by the Council and enter into a Contract.

(c) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any exemption under the Council's Contract Procedure Rules.

(d) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any permitted waiver under the Council's Contract Procedure Rules.

4.2 Each Appropriate Chief Officer has been allocated the following functions under Scheme B2 of the Council's Schemes of Delegations (Scheme for the Allocation of Functions to Executive Directors) in respect of any proposed Contract relating to services administered by their Directorate/Office having an estimated value not exceeding £1,000,000:

(a) To authorise the invitation of tenders;

(b) To accept the Most Economically Advantageous Tender received and enter into a Contract or the highest tender received where payment is to be received by the Council and enter into a Contract.

(c) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any exemption under the Council's Contract Procedure Rules.

(d) To authorise invitation of tenders, to accept a tender or enter into a Contract in accordance with any permitted waiver under the Council's Contract Procedure Rules

5. Declaration of Interest

5.1 No member, employee or agent of the Council shall improperly use their position to obtain any personal or private benefit from any procurement entered into by the Council.

5.2 Members and employees of the Council shall comply with the requirements of Section 117 of the Local Government Act 1972, the Bribery Act 2010, and the Officers and Members code of conduct set out in the Constitution in respect of the declaration of interests in Contracts with the Council.

5.3 Such interests must be declared to the Monitoring Officer for inclusion in the appropriate registers

6. Selective Tendering, Invitation of Tenders and Quotations

6.1 Subject to any overriding legislation requirements, all procurements shall be invited in accordance with either Rules 7, 8 or 9.

6.2 Where an invitation to tender is in excess of £100,000 for goods and services and £250,000 for works the appropriate Service budget holder shall prepare the

relevant part of the Pre-tender Client Information Sheet and submit to the Corporate Procurement Manager and Chief Finance Officer for approval

6.3 A record of tenders and quotations shall be maintained by the Corporate Director – Operational and Partnership Services, on the Corporate Contracts Register.

6.4 In the case of procurements that are required to be undertaken in accordance with the EU Procurement Directives and the Regulations that implement them in England and Wales, the advice of the Corporate Procurement Manager must be sought at the outset and at all subsequent stages of the procurement process, and the Pre-Tender Client Information Sheet must be completed. EU directives and the Public Contract Regulations 2015 will take precedence over these rules.

6.5 The value of a procurement means the estimated total monetary value over its full duration, including any extension options. Where there is no fixed term for the Contract, the value of the Contract shall be taken to be the estimated value of the Contract over a period of four years. No procurement may be artificially split to avoid compliance with these Contract Procedure Rules and EU procurement Directives as implemented in England and Wales. This Rule shall, however, not be construed as to avoid the requirements relating to “lots” under the Public Contracts Regulations 2015.

6.6 For works Contracts all Contractors must be registered and verified on Constructionline. Constructionline show the Contractors and categories which have been pre-assessed with a recommended contract value. The recommended contract value is based on a financial risk assessment and is the maximum limit of work that must be placed with a Contractor without additional safeguards.

6.7 Except in the circumstances described in Rule 7 invitations to tender for a works contract shall be sent by the Appropriate Chief Officer to at least five (except where legislation permits a lesser number or grant conditions dictate otherwise) of the persons or bodies pre-assessed for a contract of the relevant category and amount or value from the relevant list on Constructionline.

6.8 The basis of selection for those companies on Constructionline shall be by way of rotation and/or the suitability of Contractors to undertake the project. Reasons for such choice must be recorded

Quotations

6.9 . The invitation to submit quotations must include the specification, terms and conditions and evaluation criteria/weightings.

6.10 A reasonable time must be allowed for Suppliers to return bids. Unless otherwise dictated by urgency, a minimum time period of not less than 14days must be allowed for the return of quotations.

6.11 A record shall be kept by the Appropriate Chief Officer in a form approved by the Chief Finance Officer of the details of every such Contract exceeding £5,000 in value or amount and, in each case in which at least three alternative written offers or quotations were not obtained, the Appropriate Chief Officer shall also record the

reasons why it was considered impracticable to do so. This should then be recorded on the Corporate Contracts Register.

Tenders

6.12 All of the invitation to tender documentation, including specification, evaluation criteria/weightings, must be approved by the Corporate Procurement Manager.

6.13 A minimum time period of not less than 14 days must be allowed for the return of tenders, except where the tender is subject to the Public Contracts Regulations 2015 in which case the time periods specified in the Regulations are applicable. A shorter period may be used for quotations in accordance with these Rules and any Guidance that may be issued.

6.14 For all Contracts over £100,000 the Council will consider taking into account social, economic and environmental issues when making procurement decisions. Please contact the Skills and Sustainable Development Manager for guidance. Where appropriate the Council will see to include Community Benefits clauses to maximise the benefits that such clauses can bring.

6.15 Where Community Benefits are included in any tender issued by the Council, this must be mentioned in the tender advertisement, indicating whether they are Core or Non-Core.

6.16 Every written Contract shall include the following clauses as a minimum:-

(a) The Welsh Language (Wales) Measure 2011 makes provision for specification of standards of conduct in relation to Welsh Language. The Measure authorises the Welsh Language Commissioner to serve a compliance notice requiring compliance with specified standards as laid down by the Welsh Language Standards (No1) Regulations 2015.. Bridgend County Borough Council has been served with a Compliance Notice under the Measure. The Compliance Notice (a copy of which can be found at) http://www1.bridgend.gov.uk/media/341711/20150930-dg-s-compliance-notice44-bridgend-county-borough-council.pdf places a legal obligation on the Council to comply with the notice. Failure to comply with any of the standards contained in the notice could result in a civil penalty imposed on the Council of up to £5,000. There is a requirement on third parties under Regulation 1(5) of the Welsh Language Standards (No1) Regulations 2015 to comply with the standards when it carries out an activity or service on behalf of the Council. The Provider/Contractor/Supplier shall comply with all of the standards in accordance with the Compliance Notice. The Provider/Contractor/Supplier shall indemnify the Council from and against all and any actions costs, claims, proceedings, expenses, losses, damages, fines, actions and liabilities incurred by the Council as a result of a breach of this clause by the Provider/Contractor/Supplier, its staff or any Sub-Contractor of it.

(b) The Provider/Contractor/Supplier shall ensure compliance with all applicable employment legislation, including any relevant regulations, directions or guidance in force during the term of the Agreement. In particular the Provider/Contractor/Supplier shall comply with the provisions of the National

Minimum Wage Act 1998 and shall ensure all relevant working time as referred to in the National Minimum Wage Act 1998 is included in calculations for compliance with the National Minimum Wage Regulations and Working Time Regulations or amendments thereof.

(c) In performing its obligations under the Contract, the Contractor shall:
(a) comply with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015; and
(b) have and maintain throughout the term of the Contract its own policies, codes of conduct and procedures to ensure its compliance; and
(c) not engage in any activity, practice or conduct that would constitute an offence under sections 1, 2 or 4 of the Modern Slavery Act 2015 if such activity, practice or conduct were carried out in the UK; and
(d) require that each of its direct subcontractors and suppliers shall comply with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

The Contractor represents and warrants that at the date of this Contract neither the Contractor nor any of its officers, employees or other persons associated with it:
(a) has been convicted of any offence involving slavery and human trafficking; and
(b) having made reasonable enquiries, to the best of its knowledge , has been or is the subject of any investigation, inquiry or enforcement proceedings by any governmental, administrative or regulatory body regarding any offence or alleged offence of or in connection with slavery and human trafficking.

The Contractor shall implement due diligence procedures for its direct subcontractors and suppliers (and other participants in its supply chains to ensure that there is no slavery or human trafficking in its supply chains.

The Contractor shall implement an appropriate system of audit and training as necessary for its subcontractors that is designed to ensure compliance with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

The Contractor shall notify the Local Authority as soon as it becomes aware of:
(a) any breach, or potential breach of any applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015; and/or
(b) any actual or suspected slavery or human trafficking in a supply chain which has a connection with this Contract.

The Contractor shall prepare and deliver to the Local Authority an annual basis on a date to be advised by the Local Authority a slavery and human trafficking report setting out the steps it has taken to ensure that slavery and human trafficking is not taking place in any of its supply chains or in any part of its business.

The Contractor shall:

(a) maintain a complete set of records to trace the supply chain of all works, goods and/or services provided to the Local Authority in connection with this Contract; and
(b) permit the Local Authority on reasonable notice during normal business hours, but without notice in case of any reasonably suspected breach of this clause, to have access to and take copies of the Contractor's records and any other information and to meet with the Contractor's personnel to audit the Contractor's compliance with its obligations under this clause; and
(c) permit the Local Authority on reasonable notice during normal business hours, but without notice in case of any reasonably suspected breach of this clause, to inspect the Contractor's workplaces and/or interview employees of the Contractor in the event that the Contractor is the subject of any investigation, inquiry or enforcement proceedings by any governmental, administrative or regulatory body regarding any offence or alleged offence of or in connection with slavery and human trafficking.

The Contractor shall:
(a) implement a system of training for its employees, suppliers and subcontractors to ensure compliance with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015; and
(b) keep a record of all training offered and completed by its employees, suppliers and subcontractors to ensure compliance with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015and shall make a copy of the record available to the Local Authority on request.

The Contractor shall indemnify the Local Authority against any losses, liabilities, damages, costs (but not limited to legal fees) and expenses incurred by, or awarded against the Employer as a result of any breach of any applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015resulting from any action or omission by the Contractor and /or its sub-contractors and/or suppliers.

The Local Authority may terminate the Contract with immediate effect by giving written notice to the Contractor if the Contractor commits a breach of any applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

The Contractor represents, warrants and undertakes that it conducts its business in a manner that is consistent with all applicable anti-slavery and human trafficking laws, statutes, regulations and codes from time to time in force including but not limited to the Modern Slavery Act 2015.

(d) "Equality Law" means the Equality Act 2010, any statutory code issued under it and any supplements to it as associated guidance published by the Equality and Human Rights Commission and all other applicable UK legislation, statutory instruments and regulations in relation to equality and diversity

a. The Supplier shall perform its obligations under this Agreement (including those in relation to the Goods/Services) in accordance with:

(i) All applicable Equality Law (whether in relation to race, sex, gender reassignment, age, disability, sexual orientation, religion or belief, pregnancy, maternity or otherwise);

(ii) the Authority's equality and diversity policies or procedures provided to the Supplier (as updated and provided to the Supplier from time to time); and

(iii) any other requirements and instructions that the Authority reasonably imposes in connection with any equality obligations imposed on the Authority at any time under the applicable Equality Law.

b. In addition to clause (a), the Supplier shall take all necessary steps, and inform the Authority of the steps taken, to prevent unlawful discrimination designated as such by any court or tribunal, or the Equality and Human Rights Commission (or any successor organisation).

c. The Supplier shall immediately notify the Authority if it becomes aware of any breach of clause (a) or (b).

6.17 Every written Contract shall include a clause empowering the Council to cancel the Contract and to recover from the Contractor the amount of any loss resulting from such cancellation if either:-

(a) The Provider/Contractor/Supplier, any persons employed by them or anybody purporting to act on the their behalf, whether they are aware of their acts or not, shall have offered or given or agreed to give any officer or member of the Council any gift or consideration of any kind as an inducement or bribe to influence its decision in the tendering procedure, or in relation to any Contract with the Council shall have committed any offence under the Bribery Act 2010 or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972

(b) The provider/Contractor/Supplier:-

(i) shall have communicated to any person other than the Council the amount or approximate amount of the proposed tender (other than in confidence in order to obtain quotations necessary for the preparation of the tender for insurance or to obtain any performance bond required by the Council); or

(ii) shall have entered into any agreement or arrangement with any person as to the amount of any proposed tender or that that person shall refrain from tendering.

6.18 All Contracts where a specification issued by the British Standards Institution or an European Standard is current at the date of the tender and is relevant shall require as a minimum that the goods and materials used in their execution shall be in accordance with that specification

7. Thresholds and Advertising Requirements

7.1 Thresholds for procurement do not apply to existing Framework Agreements endorsed for use by the Council.

7.2.1 Thresholds for all goods & services (except works Contracts) and advertising requirements are as follows and are set out in the Summary of Advertising (as attached at Appendix 1 to the Contract Procedure Rules):

7.2.2 Up to £5,000 it is necessary only to demonstrate that value for money is being achieved, unless any grant funding conditions dictate otherwise.

7.2.2 From £5,001 to £25,000 Minimum of 3 quotes to be requested from businesses preferably registered on Sell2Wales, unless any grant funding conditions dictate otherwise.

7.2.3 From £25,001 to £100,000 all requirements to be openly advertised on Sell2Wales where practical and providing it represents best value for money. A minimum of three quotations must be invited when following a restricted procedure or when an advert has not been issued, unless any grant funding conditions dictate otherwise.

7.2.4 From £100,001 to the Public Contracts Regulations 2015 Contract thresholds, requirements must be tendered, and advertised on Sell2Wales (as a minimum). Where the restricted procedure is used a minimum of five tenders must be invited, unless any grant funding conditions dictate otherwise.

7.2.5 Above the Public Contracts Regulations 2015 Contract threshold,requirements must be tendered and advertised in the Official Journal of the EU, together with such other advertising as directed by the Corporate Procurement Manager.

7.2.6 Thresholds for Works Contracts and advertising requirements are as follows and are set out in the Summary of Advertising (as attached at Appendix 1 to the Contract Procedure Rules):

7.3.1 Contract Up to £5,000 it is necessary only to demonstrate that value for money is being achieved, using contractors with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline unless any Grant conditions dictate otherwise.

7.3.2 From £5,001 to £25,000 quotations are to be requested from a minimum of three prospective Tenderers with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline, unless any grant conditions dictate otherwise. Where the minimum number of Tenderers required through Constructionline are not available, the Corporate Procurement Unit will put an advertisement on Sell2Wales for the requirement.

7.3.3 From £25,001 to £250,000 quotations are to be requested from a minimum of five prospective Tenderers with Safety Schemes in Procurement (SSIP) accreditation and registered and verified on Constructionline, unless any grant conditions dictate otherwise. Where the minimum number of Tenderers required through Constructionline are not available, the Corporate Procurement Unit will put an advertisement on Sell2Wales for the requirement.

7.3.4 Over £250,000 to the Public Contracts Regulations 2015 Contract Thresholds requirements must be tendered and advertised on Sell2Wales, unless any grant funding conditions dictate otherwise

7.3.5 Above the Public Contracts Regulations 2015 Contract thresholds, requirements must be tendered and advertised in the Official Journal of the EU, together with such other advertising as directed by the Corporate Procurement Manager.

7.4 Where it is considered appropriate to use additional advertising e.g. specialist requirements, they should be placed in one or more of the following :

- A local newspaper.
- Trade Journal.

7.5 Where additional advertisements have been placed as outlined in Rule 7.4 the advertisement shall:

- Specify details of the Contract into which the Council wishes to enter.
- Invite persons or bodies interested to apply for permission to tender.
- Specify a time limit of not less than 14 days within which such applications or tenders are to be received by the Council, except where legislation or funding conditions dictates a different time period. Indicate the criteria and weighting to be used to select Tenderer and award the Contract, unless this is specified in the ITT.

8. Pre-Tender Market Research and Consultation

8.1 The Council may conduct market consultation prior to the issue of any Tender. This may involve seeking or accepting advice from the market. This advice can be used in the planning and conducting of the procurement process as long as it does not distort competition or violate the principles of non-discrimination and transparency.

9. Procurement by Consultants

9.1.1 Where the Council uses consultants to act on its behalf in relation to any procurement, then the Chief Officer shall ensure that the consultants carry out any procurement in accordance with these Contract Procedure Rules.

9.1.2 All decisions must be made in accordance with the Councils Scheme of Delegation.

9.1.3 No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to. The Chief Officer shall ensure that the consultant's performance in relation to procurement is in accordance with these Contract Procedure Rules and legislation of England and Wales and European Procurement Rules.

9.1.4 Where the Council uses consultants to act on its behalf in relation to any procurement the consultant must declare any potential conflict of interest that may arise to the relevant Chief Officer prior to the commencement of the procurement process or at such time that the Contractor becomes aware of such a potential conflict of interest.

9.1.5 Where the Chief Officer considers that such a conflict of interest is significant the consultant shall not be allowed to participate in the procurement process.

10. Other Procurement Procedures

10.1 The use of the Negotiated procedure without prior publication, Innovative Partnerships, Competitive Procedure with Negotiation and Competitive Dialogue as defined in the Public Contracts Regulations 2015, can only be used in exceptional circumstances as directed by the Chief Finance Officer and with prior consultation with the appropriate Cabinet Member and the Monitoring Officer.

10.2 The use of Reserved, Concessionary Contracts and Dynamic Purchasing Systems may only be used following consultation and prior approval by the Corporate Procurement Manager.

11. Naming Products Sub-Contractors and Suppliers

11.1 The principle of non-discriminatory and equal treatment is undermined by the naming of products, Suppliers or sub-Contractors. Equivalents are nearly always able to be specifiedand will be advertised with the wording "or equivalent" where possible.

11.2 Where the Council has determined that a particular type of product or provision of service will be stipulated as an essential requirement of a Contract then this must be approved by the Appropriate Chief Officer following consultation with the Corporate Procurement Manager.

12. Electronic Tendering

12.1 An electronic quote and tender facility now supersedes the use of paper tenders in line with the Public Contracts Regulations 2015. All electronic quotes and tenders must be issued using a portal approved by the Corporate Procurement Manager. All relevant staff must be fully trained in the use of the system and set up to use the facility by the Corporate Procurement Manager.

12.2 For all quotes and tenders issued, the awarded Contract must be uploaded to the Corporate Contracts Register on the approved portal.

12.3 An advertisement must be placed in accordance with Rule 7. Any advert placed on sell2wales must alert prospective bidders to the requirement and the need to register on the approved etenderwales portal. The advert should state that bidders must have JAVA to access the etenderwales portal and respond electronically.

12.4 All correspondence between the Council and bidders must be concluded via the approved portal to maintain a defined audit trail. Under no circumstances must email correspondence outside the portal be used. Any verbal communication specific to the quote or tender must only be communicated through the relevant category specialist and must be confirmed via the portal. All clarification questions must be broadcast to all prospective bidders, where applicable i.e. not commercially sensitive.

12.5 The requirements for the submissions of bids must be set out in the Invitation to Tender (ITT) document issued to bidders via the portal. This will specify the return date and time, which will normally be 12 noon on the agreed date. The time and date when bidders upload their completed documents onto the system is recorded and forms part of an audit record.

12.6 Any late bids submitted will be recorded by the system and must be disqualified. A report will be required from the system administrator of the portal that there has been no system malfunction if a bidder challenges the disqualification.

12.7 Tenders must be opened electronically in accordance with Rule 14

13. Submission and Custody of Tenders and Quotations

13.1 Where tenders are invited in accordance with these Contract Procedure Rules or otherwise as determined by the Appropriate Body, the requirements for submission of tenders shall be set out in the invitation to tender document.

13.2 Electronic tenders and quotes are held in the approved portal and are inaccessible until the specified closing date and time.

14. Opening of Electronic Tenders

14.1 Quotations or tenders for requirements having an estimated value or amount of £5,000 and not exceeding £100,000 shall be opened via the approved portal at the same time in the presence of two officers, both designated by the Appropriate Chief Officer.

14.2 Tenders for Contracts having an estimated value or amount of £100,000 and not exceeding £1,000,000 shall be opened at the same time in the presence of two officers, one designated by the Monitoring Officer and the other by the Appropriate Chief Officer.

14.3 Tenders having an aggregated estimated value or amount exceeding £1,000,000 shall be opened at the same time in the presence of:-

(a) Two Members comprising any of the following:
- (i) the Mayor;
- (ii) the Deputy Mayor;
- (iii) the Cabinet Member for the function in respect of which Contract is to be concluded
- (iv) the Chairman or Vice-Chairman of the Committee with responsibility for the function in respect of which the Contract is to be concluded.

If two of these Members shall be unavailable, one or two Members as the case may be may be nominated by any of the unavailable Member(s) to act in their place being any Cabinet Member(s) or the Chairman and/or Vice-Chairman of any committee, sub-committee, panel or other body the majority of members of which are appointed by the Council;

(b) Two officers, one designated by the Monitoring Officer and the other by the Appropriate Chief Officer, usually an officer from Cabinet and committee and an officer from the corporate procurement team.

14.4 All tenders opened in accordance with rule 14 shall include the Technical and Commercial envelope within the approved portal

14.5 A record shall be kept of all tenders and quotations received through the approved portal approved by the Monitoring Officer, including any reasons for disqualification.

15. Amendment of Tenders

15.1 If an error is identified before the closing date for the return of tenders, all Tenderers shall be appraised of the error and invited to adjust their tenders.

15.2 If an error in the tender documentation provided by the Council is identified after the closing date for the return of tenders, but prior to opening of tenders, all Tenderers shall be given details of the error and afforded the opportunity of withdrawing the offer or submitting an amended tender.

15.3 Except as provided in Rule 15 a tender may not be amended by the Tenderer after it has been received unless examination of it reveals errors or discrepancies which would affect the tender figure in an otherwise successful tender, in which case:

15.3.1 If the error is not arithmetical the Tenderer shall be given details of the error(s) and shall be given the opportunity of confirming without amendment or withdrawing the tender, or

15.3.2 If the error is arithmetical the Appropriate Chief Officer shall correct the error(s) provided that, apart from these genuine arithmetic error(s), no other adjustment revision or qualification is permitted.

16. Post-Tender Negotiation and Clarification

16.1 Where procurement is conducted pursuant to the Public Contracts Regulation 2015 through either the open, restricted, innovative partnerships or competitive dialogue procedures, no post-tender negotiations are permitted. Any negotiation in respect of the competitive procedure with negotiation must comply with the requirements of the Public Contracts Regulations 2015.

16.2 The responsible officer may seek clarification from Tenderers where appropriate in consultation with the Corporate Procurement Manager.

16.3 Where procurements do not exceed the Public Contracts Regulation 2015 thresholds the Appropriate Chief Officer may authorise negotiations in exceptional circumstances, following the opening of tenders and before acceptance, subject to compliance with any legislative requirements, and only when:

(a) Amendments have been made to any relevant specification since the invitation of tenders, which could not have been foreseen at the invitation stage, or

(b) The volume of goods, works or services required by the Council has substantially increased or decreased since the invitation of tenders, or

(c) Only one tender has been received, or

(d) Tender prices exceed financial targets predetermined by the Council, the Cabinet or the appropriate Committee,
In all instances, the possibility of such negotiations must have been indicated in the invitation to tender.

16.4 Negotiations shall be conducted in a manner which treats all Tenderers equally and is non-discriminatory and transparent at all times during the procurement process, and a full record of the negotiations shall be made by the Appropriate Chief Officer which shall include the names of the officers involved, minutes of all meetings and copies of all relevant correspondence and other documents.

17. Evaluation of Tenders

17.1 The Chief Officer shall examine tenders in accordance with predetermined evaluation criteria.

17.2 In respect of all tenders where the tender criteria is the Most Economically Advantageous Tender (which can be the lowest/highest price only where appropriate) the evaluation criteria shall as a minimum be listed in the Invitation To Tender documentation in order of importance. Any particular scoring or weighting attributable to any criteria and sub-criteria must be clearly stated. In addition, the criteria must be strictly observed and remain unchanged at all times throughout the Contract award procedure.

18 Acceptance and Award of Tenders

18.1 A Contract shall only be awarded subject to the tender evaluation criteria specified in the invitation to tender document.

18.2 Tenders for Contracts having an estimated value exceeding £5,000,000 may be invited and accepted only by the Appropriate Body unless the power to do so has been specifically allocated or delegated to the appropriate Cabinet Member or Appropriate Chief Officer.

18.3 No tender relating to a Contract to which Sections 2 to 9 of the Local Government (Contracts) Act 1997 apply, shall be accepted without the approval of the Monitoring Officer.

18.4 Before a tender is accepted other than for the sale of goods the Appropriate Chief Officer must obtain the Chief Finance Officer's confirmation that the Tenderer's financial standing is satisfactory, unless the Tenderer has already been approved using the prequalification of the tender process.

18.5 The award of any Contract shall be in accordance with the Public Contract Regulations 2015 and the requirements of any other legislation including any EU public procurement directive.

18.6 If the award of any Contract is subject to the Public Contracts Regulations 2015 or any EU public procurement directive, then there shall be a standstill period of at least ten calendar days between the communication of the decision of the intention to award the Contract being notified to those parties who were selected to tender, or who applied to be selected to tender, and the entering into of that Contract.

18.7 'Standstill' letters issued as part of a tender process under EU Regulations must not be issued prior to confirmation of award in accordance with the Council's constitution.

18.8 Feedback to unsuccessful tenderers must be included in the standstill letters and must include the characteristics and relative advantages of the tender selected. For Contracts subject to the Public Contracts Regulations 2015, the requirements of the Public Contracts Regulations 2015 must also be complied with.

18.9 Where a tender above the EU threshold has been tendered and advertised on Sell2Wales, the Council shall publish a Contract Award Notice on Sell2Wales which will also be included in the Official Journal of the EU, and as soon as possible after the decision to award and in any event no later than 30 calendar days after the date of award of the Contract.

18.10 All correspondence notifying evaluation outcomes must be communicated through the approved portal

19. Letters Of Intent

19.1 Letters of Intent shall only be used with the agreement of the Corporate Director – Operational and Partnerships and only in very exceptional circumstances.

19.2 Where the terms and conditions of the Contract are not fully agreed no Contractor shall be allowed on site to begin preliminary works until a full risk assessment has been carried out by the Appropriate Chief Officer as to possible implications to the Council by the Contractor being allowed to start on site before the Contract terms and conditions have been finalised.

20. Execution of Contracts

20.1 Every Contract not exceeding £500,000 in amount or value shall be in writing in a form approved by the Monitoring Officer such form being the Form of Tender.However the Form of Tender should not be used in the following situations and a formal Contract must be entered into:

(a) where the appropriate Directorate has assessed the level of risk associated with the Contract and it deems the level of risk to be high; or

(b) where the Contract must be executed under seal.

The Form of Tender must be issued as part of the tender and must be signed and returned by the bidder. On contract award the signed Form of Tender must be issued with the award letter, signed by the Appropriate Chief Officer, or another officer authorised in writing to sign on behalf of the Appropriate Chief Officer, or by the Monitoring Officer or another officer authorised in writing by the Monitoring Officer . Both Parties are to keep a signed Form of Tender.

20.2 Every Contract, including frameworks which exceeds £500,000 in amount or value shall be executed under seal.

20.3 Contracts in writing or official orders not exceeding £100,000 in amount or value may be signed either by the Appropriate Chief Officer or by an officer in writing authorised to approve on behalf of the Appropriate Chief Officer.

20.4. Every Contract for Works (other than Framework Agreements) exceeding £1,000,000 shall require a Performance Bond and for Contracts below this limit the Appropriate Chief Officer shall determine the necessity for a Performance Bond based on an assessment of risk for that Contract. A Surety shall be approved by the Chief Finance Officer.

20.5 A risk assessment shall be conducted for all service Contracts to determine the necessity for a performance bond. The approval of the Chief Finance Officer is required where a performance bond is not deemed necessary for service Contracts in excess of £1,000,000 in value

20.6 Contracts not exceeding £500,000 may be signed electronically except in the following situations:

(a) where the appropriate Directorate has assessed the level of risk associated with the Contract and it deems the level of risk to be high; or

(b) where the Contract must be executed under seal.

The use of electronic signature must be in accordance with the procedure set down by the Corporate Procurement Manager.

21. Assignment and Novation

21.1 Any Contract subject to potential assignment and novation must be referred to the Corporate Director – Operational and Partnerships Services at the earliest possible instance.

22. Termination of Contracts

22.1 For any Contract, or part thereof, exceeding £100,000 in value, early termination shall be approved by the Appropriate Chief Officer in consultation with the Corporate Director – Operational and Partnership Services and the Chief Finance Officer and must be in accordance with the termination provisions set out in the Contract. Contracts of a lesser value may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the Contract.

23. Financial Limits

23.1 With the exception of the financial limit specified in Rule 20, which may be varied only by the Council, the financial limits specified in these Contract Procedure Rules or any of them may be varied at any time by the Chief Finance Officer in consultation with the Monitoring Officer, but any alterations shall be reported to the next meeting of the Council.

24. Record and Document Retention and Control

24.1 A full report of all Contracts awarded should be written and kept electronically. (A checklist of what the report should contain can be found at Appendix 4 to these Contract Procedure Rules - Procurement Report – Contents Checklist.)

24.2 A full record of all documents used including the Delegated Power to invite and accept, any other internal approvals, should be scanned and uploaded into the approved portal or procurements ‘o’ drive against the specific Contract reference number.

24.3 All Contracts under seal i.e. Deeds (inc. Tenders) must to be retained for a minimum of 12 years after the term of the Contract has expired. Contracts under hand must be retained for a minimum of 6 years after the term of the Contract has expired, unless a longer period is required by legislation or grant conditions.

24.4 Unsuccessful tender and pre-qualifying documents which have been accepted for tender purposes will be retained for a minimum period of 2 years after the start of the Contract within the approved portal.

24.5 Any tender which is rejected or disqualified at the time of opening will be notified via the approved portal.

24.6 All Request for Quotations must be retained for a minimum period of 2 years after the term of the Contract has expired.

24.7 Where Contracts are subject to the Public Contract Regulations 2015, they must also comply with the record, document retention and control requirements of the Public Contract Regulations 2015.

25. Contract Management

25.1 A Contract must not start until the Contract has been signed or sealed by both parties and dated. Directorates must allow time for this in their forward work plan.

25.2 Within ten calendar days of the start of the Contract, the directorate must add the details of the Contract onto the Corporate Contracts Register and record the following:

(a) the works, goods or services to be provided;

(b) the name of the Contractor,

(c) the Contract Value;

(d) the commencement and completion/termination dates;

(e) any extension options

These details must be maintained and updated as and when required to do so.

25.3 The Directorate shall be the Contract manager for the Contracts for which they are responsible for up to the EU thresholds, but may authorise another officer to have day-to-day responsibility for managing the Contract. For Contracts over the EU Thresholds, the directorate must appoint a dedicated Contract manager with appropriate skills and experience.

25.4 The Contract manager is responsible for:

(a) Managing the Contract and ensuring that it is carried out in accordance with its terms and conditions;

(b) Monitoring the Contractor’s performance and carrying out mid-Contract reviews to determine ongoing value for money;

(c) Ensuring that the Contractor maintains the insurance policies required by the Contract;

(d) Keeping a record of all payments, claims, monitoring, changes and certificates under the Contract;

25.5 The Contract manager must consult the Monitoring Officer for consideration of the Council's legal position:

(a) Before any Contract is to be terminated or suspended;

(b) In the event of a claim for payment not clearly within the terms and conditions of Contract;

26. Corporate Contracts Register

26.1 The Corporate Contracts Register is held within the approved portal and all quotations and tenders conducted must be created into a Contract. It is the responsibility of each Directorate to create and maintain their own Contracts within the portal

26.2 It is the responsibility of each Directorate to update the register following a quotation or tender process within the approved portal.

26.3 Any officer that requires training must contact the corporate procurement unit

27. Review and Amendment of Contract Procedure Rules

27.1 The Corporate Procurement Manager shall continually review these Contract Procedure Rules and shall undertake a formal review at least every three years.

Officer Employment Procedure Rules

1. Interpretation

(1) "Chief Officer" means:

Head of the Authority's Paid Service (Chief Executive)
Corporate Director – Education and Family Support
Corporate Director - Communities;
Corporate Director – Social Services and Wellbeing;
The Solicitor to the Council and Monitoring Officer;
Chief Finance Officer / Section 151 Officer.

2. Declarations

(1) The authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the authority; or of the partner of such persons;

(a) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

(2) Seeking support for appointment: -

(a) Subject to sub-paragraph (c) below, the authority will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the authority. The content of this sub-paragraph will be included in any recruitment information;

(b) Subject to sub-paragraph (c) below, no Councillor will seek support for any person for any appointment with the authority;

(c) Nothing in sub-paragraphs (a) and (b) above will preclude a Councillor from giving a written reference for a candidate for submission with an application for appointment.

3. Appointments

(1) The Authority must take the steps set out in sub-paragraph (2) where it proposes to appoint a chief officer, and the remuneration which it proposes to pay to the chief officer is £100,000 or more per annum;

(2) The steps are to:

(a) draw up a statement specifying–

(i) the duties of the officer concerned, and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

(3) Where sub-paragraph (1) applies, the Authority is not required to take the steps set out in sub-paragraph (2) (b) if it proposes to appoint the chief officer for a period of no longer than 12 months.

(4) (a) Where a post has been advertised as provided in paragraph 2(b), the authority must–

(i) interview all qualified applicants for the post, or

(ii) select a short list of such qualified applicants and interview those included on the short list.

(b) Where no qualified person has applied, or if the authority decide to re-advertise the appointment, the authority may make further arrangements for advertisement in accordance with paragraph 2(b).

4. Appointment of Chief Officers and Heads of Service.

(1) The authority will appoint Chief Officers, Heads and Service and the Head of Democratic Services.

(2) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made. The power to approve the appointment of the head of the authority’s paid service must be exercised by the authority itself and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of that power.

(3) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment of a Chief Officer, a Deputy Chief Officer, Head of Service or Head of Democratic Services –

(a) at least one member of the executive must be a member of that committee or sub-committee; and

(b) not more than half of the members of that committee or sub-committee are to be members of the executive of the authority.

(4) The Authority must determine the level, and any change in the level, of the remuneration to be paid to a Chief Officer.

5. Appointment of Assistants to Political Groups.

The appointment of assistants to political groups shall be made in accordance with the wishes of the political groups concerned.

6. Appointment of Officers other than Chief Officers and Heads of Service.

The function of appointment of members of staff of the authority, other than Chief Officers, Deputy Chief Officers, Heads of Service and the Head of Democratic Services, must be discharged, on behalf of the authority, by the officer designated as the head of the authority's paid service or by an officer nominated by the head of the authority's paid service.

Nothing in the above paragraph prevents a person from serving as a member of any committee or sub-committee established by the Authority to consider an appeal by another person against any decision relating to the appointment of that other person as a member of staff of the Authority.

7. Disciplinary Action and Dismissal.

(1) **Chief Officers and Heads of Service**

(a) Disciplinary action against and dismissal of Chief Officers, Deputy Chief Officers, Heads of Service, and Head of Democratic Services must be discharged by the authority.

(b) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, the authority must approve that dismissal before a notice of dismissal is given. The power to approve the dismissal of the head of the authority's paid service must be exercised by the authority itself and accordingly section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to the exercise of that power.

(c) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the dismissal of Chief Officers, Deputy Chief Officer, Heads of Service or Head of Democratic Services-

(i) at least one member of the executive must be a member of that committee or sub-committee; and

(ii) not more than half of the members of that committee or sub-committee are to be members of the executive of the authority.

(2) **Head of Paid Service, Monitoring Officer, Chief Finance Officer.**

(a) No disciplinary action (other than action to which paragraph (c) applies) in respect of the Head of Paid Service, or its Monitoring Officer, its Chief Finance Officer, its Head of Democratic Services or any other officer referred to in paragraph (b) may be taken by the authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the 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) Regulations 2006 (investigation of alleged misconduct).

(b) An officer in relation to whom disciplinary action is proposed where-
(i) the officer was, but at the time of the proposed disciplinary action no longer is, an officer referred to in (a) and;
(ii) 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 referred to in paragraph (a).

(c) 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.

(3) **Officers other than Chief Officers, Heads of Service and Head of Democratic Services.**

4. The function of dismissal of, and taking disciplinary action against a member of staff of the Authority other than Chief Officers, Deputy Chief Officers, Heads of Service and the Head of Democratic Services must be discharged, on behalf of the authority, by the officer designated as the head of the authority's paid service or by an officer nominated by the head of the authority's paid service.

(b) Paragraph (a) does not apply to the dismissal of, or disciplinary action against, an officer in relation to whom disciplinary action is proposed-

(i) who was, but at the time of the proposed disciplinary action no longer is, a Chief Officer, Deputy Chief Officer, Head of Democratic Services, and (ii) where the alleged misconduct, or, as the case may be, the reason for the proposal for dismissal occurred during the period when the officer was an officer referred to in (i).

(c) Nothing in paragraph (a) prevents a person from serving as a member of any committee or sub-committee established by the relevant authority to consider an appeal by a member of staff of the relevant authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

8. Head of Paid Service, Monitoring Officer, Chief Finance Officer, Head of Democratic Services - Investigation of alleged misconduct.

(1) Where it appears to the authority that an allegation of misconduct which may lead to disciplinary action has been made against a relevant officer, the authority must appoint a committee ("an investigation committee") to consider the alleged misconduct. A 'relevant officer' for this purpose is–

(a) the head of the authority's paid service;

(b) its monitoring officer; or

(c) its chief finance officer,

(d) its head of democratic services or

(e) an officer who was, but at the time the investigation committee is appointed no longer is, an officer referred to in sub-paragraphs (a) to (d) where the alleged misconduct occurred during the period when the officer was an officer referred to in those sub-paragraphs.

(2) The investigation committee must:

(a) consist of a minimum of 3 members of the authority;

(b) be politically balanced in accordance with section 15 of the Local Government and Housing Act 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") for the purpose of paragraph 7 (2) (a).

(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

(b) where there is no such agreement, must be such person as is nominated for the purpose by the Welsh Ministers.

(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 7 (2) (b);

(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 against 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 the 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 under paragraph (6) (d) within 1 month of receipt of that report.

(10) The authority must 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 this regulation.

PART 5 CODES AND PROTOCOLS

The Code of Conduct

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 sub-committee;

"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-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 (Committee 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" ("*awdordod 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 pridol*") means an officer of the 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 borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the

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.

Part 3 - Interests

Personal Interests

10.— (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (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, industrial and provident 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 —

(xi) 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;

(xii) any employment or business carried on by persons as described in 10(2)(c)(i);

(xiii) 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;

(xiv) 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

(xv) 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 sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) when submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

Part 4 - The Register of Members' Interests

Registration of Personal Interests

15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4) you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in

paragraph 10(2)(a), register that change in your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6)You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality material benefit or advantage.

Officers' Codes of Conduct

(a) 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 of relevant authorities. 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, 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 of 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 Officers

12. Where a monitoring officer is undertaking an investigation in accordance with regulations an investigation in accordance with regulations made under section 73 (1) of the Local Government Act 2000 a qualifying employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

(b) Code of Conduct for Council Employees

1. Standards

Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through the procedures set out in the Council's Whistleblowing Policy, and without fear of recrimination, to bring to the attention of the appropriate level of management any irregularity or deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

2. Disclosure of Information

2.1 Bridgend County Borough Council is committed to open government. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. Subject to any obligations of confidentiality it is required to observe, the Council itself may decide to be open about other types of information. Employees must be aware of which information the Council is and is not open about, and act accordingly.

2.2 Employees should ensure that the individual or personal circumstances of clients and users of Council services are treated confidentially.

2.3 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Council should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

3. Political Neutrality

3.1 Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

3.2 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work.

4. Relationships

4.1 Councillors

4.1.1 Employees are responsible to the Council through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Council's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

4.1.2. Employees should comply with the protocol on Officer/Member Relations set out in Part 5 of the Council's Constitution.

4.2 The Local Community and Service Users

4.2.1. Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the Council's policies.

4.3 Contractors

4.3.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

4.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

5. Appointments and Other Employment Matters

5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustment for any other employee who is a relative, partner or close friend.

6. Outside Commitments

6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment or become involved in any other activity, whether paid or not, which conflicts with the Council's interests.

6.2 Employees should seek advice on the ownership of intellectual property or copyright created during their employment.

7. Personal Interests

7.1 Employees must declare to their immediate manager or publicly whenever they are present at any meeting of the Authority (whenever an Officer and a Member are present) any financial or non-financial interests which could conflict with the Council's interests.

7.2 Examples of non-financial interests include acting as a school governor in schools maintained by the Council, involvement with an organisation receiving grant aid from the Council, membership of an NHS Trust Board or involvement with an organisation or pressure group which may seek to influence the Council's policies. Membership of a political party or trade union need not be declared.

7.3 Employees should declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.

8. Equality Issues

8.1 All local government employees should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9. Separation of Roles During Tendering

9.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

9.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

9.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

9.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.

9.5 Employees should be especially careful to ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

10. Corruption

10.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

11. Use of Financial Resources

11.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

12. Gifts and Hospitality

12.1 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Council will allow employees to keep insignificant items of modest value such as mugs, calendars, pens, diaries, etc. up to a value of £20.

12.2 Apart from participating in concessionary schemes arranged by the Council, trade unions or other groups specifically for the benefit of their own members, or taking advantage of discounts generally available to any member of the public, employees should not acquire materials, labour or plant at cost, trade or discount prices from or through a contractor employed by the Council.

12.3 Employees responsible for the purchase of goods and supplies on behalf of the Council should note that any promotional offers given by suppliers are the property of the Council.

12.4 Employees should only accept offers of hospitality if there is a genuine need to receive or impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. They should be properly authorised and recorded.

12.5 When gifts or hospitality have to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

12.6 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

12.7 Acceptance by employees of hospitality through attendance at relevant conferences, seminars and courses is acceptable where it is clear the hospitality is corporate rather than personal, where consent is given by or on behalf of the Council and where purchasing decisions are not compromised. Where visits to inspect equipment, or for the purpose of investigating any matter relating to the award of any contract, are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

12.8 The Monitoring Officer will maintain a register recording details of gifts and hospitality offered to employees. Employees are to notify him within 28 days of the offer being made using the appropriate form. Authorisation will be considered for the acceptance of the gift or hospitality. All relevant details will be added to the register which shall be available for public inspection.

13. Sponsorship - Giving and Receiving

13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

13.2 Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

14. Breaches of the Code

14.1 Failure to meet the standards and requirements of this Code may result in disciplinary action against an employee or action for breach of their employment contract with the Council.

15. Review of the Code

15.1 The operation of the Code will be evaluated from time to time and will be subject to review as necessary.

Protocol on Member/Officer Relations

1. Introduction

1.1 The purpose of this Protocol is to guide Members and Officers of Bridgend County Borough Council in their relations with one another in such a way as to ensure the smooth running of the Council.

1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.

1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.

1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.

1.5 The National Assembly for Wales has issued a Code of Conduct for Qualifying Employees of Relevant Authorities. This covers all the Council's employees. Paragraph 4 of the Code is reproduced below:

"Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis."

Paragraph 4.1.1 of the Council's own Code of Conduct for its Employees contains similar wording.

1.6 In line with the reference in the Code to "mutual respect" 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.

1.7 A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, they should raise the matter with the relevant Chief Officer. The Chief Officer will then look into the facts and report back to the Member. If the Member continues to feel concern, s/he should then report the facts to the Chief Executive Officer who will look into the matter afresh. Any action taken against an Officer in respect of a complaint, will be in accordance with the provisions of the Council's Disciplinary Procedure.

1.8 Where an Officer feels that s/he has not been properly treated with respect and courtesy they should raise the matter with the Chief Officer or the Chief Executive Officer as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Chief Officer or

Chief Executive Officer will take appropriate action either by approaching the individual Member and/or the relevant group leader.

2. Officer Advice to Members and Party Groups

2.1 It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member of the Council.

2.2 Paragraph 4 (Promotion of Equality and Respect for Others) of the Council's Code of Conduct for Members and Co-opted Members states that:

"Members:
(a) ……..
(b) must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees."

Similarly, paragraph 3 (Political Neutrality) of the Council's Code of Conduct for Council Employees states as follows:

"3.1 Employees serve the Council as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

1.1 Subject to the Council's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

1.2 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work."

2.3 There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

2.4 The support provided by Officers can take many forms ranging from a briefing meeting with Cabinet Members or a Chairperson prior to a meeting of the Cabinet, a Committee or other decision making body to a presentation to a full party group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever party group is for the time being in control of the Council, such support should be available to all party groups.

2.5 Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

2.5.1 Officer support must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;

2.5.2 Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and

2.5.3 Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council, the Cabinet, the relevant Committee or other decision making body when the matter in question is considered.

2.6 Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Council. Such persons are not bound by the Code of Conduct for Members and Co-opted Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not attend and give advice at such a group meeting.

2.7 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.

2.8 Whilst any Member may ask a relevant Chief Officer or the Chief Executive Officer for written factual information about a Directorate or service, such requests must be reasonable and not seek information relating, for instance, to case work. Requests will be met subject to any overriding legal considerations (which will be determined by the Monitoring Officer, or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable). If that is the case, s/he will raise the matter with the Chief Executive Officer who will discuss the issue with the relevant group leader(s).

2.9 Where a Member requests factual information (usually written) from an Officer as set out in paragraph 2.8 above, that information will also be supplied to the appropriate Cabinet Member or Chairperson of the appropriate Committee and relevant Officers.

2.10 Where a Member requests policy advice (usually oral) that advice will not be supplied to the relevant Cabinet Member or Chairperson of the appropriate Committee without the consent of the requesting Member.

2.11 In relation to Budget proposals:

(a) the Cabinet shall be entitled to confidential discussions with Officers regarding options and proposals. These will remain confidential until the Cabinet's Budget proposals are published; and

(b) the opposition groups shall also be entitled to confidential discussions with Officers to enable them to formulate alternative Budget proposals. These will remain confidential until determined by the respective opposition groups or until published whichever is the earlier.

2.12 It must not be assumed by any party group or Member that any Officer is supportive of any plan, policy or strategy developed because of that Officer's assistance in the formulation of that plan, policy or strategy.

2.13 Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive Officer who will discuss them with the relevant group leader(s).

3. Support Services to Members and Party Groups

3.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, 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.

4. Members' Access to Information and to Council Documents

4.1 Members are free to approach any Directorate of the Council to ask for information in accordance with paragraph 2.8. This right extends to such information, explanation or 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. Such approaches should normally be made to the Director or another senior Officer of the Directorate concerned.

4.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by the common law.

4.3 Further and more detailed information regarding Members rights to inspect Council documents is contained in the Access to Information Rules in Part 4 of this Constitution and Members may obtain advice on their rights from the Council's Monitoring Officer.

4.4 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council.

5. Relationships between Officers and Cabinet Members/Chairpersons

5.1 It is clearly important that there should be a close working relationship between Cabinet Members, Chairpersons of Committees etc. and the Officers who report to or interact with the Cabinet and Committees etc. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups.

5.2 It must be recognised that in some situations an Officer will be under a professional duty to submit a report. Similarly, a Director or other senior Officer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report may be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Cabinet Member or a Chairperson and a Director or other Senior Officer in this area should be referred to the Chief Executive Officer for resolution in conjunction with the Monitoring Officer.

6. Correspondence

6.1 Official letters on behalf of the Council should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government

Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. 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.

7. Site Visits / Meetings with Members

7.1 The ability of Officers to undertake duties free from political pressure prevails over any provisions which enable Member meetings and site visits to take place. As part of the operational role of the Directorates, Officers will arrange and undertake various meetings or site visits that will assist in the development of recommendations for senior officers or elected Members. It is not always appropriate that these meetings be attended by Elected Members and it is at the discretion of the responsible Officer to determine the merits of inviting either the Local Elected Members or an Elected Member with a particular responsibility or interest in the site or issues relating to that site.

7.2 It is recognised that there are occasions when Members need to meet with officers and the electorate or other third parties and attend site visits to carry out their legitimate role as Ward Councillors. Officers will attend site visits as are necessary for the performance of their duties and will, often separate to this function, ensure that Member meetings and site visits are available to Members.

7.3 The Planning and Development Committee has determined that for Planning purposes, only local members can request a site visit. This is usually restricted to sites within the Members own Ward and occasionally sites close to boundaries between wards where the impact of any development may affect an adjacent ward

7.4 Elected members will be invited to meetings and site visits when these are requested by individuals such as Assembly Members or Members of Parliament. These requests are likely to have an impact on the ward or areas of responsibility of the Elected Member.