

Agenda



Newport Constitution

Foreword

Newport City Council has adopted a constitution that sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. The law requires some of these processes, 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.

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Constitution Contents Overview

Part 1: An Introduction to the Council Constitution

Newport City Council has adopted a constitution that sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. The law requires some of these processes, 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.

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Part 2: Articles of the Constitution

Article 1 of the Constitution commits the Council to provide clear leadership to the community, improve the delivery of services to the citizens of Newport, ensure that decisions are taken efficiently and effectively and to create an effective means of holding decision-makers to account. The Constitution is intended to enable the Council to carry out those aims and objectives.

Articles 2 to 16 explain the rights of citizens and how the key parts of the Council operate.

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The Council's democratic processes rely on various rules of procedure, which govern its day-to-day business. These include Standing Orders, Contract Standing Orders and Financial Regulations. Each of the Council's rules of procedure can be found within this section.

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Part 5: Codes and Protocols

The Council's elected members and employees act within agreed codes of conduct. The Members' Code of Conduct, the Employee Code of Conduct and the Protocol for Member/Employee Relations are contained in this section.

Part 6: Members' Allowance Scheme

Each year, the council adopts a scheme of allowances for its elected members. Newport's Scheme is set out in this section. This is based on the determinations of the Independent Remuneration Panel

Part 7: Management Structure

The Council's management structure is based on service areas, each overseen by a Head of Service. A Directors' Team, comprising a Head of Paid Service and Corporate Directors, oversees the Council's strategic role. Details of the management structure can be seen in this section.

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Constitution

Part 1: Introduction to the Council Constitution

Revised at Council: May 2012

Last reviewed: October 2017

Updated: September 2022

1. The Council's Constitution

This is the Constitution of Newport City Council (The Council).

1.1 Purpose of the Constitution

The purpose of the Constitution is to:

- Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- Enable the Council to take decisions efficiently and effectively;
- Provide ways of holding decision-makers to public account;
- Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- Provide a means of improving the delivery of services to the community.

1.2 Decision Making and Scrutiny

The Council comprises 51 councillors elected generally every four years, although this can be extended or reduced by Welsh Government.

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.

The Council works under the decision making model described as a Leader and Cabinet. The Council appoints the Leader of the Council. The Leader of the Council makes appointments to the Cabinet and decides on the portfolios within the Cabinet.

Responsibility for decision making rests with the Council, the Cabinet, individual Cabinet Members, Regulatory Committees (Planning and Licensing Committees) and employees, depending on the decision taken.

The Council's scheme of delegation shows who is responsible for decisions. The Scheme of delegation is in Part 5 of this constitution. Part 5 is about the Executive. In Newport the Executive is made up of the Cabinet and Chief Officers.

The Executive is the part of the Council that is responsible for taking most of the major decisions, within the overall Policy Framework and Budget adopted by the Council.

The Executive in Newport is made up of a Cabinet comprising the Leader and no more than 9 other elected members. The Council appoints the Leader. The Leader of the Cabinet appoints individuals to the Cabinet and appoints individual Cabinet Members to individual portfolios.

A forward Work programme will show work to be done by the Cabinet, Scrutiny Committees and the Council.

Meetings of the Cabinet, Scrutiny Committees, the Council and other Committees are open for the public to attend except where personal, exempt or confidential matters, as defined by legislation, are discussed.

The Cabinet, both collectively and individually, has to make decisions that are in line with the Council's agreed overall policies and budget. If it wishes to make a decision that is outside the Budget or Policy Framework, this must be referred to the Council for decision.

There are Scrutiny Committees that support the work of the Cabinet and the Council as a whole. The Committees present reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Committees will be involved in the formulation of all Policy Framework documents.

Scrutiny Committees also monitor the decisions of the Executive.

The Council also has an Audit Committee to review and scrutinise the authority's financial affairs and its risk management, internal control and corporate governance arrangements.

There is also a Democratic Services Committee which makes sure that there are enough resources to ensure the democratic processes of the Council can be discharged adequately.

To find out more about the decision making processes, please consult the Council's website. The Council and Democracy pages provide this information at this link:

<http://www.newport.gov.uk/en/Council-Democracy/Council-and-Democracy.aspx>

1.3 Interpretation and Review of the Constitution

1.3.1 Interpretation

Any disputes about the interpretation of the Constitution will be determined by the Monitoring Officer. In Newport the Monitoring Officer is the Head of Law and Standards.

1.3.2 Review

Only the Council can agree amendments to this constitution.

The Monitoring Officer is responsible for keeping the Constitution under review and updated and to recommend any amendments to the Council.

Review of the Constitution may involve discussions with elected members, normally the Democratic Services Committee appointed by the Council.

The Democratic Services Committee may recommend any amendments to the Council, subject to the advice of the Monitoring Officer.



Constitution

Part 2: Articles of the Constitution

Revised in December 2014 in line with (Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014)

Revised in April 2017 to include framework role descriptions and Deferral of Mayoralty added by Council

Reviewed in October 2017

Articles:

1. The Constitution
2. Members of the Council
3. Citizens and the Council
4. The Council meeting
5. Chairing the Council
6. Overview and scrutiny of decisions
7. The Cabinet
8. The Regulatory and other committees
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13. Decision-making
14. Finance, contracts and legal matters
15. Review and revision of the Constitution
16. Suspension, interpretation and publication of the Constitution

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Constitution

Part 2: Articles of the Constitution

Article 1: The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

This document and all the appendices referred to and any URL's incorporated herein form the Constitution of Newport City Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.4 Interpretation and Review of the Constitution

The Monitoring Officer will provide advice and guidance on interpretation of any part of this constitution. The Council will monitor and evaluate the operation of the Constitution.

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Constitution

Part 2: Articles of the Constitution

Article 2: Members of the Council

2.1 Composition and Eligibility

2.1.1 Composition

The Council will comprise a maximum of 51 councillors, otherwise called elected members. All councillors will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Boundary Commission in Wales and approved by the Welsh Government.

2.1.2 Eligibility

Only registered voters of the City Council or those living or working within the Newport City Council area will be eligible to hold the office of councillor.

2.2 Election and Terms of Councillors

The regular election of councillors will normally be held on the first Thursday in May every four years or at a time determined by the Welsh Government.

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.

2.3 Roles and Functions of All Councillors

2.3.1 Key roles

All councillors will:

- collectively be the ultimate policy-makers by agreeing a policy framework and budget;
- represent the interests of their electoral division and of individual constituents;
- respond to constituents' enquiries and representations, fairly and impartially;
- participate in the governance and management of the Council;
- maintain the highest standards of conduct and ethics;
- contribute to the continual improvement of Council services.

2.3.2 Rights and duties

- 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 and this constitution.

- Councillors will not make public information that 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. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.4 Conduct

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

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution and as prescribed by the Independent Remuneration Panel.

2.6 Role Descriptions and Person Specifications

The Council has adopted Framework Member Role Descriptions and Person Specifications for inclusion in the Council's Constitution, recognising that these documents are not for use as job descriptions and/or being used as requirements for political appointment to specific roles in the Council.

The Framework Member Role Descriptions and Person Specifications are set out in the appendix to this Article.



Framework Member Role Descriptions and Person Specifications

May 2022

Welsh Local Government Association - The Voice of Welsh Councils

We are The Welsh Local Government Association (WLGA); a politically led cross party organisation that seeks to give local government a strong voice at a national level. We represent the interests of local government and promote local democracy in Wales.

The 22 councils in Wales are our members and the 3 fire and rescue authorities and 3 national park authorities are associate members.

We believe that the ideas that change people's lives, happen locally.

Communities are at their best when they feel connected to their council through local democracy. By championing, facilitating, and achieving these connections, we can build a vibrant local democracy that allows communities to thrive.

Our ultimate goal is to promote, protect, support and develop democratic local government and the interests of councils in Wales.

We'll achieve our vision by

- Promoting the role and prominence of councillors and council leaders
- Ensuring maximum local discretion in legislation or statutory guidance
- Championing and securing long-term and sustainable funding for councils
- Promoting sector-led improvement
- Encouraging a vibrant local democracy, promoting greater diversity
- Supporting councils to effectively manage their workforce

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Background

This is a set of generic role descriptions and person specifications for elected members. They are applicable in any authority and are made available as suggestions rather than prescription.

The role descriptions set out the responsibilities and functions of the role of the elected member. The person specifications describe the qualities and skills required of the member in the role and can help when considering personal development.

Where members undertake more than one role it is anticipated that role descriptions would be combined. For example: Overview and Scrutiny committee chairs would be expected to undertake the role of, Elected member, Overview and Scrutiny Member and Overview and Scrutiny Chair.

These role descriptions are designed to be used alongside the Welsh [Member Development \(Competency\) Framework](#) which describes the skills knowledge and behaviours required of Councillors

This document has been produced collaboratively by the Welsh local Government Association, working with members and officers from all the authorities in Wales. It takes account of all the UK and Wales legislation affecting the role of members, including, most recently, the Local Government and elections (Wales) Act 2021.

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Elected Member Role Description

1. Accountabilities

- To Full Council
- To the electorate of their ward

2. Role Purpose and Activity

Representing and supporting communities

- To represent ward interests
- To be an advocate for the Council in the ward and communities they serve
- To be a channel of communication to the community on council strategies, policies, services, and procedures
- To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally
- To liaise with executive members, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood, and supported.
- To be vigilant and do everything possible to protect adults and children at risk from abuse.
- To promote tolerance and cohesion in local communities

Making decisions and overseeing council performance

- To participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance
- To participate in informed and balanced decision making on committees and panels to which they might be appointed.
- To adhere to the principles of democracy and collective responsibility in decision making
- To take corporate responsibility for the protection of vulnerable children and adults
- To promote and ensure efficiency and effectiveness in the provision of council and other public services.

Representing the Council (subject to appointment)

- To represent the Council on local outside bodies as an appointee of the Council
- To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain
- To represent and be an advocate for the Council on national bodies and at national events

Internal governance, ethical standards, and relationships

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate, and effective relationships with employees, the public and other members of the Council.
- To adhere to the Member's Code of Conduct, member/officer protocols and the highest standards of behaviour in public office
- To have regard to the requirements of the Group Leader (where one exists) in matters of conduct and behaviour.
- To promote equalities and diversity

Personal and role development

To actively identify individual needs and participate in opportunities for development provided for members by the authority.

3. Values

To be committed to the values of the Council and the following values in public office

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Leader (and Deputy) Role Description

1. Accountabilities

- To Full Council
- To the Public

2. Role Purpose and Activity

Providing political leadership to the Council

- To be a political figurehead for the Council; to be the principal political spokesperson for the Council.
- To provide leadership in building a political consensus around council policies
- To form a vision for the Council and community
- To provide strong, clear leadership in the co-ordination of policies, strategies, and service delivery

Appointing the Cabinet*

- To designate the appropriate portfolios
- To appoint appropriate elected members to each portfolio
- To allocate cabinet members to roles with regards to their abilities. □
- To designate the Deputy Leader.
- To discharge your statutory duty to have due regard to equality and diversity when appointing your cabinet

Representing and acting as ambassador for the Authority

- To represent the Authority to a high standard. Provide a strong, competent, and eloquent figure to represent the Authority both within the County and at external bodies.
- To represent the Authority on the WLGA Executive Board and WLGA Council
- To provide leadership and support local partnerships and organisations.
- To represent the Authority in regional and national bodies as appropriate.

Providing leadership within the portfolio

- To fulfil the role of a portfolio holder, having regard to the role purpose and activities, and role specification of an executive member

Managing and leading the work of the Cabinet and chairing meetings

- To ensure the effective running of the Cabinet by managing the forward work programme and ensuring its continuing development.
- To ensure the work of the Cabinet meets national policy objectives.
- To agree objectives with Cabinet Members and monitor progress.
- To advise and mentor other cabinet members in their work.
- To chair meetings of the Cabinet in line with the Constitution.
- In the Leader's absence the Deputy Leader should fulfil this role.

Participating in the collective decision making of the Cabinet

- To work closely with other cabinet members to ensure the development of effective council policies and the budgetary framework for the Council, and the delivery of high-quality services to local people.
- To accept collective responsibility and support decisions made by the Cabinet once they have been made.

Working with officers to lead the organisation.

- To liaise with the Chief Executive, and other appropriate officers, on a regular basis
- To work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues.

Leading partnerships and community leadership

- To be the council's appointed member of the Corporate Joint Committee
- To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
- To negotiate and broker in cases of differing priorities and disagreement.
- To act as a leader of the local community by showing vision and foresight

Internal governance, ethical standards, and relationships

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate, and effective relationships with employees of the Council.
- To adhere to the Member's Code of Conduct, Member/Officer Protocol, and the highest standards of behaviour in public office
- As a group leader, to discharge your statutory duty to promote and maintain high standards of conduct within your group (see supplementary guidance for Political Group Leaders below).

3. Values

To be committed to and demonstrate the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership
- Consensus building

Deputy Leader

- **To fulfil the duties of the Leader in his or her absence**
- **To assist the Leader in specific duties as required**

* Under constitutional arrangements for a cabinet model, either the Full Council or the Leader may appoint the Cabinet. In Wales it is common practice for the Leader to appoint the Cabinet under this model. This Role Description has been written accordingly, noting that councils may vary this arrangement.

Cabinet Member Role Description

1. Accountabilities

- To the Leader
- To the Cabinet (through collective responsibility)
- To Full Council

2. Role Purpose and Activities

Providing portfolio leadership

- To give political direction to officers working within the portfolio
- To gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes.
- To provide leadership in the portfolio
- To liaise with the appropriate scrutiny chair and receive scrutiny reports as required.
- To be accountable for choices and performance in the portfolio
- To have an overview of the performance management, efficiency, and effectiveness of the portfolio
- To make executive decisions within the Portfolio*

Contributing to the setting of the strategic agenda and work programme for the portfolio

- To work with officers to formulate policy documents both strategic and statutory.
- Ensure that the political will of the majority is carried to and through the Cabinet.
- To provide assistance in working up and carrying through a strategic work programme both political and statutory
- Carry out consultations with stakeholders as required.
- Make sure that the portfolio's forward work programme is kept up to date and accurate.

Providing representation for the portfolio

- To provide a strong, competent, and persuasive figure to represent the portfolio.
- Be a figurehead in meetings with stakeholders.

Reporting and accounting

- To report as appropriate to the Leader, Full Council, Cabinet, appropriate chair of scrutiny, regulatory bodies, and the media.
- To agree objectives with the Leader and report progress.
- To be the principal political spokesperson for the portfolio.
- To appear before scrutiny committees in respect of matters within the portfolio.

Taking an active part in cabinet meetings and decision making

- To show an interest in and support for the portfolios of others
- To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility.

Leading partnerships and community leadership

- To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
- To negotiate and broker in cases of differing priorities and disagreement.
- To act as a leader of the local community by showing vision and foresight

Internal governance, ethical standards, and relationships

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate, and effective relationships with employees of the Council.
- To adhere to the Members' Code of Conduct, Member/Officer Protocol, and the highest standards of behaviour in public office

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership

* This only applies under constitutional arrangements where individual cabinet members or combinations of cabinet members are given individual responsibility for making decisions on behalf of the Executive.

Chair of the Council Role Description
Also suitable for Mayor* and Presiding Officer

1. Accountabilities

- To Full Council

2. Role Purpose and Activity

Acting as a symbol of the Council's democratic authority

- As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council.
- To represent the Council at civic and ceremonial functions

Chairing Council meetings

- To preside over meetings of the Council, so that its business can be carried out efficiently.
- To ensure the Council conducts its meetings in line with the Council's Standing Orders

Upholding and promoting the Council's Constitution

- To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation of the Constitution

Internal governance, ethical standards, and relationships

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate, and effective relationships with employees of the Council.
- To adhere to the Members' Code of Conduct, Member/Officer Protocol, and the highest standards of behaviour in public office

Work programming

- To prepare and manage an annual work programme for the Council to meet its legal obligations (e.g. setting the budget and the Council Tax and making appointments)

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Vice Chair

- **To fulfil the duties of the Chair in his or her absence**
- **To assist the Chair in specific duties as required**

* This Role Description describes the duties of the Chair or Presiding Officer of the Full Council or the Mayor in presiding over Council Meetings. It does not provide the detail of the wider ambassadorial or ceremonial responsibilities required of the Mayor.

Chair of Democratic Services Committee Role Description

1. Accountabilities

- To Full Council

2. Role Purpose and Activity

Providing leadership and direction

- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.
- To lead the committee in its role in:
 - Designating the head of Democratic Services
 - Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic services, ensuring that these are adequate.
 - Make annual reports to the full council in relation to the above o Appointing sub committees and chairs of subcommittees to undertake functions delegated by the committee.
 - Considering reports prepared by the Head of Democratic Services o Developing the Authority's member support and development strategy.
 - Ensuring that members have access to a reasonable level of training and development as described in the Authority's member development strategy and the Wales Charter for Member Support and Development
 - Ensuring that the budget for member development is sufficient o Ensuring that members have access to personal development planning and annual personal development reviews.
 - Work with the member support and development champion where relevant to promote the role of members and necessary support and development.
 - To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.

Promoting the role of the Democratic Services Committee

- To act as an ambassador for the DS committee, facilitating understanding of the role
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.

Internal governance, ethical standards, and relationships

- To develop the standing and integrity of the committee and its decision making
- To understand the respective roles of members, officers and external parties operating within the Democratic services committee's area of responsibility
- To promote and support good governance by the Council.

3. Values

To be committed to the values of the council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability

Member of a Democratic Services Committee Role Description

1. Accountabilities

- To Full Council
- To the Chair of the Democratic Services committee

2. Role purpose and activity

Understanding the nature of the Democratic Services committee:

- To be aware of and effectively undertake the role of the committee in:
- Designating the head of Democratic Services
- Keeping under review the provision of staff, accommodation and other resources made available to the Head of Democratic services, ensuring that these are adequate
- Make annual reports to the full council in relation to the above
- Appointing sub committees and chairs of subcommittees to undertake functions delegated by the committee.
- Considering reports prepared by the Head of Democratic Services
- Developing the Authority's member support and development strategy
- Ensuring that members have access to a reasonable level of training and development as described in the member development strategy and the Wales Charter for Member Support and Development
- Ensuring that the budget for member development is sufficient
- Ensuring that members have access to personal development planning and annual personal development reviews
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee

Participating in meetings and making decisions

- To participate effectively in meetings of the Democratic services committee,
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements

Internal governance, ethical standards and relationships

- To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
- To promote and support good governance by the Council
- To understand the respective roles of members, officers and external parties operating within the Democratic Services committee's area of responsibility

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Chair of a Regulatory Committee Role Description

1. Accountabilities

- To Full Council
- To the members of the regulatory committee

2. Role Purpose and Activity

Providing leadership and direction

- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
- To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- To delegate actions to sub committees as appropriate

Promoting the role of the regulatory committee and quasi-judicial decision making

- To act as an ambassador for the regulatory committee, facilitating understanding of the role
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings

Internal governance, ethical standards and relationships

- To develop the standing and integrity of the committee and its decision making
- To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
- To promote and support good governance by the Council.

3. Values

To be committed to the values of the council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability

Member of a Regulatory Committee Role Description

1. Accountabilities

- To Full Council
- To the Chair of the regulatory committee

2. Role purpose and activity

Understanding the nature of the regulatory committee and quasi-judicial decision making

- To be aware of the quasi-judicial nature of regulatory committee decision making
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee

Participating in meetings and making decisions

- To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements

Internal governance, ethical standards and relationships

- To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
- To promote and support good governance by the Council
- To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Chair of Standards Committee Role Description

1. Accountabilities

- To Full Council

2. Role Purpose and Activity

Providing leadership and direction to the committee

- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
- To ensure thoroughness and objectivity in the committee, when receiving and responding to professional advice on the Code of Conduct
- To demonstrate independence, integrity and impartiality in decision making which accords with legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making

To lead the committee in its role in:

- Promoting and maintaining high standards of conduct by Councillors, lay members and co-opted members
- Assisting all members in their observance of the Members' Code of Conduct
- Advising the Council on the adoption or revision of the Members' Code of Conduct
- Monitoring the operation of the Members' Code of Conduct;
- Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- Granting dispensations to Councillors and co-opted members
- Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- Developing and applying any local resolution protocols
- The exercise of these functions (above) in relation to community councils and the members of those community councils
- Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members
- Monitoring compliance by Leaders of Political Groups with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group and advising, training or arranging to train the Leaders of Political Groups about these duties. **(From May 2022)**
- Making an annual report to the Authority **(first report due in respect of the 2022/23 financial year, as soon as possible after year end)** describing how the committee's functions have been discharged during the financial year. The report may include any matter within the functions of the committee. The report must include:
 - How the committee has discharged its legal duties, particularly, how the committee has monitored the compliance of Group Leaders with their duties to

take reasonable steps to promote and maintain high standards of conduct by members of the Group and the work of the Committee in advising, training or arranging to train the Leaders of Political Groups about these duties.

- The degree of compliance of Group Leaders with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group

3. Values

To be committed to the values of the council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability

Member of a Standards Committee Role Description

1. Accountabilities

- To Full Council
- To the Chair of the Standards Committee

2. Role purpose and activity

Participating in meetings and making decisions

- To participate effectively in meetings of the Standards committee
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements, internal governance, ethical standards and relationships
- To ensure the integrity of the committee's decision making and of her/his own role by adhering to the Code of Conduct and other constitutional and legal requirements
- To promote and support good governance by the Council

To contribute to the role of the Standards Committee in effectively fulfilling its functions and to support the Committee Chair by:

- Promoting and maintaining high standards of conduct by Councillors, lay members and co-opted members
- Assisting Councillors, lay members and co-opted members in their observance of the Members' Code of Conduct
- Advising the Council on the adoption or revision of the Members' Code of Conduct.
- Monitoring the operation of the Members' Code of Conduct
- Advising, training or arranging to train Councillors, lay members and co-opted members on matters relating to the Members' Code of Conduct
- Granting dispensations to Councillors and co-opted members
- Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales
- Contributing to the development and application of any local resolution protocol
- The exercise of these functions (above) in relation to community councils and the members of those community councils
- Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members
- Monitoring compliance by Leaders of Political Groups with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group and advising, training or arranging to train the Leaders of Political Groups about these duties. **(From May 2022)**
- Making an annual report to the Authority **(first report due in respect of the 2022/23 financial year, as soon as possible after year end)** describing how the committee's functions have been discharged during the financial year. The report may include any matter within the functions of the committee. The report must include:

- How the committee has discharged its legal duties, particularly, how the committee has monitored the compliance of Group Leaders with their duties to take reasonable steps to promote and maintain high standards of conduct by members of the Group and the work of the Committee in advising, training or arranging to train the Leaders of Political Groups about these duties
- The degree of compliance of Group Leaders with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Chair of Governance and Audit Committee Role Description

1. Accountabilities

- To Full Council

2. Role Purpose and Activity

Providing leadership and direction

- To demonstrate independence, integrity, and impartiality in decision making according to legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To comply with the authority's Code of Conduct
- To work according to the Terms of Reference for the Committee
- To work with senior officers of the authority including the Chief Financial Officer and Head of Internal Audit (or equivalent), to agree the forward work programme and to set agendas for the Committee.
- To work with other members of the authority to ensure that the work of the Committee is communicated to and aligns with that of the Cabinet, Standards and Scrutiny functions whilst maintaining appropriate independence.
- To promote the role of the committee within the authority.
- To report as required to Council
- To participate in and contribute to training and development required for the role
- To support committee members to develop the skills required for the role.
- To lead the committee in responding to any recommendations made by the Auditor General for Wales

Leading the Committee in its role in reviewing and scrutinising the authority's financial affairs

- Make reports and recommendations in relation to the authority's financial affairs
- Oversee the authority's internal and external audit arrangements
- Work with internal and external auditors
- Review the financial statements prepared by the authority and approve them when powers are delegated including making relevant reports and recommendations

Leading the Committee in its role in contributing to the effective performance of the authority

- Review the draft report of the authority's annual self-assessment. Make recommendations for changes to the conclusions or actions that the authority intends to take
- Make recommendations in response to the draft report of the authority's Panel Assessment (commissioned once per term **from May 2022**)
- Review and assess the authority's ability to handle complaints effectively.

- Make reports and recommendations to the authority about the authority's ability to handle complaints effectively.

Leading the Committee in its role in Reviewing and assessing the Governance, Risk Management and Control of the authority

- Review and assess the risk management, internal control, and corporate governance arrangements of the authority
- Make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- Review and assess the financial risks associated with corporate governance, and be satisfied that the authority's assurance statements including the annual governance statement reflect the risk environment and any activities required to improve it

3. Values

To be committed to the values of the council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability

Member of Governance and Audit Committee Role Description

1. Accountabilities

- To Full Council
- To the Chair of the Committee

2. Role purpose and activity

Participating in meetings of the committee and making decisions

- To demonstrate independence, integrity, and impartiality in decision making according to legal, constitutional and policy requirements.
- To have regard to the requirements of the Chair of the Committee and the professional advice of senior officers of the authority including the Chief Financial Officer and Head of Internal Audit (or equivalent)
- To Comply with the authority's Code of Conduct
- To work according to the Terms of Reference for the Committee
- To contribute to the development of the forward work programme for the Committee.
- To promote the role of the committee within the authority
- To report as required to Council
- To respond to any recommendations made by the Auditor General for Wales
- To participate in any training and development required for the role

Contributing to the work of the Committee in its role in:

Reviewing and scrutinising the authority's financial affairs

- Make reports and recommendations in relation to the authority's financial affairs
- Oversee the authority's internal and external audit arrangements
- Work with internal and external auditors
- Review the financial statements prepared by the authority and approve them when powers are delegated including making relevant reports and recommendations.

Contributing to the effective performance of the authority

- Review the draft report of the authority's annual self-assessment and make recommendations for changes to the conclusions or actions that the authority intends to take
- Make recommendations in response to the draft report of the authority's Panel Assessment (commissioned once per term **from May 2022**)
- Review and assess the authority's ability to handle complaints effectively.
- Make reports and recommendations in relation to the authority's ability to handle complaints effectively.

Reviewing and assessing the Governance, Risk Management and Control of the authority

- Review and assess the risk management, internal control, and corporate governance arrangements of the authority
- Make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- Review and Assess the financial risks associated with corporate governance, and be satisfied that the authority's assurance statements, including the annual governance statement, reflects the risk environment and any activities required to improve it

3. Values

To be committed to the values of the council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural differences
- Sustainability

Overview and Scrutiny Chair Role Description

1. Accountabilities

- To Full Council
- To the Public
- To the Committee

2. Role purpose & activity

Providing leadership and direction

- To provide confident and effective management of the committee
- To promote the role of overview and scrutiny within the council, liaising effectively with officers, executive members and colleague chairs
- To promote the integral role and contribution of scrutiny within the authority's wider improvement planning and reporting arrangements
- To lead joint scrutiny activities with other authorities or organisations when required
- To champion and promote the role of Overview and Scrutiny to the public, helping the public better understand and, crucially, contribute to and engage with the scrutiny process.
- To promote the role of Overview and Scrutiny to partner bodies, helping them to understand and engage with the Scrutiny function.
- To demonstrate an objective and evidence-based approach to overview and scrutiny ensuring that scrutiny inquiries are methodologically sound and incorporate a wide range of evidence and perspectives
- To follow-up scrutiny recommendations, evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement
- Work closely with scrutiny support staff to drive continual improvements in scrutiny
- Assist in publicising the work of the scrutiny committee

Managing the work programme

- To develop a balanced work programme for the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, holding the executive to account, and performance monitoring
- To ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, audit and regulatory reports and recommendations, single-integrated plan and partners strategic priorities and relevant community issues
- To ensure that the public are engaged in scrutiny activities by informing them about the work programme and encouraging participation
- To ensure that the work programme is delivered
- To report on progress against the work programme to Council, and others as appropriate

- To ensure that the work programme is manageable, and the workload delegated and prioritised to focus on the areas of most benefit or greatest risk to the organisation.
- To ensure that task and finish/working/subgroups have clear terms of reference and deliver the required outcomes.

Leading Joint Scrutiny

- To apply the appropriate tests and criteria when deciding whether or not to undertake joint scrutiny
- To ensure that regional bodies and partnerships are held to account and that their plans are subject to scrutiny
- To develop protocols and terms of reference for joint working
- To ensure public engagement in joint scrutiny activities
- To enable the pooling of scrutiny resources for effective working and outcomes
- To ensure the equal participation and contribution from all partners as appropriate

Effective meeting management

- To plan and set agendas containing clear objectives and outcomes for the meeting
- To ensure that necessary preparation is done beforehand, if necessary, through pre-meetings, including agreeing appropriate lines of questioning
- To ensure that the approach to overview and scrutiny is impartial and that the committee meeting is conducted without political whipping (as per the Local Government (Wales) Measure 2011)
- To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
- To ensure that all participants have an opportunity to make an appropriate contribution
- To ensure that members of the public are able to contribute to meetings and understand the protocols for public speaking.

Involvement and development of committee members

- To encourage effective contributions from all committee members in both committee and task and finish groups
- To assess individual and collective performance within the committee and work to improve scrutiny outcomes
- To ensure that committee members have the appropriate knowledge and skills to undertake their roles and work with lead members and officers to secure appropriate development.

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Overview and Scrutiny Member Role Description

1. Accountabilities

- Chair of the appropriate scrutiny committee
- Full Council
- The public

2. Role purpose & activity

- To participate fully in the activities of the Overview and Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups

Scrutinising and developing policy

- To assist in the development of council policy through scrutinising of draft policies, and improvement and refinement of existing policy
- To challenge policies on a sound basis of evidence for example against legislation or local political priority
- To assess the impact of existing policy and identify areas for improvement
- To identify where new policies might be required to address forthcoming legislation

Holding the Executive to account, monitoring performance and service delivery

- To monitor the performance of internal and external providers against standards and targets including questioning of executive and senior officers on the delivery of targets
- To contribute to the identification and mitigation of risk
- To investigate and make recommendations to address the causes of under performance or poor performance
- To monitor action plans or recommendations following external audit, inspection or regulatory reports
- To evaluate the validity of executive decisions and challenge decisions through call in where appropriate
- To build trust with the executive so that appropriate matters could be sent to scrutiny for a pre-decision review prior to the executive taking a final decision

Promoting the work of Overview and Scrutiny

- To promote the role of overview and scrutiny within and outside the council, developing effective internal relationships with officers and other members and external relationships with community representatives.
- To demonstrate an objective non political and evidence based approach to overview and scrutiny, by utilising a wide range of research in any work undertaken including sources of information outside the Council

- To add value to the decision making and service provision of the authority through effective scrutiny
- To be able to demonstrate where scrutiny is making a difference by its involvement

Community engagement

- To use scrutiny as a means to address community issues and engage the public in forward work programmes
- To encourage stakeholders to participate in the work of the authority
- To assist in developing locally viable and acceptable policy solutions
- To build a dialogue around priorities, objectives and performance, among communities and stakeholders
- To take a county wide perspective in dealing with issues

Participating in joint scrutiny

- To work within the appropriate terms of reference and protocols governing joint working in scrutiny
- To apply the appropriate tests and criteria when deciding whether or not to undertake joint scrutiny
- To contribute to the scrutiny of regional bodies and partnerships
- To encourage public engagement in joint scrutiny
- To work effectively with partner scrutineers from other authorities and organisations.

Meeting participation

- To make adequate and appropriate preparation for meetings through research and briefings and planning meeting strategies
- To participate in a proactive objective, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements
- To demonstrate effective scrutiny inquiry skills in questioning, listening and information handling
- To be non-political
- To focus on outcomes / making a difference by participation

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Leader of the Opposition Role Description

1. Accountabilities

- To the nominating group within the constitution

2. Role Purpose and Activity

Providing political leadership for an opposition group

- To be a political figurehead for the opposition group; to be the principal political spokesperson for the Council's opposition.
- To provide leadership in the constructive challenge of the Council's policies
- To constructively challenge the vision for the Council and community where appropriate
- To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery

Representing the Authority's opposition

- To represent the Opposition Group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority.
- To represent the Council on external bodies

Internal governance, ethical standards and relationships

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To promote, support, and adhere to respectful, appropriate and effective relationships with employees of the Council
- To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office

3. Values

To be committed to and demonstrate the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership
- Consensus building

Role of the Deputy Leader of the Opposition

- To fulfil the duties of the Leader in his or her absence
- To assist the Leader in specific duties as required

Political Group Leader Role Description

1. Accountabilities

- To the nominating Group

2. Role Purpose and Activity

Providing political leadership to the Group

- To be a political figurehead and role model for the Group
- To be the principal political spokesperson for the Group
- If in power, to provide Party Political leadership in the development of the Council's vision or policies and, if in opposition to provide constructive challenge and alternatives to the ruling Political Group's vision and policies.
- To canvass a range of views within the Political Group in the formulation of policy.
- To integrate and represent Political Group policy at a local level.
- To co-operate with other Political Groups where appropriate, particularly in matters of a non-Party Political nature.
- To chair and/or attend meetings where appointed to a representative role within the Council.
- To liaise with other local and regional representatives of the party.
- To be the representative voice of the Group for example and where applicable, in its dealings with outside organisations such as the Welsh Government or Senedd

Internal governance, ethical standards and relationships:

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To promote, support, and adhere to respectful, appropriate and effective relationships with employees and other members of the Council
- To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office
- Encourage due regard to the Seven Principles of Public life and to civility in public life
- To participate in and encourage Group members to take part in relevant development opportunities.
- To set clear expectations of the behaviour of group members and challenge any inappropriate behaviour
- To promote diversity among Group members
- To encourage Group members to claim salaries and reimbursements due to them in accordance with the determinations of the IRPW

Duty to promote and maintain high standards of conduct by Group Members in accordance with the Local Government and Elections (Wales) Act 2021

- Take reasonable steps to promote and maintain high standards of conduct by the members of the Group.
- Co-operate with the council's standards committee (and any sub-committee of the committee) in the exercise of the standards committee's functions. Specifically, to co-operate with the Standards Committee in its duty to monitor compliance of Group Leaders with their duty under the act and in providing information for the Standards Committee's annual report.
- To work constructively with the Monitoring Officer and other Group Leaders in relation to this duty
- To work within the local resolution protocol where this applies
- To participate in any training relating specifically to this duty.

3. Values

To be committed to and demonstrate the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership
- Consensus building

Political Group Leader supplementary guidance

The Local Government and Elections (Wales) Act places a duty on Group Leaders to take “Reasonable Steps” to promote and maintain high standards of conduct by the members of their group. The following note provides further interpretation of the Act in support of the Group Leaders’ role description.

- Group Leaders have a duty to promote and maintain high standards of behaviour by members of their group in a Unitary Authority. This applies to those group members whenever they are acting or giving the impression of acting in their capacity as a member.
- This duty has been introduced by the Welsh Government to encourage high standards of behaviour from members, including civility and respect in all situations and towards all people. The duty is not intended to be onerous and will not cover everyone (clearly those members who do not belong to a group), but rather to be proportionate and helpful and encourage the prevention of inappropriate behaviour before it becomes a breach of the Code.
- All councillors already have a responsibility to report breaches of the Code of Conduct
- The Duty applies to Group Leaders for their group members whenever these members are for example acting on the Council, in political group meetings, in the community and on outside bodies such as Fire and Rescue Authorities, National Park Authorities, Police Authorities, Community and Town Councils, Corporate Joint Committees and school governing bodies.
- In the case of outside bodies, the standards of conduct which apply are those set out by the body on which the group member is serving. If these are not available, the Council Code of Conduct applies.
- The Duty does not make Group Leaders **accountable** for the behaviour of their members as Conduct must be a matter of **individual responsibility**. However, Group Leaders **must** take “Reasonable steps” to promote and maintain high standards of conduct by the members of the group. And **must** cooperate with the standards committee and any subgroup of the committee in the exercise of the standards committee’s functions. And **must** have regard to guidance issued by Welsh Ministers on these matters.
- “Reasonable steps” might include Group Leaders:
 - Having informal discussions with and/or requesting training for members who may be showing early signs of inappropriate behaviour to ‘nip this in the bud’ before it becomes problematic or in danger of breaching the Code.
 - Working constructively with Standards committees to report compliance with their duty, any serious concerns about members’ behaviour which have not been remedied by informal actions, and training requirements for themselves and for their group members.
 - Working constructively with and supporting the Monitoring Officer in these matters

- Acting as a positive role model for members, demonstrating the highest possible standards of behaviour, civility, and respect.
- Maintaining an awareness of what constitutes very high standards of behaviour, civility, and respect, particularly with regard to equalities and diversity.
- Working constructively with other group members on the council and on other councils to ensure the highest possible standards of behaviour both in the Council and throughout Wales.
- Welcoming and responding to concerns raised by Group members about behaviour in the group.
- Standards committees have a duty to monitor compliance by Political Group Leaders with their duties and advising, training or arranging to train leaders of political groups on the council about matters relating to their duties.
- Standards committees must give an annual report to council about their work including compliance of group Leaders with this duty.
- The sanctions which may be applied to group members acting inappropriately on an outside body are those set out by those bodies. Where sanctions are not set out, the Council rules apply.
- If a member has breached the Code of Conduct and is suspended, they are only suspended in the capacity as a member of one relevant authority. They would have to be disqualified for it to apply to their capacity as a member of more than one relevant authority. (Local Government Investigations (Functions of Monitoring Officers and Standards Committees (Wales) regs 2001)
- “A group leader who fails to comply with the new duty in a meaningful way may potentially be regarded as bringing their office into disrepute, in breach of paragraph 6(1)(a) of the Code” The Public Services Ombudsman for Wales, [The Code of Conduct for members of local authorities in Wales May 2021.](#)

Member Champion Purpose and Role

What are Member Champions?

Member Champions exist to provide a voice for traditionally underrepresented groups, or issues which need to be kept at the forefront of council business although they may not be the responsibility of any individual or committee.

Member Champions, (sometimes called lead members) are elected members who in addition to their other council responsibilities make sure that the issue or group that they are championing are taken into account when council policy is being developed and decisions are made. Members act as champions in areas such as children, homelessness, equalities, older people, young people, scrutiny, member support and development, health improvement and anti-poverty. There is a statutory role for a lead member of children's and young people's services with a responsibility for overseeing the arrangements made under sections 25 and 26 of the 2004 Children Act.

Guidance on undertaking the role with regard to the subject knowledge that members need is sometimes available from the outside bodies associated with the issue being championed for example the toolkit for older peoples' champions from the LGA. Otherwise they will be reliant on their authority for guidance in the subject they lead on and also their role as lead member in this area.

What do they do?

Typically, the lead member will:

- Make sure that their area of interest is taken into account when developing policy or making decisions
- Ask questions about performance and resourcing for the area
- Raise the profile of the area and make the authority aware of good practice.
- Engage with external bodies who work in the area
- Engage with other officers and members in relation to the role.
- Engage with community groups with an interest/stake in the area □ Report action to the council

How does their role fit within the corporate structure?

This will vary according to the area/issue that is being championed and how the authority functions. There is potential for confusion and overlap between the role of the member champion and those of the relevant executive member or overview and scrutiny members. The champion role itself could be undertaken by either the relevant executive member or a non executive member.

It is therefore important that members and officers work together to agree roles and action for the area being championed and that there are mechanisms for lead members to report on their activities. It is helpful for the authority to draft a protocol which sets out what powers champions have and do not have, such as whether or

not they are able to make decisions on behalf of the authority. Similarly, the appointment of champions varies between authorities, and includes appointments being made by full council meetings or by the leader.

The Role Description

It is difficult to create a role description that fits with the different roles expected of champions and how they operate in the different authorities' structures. The following is a generic model which will require local adaptation, particularly to reflect the difference that may exist between a statutory role, one undertaken by an executive member and a non- executive lead.

Member Champion Role Description

1. Accountabilities

- To Full Council

2. Role Purpose and Activities

Within the Council

- To promote the interest being championed within the Council's corporate and service priorities
- To promote the needs of the client group represented in the interest to the decision makers within the council
- To work with the decision makers in the Council to establish strategies/policies/work plans connected with the interest
- To maintain an awareness of all matters connected with the interest
- To contribute to good practice and the continuous improvement of services and functions related to the interest
- To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet /Full Council meetings etc.
- Raising awareness of and taking a lead role in the development of all members and officers in relation to the interest

In the Community

- To raise the profile of the interest in the community
- To engage with citizens and community groups in matters related to the interest
- To lead and support local initiatives related to the interest

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Inclusive leadership

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Constitution

Part 2: Articles of the Constitution

Article 3: Citizens and the Council

3.1 Citizens' Rights

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

3.1.1 Voting and petitions

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution and to vote in any such referendum.

3.1.2 Information

Citizens have the right to:

- attend meetings of the full Cabinet, the Council, and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- See reports, papers and any records of decisions made by the Council, its Committees and Committees and the Cabinet or Cabinet Members by way of the Council's website or, on request, by the inspection of or provision of a paper copy for which a reasonable charge may be made. (except where confidential or exempt information is likely to be disclosed, as defined by legislation);
- inspect the Council's accounts and make their views known to the external auditor.

3.1.3 Participation

Citizens have the opportunity to participate in meetings in accordance with any scheme adopted by the Council and to contribute to investigations by Scrutiny Committees, where considered appropriate by the Committee.

3.1.4 Complaints

Citizens have the right to complain:

- to the Council itself under its complaints procedures relating to officers or elected members
- to the Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own internal complaints procedure first;
- to the Ombudsman where they believe a member or co-opted member of the council has breached the Member's Code of Conduct.

3.2 Citizens' Responsibilities

Citizens must not be violent, abusing or threatening to councillors or employees and must not wilfully damage any property or items owned by the Council, councillors or employees.

Constitution

Part 2: Articles of the Constitution

Article 4: The Council Meeting

4.1 Meanings

4.1.1 The Policy Framework

The Policy Framework means the following plans and strategies:

- Single Integrated Plan
- Corporate Plan
- Improvement Plan
- Local Development Plan
- Welsh Language Scheme
- Strategic Equalities Plan
- Changes to the Constitution or political structures
- Pay and Reward Policy
- Three year Licensing policy
- Revenue and Capital Budget
- Economic Development Strategy
- Social Services Population Needs Assessment
- Director of Social Services Annual Report

4.1.2 The Budget

The budget includes the allocation of financial resources to different services, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Council will approve the final accounts.

4.1 Housing Stock Transfer

Housing Stock Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

4.2 Functions of the Full Council

Only the Council will exercise the following functions:

- I. adopting and changing the Constitution;

- II. approving or adopting the documents which constitute the Policy Framework, the Budget and any application to the Welsh Government in respect of any Housing Land Transfer;
- III. subject to the urgency procedure contained in Standing Order 27 set out in the Council's Standing Orders in Part 4, Appendix 1 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;
- IV. appointing the Leader of the Cabinet; and Chairs of any committees other than executive committees;
- V. agreeing and/or amending the Terms of Reference for Committees deciding on their composition and making appointments to them; **NB:** This does not relate to appointments to the Cabinet, or any Cabinet Committees, as the responsibility for the composition and appointments rest with the Leader, subject to maxima imposed by the Welsh Government;
- VI. appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- VII. adopting an allowances scheme for Councillors;
- VIII. conferring the title of Honorary Alderman or Freedom of the City;
- IX. changing the name of the area;
- X. the full council will make the appointment of the Head of Paid Service following the recommendation of a short list for such an appointment by a committee of the Council. That committee must include at least one member of the executive but must not comprise a majority of members of the executive;
- XI. the full Council will appoint statutory chief officers and statutory officers. A committee of the Council may appoint non-statutory chief officers and deputy chief officers. That committee must include at least one member of the executive but must not comprise a majority of members of the executive;
- XII. all decisions on Chief Officers' remuneration;
- XIII. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- XIV. making an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption;
- XV. power to dissolve community councils;
- XVI. power to make orders for grouping communities;
- XVII. power to make orders for dissolving groups and separating community councils from groups;
- XVIII. duty to divide constituency into polling districts;
- XIX. power to divide electoral divisions into polling districts at local government elections;
- XX. powers in respect of holding of elections; and
- XXI. power to fill vacancies in the event of insufficient nominations.

- XXII. functions relating to sea fisheries.
- XXIII. consider reports by the Monitoring Officer or Section 151 Officer
- XXIV. all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- XXV. all other matters which, by law, must be reserved to Council.

The Council and not the Cabinet will remain responsible for planning, licensing and registration functions. These matters may be delegated to Committees or officers.

The full Terms of Reference of full Council is set out in Part 3 of the Constitution.

4.3 Council Meetings

There are three types of Council meeting:

- the Annual General Meeting;
- Ordinary Meetings;
- Extraordinary Meetings.

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

4.4 Responsibility for Functions

The Council will maintain the tables in Part 3 of this Constitution and the Terms of Reference in Part 3, setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

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Constitution

Part 2: Articles of the Constitution

Article 5: Chairing the Council

5.1 Role and function of the Presiding Member

The Presiding Member and in his or her absence, the Presiding Member, will have the following roles and functions:

(In the absence of the Presiding and Deputy, the Council will elect a Chair for a specific meeting)

5.2 Powers

The Presiding Member has no Executive powers, other than those relating to Family Absence.

5.3 Chairing the Council Meeting

The Council will elect the Presiding Member annually. The Presiding Member will be chairperson of the Council and, as such, will have the following responsibilities:

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- 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;
- to ensure that the Council meeting is a Committee for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet, individual Cabinet Members and the chairpersons of Scrutiny Committees and other Committees to account;

5.4 Conduct of the Council Meeting

Standing Orders provide that the Presiding Member or person presiding at the meeting shall conduct the meeting so as to secure a proper, full and effective debate of business items where a decision is required.

The steps the Presiding Member may take include:

- Calling for more time to allow the speaker to properly explain the matter;
- Permitting a Councillor to speak more than once;
- Allowing employees of the Council to advise the meeting as appropriate;
- Allowing a full discussion of reports and matters for decision.

5.5 Selection and Deferral of Mayoralty

Selection and Deferral

Newport City Council's method of selecting the Mayor is fair and balanced and determined exclusively on seniority. What this means is that the longest serving member on the Council who has not served as the Mayor will be nominated to serve as Mayor, irrespective of which political party he or she represents.

However, from time to time the prospective incoming Mayor may need to defer his or her election as Mayor for personal reasons.

Council has agreed that in such circumstances, an individual can defer for twelve months to allow the individual time to resolve any specific issues but it does not allow the opportunity for individuals to 'pick and choose' when they serve as Mayor.

This constitution allows an individual to defer for one year from his or her original nomination date and that any longer deferral be a matter for decision by the Council.

Election year

In January of each year an individual is nominated to serve as Mayor. In an election year, if the individual who is nominated fails to retain his or her seat then the Mayoralty will fall to the next in line, according to seniority.

However it is recognised that an individual could be re-elected to the Council following an absence and, on strict seniority rules would qualify as Mayor in the year of his or her election. However by that time the Council will have already made a nomination for the coming year.

In such circumstances the person already nominated by the Council will become Mayor in the election year and the re-elected member will take his other place according to seniority in the following year. Any agreed deferrals will then be extended for a further period of time.

Constitution

Part 2: Articles of the Constitution

Article 6: Scrutiny Committees

6.1 Terms of Reference

The Council will appoint Scrutiny Committees to discharge the functions conferred by Section 21 of the Local Government Act 2000. The allocation of specific areas of work and the Cabinet Portfolios overseen will be determined by the Council. The detailed Terms of Reference of the Scrutiny Committees is set out in Part 3 of the Constitution

6.2 Form and Composition

- I. The scrutiny committee will comprise a Chair, appointed by the Council, together with other members of the Council allocated in proportion by the political groups.
- II. Proportionality shall apply to the appointment of Chairs of Scrutiny Committees.
- III. Proportionality shall apply to the composition of the Committees.
- IV. The Council shall appoint the Chair and, if considered appropriate a Deputy Chair. In the absence of the Chair and any appointed Deputy, the Chair shall be taken by a Member of the Committee as elected by the Committee by a simple majority ballot.
- V. The Scrutiny Committees may co-opt permanent or temporary members as they deem appropriate. The Committee that considers matters relating to the Education service shall appoint members as required by legislation to attend and vote on issues relating only to the education service.
- VI. The Scrutiny Committees may also invite others to provide expert guidance or advice or make representations on specific issues or hold special public meetings where they wish to canvass public opinion on certain issues.

6.3 General Role

Within their Terms of Reference, Scrutiny Committees will:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- make reports and/or recommendations to the Cabinet, individual Cabinet Member or the Council in relation to policy development and the Framework documents identified above.
- consider any matter affecting the area or its inhabitants; and
- Act in accordance with the rules of procedure.

6.4 Specific Functions

6.4.1 Policy Development and Review

Scrutiny Committees may:

- Assist the Council and the Cabinet in the development of its budget and policy framework;
- Assist the Cabinet or Cabinet Members by way of consultation prior to the taking of decisions, as deemed appropriate by the Cabinet or Cabinet Member.
- conduct research, community and other consultation as considered appropriate by the Committees in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question members of the Cabinet, and/or Committees and Corporate Directors and Heads of Service about their views on issues and proposals affecting the area;
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that collaborative working enhances the interests of local people.

6.4.2 Scrutiny

Scrutiny Committees may:

- review and scrutinise the decisions made by and performance of the Cabinet and its individual members and/ Council officers both in relation to individual decisions and generally over a period of time;
- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- question members of the Executive and/or committees and Heads of Service 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;
- make recommendations to the Cabinet or individual Cabinet Members and/or appropriate committees and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies, including the Public Services Board, in the area and invite reports from them by requesting them to address the Committee about their activities and performance; and
- question and gather evidence from any person (with their consent).

6.4.3 Governance and Audit Committee

The Council will appoint an Governance and Audit Committee and appoint Councillors and lay member(s) in accordance with the requirements of the Local Government (Wales) Measure 2011.

The terms of reference of the Governance and Audit Committee are set out in Part 3 Appendix 1 of the Constitution.

6.4.4 Annual Report

Scrutiny Committees must report annually to full Council on their work.

6.5 Proceedings of Scrutiny Committees and the Governance and Audit Committee

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

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Constitution

Part 2: Articles of the Constitution

Article 7: The Cabinet

7.1 Role

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

7.2 Form and Composition

- I. The Cabinet will consist of the Leader appointed by the Council, together with a maximum of 9 other Councillors appointed to the Cabinet by the Leader.
- II. Cabinet Members may be allocated specific portfolios and may take executive decisions in accordance with the Scheme of Delegation set out in this Constitution as determined by the Leader of the Cabinet
- III. If any Cabinet Member is appointed exclusively as Council Business Manager and without portfolio, the Council Business Manager will be allowed to speak on any item as a full member of the Cabinet but will not vote in Cabinet meetings and will receive no special responsibility allowance
- IV. The appointment of individuals to the Cabinet and the number of, naming of, allocation of duties to and the allocation of individual portfolios within the Cabinet will rest solely with the Leader of the Cabinet.
- V. There may be no co-optees and no deputies or substitutes for members of the Executive, other in the case of family absence
- VI. The Leader may, in his or her absence, nominate a member of the executive to deputise in his or her role as Leader or Chair of the Cabinet.

7.3 Leader and Cabinet Members' Term of Office

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office subject to annual election by the Council, or until:

- he/she resigns from the office; or
- 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
- he/she is no longer a councillor; or

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

Other Cabinet Members shall hold office until:

- they are removed from office, either individually or collectively, by the Leader.
- they resign from office; or
- 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
- they are no longer councillors; or

NB: During any period when there are no members serving on the Executive, any functions which are the responsibility of the Executive shall be allocated to and discharged by the Head of Paid Service

7.4 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 and the Council's Standing Orders

7.5 Responsibility for Functions

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

7.6 Terms of Reference

The Terms of Reference of the Cabinet are set out in Part 3 of the Constitution.

Constitution

Part 2: Articles of the Constitution

Article 8: The Regulatory and Other Committees

8.1 Regulatory and Other Committees

- I. The Council will appoint the Regulatory Committees set out in the left hand column of Table 2: Responsibility for Council Functions in Part 3 of this Constitution to discharge the functions described in column 3 of that table.
- II. The Regulatory Committees will be the Licensing Committee and the Planning Committee.
- III. Although permitted, Members should not normally serve on more than one Regulatory Committee.
- IV. The Council will appoint a Democratic Services Committee and appoint Councillors in accordance with the requirements of the Local Government (Wales) Measure 2011. This is not a regulatory committee.
- V. The terms of reference of the Democratic Services Committee are set out in Part 3, of the Constitution

8.2 Licensing Committee

8.2.1 Composition and Chair of the Committee

- The Council will appoint a Licensing Committee to discharge the functions described in Column 3 of Table 2 in Part 3 of the Constitution.
- The Licensing Committee shall comprise not more than 12 members of the Council, one of whom may be a Member of the Cabinet.
- Proportionality shall apply to the composition of the Committee;
- The Council shall appoint the Chair and, if considered appropriate a Deputy Chair. In the absence of the Chair and any appointed Deputy, the Chair shall be taken by a Member of the Committee as elected by the Committee by a simple majority ballot

8.2.2 Procedures and Terms of Reference

- The Committee will conduct its proceedings in accordance with the Rules of Procedure set out in Part 4 of this Constitution

- Any procedures for the conduct of business by the Committee as adopted by the Council will be adhered to.
- The detailed Terms of Reference of Licensing Committee are set out in Part 3, Appendix 1 of the Constitution.
- The decisions of the Licensing Committee will be published on the Council's website as soon as possible after the decisions have been made, normally within 5 working days.
- Licensing Committee may make recommendations to the Council on matters relating to its functions.

8.3 Planning Committee

8.3.1 Composition and Chair of the Committee

- The Council will appoint a Planning Committee to discharge the functions described in Column 3 of Table 2 in Part 3 of the Constitution.
- The Planning Committee shall comprise not more than 11 members of the Council, one of whom may be a Member of the Cabinet.
- The quorum for Planning Committee is 6 Members. No substitutes are allowed.
- In multiple wards, only one ward member shall be appointed to Planning Committee.
- Proportionality shall apply to the constitution of the Committee.
- The Council shall appoint the Chair and, if considered appropriate a Deputy Chair. In the absence of the Chair and any appointed Deputy, the Chair shall be taken by a Member of the Committee as elected by the Committee by a simple majority ballot.
- Site inspections are decision making meetings and should therefore be carried out by full Committee, with a minimum quorum requirement of 6 members.

8.3.2 Proceedings Terms of Reference

- The Committee will conduct its proceedings in accordance with the Rules of Procedure set out in Part 4 of this Constitution
- Any procedures for the conduct of business by the Committee as adopted by the Council will be adhered to.
- The detailed Terms of Reference of Planning Committee are set out in Part 3, Appendix 1 of the Constitution
- The decisions of the Planning Committee will be reported to full Council for information.

8.4 Democratic Services Committee

The Council will appoint a Democratic Services Committee and appoint Councillors and lay member(s) in accordance with the requirements of the Local Government (Wales) Measure 2011.

The terms of reference of the Democratic Services Committee are set out in Part 3 of the Constitution.

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Constitution

Part 2: Articles of the Constitution

Article 9: The Standards Committee

9.1 Standards Committee

The Council will establish a Standards Committee.

9.2 Composition

9.2.1 Membership

The Standards Committee will be composed of a maximum of nine members. Its membership will include:

- five 'independent' members, who are not either a councillor or an officer or the spouse of a councillor or an officer of this Council or any other relevant authority as defined by the Local Government Act 2000, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001;
- Three Councillors other than the Leader and not more than one member of the Cabinet. The political balance provisions as set out in paragraph 15 of the Local Government & Housing Act 1989 shall not apply.
- One member of a Community Council wholly or mainly in the Council's area (a 'community committee member') nominated by the Community Councils in the area (who is not a member of the local authority).

9.2.2 Term of Office

Independent members are appointed for a period of four years. In accordance with the Standards Committees (Wales) (Amendment) Regulations 2006 independent Members of Standards Committee can be re-elected for a second term of office. They can be re-elected as Chair during this period.

Members of the local authority who are members of the Standards Committee will have a term of office of not more than four years or until the next local government election following their appointment, whichever is the shorter. Such a member shall cease to be a member of the Standards Committee if that member ceases to be a member of the Council. They may be reappointed for a further consecutive term.

9.2.3 Quorum

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

- at least three members including the Chairperson are present, and

- At least half the members present, including the Chairperson, are independent members. The community committee member is not independent for these purposes.

9.2.4 Voting

Independent members and community committee members will be entitled to vote at the meetings. Any question shall be decided by a majority of votes cast and, in the case of an equality of votes, the person presiding at the meeting shall have a second and casting vote.

9.2.5 Community committee members

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

9.2.6 Chairing the Committee

- Only an independent member of the Standards Committee may be the chairperson or vice-chairperson. The community committee member is not independent for these purposes.
- The members of the Standards Committee will elect the chairperson and vice-chairperson for a period not exceeding one year. The chairperson and vice-chairperson are eligible for re-election.
- The election of a chairperson and vice-chairperson will be the first item of business for the first meeting of Standards Committee.
- The chairperson shall preside at meetings of the Standards Committee and if that person is absent, the vice-chairperson shall preside. If both the chairperson and vice-chairperson are absent, the members present shall elect an independent member to preside at that meeting.

9.3 Role and Function

The Standards Committee will have the following roles and functions:

- I. promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- II. assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- III. advising the Council on the adoption or revision of the Members' Code of Conduct;
- IV. monitoring the operation of the Members' Code of Conduct;
- V. advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- VI. granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- VII. dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Local Commissioner in Wales and determining any appropriate action
- VIII. The exercise of all of the above in relation to the community councils wholly or mainly in its area and the members of those community councils.

9.4 Meetings

The Standards Committee shall hold at least one meeting during every period of twelve months. The Monitoring Officer or a representative of the Monitoring Officer shall attend every meeting of the Standards Committee

The Access to Information Procedure Rules set out in Part 4 of the Constitution will apply to meetings and Minutes of the Standards Committee.

9.5 Additional Roles of Standards Committees

The Council may arrange for the Standards Committee to exercise such other functions as the Council considers appropriate.

The detailed Terms of Reference of the Standards Committee is set out in Part 3, Appendix 1 of the Constitution.

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Constitution

Part 2: Articles of the Constitution

Article 10: Ward Meetings

10.1 Ward Meetings

Where members wish to hold meetings within the wards, these are to be organised.

To facilitate the wishes for each ward, Lead Officers appointed for each ward will meet local members to ascertain the location; items for consideration and date and time for each ward meeting. This should be by agreement with all ward members, whether the ward is represented by members from a single party or multiple parties.

The Lead Officer and any support Officer allocated to the ward will attend the meeting to ensure that any actions arising from the meeting are followed up.

No other officers will attend, other than by mutual agreement, as the purpose of the ward meeting is to allow local members to meet and discuss local issues with local people.

A maximum of three meetings per year should be held, recognising that in special circumstances, a special ward meeting may be required to discuss a specific matter.

Wherever possible, meetings are publicised by way of 'Newport Matters', which is delivered to all households in Newport.

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Constitution

Part 2: Articles of the Constitution

Article 11: Joint Arrangements

11.1 Arrangements to Promote Well-being

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

- enter into arrangements or agreements with any person or body;
- co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- Exercise on behalf of that person or body any functions of that person or body.

11.2 Joint Arrangements

- The Council may establish joint arrangements with one or more local authorities and/or their Cabinets / Executives to exercise functions which are not executive in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities
- The Cabinet may establish joint arrangements with one or more local authorities to exercise functions that are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- The Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegation in Part 3 of this Constitution.

11.3 Access to Information

- The Access to Information Rules in Part 4 of this Constitution apply.
- 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
- If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.4 Delegation To and From Other Local Authorities

- The Council may delegate non-executive functions to another local authority or to the Cabinet/Executive of another local authority (where the delegated functions are executive functions in that other authority)
- The Cabinet may delegate executive functions to the Cabinet/Executive of another local authority or to another local authority (where the delegated functions are non-executive functions in that other authority).
- The decision to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.5 Contracting Out

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

Constitution

Part 2: Articles of the Constitution

Article 12: Officers

12.1 Officers

All officers will be subject to the Code of Conduct set out in Part 5 of the Constitution and forming part of their conditions of service.

The use of the word "officers" in the Constitution means all employees and staff engaged by the Council to carry out its functions, including those engaged under short term, agency or other non-employed situations.

Contracts of employment and service contracts will continue to be with the Authority rather than with the Executive.

12.2 Management Structure

12.2.1 General

The full Council may engage such staff (referred to in this Constitution as officers), as it considers necessary to carry out its functions.

12.2.2 Chief Officers

The full Council will engage persons for the following posts, who will be designated chief officers, as defined in Section 2 of the Local Government and Housing Act 1989. The Council may appoint a special sub-committee to make appointments of Corporate Directors or Heads of Service. Proportionality shall apply to any such sub-committee. The Head of Paid Service shall be appointed by the full Council.

Post	Primary responsibility
Chief Executive and Head of Paid Service	<p>To be the Council's Head of Paid Service and act as the primary policy advisor to the Council.</p> <p>To work with elected members and lead the Council's strategic management team, to ensure that direct services to the public and support services to the Council are managed effectively and economically and provide best value</p> <p>To take a lead role in ensuring support for all aspects of the Council's political management process.</p> <p>To have responsibility for the corporate direction and management of the Council and its overall objectives and ensure that there is forward planning of objectives and services.</p> <p>To allocate responsibility for service groupings to Strategic directors to ensure corporate work is effectively prioritised and efficiently conducted.</p>

Post	Primary responsibility
	<p>To provide overall leadership for service groupings.</p> <p>To ensure optimum performance of the organisation as a whole and the primacy of corporate objectives over service interests.</p>
Corporate Directors	<p>To provide strategic development and oversight in the achievement of corporate aims and performance.</p> <p>To work with elected members, as part of the Council's Strategic Management Team, to ensure that direct services to the public and support services to the Council provide best value.</p> <p>To ensure support for all aspects of the Council's performance management arrangements.</p> <p>To have a strong corporate focus in order to facilitate the development of a single corporate culture throughout the authority.</p> <p>To be the lead officer for the Council in key areas of activity, including service groupings as allocated and to have responsibility for the corporate direction and service performance of the Council in conjunction with members and as part of the Strategic Management Team.</p> <p>To deliver key results as part of the Strategic Directors' team</p>
Heads of Service (see Management Structure Part 7 of the Constitution)	<p>Responsibility for a specific service area covering the strategy, management and resource allocation.</p> <p>To advise the Strategic Management Team on all matters relating to the service areas.</p> <p>To contribute towards the management team of service groupings on strategic and corporate issues.</p> <p>To ensure that statutory obligations are met and complied with and that performance targets are continually monitored and reviewed with agreed targets being met.</p> <p>To contribute towards the delivery of the Council's vision, goals and core values. To be responsible for developing monitoring and reviewing a strategy for Best Value/Wales Improvement Programme.</p> <p>To develop effective working relationships with other officers, employees, trade unions and external organisations to maximise the efficiency of the service. To develop and implement service plans in line with the overall strategic objectives.</p> <p>To be accountable for the budget allocated to the service area.</p> <p>To exercise the delegated powers in relation to specific service areas as set out in Part 3 Appendix 3 of the Constitution.</p>

12.2.3 Head of Paid Service, Monitoring Officer, Chief Financial Officer and Head of Democratic Services

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Law and Standards	Monitoring Officer
Head of Finance	Chief Finance Officer/Section 151 Officer
Chief Democratic Services Officer	Head of Democratic Services

12.2.4 Structure

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

2.3 Functions of the Head of Paid Service

2.3.1 Discharge of functions by the Council

The Head of Paid Service will report to full Council, where he considers it appropriate to do so, 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.

2.3.2 Restrictions on functions

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

2.4 Functions of the Monitoring Officer

2.4.1 Maintaining the Constitution

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

2.4.2 Ensuring lawfulness and fairness of decision making

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

2.4.3 Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support and advice to the Standards Committee.

2.4.4 Receiving reports

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

2.4.5 Conducting investigations

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

2.4.6 Proper Officer for access to information

The Monitoring Officer will ensure that Cabinet and individual Cabinet Member decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

2.4.7 Advising whether decisions of the Cabinet 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.

2.4.8 Providing advice

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

2.4.9 Restrictions on posts

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

2.5 Functions of the Chief Finance Officer

2.5.1 Ensuring lawfulness and financial prudence of decision-making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to an Cabinet 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.

2.5.2 Administration of financial affairs

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

2.5.3 Contributing to corporate management

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

2.5.4 Providing advice

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

2.5.5 Giving financial information

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

2.6 Duty to provide sufficient resources to the Monitoring Officer, Chief Finance Officer and 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.

2.7 Conduct

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

2.8 Employment

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

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Constitution

Part 2: Articles of the Constitution

Article 13: Decision-Making

13.1 Responsibility for decision-making

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

13.2 Principles of decision-making

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

- I. compliance with all legal and procedural requirements;
- II. proportionality (ie the action must be proportionate to the desired outcome);
- III. proper consultation and the taking of professional advice, particularly legal and financial advice, from officers;
- IV. compliance with the Human Rights Act and respect for human rights;
- V. a presumption in favour of openness;
- VI. clarity of aims and desired outcomes;
- VII. explaining reasons for the decisions;
- VIII. proper recording of declarations of interest and any dispensations granted.

13.3 Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.

13.4 Decision-making by the full Council

Subject to Article 13.7, the Council meeting will follow the Council Procedure Rules (Standing Orders) set out in Part 4, Appendix 1 of this Constitution when considering any matter.

13.5 Decision-making by the Cabinet

Subject to Article 13.7, the Cabinet will follow the Cabinet Procedure Rules (Standing Orders) set out in Part 4, Appendix 1 of this Constitution when considering any matter.

13.6 Scrutiny Committees

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

13.7 Decision-making by Council bodies acting as tribunals

Many of the licensing and enforcement functions of ordinary committees will entail them acting in a quasi-judicial capacity. Standards Committees may also need to be particularly aware of issues relating to Article 6 of the European Convention on Human Rights.

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.

Constitution



Part 2: Articles of the Constitution

Article 14: Finance, Contracts and Legal Matters

14.1 Financial Management

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

14.2 Contracts

Every contract made by the Council will comply with the Financial Regulations and Contract Standing Orders set out in Part 4, Appendices 2 and 3 respectively, of this Constitution.

14.3 Legal Proceedings

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

14.4 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 Head of Law and Standards, the Assistant Head of Legal Services or other person authorised by the Head of Law and Standards, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £4000 entered into on behalf of the local authority in the course of the discharge of a Cabinet function shall be made in writing in a form approved by the Head of Law and Standards. Every contract where the amount or value exceeds £35,000 but does not exceed £75,000 shall be made in writing and signed by the Head of Law and Standards. Every contract where the amount or value exceeds £75,000 shall be made under the seal of the Council and attested by the Head of Law and Standards or the Assistant Head of Legal Services or some other person authorised by the Head of Law and Standards.

14.5 Common Seal of the Council

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

Constitution

Part 2: Articles of the Constitution

Article 15: Review and Revision of the Constitution

15.1 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. This may be undertaken in conjunction with a group of councillors established to assist in the monitoring and review of the Constitution for recommendation on amendments to Council.

15.1.1 Protocol for monitoring and review of the Constitution

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

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

15.2 Changes to the Constitution

Any proposals to change from one form of Cabinet to another require proper consultation, and change from leader/cabinet or alternative arrangements to an elected mayor form, or vice versa, requires a referendum. However, other changes may require limited or no consultation.

15.2.1 Approval

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

The Council might appoint the Democratic Services Committee or others to assist in the monitoring and review of the Constitution.

An individual member may propose additions, amendments, suspensions or withdrawals to the Council's Constitution provided that this complies with the Council's Standing Orders regarding notice of motions at full Council meetings (but in doing so would have to declare any interest in obtaining a decision of the full Council). Normally initial consideration of proposals will be by the Democratic Services Committee

Any proposed changes, whether recommended by the Democratic Services Committee or not, will have to be debated by full Council and require a majority vote of those members present and voting to be accepted. At least one half of the whole number of Councillors must be present at the meeting. Any changes would come into immediate effect unless the decision specified otherwise. The Constitution document should be updated regularly to ensure that the most up to date version is always available.

15.2.2 Change from a Leader and Cabinet form of Cabinet to alternative arrangements

The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Constitution

Part 2: Articles of the Constitution

Article 16: Suspension, Interpretation and Publication of the Constitution

16.1 Suspension of the Constitution

16.1.1 Limit to suspension

The Articles of this Constitution may not be suspended. The Standing Orders specified within the Constitution may be suspended by the full Council and/or the Cabinet and Cabinet Members to the extent permitted within those rules and the law.

16.1.2 Procedure to suspend

A motion to suspend any rules will not be moved without notice and 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.

16.1.3 Rules capable of suspension

The following Standing Orders may be suspended in accordance with Article 16.1:

- all Council Standing Orders (except Standing Orders 10 (1.10.2), 16 (1.16), and 17 (1.17) may be suspended so far as any item of business at a meeting of full Council in accordance with Standing Order 17.
- Cabinet Standing Orders may be suspended if agreed by the Cabinet or by individual cabinet Members in matters of urgency in accordance with Standing Order 28 (2.9). Any suspension must be reported to the relevant Overview and Scrutiny Committee to ensure safeguards against any possible misuse.

16.2 Interpretation

The ruling of the Mayor, as advised by the Monitoring Officer where necessary, 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.

16.3 Publication

- The Monitoring Officer will make available a copy of this Constitution to each member of the authority, normally via the Council's internet or intranet.
- The Monitoring Officer will ensure that the Constitution is available electronically on the Council's Website and that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- The Monitoring Officer will ensure that the Constitution is made available for inspection and is updated as necessary.

Schedule 1: Description of Cabinet Arrangements

The following parts of this Constitution constitute the Cabinet arrangements:

- Article 6 (Scrutiny Committees) and the Overview and Scrutiny Procedure Rules;
- Article 7 (The Executive) and the Cabinet Procedure Rules;
- Article 11 (Joint arrangements) if joint committees have functions delegated to them by the Executive;
- Article 13 (Decision-making) and the Access to Information Procedure Rules;
- Part 3 (Responsibility for Functions).



Constitution

Part 3: Responsibility for Functions

Revised at Council: May 2016

Last reviewed: October 2017

Last reviewed: July 2023

1. Introduction

Section 13 of the Local Government Act 2000 makes the Executive responsible for all functions of the Council with the exception of those functions which are specified in The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended from time to time) (the Functions and Responsibility Regulations”) as not being the responsibility of the Executive.

The Functions and Responsibility Regulations specify those functions that are not to be the responsibility of the Executive, those “Local Choice” functions which may or may not be discharged by the Executive and those “Policy Framework” functions that cannot be the sole responsibility of the Executive.

This Part 3 of the Constitution sets out those functions specified in the Functions and Responsibility Regulations and summarises how the functions are delegated and discharged.

2. Responsibility for Council Functions

The Council will remain responsible for all those matters referred to in the Table below and Part 3 Appendix 1 of the Constitution. The Council will delegate certain functions to the Regulatory Committees and officers in accordance with Section 101 of the Local Government Act 1972.

The following Table is a summary of how the functions are delegated and discharged. The full Terms of reference for the Regulatory Committees and Scheme of Delegation to officers are set out in Part 3, Appendices 1 and 3 respectively. The Council retains responsibility for the function even though it may be delegated

The functions which are reserved to Council by virtue of Schedule 1 to the Functions and Responsibilities Regulations are listed in the table below, together with the body / officer to whom they are delegated in the right hand column of the table.

A. Functions relating to Planning and Development Control

Function	Provision of Act or Statutory Instrument	Delegated To
1. Power to determine applications for planning permission.	Sections 70 (1) (a) and (b) and 72 of the Town and Country Planning Act 1990.	Council (for major applications)/Planning Committee/Head of Regeneration, Investment &

Function	Provision of Act or Statutory Instrument	Delegated To
		Housing
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
4. Power to decline to determine applications for planning permissions	Section 70A of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under.	Head of Regeneration, Investment & Housing
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)	Planning Committee/ Head of Regeneration, Investment & Housing
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	Planning Committee/ Head of Regeneration, Investment & Housing
8. Power to enter into planning obligations regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning Committee/Head of Law and Standards/ Head of Regeneration, Investment & Housing
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Planning Committee/ Head of Law and Standards / Head of Regeneration, Investment & Housing
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning	Planning Committee/ Head of Regeneration, Investment &

Function	Provision of Act or Statutory Instrument	Delegated To
	(Control of Advertisements) Regulations 1992.	Housing
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Head of Regeneration, Investment & Housing / Head of Law and Standards
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Head of Regeneration, Investment & Housing / Head of Law and Standards
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Planning Committee/ Head of Law and Standards / Head of Regeneration, Investment & Housing
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning Committee/ Head of Law and Standards / Head of Regeneration, Investment & Housing
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Planning Committee/ Head of Law and Standards
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.	Planning Committee/ Head of Regeneration, Investment & Housing
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Standards
20. Power to determine applications for listed building consent, and related powers.	Section 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of	Planning Committee/ Head of Regeneration, Investment & Housing

Function	Provision of Act or Statutory Instrument	Delegated To
	that Act.	
23. Power to determine applications for Conservation Area Consent	Sections 3(10 and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	Planning Committee/ Head of Regeneration, Investment & Housing
22. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paragraph 127 Welsh Office Circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas.	Planning Committee/ Head of Regeneration, Investment & Housing
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.	Section 38 of the Planning (Listed buildings and Conservations Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Standards
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Standards
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Standards
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing / Head of Law and Standards
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning Committee/ Head of Regeneration, Investment & Housing
29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	Planning Committee
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961.	Planning Committee/ Head of Regeneration, Investment & Housing
31. Duties in relation to	Sections 137 - 144 of the Town	Planning Committee/ Head of Regeneration, Investment &

Function	Provision of Act or Statutory Instrument	Delegated To
purchase orders.	and Country Planning Act 1990	Housing
32. Powers related to blight notices.	Sections 149 – 171 of the Town and Country Planning Act 1990	Planning Committee/ Head of Regeneration, Investment & Housing

B. Licensing and Registration Functions

Function	Provision of Act or Statutory Instrument	Delegated To
1. Power to issue licences authorising the use of land as a caravan site (“site licences”).	Section 3(3) of the Caravan Sites and Control of Development Act 1960.	Head of Law and Standards
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.	Head of Law and Standards
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985 ; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing Committee / Head of Law and Standards
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing Committee / Head of Law and Standards
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing Committee / Head of Law and Standards
6. Power to register pools promoters.	Schedule 2 to the Betting, Gambling and Lotteries Act 1963.	Licensing Committee
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.	Licensing Committee

Function	Provision of Act or Statutory Instrument	Delegated To
8. Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963.	Licensing Committee
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968.	Licensing Committee
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976.	Licensing Committee
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.	Licensing Committee
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933	Licensing Committee
13. Power to register sex shops and sex cinemas	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Licensing Committee
14. Power to register performances of hypnotism.	The Hypnotism Act 1952.	Licensing Committee/ Head of Law and Standards
15. Power to register premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Licensing Committee/ Head of Law and Standards
16. Power to register pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	Licensing Committee / Head of Law and Standards
17. Power to register market and street trading.	Part III of and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Licensing Committee / Head of Law and Standards
18. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)[32].	Head of Regeneration, Investment & Housing
19. Power to register dealers in game and killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831, Sections 2 to 16 of the Game Licensing Act 1860, Section 4 of the Customs and Inland Revenue Act 1883 , sections 12(3) and 27 of the Local Government Act 1874 , and section 213 of the Local Government Act 1972.	Licensing Committee/ Head of Law and Standards

Function	Provision of Act or Statutory Instrument	Delegated To
20. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.	Head of Law and Standards
21. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964	Head of Law and Standards
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.	Head of Law and Standards
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987	Head of Law and Standards
24. Power to license premises for the breeding of dogs.	Animal Welfare Act 2006 and the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014	Licensing Committee / Head of Law and Standards
25. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Licensing Committee / Head of Law and Standards
26. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925	Head of Law and Standards
27. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981	Licensing Committee / Head of Law and Standards
28. Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.	Licensing Committee/Head of Law and Standards
29. Power to license knackers' yards.	Regulation 49 of the Animal By-products (Wales) Regulations 2006.	Head of Law and Standards
30. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963	Chief Education Officer/ Head of Law and Standards
31. Power to approve premises for the solemnisation of marriages and the registration	The Marriage Act 1949, Section 6A of the Civil Partnership Act 2004, the Marriages and Civil	Head of Law and Standards

Function	Provision of Act or Statutory Instrument	Delegated To
of civil partnerships	Partnerships (approved Premises) Regulations 2005	
32. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to: - a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 or; - b) an order under section 147 of the Enclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	Head of Law and Standards
33. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	Head of Law and Standards
34. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.	Head of Regeneration, Investment & Housing
35. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991.	Head of Streetscene and City Services
36. Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996)	Head of Law and Standards
37. Power to enforce regulations in relation to the movement of pigs.	Regulations 27(1) of the Pigs (Records, Identification and Movement (Wales) Order 2004 (SI 2004/996)	Head of Law and Standards
38. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).	Head of Law and Standards
39. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922. DoE / Licensing Committee	Head of Law and Standards
40. Duty to enforce and execute Regulations (EC) No.852/2004 and 853/2004 in relation to food business operators as further specified in Regulation 5 of the Food (Hygiene) (Wales) Regulations	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Head of Law and Standards

Function	Provision of Act or Statutory Instrument	Delegated To
2006.		
41. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003.	Council

C. Functions in relation to Health and Safety

Function	Provision of Act or Statutory Instrument	Delegated To
Functions under any of the “relevant statutory provisions “within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer	Part I of the Health and Safety at Work etc. Act 1974.	Head of Law and Standards

D. Functions relating to Elections

Function	Provision of Act or Statutory Instrument	Delegated To
1. Duty to appoint an electoral registration officer.	Section 8(2)(A) Representation of the People Act 1983.	Head of Law and Standards
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52 (4) of the Representation of the People Act 1983.	Head of Law and Standards
3. Power to dissolve community councils.	Section 28 of the Local Government Act 1972	Council
4. Power to make orders for grouping communities	Section 29 of the Local Government Act 1972	Council
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972	Council
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Council

Function	Provision of Act or Statutory Instrument	Delegated To
7. Duty to provide assistance at European Parliamentary elections.	Section 6 (7) and (8) of the European Parliamentary Elections Act 2002	Council
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.	Council
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Council
10. Powers in respect of holding of elections.	Section 39 (4) of the Representation of the People Act 1983.	Council
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Head of Law and Standards
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985	Council
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Returning Officer
14. Duty to give public notice of casual vacancy.	Section 87 of the Local Government Act 1972	Returning Officer
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972	Returning Officer
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48 (3) of the Local Elections (Principal Areas) Rules 1986 (S.I 1986/2214) and rule 48 (3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I 1986/2215).	Returning Officer
17. Power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act.	Section 10 of the Representation of the People Act 2000.	Returning Officer
18. Miscellaneous electoral functions under Part II, SI 2003/284	National Assembly for Wales (Representation of the People) Order 2003 SI 2003/284	Returning Officer

E. Functions relating to Name and Status of Areas and Individuals

Function	Provision of Act or Statutory Instrument	Delegated To
1. Power to change the name of a county, or county borough.	Section 74 of the Local Government Act 1972.	Council
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.	Council
3. Power to confer title of Honorary Alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Council
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.	Council

F. Power to Make, Amend, Revoke or Re-enact Byelaws

Function	Provision of Act or Statutory Instrument	Delegated To
F. Power to Make, Amend, Revoke or Re-enact Byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978.	Council

G. Power to Promote or Oppose Local or Personal Bills

Function	Provision of Act or Statutory Instrument	Delegated To
G. Power to Promote or Oppose Local or Personal Bills	Section 239 of the Local Government Act 1972.	Council

H. Functions Relating to Pensions etc.

Function	Provision of Act or Statutory Instrument	Delegated To
1. Functions relating to local government pensions etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972.	Council/Head of Finance
2. Functions relating to pensions allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989.	Council/ Head of Finance
3. Functions under existing pension schemes as respects people employed by the fire and rescue authorities pursuant to section1 of the Fire and Rescue	Sections 34 and 36 of the Fire and Rescue Services Act 2004.	Council/ Head of Finance

Function	Provision of Act or Statutory Instrument	Delegated To
Services Act 2004		

I. Miscellaneous Functions

Function	Provision of Act or Statutory Instrument	Delegated To
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit Regulations 2005	Council
2. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966	Council
3. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I 1999/1892).	Planning Committee/ Head of Regeneration, Investment & Housing
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I 1997 / 1160)	Head of Regeneration, Investment & Housing
5. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Council
6. Appointment and dismissal of staff.	Section 112 of the Local Government Act 1972 and Sections 7 and 8 of the Local Government and Housing Act 1989.	Sub-Committee of Council for Chief Officers appointments, otherwise delegated to officers with appeal to Members Appeals Panel
7. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972	Council
8. Power to consider adverse reports from the Public Services Ombudsman for Wales	Section 19 of the Public Service Ombudsman (Wales) Act 2005	Council
9. Power to make an order identifying a place as a designated public place for the purposes of the police powers in relation to alcohol consumption.	Section 13 (2) of the Criminal Justice and Police Act 2001	Council
10. Powers in respect of	Part 1 of the Vehicles (Crime) Act	Head of Regeneration,

Function	Provision of Act or Statutory Instrument	Delegated To
registration of motor salvage operators.	2001	Investment & Housing
11. Power to appoint Officers for particular purposes (appointment of 'proper Officers').	Section 270(3) of the Local Government Act 1972	Council
12. Duty to designate an Officer as the head of the authority's paid service, and to provide staff etc.	Section 4(1) of the Local Government and Housing Act 1989	Council
13. Duty to designate an officer as the monitoring officer, and to provide staff etc.	Section 5(1) of the Local Government and Housing Act 1989	Council
14. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003	Council
15. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003	Council
16. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972	Council/ Head of Finance

3. Responsibility for Local Choice Functions

The following Table is a summary of how Local Choice functions are delegated and discharged. Executive functions are delegated to individual Cabinet Members or officers under Section 15 of the Local Government Act 2000. Non-executive functions are delegated to Regulatory Committee, Sub-Committees or officers under Section 101 of the Local Government Act 1972. The full Terms of reference for the Regulatory Committees and Scheme of Delegation to officers are set out in Part 3, Appendices 1 and 3 respectively.

The functions which may or may not be discharged by the Executive by virtue of Schedule 2 to the Functions and Responsibilities Regulations are listed in the table below, together with the body / officer to whom they are delegated in the right hand column of the table.

Function	Provision of Act or Statutory Instrument	Decision Making Body	Delegated To
1. Any function under a local Act other than a function specified or referred to in Schedule 1.	Section 239 of the Local Government Act 1972.	Council	Council

Function	Provision of Act or Statutory Instrument	Decision Making Body	Delegated To
2. The determination of an appeal against any decision made by or on behalf of the authority	Section 112 Local Government Act 1972, Employment Act 2000	Council	Members Appeals Panel
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions	Section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000.	Cabinet	Head of Finance
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools	Section 52 of the Education Act 2002	Cabinet	Head of Law and Standards
5. The making of arrangements for school admission appeals.	Sections 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998	Cabinet	Head of Law and Standards
6. Appeals by school governing bodies (Children to whom Section 87 applies)	Section 95(2) of the School Standards and Framework Act 1998	Cabinet	Head of Law and Standards
7. The making of arrangements under Section 20 (questions on police matters at council meetings)	Police Act 1996	Council	Council
8. The making of appointments to Police Authorities	Paragraphs 2 to 4 of Schedule 2 of the Police act 1996	Council	Council
9. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect	Section 5 (best value reviews) of the Local Government Act 1999	Cabinet	Cabinet
10. Any function relating to contaminated land	Environmental Protection Act 1990 Part IIA	Cabinet	Head of Law and Standards

11. The discharge of any function relating to the control of pollution or the management of air quality	Environmental Protection Act 1990 Part IIA	Cabinet	Head of Law and Standards
12. The service of an abatement notice in respect of a statutory nuisance	Pollution Prevention and Control Act 1999 and Part III of the Environmental Protection Act 1990 and Clean Air Act 1993	Cabinet	Head of Law and Standards
13. The passing of a resolution that noise nuisance provisions should apply in the authority's area	Schedule 2 to the Noise and Statutory Nuisance Act 1993	Cabinet	Cabinet Member for Regulatory Functions
14. The inspection of the authority's area to detect any statutory nuisance	Section 79 of the Environmental Protection Act 1990	Cabinet	Head of Law and Standards
15. The investigation of any complaint as to the existence of a statutory nuisance	Section 79 of the Environmental Protection Act 1990	Cabinet	Head of Law and Standards
16. The obtaining of information as to interests in land.	Section 330 of the Town and Country Planning Act 1990(1)	Cabinet	Head of Regeneration, Investment & Housing
17. The obtaining of particulars of persons interested in land.	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet	Heads of Service
18. The making of agreements for the execution of highways works	Section 278 of the Highways act 1980	Cabinet	Head of Streetscene and City Services and Head of Law and Standards
19. The appointment of any individual to any office other than an office in which he is employed by the authority; to any body other than the authority; a joint committee of two or more authorities; or to any committee or sub-committee of such a body, and the revocation of any such appointment.	Local Government Act 1972 and Local Government & Housing Act 1989	Council	Appointments to outside bodies agreed by Council All other appointments by Council, Cabinet or Heads of Service as provided in the Scheme of delegation.
20. Power to make payments or provide other benefits in	Section 92 of the Local Government	Council	Council following public Reports under Section 16 of the Public

cases of maladministration etc	Act 2000		Services Ombudsman Wales Act 2005 Head of Law and Standards for local settlements and Section 21 Reports
21. The discharge of any function by an authority acting as a harbour authority	Port Health Act	Council	Council or relevant Heads of Service
22. 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 (b) the determination of an amount for item TP (c) The determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	(a) Section 33(1) and 44(1) of the Local Government Finance Act 1992; (b) Sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992;	Council	Head of Finance
23. Licensing functions (except Section 6)	Part 2 of the Licensing Act 2003	Council	Licensing Committee or Head of Law and Standards
24. Functions in respect of gambling in accordance with any of the following:	-	-	-
(a) a resolution not to issue casino licenses	(a) Section 166 of the Gambling Act 2005 ;	Council	Council
(b) prescribing of fees	(b) Section 212 of the Gambling Act 2005;	Council	Licensing Committee
(c) making an order disapplying section 279 or section 282(1) of the Gambling Act 2005 in accordance with section 284 of the Gambling Act 2005;	(c) section 279 or section 282(1) of the Gambling Act 2005 in accordance with section 284 of the Gambling Act 2005	Council	Council
(d) authorised persons	(d) in accordance with section 304 of the Gambling Act 2005;	Council	Licensing Committee

(e) prosecutions by a licensing authority	(e) Section 346 of the Gambling Act 2005;	Council	Licensing Committee / Head of Law and Standards / Head of Regeneration, Investment & Housing
(f) three-year licensing policy	(f) Section 349 of the Gambling Act 2005;	Council	Council

4. Responsibility for Policy Framework

Determination of Policy Framework Documents are reserved to full Council in accordance with Schedule 3 to the Functions and Responsibilities Regulations. The Policy Framework is set out in this Constitution in the section on Articles of the Constitution.

5. Responsibility for Executive Functions

The Cabinet will be responsible for the discharge of executive functions within the Policy Framework and Budget determined by the Council and will be responsible for all those functions which are not by law, or as provided for in this Constitution, the responsibility of the Council, whether at a meeting of the Council or through the Planning and Licensing Committees.

The discharge of executive functions will be undertaken by the Cabinet acting collectively except where the Scheme of Delegation in accordance with Section 15 of the Local Government Act 2000 allows for decisions to be taken by individual Cabinet Members.

As to the Cabinet acting collectively, its functions and responsibilities are set out in the detailed Terms of Reference contained in Part 3, Appendix 1 of this Constitution.

The Scheme of Delegation to individual Cabinet Members with portfolios is set out in detail in Part 3, Appendix 2 of this Constitution. Where executive functions are delegated to individual officers of the Council, these arrangements are set out in detail in Part 3, Appendix 3 of this Constitution.

6. Joint Arrangements

The Council has established the following joint arrangements with other local authorities in the Greater Gwent area. The Joint Committees are constituted under Section 20 of the Local Government Act 2000.

- Archives Joint Committee
- Greater Gwent Cremation Joint Committee

These joint committees discharge executive functions and oversee the delivery of the relevant services on behalf of the Council and the other authorities, but have no delegated powers to determine budgets or expenditure, which are matters reserved to the Council and Cabinet.

7. Terms of Reference

The Terms of Reference are contained in a separate document and constitute Appendix 1 to Part 3 of this Constitution.

8. Scheme of Delegation to Cabinet Members

The Scheme of Delegation to Cabinet Members is contained in a separate document and constitutes Appendix 2 to Part 3 of this Constitution.

9. Scheme of Delegation to Officers

The Scheme of Delegation to Officers is contained in a separate document and constitutes Appendix 3 to Part 3 of this Constitution.

Constitution

Part 3: Responsibility for Functions

Appendix 1: Terms of Reference

1 Council

1.1 Reserved Matters

- a) adopting and changing the Constitution;
- b) approving or adopting the documents which constitute the Policy Framework, the Budget and any application to the Welsh Government in respect of any Housing Land Transfer;
- c) subject to the urgency procedure contained in Standing Order 27 set out in the Council's Standing Orders in Part 4, Appendix 1 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 of the Cabinet; and Chairs of any committees other than executive committees;
- e) agreeing and/or amending the Terms of Reference for Committees deciding on their composition and making appointments to them; **NB:** This does not relate to appointments to the Cabinet, or any Cabinet Committees, as the responsibility for the composition and appointments rest with the Leader, subject to maxima imposed by the Welsh Government;
- f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- g) adopting an allowances scheme for Councillors;
- h) conferring the title of Honorary Alderman or Freedom of the City;
- i) changing the name of the area;
- j) The appointment of the Head of Paid Service will be made by the Council. A special committee of the Council which will include at least one Member of the Cabinet may be appointed to make a recommendation to the Council but the final decision will rest with the council;
- k) The appointment of Directors and the Heads of Service will be made by the Council or a special committee of the Council acting with delegated powers which will include at least one Member of the Cabinet. The decision of the special committee will be reported to the Council;
- l) All decisions on Chief Officers' remuneration;
- m) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;

- n) making an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption;
- o) power to dissolve community councils;
- p) power to make orders for grouping communities;
- q) power to make orders for dissolving groups and separating community councils from groups;
- r) duty to divide constituency into polling districts;
- s) power to divide electoral divisions into polling districts at local government elections;
- t) powers in respect of holding of elections;
- u) power to fill vacancies in the event of insufficient nominations;
- v) functions relating to sea fisheries;
- w) consider reports by the Monitoring Officer or Section 151 Officer;
- x) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- y) all other matters which, by law, must be reserved to Council.

1.2 Regulatory Items

- a) To determine those planning applications identified for determination by full Council by the Leader of the Council in consultation with the Chair of the Planning Committee on advice from appropriate officers.
- b) To make, amend, revoke, re-enact or adopt byelaws and promoting or opposing the making of local legislation or personal Bills.
- c) To make any order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.
- d) To determine the appropriateness of the Council's response to maladministration reports of the Commissioner for Local Government Administration (Ombudsman) in accordance with the recommendations of the relevant Scrutiny Committee.
- e) To receive any reports from the Monitoring Officer and/or the Section 151 Officer.
- f) To consider any reports by an appointed independent person into misconduct by the Head of Paid Service, s151 Officer, Monitoring Officer and Head of Democratic Services.

1.3 A Public Forum

- a) To provide a forum for public debate on issues identified. Debates on issues not reserved to the Council for determination would need to conclude in a recommendation to the Cabinet, cabinet member or Officer with the power to take the decision.
- b) To maintain links with the Police and other authorities and to provide a Committee for questioning other organisations providing services to Newport's citizens.

- c) To provide an opportunity for questions to the Leader and Cabinet Members and Chairs of Committees as set out in the Council's Standing Orders.

2 Cabinet

The Cabinet will be responsible for effective implementation of Council policy and for delivering services in line with those policies and the budget.

The Cabinet has wide-ranging leadership roles. Its Chair will be the Leader of the Council and he or she will introduce items for discussion at each meeting.

2.1 Recommendation to Council

- a) To make recommendations to the Council on plans and strategies which make up the Policy Framework of the Council, taking into account the observations of the Scrutiny Committees.
- b) To make recommendations to the Council on the proposed Capital and Revenue Budget.
- c) To make recommendation to the Council the proposed levels of Council Tax and any corporate pricing or charging policies.
- d) To make recommendations to Council on any other matters reserved for determination by the Council.

2.2 Executive Functions

- a) To agree operational policies, programmes, schemes and strategies within the Council's Policy Framework other than those which make up the policy framework.
- b) Acting within Council Policy and the Council's Budget, to discharge the functions of the Council except those functions reserved for discharge by the Council whether at a meeting of the Council or through any other Committee and except as provided for in the Constitution.
- c) To monitor regularly the overall performance of the Revenue and Capital Expenditure Programme and to agree detailed allocations within the policy framework and budget agreed by Council.
- d) To take decisions in relation to the deployment of resources (financial, human, land or property) to deliver the Budget and policies agreed by Council.
- e) To decide on significant changes in service delivery and resource allocation within the Policy Framework and Budget of the Council.
- f) To undertake the Council's functions as shareholder in relation to Newport Transport Ltd and any other the company which the Council might establish.
- g) To make any Compulsory Purchase Orders.
- h) To determine any matters within the scheme of delegation to individual Cabinet Members which have been referred to the Cabinet.
- i) To act upon any External Audit Management Letter.
- j) To act upon the Annual Report by the Internal Auditor.
- k) To decide upon any proposals relating to the use of reserves.

- l) To decide upon proposals relating to any expenditure not within estimates.
- m) To give necessary authorisation for borrowing, investment and Treasury management within the Council Policy Framework and Budget.
- n) To issue formal warnings to, and to suspend delegated powers from, schools under the School Standards and Framework Act.
- o) To determine grant applications at values above those set out in Financial Regulations.
- p) To foster and monitor relationships with outside bodies and to agree the basis of any partnerships with other public, private, voluntary and community sector organisations.
- q) To deal with proposed virement outside the delegated limits of Officers and individual Cabinet Members, up to an aggregate total of £250,000 per annum or 15% of the Objective Analysis as set out in the Budget Book (whichever is the lower), following receipt of a report containing the comments of the Head of Finance and Scrutiny.
- r) To determine the Wales Programme for Improvement Action Plan after consideration of any recommendations from the Scrutiny Committees.
- s) To act as the Council's Social Services Committee.
- t) To establish any sub-committee of the Cabinet and to grant any delegated executive powers.
- u) To agree performance management frameworks and procedures.
- v) To agree the content of any policy agreement or similar with the Assembly Government .
- w) To determine a response to any consultation document of a corporate nature or not delegated elsewhere in the scheme of delegation.
- x) To monitor any action taken in relation to management or performance information.
- y) To determine any strategic matters recommended by the Urban Regeneration Company or any similar organisation, other than those matters reserved to Council or the Regulatory Committees.
- z) To undertake all matters which, by law or as provided in the Constitution, are executive functions and which are not delegated to individual Cabinet Members or officers.

3 Scrutiny Committees

The Council will appoint Scrutiny Committees to discharge the functions conferred by Section 21 of the Local Government Act 2000. The Council will determine the portfolios overseen, and the specific areas of work of each Committee. The following Terms of Reference will apply to each of the Scrutiny Committees.

Scrutiny Committees will:

- a) hold the Council's executive to account;
- b) monitor the performance and success of services and the outcomes of policies;
- c) contribute to corporate policy and strategy development by way of pre-decision scrutiny of all Policy Framework documents;

- d) contribute to service improvement & policy development reviews and studies as commissioned by the Cabinet, Cabinet Members or the Council;
- e) consider any proposals for matters to be considered by the Scrutiny Committees received from City Councillors or members of the public, and
- f) hear any call in submitted by any member provided the call-in is in accordance with the grounds agreed by the Council.

3.1 Overview and Scrutiny Management Committee

Policy Review and Policy Development

- Policy Reviews for all Council areas
- Policy development for all Council areas

Coordinate and manages all policy development and reviews.

- Set up ad hoc Policy Review Groups for pre decision scrutiny;
- Utilise the skills and interest of non-executive members when setting up PRG group's membership;
- Set the terms of reference and ensure that the group work within the agreed parameters.
- Receive and approve final reports of the Policy Review Groups.

Consider the implementation of projects/ schemes/legislation that impact upon the whole council.

Such as:

- City Deal;
- Change Programme;
- Fairness Equalities and Impact Assessments;
- Welsh Language Scheme;
- Wellbeing of Future Generations Act;
- Corporate Assessment;
- Public Engagement;
- Risk Register
- Performance Management Framework;

Scrutiny of Corporate plans, strategies and frameworks

Consultation on Corporate strategies, plans and frameworks; Such as:

- Corporate Plan;
- Strategic Equalities Plan;
- Director of Social Services Annual Report;

Consider the Draft Budget Proposals and coordinate the response from Scrutiny on the draft budget proposals.

- Consider the draft Budget Proposals from a strategic point of view.
- Coordinate the comments from the Performance Scrutiny Committees on the budget proposals and ensure that there is no duplication within the comments;
- Consider the effectiveness of the budget process, and the public engagement process.

Manages Scrutiny Member Training

- Ensure adequate training is available for scrutiny members;
- Identify any training needs of scrutiny members;
- Manage Scrutiny Seminar list.

Approve and monitor the Scrutiny Annual Report

- Consider improvements that should be made within the scrutiny process;
- Approve the Scrutiny Annual Report;
- Monitor the implementation of the actions within the Annual Report.

Recommendations monitoring on Scrutiny Recommendations resulting from reviews

- Undertake regular monitoring of recommendations made by Scrutiny;
- Ensure that recommendations have been implemented appropriately;
- Assess the extent to which the intended outcome has been achieved;
- Determine if further work/ investigation/review is required following the initial recommendation.

Coordinate the programme for the Performance Scrutiny Committees

- Receive the meeting schedule, minutes from the Performance Scrutiny Committees and receive updates on the implementation of the work programmes;

3.2 Performance Scrutiny Committee: People / Performance Scrutiny Committee: Place and Corporate

Holding the Executive to Account for its performance within the relevant Directorate(s)

Three broad areas: *Performance , Budget and Risk*

Monitoring of performance, focusing on:

- Achievement of outcomes and actions within service plans;
- Scrutinising progress in improvements to areas of poor performance;
- Assessing the extent to which performance objectives are contributing to the overall objectives and priorities of the Council.
- Assessing the extent to which performance is in keeping with the performance management strategy;

Budget Monitoring

- Scrutinising variances in budget;
- Assessing the extent to which performance is being achieved within budget;
- Reviewing the outcomes and the delivery of agreed savings plans;

Budget Proposals

- Scrutinising of Service specific proposals a part of the budget consultation process;
- Assessing the anticipated impact of the budget proposals on services, performance, service users, partnerships and staffing levels;
- Considering the contribution of the budget proposals to the achievement of corporate priorities and objectives;
- Consideration the budget proposals within the context of the wellbeing of future generations, fairness and equalities impact, sustainability, partnership arrangements and the efficiency agenda;
- Consideration of the extent to which savings form part of a coherent strategy supported by appropriate evidence for decision making.

Risk

- Monitoring areas of high risk and assessing the effectiveness of actions to mitigate these risks.

To advise the Overview and Scrutiny Management Committee of its work programme and its on going implementation.

To undertake detailed examination or review of service area performance where necessary.
Monitor the implementation of any recommendations made to the Cabinet in relation to the performance of the service area.

3.3 Performance Scrutiny Committee - Partnerships

Holding the Public Services Board to account for their performance.

- As the designated Scrutiny Committee for the PSB:
 - a) review or scrutinise the decisions made or actions taken by the Board;
 - b) review or scrutinise the Board's governance arrangements;
 - c) make reports or recommendations to the Board regarding its functions or governance arrangements;
 - d) consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly;
 - e) carry out other functions in relation to the Board that are imposed on it by the Act.
- Maintain a proactive and positive relationship with the PSB;
- Monitor the performance of the PSB against partnership plans and priorities as part of the performance cycle;
- To ensure democratic accountability and scrutinise the work of the Board;
- Use existing legislative powers as necessary to put in place joint arrangements, including 'co-opting' persons who are not members of the authority to sit on the committee as required.

Key considerations:

- Performance of the PSB against agreed objectives;
- Effectiveness of governance arrangements, including budget management, consultation arrangements, procurement procedures, risk management, performance management and accountability arrangements.
- Scrutinising the contribution of the Council to the partnership;
- Evaluating the overall effectiveness of the partnership;
- Ensuring public engagement and citizen focused partnerships and strategies.
- Undertake formal consultation on key documents as required.

Monitor the implementation of any recommendations made to the PSB in relation to the performance of the service area.

Forward any recommendations made to the PSB to the Minister / Future Generations Commissioner

Holding partnerships to account for their performance.

To include - EAS, Newport Live, Norse, SRS and Joint Commissioning arrangements

- Performance of the partners against agreed objectives;
- Effectiveness of governance structures;
- Undertake formal consultation on key documents as required.

Scrutiny of community safety issues and associated partnerships: Designated Committee for Crime and Disorder

- To consider Councillor Calls for Action (CCfA) that arise through the council's agreed CCfA process;
- To consider actions undertaken by the responsible authorities on the CSP.

Monitor the implementation of any recommendations made to the any of the Partnerships.

To advise the Overview and Scrutiny Management Committee of its work programme and its on-going implementation

4 Governance and Audit Committee

The Local Government (Wales) Measure 2011 (The Measure) (as amended by the Local government & Elections (Wales) Act 2021) requires the Council to appoint a Governance and Audit Committee. The Measure (as amended) prescribes the functions of the Governance and Audit Committee as:

- (a) Reviewing and scrutinising the authority's financial affairs;
- (b) Making reports and recommendations in relation to the authority's financial affairs

- (c) Reviewing and assessing the risk management, internal control, performance assessment and corporate governance arrangements of the authority
- (d) Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- (e) review and assess the authority's ability to handle complaints effectively
- (f) make reports and recommendations in relation to the authority's ability to handle complaints effectively
- (g) Oversee the council's internal and external audit arrangements and
- (h) Review the financial statements prepared by the authority

4.1 Terms of Reference

To exercise the following functions and take the following resolved decisions, under delegated powers:

- (i) To appoint the Chair and Deputy Chair of the Governance and Audit Committee
- (j) To receive and approve the Council's Annual Statement of Accounts in accordance with the Accounts and Audit Regulations
- (k) To receive and approve the Annual Internal Audit Report from the Chief Internal Auditor
- (l) To receive and approve the Annual Internal Audit Plan
- (m) To review and approve the annual programme for internal audits, the audit priorities and effectiveness of the programme in providing adequate assurance in respect of the Council's main business risks
- (n) To review and monitor the effectiveness of the Council's system of internal control and the proper administration of its financial affairs, including corporate governance and risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements
- (o) To engage with external auditors and inspection agencies and other relevant bodies to ensure that there are effective relationships between external and internal audit.

To exercise the following functions and make recommendations, where appropriate

- (p) To monitor and oversee the implementation and outcomes of the internal audit programme and, where necessary, review and make recommendations regarding unsatisfactory audit reports
- (q) To review the adequacy of the Council's internal audit resources and to make recommendations, where necessary
- (r) To seek assurances on the adequacy of Cabinet, Cabinet Member and/or management responses to internal audit advice, findings and recommendations and monitor implementation and compliance with agreed action plans
- (s) To consider the Annual Audit and Inspection Letter, make any recommendations to Cabinet and to monitor the Council's response to individual risks or areas of concern identified in the Letter
- (t) To consider the Annual Report on Treasury Management and Prudential Indicators and make recommendations to Council

- (u) To receive and consider inspection reports from external regulators and inspectors and to make recommendations and, where necessary, monitor implementation and compliance with agreed action plans
- (v) To monitor and review decisions to waive Contracts Standing Orders and urgent executive decisions taken without consultation and to make recommendations where appropriate.
- (w) To make recommendations to the Head of Finance and Monitoring Officer in relation to the Financial Procedures and Regulations set out in the Council's Constitution
- (x) To recommend to the Council the appointment of further lay members, where appropriate

Appendix 3

Draft WLGA Chair of Governance and Audit Committee Role Description 2021

1. Accountabilities

To Full Council

2. Role Purpose and Activity

Providing leadership and direction

- To demonstrate independence, integrity, and impartiality in decision making according to legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To comply with the authority's Code of Conduct
- To work according to the Terms of Reference for the Committee
- To work with senior officers of the authority including the Chief Financial Officer and Head of Internal Audit (or equivalent), to agree the forward work programme and to set agendas for the Committee.
- To work with other members of the authority to ensure that the work of the Committee is communicated to and aligns with that of the Cabinet, Standards and Scrutiny functions whilst maintaining appropriate independence.
- To promote the role of the committee within the authority.
- To report as required to Council
- To participate in and contribute to training and development required for the role
- To support committee members to develop the skills required for the role.
- To lead the committee in responding to any recommendations made by the Auditor General for Wales

Leading the Committee in its role in reviewing and scrutinising the authority's financial affairs

- Make reports and recommendations in relation to the authority's financial affairs
- Oversee the authority's internal and external audit arrangements
- Work with internal and external auditors
- Review the financial statements prepared by the authority and approve them when powers are delegated including making relevant reports and recommendations

Leading the Committee in its role in contributing to the effective performance of the authority

- Review the draft report of the authority's annual self-assessment. Make recommendations for changes to the conclusions or actions that the authority intends to take
- Make recommendations in response to the draft report of the authority's Panel Assessment (commissioned once per term **from May 2022**)
- Review and assess the authority's ability to handle complaints effectively.
- Make reports and recommendations to the authority about the authority's ability to handle complaints effectively.

Leading the Committee in its role in Reviewing and assessing the Governance, Risk Management and Control of the authority

- Review and assess the risk management, internal control, and corporate governance arrangements of the authority
- Make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- Review and assess the financial risks associated with corporate governance, and be satisfied that the authority's assurance statements including the annual governance statement reflect the risk environment and any activities required to improve it

3. Values

To be committed to the values of the council and the following values in public office:

Openness and transparency
Honesty and integrity
Tolerance and respect
Equality and fairness
Appreciation of cultural differences
Sustainability

5 Democratic Services Committee

The Local Government (Wales) Measure 2011 (The Measure) requires the Council to appoint a democratic services committee. The Measure prescribes the functions of the democratic service committee as:

- a) designating the Head of Democratic Services;
- b) keeping under review the provision of staff, accommodation and other resources made available to the head of democratic services in order that it is adequate for the responsibilities of the post
- c) making reports, at least annually, to the Council in relation to these matters.
- d) the City Council may wish to consider widening the role of the Democratic Services Committee to include the consideration of any proposed amendments to the council's constitution for recommendation to the executive where appropriate and to the council, and
- e) the DSC cannot perform other functions, apart from overseeing the democratic services functions prescribed in the Measure and, therefore, cannot discharge any dual role (for example doubling-up as a Scrutiny committee).

5.1 Terms of Reference

To exercise the following functions:

- a) to appoint the Head of Democratic Services;
- b) to consider reports by the Head of Democratic Services in accordance with Section 9(1)(h) of the Local Government (Wales) Measure 2011 (adequacy of resources to discharge democratic services functions) within 3 months and make recommendations to Council, as appropriate;
- c) to ensure that all reports of Democratic Services Committee under Section 11 of the Local Government (Wales) Measure 2011 (recommendations regarding the adequacy of resources to discharge democratic services functions) are circulated to all Members and considered within 3 months;
- d) to require the attendance of any Members or officers of the Council to answer questions and invite other persons to attend meetings, as required;
- e) to require any Member or officer attending meetings to answer any questions (unless they are to refuse on legal grounds);
- f) to appoint one or more sub-committees and to arrange for the discharge of any of its functions by such a sub-committee;
- g) to review and monitor the effectiveness of the Council's democratic services functions, including:

- h) the provision of support and advice to meetings of the Council, committees, sub-committees and joint-committees;
- i) promoting the role of Overview and Scrutiny;
- j) the provision of support and advice to Overview and Scrutiny;
- k) the provision of support and advice to individual Councillors in carrying out their roles as Members
- l) such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers;
- m) and make recommendation to Cabinet and Council, as appropriate;
- n) to review the adequacy of the Council's democratic services resources and to make recommendations, where necessary, and
- o) to review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution and make recommendations, as necessary, to Cabinet and/or the Council.

6 Planning Committee

6.1 Planning Applications and Determinations

The Head of Regeneration , Investment & Housing (and in the absence of the Head of Service, the Development Services Manager) has delegated powers to determine all applications made under planning legislation*, including granting applications which are a departure from the Development Plan in force at the time of decision, except in the following cases which shall be determined by the Planning Committee or, where appropriate, by the Planning Site Sub Committee (See below):

- a) Applications for outline or full planning permission where the development is defined as 'major' development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation) and where the site does not already benefit from an extant consent (outline or detailed) for a similar type and scale of development;
- b) Applications where an Elected Member has requested that an application be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;
- c) Any application
 - made by any Elected Member of the Council; or
 - made by any Officer employed within the Regeneration and Regulatory Services Area and who works in close association with the Development Services Section for example as a regular consultee, other than where that application is submitted solely in that Officer's professional capacity as a Council employee and where the Officer has no personal or non-pecuniary interest in the outcome of the application; or
 - in respect of which an Elected Member of the Council has been consulted as a neighbour; or
 - in respect of which The Head of Regeneration , Investment & Housing has responsibility for any aspect of the management of any land or buildings to which the application relates; or

- in any other circumstance where The Head of Regeneration , Investment & Housing considers it appropriate for the matter to be determined by Planning Committee

6.2 Planning Enforcement

The Head of Regeneration, Investment & Housing (and in the absence of the Head of Service, the Development Services Manager) has delegated powers to issue Enforcement Notices, Listed Building Enforcement Notices, Stop Notices, Breach of Condition Notices, Unsightly Land Notices (under Section 215 of the Planning Act), Hedgerow Replacement Notices and Tree Replacement Notices except in the following cases where the matter is to be determined by the Planning Committee:

- The unauthorised development in question is defined as 'major' development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation); or
- Where a Ward Member has requested that the matter be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers.

6.3 Advertisement Consent

To determine applications for Advertisement Consent

6.4 Lawful Development Certificates

To determine applications for Certificates of Lawful Use or Development

6.5 Mining Operations

To determine matters relating to Mineral working and conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase 1 or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.

6.6 Preservation of Trees and Important Hedgerows

The following powers relating to the preservation of trees:

- Confirmation of Tree Preservation Orders,
- Power to dispense with duty to replant tree (including trees in conservation areas),
- Power to enforce duty to replace trees (including trees in conservation areas),
- Execution and recovery of costs of works following failure to comply with Notice (including trees in conservation areas),
- Determination of applications for consent for works to trees protected by Tree Preservation Orders (including trees on Council land),
- Power to apply for Injunction to restrain works to trees, and
- Powers relating to protection of important hedgerows.

6.7 Hazardous Substances

The following powers relating to Hazardous Substances:

- Determination of Hazardous Substances applications (including Variation of Condition applications and Continuation of Consent applications),
- Revocation and Modification powers, and
- Enforcement powers (including power to serve a Contravention Notice and Injunction applications)

6.8 Listed Buildings and Conservation Areas

- a) Determination of Listed Buildings Applications and related powers
- b) Determination of Conservation Area Consent
- c) Power to serve a Building Preservation Notice and related powers
- d) Power to issue enforcement notice in relation to listed buildings and demolition of unlisted building in conservation area
- e) Power to serve a Repairs Notice
- f) Power to apply for an Injunction
- g) Power to execute urgent works

6.9 Miscellaneous Powers

- a) Power to serve a completion notice.
- b) Power to require discontinuance of a use.
- c) Power to determine applications for Certificates of Appropriate Alternative Development.
- d) Power to serve purchase notices.
- e) Powers related to Blight Notices.
- f) Power to make and confirm Footpath Diversion and Stopping Up Orders pursuant to the planning legislation.
- g) Power to make recommendations in relation to proposals for the lopping, felling or carrying out of significant works to trees on Council land (which are not protected by Tree Preservation Orders).
- h) Power to make recommendations to the Council, Cabinet and relevant Cabinet Member.
- i) (1) in relation to any draft Development Plan or other statutory plan proposals and policies including supplemental planning policies strategies or guidance formulated by the Cabinet.
- j) (2) in relation to policies concerning operational matters affecting the discharge of Committee's powers, and
- k) (3) in relation to Crown Land consultations and fringe area consultations from other local authorities

6.10 Planning Site Sub Committee

Where the Planning Committee determines that an application is to be subject to a site visit, the appointed Planning Site Sub Committee shall be granted delegated powers to:

- a) Determine planning applications (grant or refuse) in line with the powers delegated to the Planning Committee.
- b) Authorise formal enforcement action to be taken, or determine that no further action should be taken; in line with the powers delegated to the Planning Committee.
- c) Or, if it considers that a proposal merits further debate based on the findings of the site visit, it could refer the matter back to full Planning Committee.

7 Licensing Committee

To exercise, under delegated powers, the functions of the Council relating to licensing, registration and enforcement under the following Acts relating to the specified matters:

- a) To grant, renew, suspend and revoke licences for hackney carriages and private hire vehicles (where the decision has not been delegated to the Head of Law and Standards)
 - As to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875 and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976);
 - As to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976
- b) To grant, renew, suspend and revoke licences for drivers of hackney carriages and private hire vehicles (where the decision has not been delegated to the Head of Law and Standards.)(Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976).
- c) To grant, renew, suspend and revoke licences for operators of hackney carriages and private hire vehicles (where the decision has not been delegated to the Head of Law and Standards) (Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976).
- d) To register pool promoters (Schedule 2 to the Betting, Gaming and Lotteries Act 1963).
- e) To grant track betting licences (Schedule 3 to the Betting, Gaming and Lotteries Act 1963).
- f) To licence inter-track betting schemes (Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963).
- g) To grant permits in respect of premises with amusement machines (where the decision has not been delegated to the Head of Law and Standards) (Schedule 9 to the Gaming Act 1968).
- h) To register societies wishing to promote lotteries (Schedule 1 to the Lotteries and Amusements Act 1976 (c.32)).
- i) To grant permits in respect of premises where amusements with prizes are provided (where the decision has not been delegated to the Head of Law and Standards) (Schedule 3 to the Lotteries and Amusements Act 1976).
- j) To issue cinema and cinema club licences (where the decision has not been delegated to the Head of Law and Standards) (Section 1 of the Cinemas Act 1985).
- k) To issue theatre licences (where the decision has not been delegated to the Head of Law and Standards) (Sections 12 to 14 of the Theatres Act 1968 (amended by the Local government Act 1972, section 204 (6) and the Local Government, Planning and Land Act 1980, section 1(6), Schedule 6 paragraph 11 and Schedule 34, Pt VI)).
- l) To grant, renew, revoke and transfer entertainment licences (where the decision has not been delegated to the Head of Law and Standards) (Section 12 of the Children and Young Persons Act 1933, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982)).
- m) To licence sex shops and sex cinemas (The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3).
- n) To licence performances of hypnotism (The Hypnotism Act 1952).
- o) To licence pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendment Act 1907 (amended by the Local Government Act 1974, Schedule 6, paragraph 1, section 18 of the Local Government (Miscellaneous Provisions) Act 1976) and section 186 of the Local Government, Planning and Land Act 1980 (Section 94(8) was substituted by the Deregulation (Public Health Acts Amendment Act) Order 1997 (S.I. 1997/1187)).

- p) To licence market and grant street trading consents and licences (where the decision has not been delegated to the Head of Law and Standards) (Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982).
- q) To license night cafes and take-away food shops (Section 2 of the Late Night Refreshment Houses Act 1969 (* Amended by the Local Government Act 1972, section 204 (9)).
- r) To license dealers in game and the killing and selling of game (Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972).
- s) To license scrap yards (Section 1 of the Scrap Metal Dealers Act 1964).
- t) Power to license premises for the breeding of dogs (Section 1 of the Breeding of Dogs Act 1973 and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999).
- u) Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970 section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999).
- v) Power to license zoos (Section 1 of the Zoo Licensing Act 1981 (amended by the Local Government, Planning and Land Act 1980, Schedule 6, paragraph 6, and by section 3 of the Protection of Animals (Amendment) Act 1988)).
- w) To grant licences for House to House and Street Collections for charitable and other causes. (Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939 (The 1939 Act was amended by the Local Government Act 1972, Schedule 29, paragraph 23. The 1916 Act and the 1939 Act are repealed (prospectively) by the Charities Act 1992)).

Matter to be dealt with	Sub Committee	Officers
Application for personal licence	If a Police objection	If 'No' objection
Application for personal licence with 'Unspent' Convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If 'No' relevant representation made
Application for 'Provisional Statement'	If a relevant representation made	If 'No' relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If 'No' relevant representation made
Application to vary designated premises Supervisor	If a Police representation	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police representation	All other cases
Decision on whether a complaint is irrelevant frivolous vexations etc		All cases
Decision to object when Local Authority is a 'Consultee' and not the 'Lead Authority'	All cases	

Matter to be dealt with	Sub Committee	Officers
Determination of a Police representation to a temporary Event Notice	All cases	

As to the Gambling Act:

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year Licensing Policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

8 Standards Committee

The Standards Committee will have the following roles and functions in accordance with Part III of the Local Government Act 2000 and Regulations made hereunder:

- Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- Advising the Council on the adoption or revision of the Members' Code of Conduct;
- Monitoring the operation of the Members' Code of Conduct;

- e) Advising, training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that Officer by the Local Commissioner in Wales and determining appropriate action;
- h) The exercise of (a) to (g) above in relation to the community councils and the members of those community councils.

The Standards Committee will also exercise the following additional functions and shall make recommendations to Council:

- i) Providing advice to the Council on the Council's Codes of Practice, including the Officers' Code of Conduct and the Whistle Blowing policy;
- j) Monitoring and updating the Codes of Practice as required;
- k) Overseeing the Council's confidential complaints procedure.

Constitution

Part 3: Responsibility for Functions

Appendix 2: Scheme of Delegation to Cabinet Members

The Leader is responsible for the discharge of Executive Functions and has delegated responsibility for the discharge of some Executive Functions to the Cabinet as a whole and to individual Cabinet Members, in accordance with the scheme of delegation in the Council's Constitution.

The following Executive Functions have been delegated to individual Cabinet Members in relation to the portfolios allocated to them by the Leader, as set out in the tables below.

If there is any uncertainty as to whether a matter falls within a particular portfolio, the Leader will make a determination as to which Cabinet Member should take that executive decision.

General for all Cabinet Members:

1.1.1 Policies and Policy Documents

NB. All Cabinet Members have responsibility to determine and amend any policy or policy documents relating to the portfolio, in line with the Council's policy framework and budget, and not including those documents and matters reserved for determination by Council, or delegated to the Cabinet collectively, other individual Cabinet Members or officers. All operational matters are to be determined by the relevant Head of Service in accordance with the Officer Scheme of Delegation.

Policy documents will include:

- Strategies
- Schemes
- Plans
- Guidance documents or supplementary guidance documents
- Eligibility criteria and patterns of provision
- Objectives for service delivery within the portfolio

1.1.2 Service Planning and Performance

To determine the service plans for service areas within the portfolio, to monitor performance against service plans and to determine any actions arising.

1.1.3 Consultation Documents

To determine the response to any major consultation document or formal inspection document specific to the portfolio or service area.

1.1.4 Statutory Notices

To determine whether to advertise, consult upon or publish any statutory notices or Orders (insofar as they are not delegated to officers) and to take action upon advertised proposals in the light of any representations received.

1.1.5 Variations to Budgets

To determine any variations to budgets in accordance with Financial Regulations and the Constitution, including virement up to an aggregate total of £100,000 per annum or 10% of the Objective Analysis as set out in the Budget Book (whichever is the lower).

1.1.6 Tenders

To determine an approved or select list of prospective tenderers for supply of goods, materials or services within the portfolio and to determine whether to exclude contractors from approved or select lists.

1.1.7 Grants

In consultation with the Leader, to determine whether to [apply for (?) and] accept available external grants which require match funding, subject to confirmation of available funding to meet any commitment by the Council, which must include any residual termination costs to the Council when grant funding ceases.

To agree criteria, limits, eligibilities and distribution within schemes for grant aid in relation to services within the portfolio and to determine whether to waive conditions relating to grant aid.

To make grants or provide support to organisations or individuals, other than those subject to specific delegations elsewhere within the scheme, where the grant amount is £20,000 or above. Decisions on grant applications of less than £20,000 will be determined by Heads of Service acting within agreed criteria.

To determine circumstances in which repayment of a grant may be waived.

1.1.8 Fees and Charges

To set fees and charges for services or the use of premises within the portfolio and to determine any revisions.

To determine subsidies or concessions within any charging or other schemes.

To determine circumstances in which payments may be waived.

1.1.9 Buildings

To declare buildings or land surplus to service requirements.

To determine, subject to Planning Permission whether to grant consent for the installation of telecommunications equipment on property or land held within the portfolio.

To determine any programme of modernisation or improvement of property held within the portfolio, subject to budget provision.

1.1.10 Research and Studies

To determine whether to appoint external assistance for research, studies or investigation, subject to budgetary availability.

1.1.11 Vehicles

To determine any programme of replacement of vehicles within the portfolio, subject to available finance.

1.1.12 Partnership and Consultation Arrangements

To determine whether to enter into any non - statutory partnership or compact arrangements or to take part in any non - statutory forum arrangements, subject to accordance with the Council's policy framework and budget.

To determine arrangements for arrangements for regular consultation and Liaison with partners, stakeholders or other interested parties

1.1.13 Suspension of Standing Orders

To determine circumstances in which to suspend Standing Orders or waive Contract Standing Orders and Financial Regulations and to ensure the Audit Committee are informed of action taken and the reasons.

1.1.14 Pecuniary or Personal Interest / Absence

Where a Cabinet Member has a pecuniary or personal interest, he or she should declare the interest and submit the matter for determination by the Leader of the Cabinet or, in the absence of the Leader, the Deputy Leader or such other Cabinet Member as the Leader may appoint.

Where a Cabinet Member is absent or there is some other reason he or she cannot determine an issue the matter will be determined by the Leader of the Cabinet or, in the absence of the Leader, by the Deputy Leader or such other Cabinet Member as the Leader may appoint.

Specific Delegations to Cabinet Members

1.1.15 Leader of the Council and

Cabinet member for Economic Growth and Strategic Investment

To determine and amend any policy or policy documents in relation to:

- All financial matters
- Procurement
- Performance
- Fairness
- Corporate planning
- Public relations and all contact with the press
- Mayoral and corporate events
- Cabinet Member Development
- Major projects
- Democratic Services and Constitutional issues
- Relationships with national bodies
- South East Wales Corporate Joint Committee
- Newport Economic Network
- Western Gateway
- Key Cities
- Regeneration
- Economic development
- Work & Skills
- Culture & heritage
- Tourism
- Publicity, marketing and communications

1.1.16 Deputy Leader and Cabinet Member for Education and Early Years

General:

- To deputise for the Leader as Chair of Cabinet and to exercise delegated powers in relation to the Leader's portfolio in the absence of the Leader or otherwise as determined by the Leader

To determine and amend any policy or policy documents in relation to:

- Education services including EAS

- Schools
- Early years, including prevention and inclusion
- School catering
- Music services
- Education inclusion
- Looked After Children in school settings
- Parental rights
- Strategies for reducing the number of young people not in employment, education or training (NEETs)
- To develop strategies to develop prospects and training to help young people into jobs or to start and develop a business
- Member development

1.1.17 Cabinet Member for Infrastructure and Assets

To determine and amend any policy or policy documents in relation to:

- Highways
- Drainage
- Street cleaning
- Traffic matters
- Regional transport
- Transport and access to the city, not including Newport Transport Bus Company or any other providers
- Integrated transport
- Road safety
- Civil contingencies
- Assets
- Any policy issues relating to property or the Council's relationship with NORSE as it relates to any property matters
- Any land and property acquisitions and disposals not delegated to the Head of People, Policy & Transformation

For clarity – the Cabinet Member will determine traffic orders which receive objections or are contested. Uncontested orders or those that receive full support are to be determined by the relevant Head of Service.

1.1.18	Cabinet Member for Strategic Planning, Regulation and Housing
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To determine and amend any policy or policy documents in relation to:

- Strategic Planning
- Planning and Development Services
- Local Development Plan – not reserved to Council
- Regional Planning
- Housing
- Licensing, other than those reserved to Council or the Licensing Committee
- Public Protection
- Community Safety
- Environmental Health
- Trading Standards
- Taxis

1.1.19	Cabinet Member for Climate Change and Bio-diversity
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To determine and amend any policy or policy documents in relation to:

- Carbon Reduction Strategy
- Sustainable Travel Plan
- Waste disposal
- Refuse
- Recycling and sustainability
- Green services
- Cemeteries & Crematorium
- Parks

1.1.20	Cabinet Member for Community Well-Being
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To determine and amend any policy or policy documents in relation to:

- Flying Start
- Families First
- Communities First
- The anti-poverty agenda
- Socio-economic duty
- Residual matters with the Sports and Leisure Trust, Newport LIVE, including the Riverfront Theatre and Arts Centre
- Welsh Church Fund
- Housing Benefits
- Council tax benefits
- Future Generations
- Adult education
- Library services
- Youth services
- Play development

- All matters relating to Community Centres

1.1.21 Cabinet Member for Social Services (Job-share)

To determine and amend any policy or policy documents in relation to:

- Adult Social Services
- Care in the community for older people
- Third sector strategic issues
- Substance misuse
- Occupational therapy
- Frailty strategies
- Mental health
- Learning disability
- Residential services to older people
- Homecare
- Disabled Facilities Grants
- Supported living
- Supporting People
- Children and Family Services including Looked After Children
- Safeguarding
- Domestic Abuse
- Child protection
- Youth offending
- Integrated family support
- Crisis support
- Fostering
- Services for disabled children

The Cabinet Member will also determine the following:

- Any action to be taken to meet minimum standards for local authority adoption services or any other minimum standards relating to Children and Family Services
- Any action to be taken arising from any serious case review from the Child Protection Committee
- The requirements of any contracted foster carer scheme or similar, and to determine any matters relating to the recruitment and retention of foster carers
- Any action arising from reports received resulting from visits to residential homes for children and young people
- Foster parent carers payments and allowances

1.1.22	Cabinet Member for Organisational Transformation
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To determine and amend any policy or policy documents in relation to:

- Organisational development
- Business transformation
- Improvement planning
- Any policies relating to Equalities not reserved to Cabinet or Council
- Communication within the organisation
- The Council's face-to-face centre and the Contact Centre
- Information risk and governance
- Customer insight
- Information management
- Improving access to services
- ICT strategies
- Digital innovation in the Council
- Strategies for public engagement
- Any corporate HR policies including Health and Safety
- To undertake any collective bargaining activity and to determine and implement any consultative or negotiation machinery
- Legal Services
- Registration Services
- Electoral Registration

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Constitution

Part 3: Responsibility for Functions

Appendix 3: Scheme of Delegation to Officers

Section A:

GENERAL SCHEME OF DELEGATION APPLYING TO ALL HEADS OF SERVICE

1. General Delegations to all Chief Officers

NB: This section relates to those matters delegated to all Chief Officers. To see the scheme of delegation to individual Chief Officers, please see Section 2 below.

1.1 Human Resources

- (i) To determine operational issues relating to the service area based on the needs of the council; its customers and the service.

All decisions must be within agreed Council policies and within the budget allocation for the service area.

As set out in (ii) below, certain decisions will be subject to consultation with the Head of Law and Standards (Monitoring Officer), Head of Finance and Head of People, Policy and Transformation. Any dispute will be determined by the Strategic Director Transformation and Corporate.

- (ii) To determine the following subject to consultation with the Head of Law and Standards (Monitoring Officer), Head of Finance and Head of People, Policy and Transformation.
- the movement of posts within the service area and between service areas;
 - the creation of new permanent posts or the deletion of posts within the structure of a service area;
 - salary protection
 - early release of pension
 - market supplements
 - job descriptions and person specifications for all posts within the service area
 - the creation of any new post or the deletion of any new post.

(iii) To determine all operational Human Resource matters for the service area. All decisions must be within agreed Council policies and within the budget allocation for the service area. Operational matters include:

- To make appointments other than those reserved to Council.
- To determine Temporary/Fixed term posts
- To determine any application for secondary employment for employees working a 37 hour week or where the combined hours of the jobs equate to more than 37 hours.
- To determine any change to hours of any post
- To determine any job share arrangement or any scheme of reduced hours of work
- To vary the pattern of the working week
- To determine any secondment arrangements.
- To determine the employment of agency employees and any contract arrangements with agencies or contractors, in line with agreed contract arrangements.
- To determine any Honorarium payments within agreed criteria.
- To determine planned overtime payments.
- To determine salary protection to be applied under the Council's job security policy.
- To determine grade starting point and any progression through grades within any agreed schemes.
- To determine any application for payment of professional fees within the Council's policy
- To work with colleagues to secure redeployment opportunities or development opportunities for unplaced employees and as a last resort, to serve redundancy notices, where there is no suitable alternative employment available with the authority.
- To determine any application for time off for trade union activity in line with agreed policy
- To determine paid or unpaid leave of absence in accordance with Council policy
- To determine whether to allow 'carry over' of leave beyond the requirements of the European Working Time Directive
- To determine Health and Safety arrangements within a service area.
- To authorise attendance at training events or conferences, subject to budget provision being available.
- To determine any disciplinary action in accordance with the Council's disciplinary procedures.
- To determine any application for legal assistance relating to any private prosecution relating to violence at work.

1.2 Tenders

In accordance with the Council's Procurement Strategy, Standing Orders and/or Financial Regulations:

- To accept the most economic advantageous tender for work goods or services. Heads of Service will record acceptance of tenders in a register and act in compliance with the Council's agreed procurement strategy and Contract Standing Orders. Records must show when the most economically advantageous tender is not financially the lowest tender received.
- To agree the issuing of orders for work goods and services.
- To submit tenders and make arrangements for carrying out work.

1.3 Finance

- To exercise powers of virement from within own budgets within overall corporate guidelines and agreed limits.
- To control service budgets within overall agreed limits subject to the strategies, policies, objectives and targets agreed by the Council.
- To determine grants expenditure in accordance with agreed grant criteria and Council Financial regulations and Contract Standing Orders

1.4 Land and Buildings

- To authorise an application for planning permission to the Planning Committee in respect of any development of land and/or buildings within the relevant portfolio or service area.
- On receipt of permission from the Planning Committee or, where appropriate, the Council, to authorise carrying out of such development.
- To determine operational issues relating to the use of buildings within the portfolio, including adjustments to opening times

Section B:

SCHEMES OF DELEGATION TO INDIVIDUAL CHIEF OFFICERS

2 CHIEF EXECUTIVE

2.1 Statutory functions

- The Chief Executive is a statutory appointment pursuant to Section 54 of the Local Government and Elections (Wales) Act 2021.
- Under the provisions of the Local Government and Elections (Wales) Act 2021 to determine when it is appropriate to prepare a report to the Authority setting out proposals in relation to:
 - the manner in which the discharge by the Authority of its different functions is co-ordinated;
 - the council's arrangements in relation to—
 - financial planning,
 - asset management, and
 - risk management

- the number and grades of staff required by the Authority for the discharge of its functions;
- the organisation of the Authority's staff; and
- the appointment and proper management of the Authority's staff.

2.2 As Chief Executive

- (i) To determine the activities of the Council's Management Team and to coordinate the team's activities.
- (ii) To determine cross-cutting operational issues that cover a range of services
- (iii) To determine necessary actions appropriate for the proper emergency planning of the Council area and, where appropriate adjacent areas, including liaison with other authorities and bodies.
- (iv) To determine necessary action to be taken on behalf of the council in emergencies in consultation with the Leader of the Council, or in the absence of the Leader another member of the Cabinet.
- (v) To determine methods of monitoring and activities in relation to performance management of the Council's staff.
- (vi) To determine the framework for Service Plans by each Head of Service.
- (vii) To have overriding authority for all delegated matters of staffing and operations to ensure appropriate allocation of resources to deliver agreed outcomes.

2.3 As Returning Officer

To effectively fulfil the statutory roll of Returning Officer at all Local Government Elections and to discharge the roll of promoting participation in those elections.

STRATEGIC DIRECTORS

3 STRATEGIC DIRECTOR – SOCIAL SERVICES

3.1 As Director of Social Services

- (i) To exercise the statutory responsibilities of the role of Director of Social Services and undertake such delegated responsibilities consistent with the discharge of that statutory role as set out in the statutory guidance on the role and accountabilities of the Director of Social Services issued under Part 8 of the Social Services and Wellbeing (Wales) Act 2014 and any other relevant legislation.
- (ii) To determine the responsibilities of the Head of Adult Services, the Head of Children Services, and the Head of Prevention and Inclusion for the management and delivery of operational services within social services and the exercise of specific statutory functions on behalf of the Director of Social Services (as set out in the scheme of delegation to Heads of Service), ensuring that systems are in place to monitor the quality and effectiveness of services.
- (iii) To meet the core responsibilities and functions of a Director of Social Services as set out in the Welsh Assembly Government's Code of Practice on the Role of the Director of Social Services (2016) as follows:

- Providing clear professional and strategic leadership to effectively deliver care and support services which discharge the Council's social services functions and meet the Council's well-being objectives.
 - Having direct access to and advising the Chief Executive and councillors on social services matters and on the direction the council should take in fulfilling its social services responsibilities and ensuring that the Chief Executive, Cabinet and councillors have access to the best, up-to-date professional advice and information on all aspects of care and support services.
 - Identifying and advising councillors on priorities, challenges and risks across all aspects of social services, including areas of co-dependency between agencies and circumstances where staffing issues affect the Council's ability to discharge its statutory responsibilities.
 - Ensuring that strong performance management arrangements are in place across social services, and reporting at a corporate level and to members on the authority's performance in respect of these.
 - Ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, reporting at a corporate level and to members on their effectiveness and briefing the Head of Paid Service and councillors on high-profile cases and other matters likely to cause public concern.
 - Fulfilling overall responsibility for social services workforce planning, training and professional development.
 - Advising councillors on strategies for improving methods of intervention, service provision, practice and use of resources.
 - Ensuring that there are adequate arrangements in place to work effectively with others, both within and outside the authority, in fulfilling its social services functions and in contributing to the achievement of wider policy objectives.
 - Fostering effective joint working relationships both within and outside the local authority, including formal integrated arrangements with health boards.
- (iv) To provide clear professional leadership for Social Services
- (v) To provide advice to the Chief Executive and Councillors on the strategic direction and social service responsibilities.
- (vi) To determine and provide strong management of performance and transparent arrangements for planning and delivering improvements in social services

- (vii) To determine and provide arrangements to ensure the safeguarding of children, young people and adults and to report to members on the operation, monitoring and improvement of those safeguarding systems
- (viii) To work with Further and Higher Education and the CIW to enhance workforce planning and professional development for all staff across the sector.
- (ix) To determine arrangements for governance, strategic direction and operational management
- (x) To report annually to the Council on the delivery, performance risks and plans for improvement on the full range of social services functions.
- (xi) To advise Scrutiny Committees on children's and adult's social services.
- (xii) To determine any guardianship application and to make an order for the discharge of patients subject to guardianship under the Mental Health Act 1983.
- (xiii) To approve the institution of adoption proceedings by a foster parent
- (xiv) To approve the payment of the legal expense of prospective adoptive parents for children whom the Council as an Adoption Agency is placing for adoption.
- (xv) To grant allowances to persons who have adopted children in accordance with the Adoption and Children Act 2002 and regulations that may be issued by the Secretary of State.
- (xvi) To determine provision for the accommodation of children in secure accommodation in accordance with Section 119 Social Services and Wellbeing (Wales) Act 2014.
- (xvii) To act as nearest relative, appointee or receiver in all matters in which it is appropriate for an officer of the Council to act.
- (xviii) To appoint officers to act as approved mental health professionals under Mental Health Act legislation.
- (xix) To act as the lead director for children and young people's services under Section 27 of the Children Act 2004 to co-ordinate and oversee arrangements to improve the well-being of children in the local authority area.

3.2 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to social services functions in accordance with the general delegation of powers to all Heads of Service set out in this constitution (except insofar as they have been delegated to the Head of Adult Services, the Head of Children's Services, and the Head of Prevention and Inclusion).

4 STRATEGIC DIRECTOR – TRANSFORMATION AND CORPORATE

4.1 As Director of Transformation and Corporate

4.2 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, strategic performance and risk management operational plans and legal agreements relating to the relevant service areas in accordance with the general

delegation of powers to all Heads of Service set out in this constitution (except insofar as they have been delegated to the Head of Law and Standards, the Head of People Policy and Transformation and the Head of Finance).

5. STRATEGIC DIRECTOR – ENVIRONMENT AND SUSTAINABILITY

5.1 As Director of Environment and Sustainability

5.2 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to the relevant service areas in accordance with the general delegation of powers to all Heads of Service set out in this constitution (except insofar as they have been delegated to the Head of Regeneration and Economic Development, the Head of Housing and Communities, the Head of Environment and Public Protection and the Head of City Services).

HEADS OF SERVICE REPORTING DIRECTLY TO THE CHIEF EXECUTIVE

6 HEAD OF EDUCATION (Chief Education Officer)

6.1 As Head of Service

To determine operational issues relating to:

- Education Resources and Planning, School Reorganisation and School Admissions.
- School Improvement;
- Early Years Education.
- Engagement and Learning, including the Music Service; GEMMS and Education Welfare Services
- Inclusion Services, including Education Psychology, ALN & SEN and the Pupil Referral Unit.

6.2 As Chief Education Officer

- (i) To determine operational issues relating to: Education Resources and Planning, including; 21CS Capital Programme; Education Business Support; School Admissions & Appeals; Service Development, Outdoor Education Advisor, Early Years settings, School Improvement, ALN, SEN, Educational Psychology and the Pupil Referral Unit.
- (ii) To determine the pattern of operational services within the service area, ensuring that systems are in place to monitor the quality and effectiveness of services;
- (iii) To determine arrangements for governance, strategic direction and operational management in the service area
- (iv) To determine circumstances in which to make formal representations to a governing body, on behalf of the Authority, about the performance of a head teacher.

- (v) To determine appointments of persons recommended or accepted for appointment by governing bodies to fill teaching posts in schools unless the person so recommended does not meet any staff qualification requirements applicable to the post.
- (vi) To conclude upon determinations of governing bodies of schools relating to the potential dismissals and any subsequent appeals against such dismissals, which are within the Authority's powers to determine.
- (vii) To determine adjustments to designated areas of individual schools for admission purposes. Significant adjustments will be determined by the Cabinet Member.
- (viii) To determine Instruments of Government for School Governing Bodies.
- (ix) To determine any action to be taken by the Local Authority in response to a report following an inspection of any school, including the appointment of additional governors, and the removal of those additional governors
- (x) To determine any necessary action which results from a school which 'causes concern' set out in the Welsh Government Schools Causing Concern Circular 202/ 2016.
- (xi) To determine the name of a school, taking account of any proposals by the governing body.
- (xii) To determine appointments to temporary governing bodies only (Permanent appointments are to be made using the agreed procedures).
- (xiii) To direct schools to go over Published Admission Number where appropriate.
- (xiv) To determine the Fair Funding Budget Formula for Schools and delegate the responsibility for individual school budgets to the Head Teacher and Governing Body of each School.

6.2.1 Improvement and Inclusion

- (i) To determine a pattern of provision for education otherwise than at school.
- (ii) To determine any action to be taken in relation to the education of children looked after by the local authority.
- (iii) To determine any advice or guidelines to schools on all matters regarding attendance, special educational needs, exclusions and equal opportunity issues
- (iv) To exercise the powers and duties of the authority in relation to children's employment
- (v) To determine applications for free school meals
- (vi) To determine applications for other benefits available to eligible families, including free transport to schools outside of the Council's agreed policies.
- (vii) To determine Instruments of Government for School Governing Bodies.

6.2.2 Education Achievement Service

To determine any operational issues arising from decisions taken by the Education Achievement Service.

6.2.3 Attendance at School

- (i) To exercise the powers and duties of the Authority in respect of children excluded from school and to determine suitable arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school.
- (ii) To authorise any proceedings necessary to enforce any enactment relating to the non-attendance of pupils at school, or education other than at school.
- (iii) To determine the allocation of Education Welfare Officers to schools
- (iv) To undertake the powers and duties of the Authority under Section 36 of the Children Act 1989 regarding Education Supervision Orders and any subsequent statutory powers
- (v) To determine patterns for home to school transport with agreed policies.
- (vi) To determine appropriate transport arrangements in accordance with the Authority's policies

6.2.4 Special Educational Needs/ Additional Learning Needs

- (i) To determine arrangements for children to be assessed in accordance with the requirements of the Education Acts, to secure the special educational provision which should be made for them and to maintain and review statements of special educational need in accordance with any regulations concerning these.
- (ii) To determine out of County placements for children with special needs
- (iii) To determine the pattern of specialist education for pupils with special educational needs.
- (iv) To determine special needs funding arrangements.
- (v) To determine appropriate arrangements for support parents under the Education Act Provisions.

6.2.5 Curriculum and School Standards

- (i) To exercise the responsibility of the Authority for securing school improvement, including the setting of targets.
- (ii) To determine the pattern of in-service training and such other support for school staff and governors as appropriate.
- (iii) In accordance with arrangements approved by the Secretary of State to determine complaints concerning alleged failures of schools to comply with the National Curriculum/ Curriculum for Wales including in conjunction with the Newport SACRE, the requirements for religious education and collective worship, and the arrangements for statutory assessment and moderation of the National Curriculum / Curriculum for Wales.
- (iv) To determine whether application is to be made to the Secretary of State to direct that a Local Authority maintained school be authorised to conduct curriculum experiments outside the National Curriculum
- (v) In the case of foundation schools to exercise any advisory rights relating to the appointment of head teachers, deputy head teachers or other teaching or ancillary staff conferred by agreement or legislation.
- (vi) To determine the appointment of Schools Clerks
- (vii) To exercise the powers and duties under the School Teacher (Appraisal) Regulations 1991 in respect of head teachers.

- (viii) To determine action to be taken arising from reports by the schools inspectorate, following discussion with appropriate governors and the head teacher.
- (ix) To determine processes for target setting in schools.
- (x) To determine methods to ensure the implementation of any ICT Project or other curriculum developments in schools.
- (xi) To determine the methodology to be used in relation to literacy, numeracy or similar initiatives.
- (xii) To exercise the powers of the Local Education Authority in respect of the Licensed Teacher Scheme.

6.3 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation.

7. HEAD OF REGENERATION AND ECONOMIC DEVELOPMENT

7.1 As Head of Service

To determine all operational matters in relation to the following

- Development Services, including building control; Development management; and planning policy;
- Regeneration;
- Museum and Heritage Services, including the Museum and Art gallery; the Newport Ship and the Transporter Bridge
- Theatre and Arts Centre, Riverfront
- Newport Live, including: business support, catering services, leisure operations and business development

7.2 Development Management

The Head of Service has authority to carry out the following:

(In the absence of an appointed Head of Service, the following authority passes to the Development Services Manager)

- (i) To determine all applications made under planning legislation*, including granting applications which are a departure from the Development Plan in force at the time of decision, except:
 - Applications for outline or full planning permission where the development is defined as 'major' development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation) and where the site does not already benefit from an extant consent (outline or detailed) for a similar type and scale of development;

- Applications where an Elected Member has requested that an application be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;
- Any matter to be determined where a judgement is made by the Leader of the Council in consultation with the Chair and Deputy Chair of the Planning Committee, on advice from appropriate officers that the matter is one that should be considered by Council
- Any matter which has been delegated to any Cabinet Member or to a Head of Service or any matter which is the responsibility of the Cabinet or Council
- Any application made by any Elected Member of the Council; or made by any Officer employed within the Regeneration and Regulatory Services Area and who works in close association with the Development Services Section for example as a regular consultee, other than where that application is submitted solely in that Officer's professional capacity as a Council employee and where the Officer has no personal or non-pecuniary interest in the outcome of the application; or
 - in respect of which an Elected Member of the Council has been consulted as a neighbour; or
 - in respect of which the Head of Regeneration and Regulatory Services has responsibility for any aspect of the management of any land or buildings to which the application relates; or
 - in any other circumstance where the Head of Regeneration and Regulatory Services considers it appropriate for the matter to be determined by Planning Committee

Such matters shall be determined by Planning Committee (where that matter falls within its Terms of Reference).

* This includes applications for planning permission, Reserved Matters, advertisement consent, Listed Building consent, Conservation Area consent, Hazardous Substances consent, the discharge of planning conditions, works to trees protected by Tree Preservation Orders, notifications of works to trees located within Conservation Areas, applications for Lawful Development Certificates, Hedgerow Removal, and any determinations (including granting consent) in relation to permitted development rights under the General Permitted Development Order (including telecommunications, demolition and agricultural determinations).

- (ii) To negotiate and determine the Heads of Terms for Section 106 planning contributions and/or contributions under the Community Infrastructure Levy, including deferred payments, time-limited discounts and setting the level of the monitoring fee;

- (iii) To agree any variations to Section 106 agreements or contributions under the Community Infrastructure Levy in liaison with the Ward Members, or, where that agreement was made by the Planning Committee, in liaison with the Ward Members and the Chair and Deputy Chair of Planning Committee;
- (iv) To defend the Council's decisions on planning matters at appeal and making all decisions relating to the conduct of appeals, including agreeing Statements of Common Ground, planning contributions and any other obligations pursuant to Section 106 agreements or the Community Infrastructure Levy, wording draft conditions, instructing expert witnesses, and seeking awards of costs when appropriate. In the case of appeals against non-determination, determining the Council's case to be presented at appeal unless the application falls within category (a)i or (a)ii above;
- (v) To make and confirm (where unopposed) footpath diversions/stopping up orders pursuant to the Town and Country Planning Act 1990.
- (vi) To make and confirm (where unopposed) Tree Preservation Orders pursuant to the Town and Country Planning Act 1990.
- (vii) To provide informal pre-application advice
- (viii) To authorise the removal of telephone call boxes.

7.3 Enforcement matters

- (i) To investigate and resolve complaints of unauthorised development (enforcement complaints) including issuing Planning Contravention Notices and Requisitions for Information, instigating prosecution proceedings, action under the Proceeds of Crime Act, taking direct action, removing and/or obliterating advertisements and placards, and/or resolving to take no further action where formal enforcement action is not considered expedient.
- (ii) To issue formal enforcement notices or similar under the Planning Acts or associated legislation** unless:
 - a) The unauthorised development in question is defined as 'major' development in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation); or
 - b) Where a Ward Member has requested that the matter be determined by the Planning Committee, giving planning reasons for that request, in accordance with the Protocol for Delegated Powers;

** This includes issuing Enforcement Notices, Listed Building Enforcement Notices, Stop Notices, Breach of Condition Notices, Unsightly Land Notices (under Section 215 of the Planning Act), Hedgerow Replacement Notices and Tree Replacement Notices;

- (iii) To investigate and determine complaints relating to high hedges including issuing Remedial Notices under the Anti-Social Behaviour Act, except where a Ward Member calls the item to Planning Committee giving relevant reasons for that request; and taking direct action to implement the requirements of a Notice issued under the High Hedges regulations and/or instruct the Head of Law and Standards (or other appropriate officer) to instigate prosecution proceedings for failure to comply with such a Notice;

- (iv) To serve graffiti removal notices and to issue penalty notices for graffiti and fly posting under the Anti-Social Behaviour Regulations.
- (v) To authorise officers to undertake covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000

7.4 Planning Policy

- (i) To agree minor changes to the Development Plan during the Plan-making process, and to make decisions in consultation with the Cabinet Member for Regeneration regarding any other changes;
- (ii) To prepare and agree the evidence base for the Development Plan, including appointing consultants where necessary.

7.5 Building Control

- (i) The exercise of all powers and duties under the Building Act 1984 and Regulations made there under and related functions;
- (ii) To support national initiatives introduced by the Local Authority Building Control Services, Local Authority National Type Approval Consortium, Building Control Wales or similar.
- (iii) To carry out any incidental functions or supplementary services including SAP energy performance certificates, and Code for Sustainable Homes and BREEAM assessments and certification, including setting fees for those services.
- (iv) To exercise powers under the Local Government (Miscellaneous Provisions) Act 1982 Section 29 regarding the securing of buildings to prevent unauthorised entry.
- (v) To issue Licences pursuant to the Highways Act 1980 in relation to scaffolding or other structures on the highway and to exercise related powers.
- (vi) To serve Requisitions for Information.

7.6 Planning: Miscellaneous and Procedural Matters

- (i) To decline to determine planning applications.
- (ii) To Finally Dispose of applications under Article 29(15) of the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 (or equivalent provision amending this provision).
- (iii) To add, delete or amend conditions or reasons for refusal and/or reasons for taking enforcement action in relation to decisions made under delegated powers or, in liaison with the Chair of Planning Committee#, in relation to Committee decisions.
- (iv) To agree minor amendments or non-material amendments that involve no significant increase in the scale of development proposed pursuant to the appropriate application.
- (v) To determine responses in relation to:
 - Consultations by utility companies in relation to power lines, pipelines and other utilities infrastructure;
 - Fringe area consultations from other local authorities (where the development concerned does not fall within category 1a(ii) above);

- Applications submitted to the Infrastructure Planning Commission (or any equivalent successor body).
- (vi) To make any determination under the Environmental Assessment Regulations (including a decision regarding whether an Environmental Statement is required and the scope of such an assessment).
 - (vii) To undertake appropriate assessments and to make determinations under the Habitats Regulations.
 - (viii) To compile and maintain all Registers required by the Planning Acts and any orders or regulations made there under.
 - (ix) To make any determinations (including decisions of an administrative nature) regarding the processing of any applications received (including decisions relating to the validity, adequacy of information provided and fees payable), and correcting errors on Decision Notices.
 - (x) Proper Officer function for signing Decision Notices or Certificates issued as a result of the exercise by the Council of any functions pursuant to the Planning Acts or Regulations or Orders made thereunder or to the Building Regulations or Orders made thereunder.
 - (xi) Power to authorise officers to sign and issue Decision Notices, Licences and other formal documents as referred to above.
 - (xii) Power to authorise officers for the purposes of the powers of entry onto land granted by the Planning Acts, Building Act, the Environment Act, the Anti Social Behaviour Regulations and any regulations made there under;

(For the avoidance of any doubt where any judgment has to be made, for example, concerning whether any development is minor or is in accordance with the Development Plan policies, such decision shall be made by the Head of Regeneration, Investment and Housing).

Should the Chair of Planning Committee be unavailable, authority shall pass to another member of the Planning Committee.

7.7 Grant Applications

- (i) To determine grant applications for building and related improvement in industrial and commercial improvement areas under Sections 5 and 6 of the Inner Urban Areas Act or similar or subsequent legislation and to administer relevant grants under the Strategic development Scheme or subsequent schemes to a value of £20,000
- (ii) To determine business grants to a value of £20,000
- (iii) To determine whether to make bids for European Funding and to determine methods of processing schemes, subject to determination of whether to accept grant aid in line with Council policies

7.8 Regeneration

To determine any operational issues relating to:

- Regeneration of the City Centre
- Regeneration of the wider City Region

- Housing and Community Regeneration, including community development; Community Regeneration; private sector housing; and preventative services;

7.9 Museum and Heritage Services

To determine any operational issues relating to museum and heritage services including:

- Museum and Art Gallery; including use of any reserve funds
- Newport Ship and
- Transporter Bridge

7.10 Riverfront Theatre and Arts Centre

To determine all operational matters relating to the Theatre and Arts Centre. All policy matters are to be determined by the Cabinet Member, Cabinet or Council as appropriate.

7.11 Newport Live

To determine all operational matters relating to the relationship with the Newport Live

7.12 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation.

HEADS OF SERVICE REPORTING TO THE STRATEGIC DIRECTORS

8 Head of Law and Standards

8.1 As Head of Service:

(i) To determine all operational issues relating to:

- Legal Services and Insurance
- Democratic Services, including Scrutiny and Mayoralty
- Registration Services
- Electoral registration
- Coroners Service

(ii) Procedural Issues

- To determine any guidelines to be issued to officers and / or members on legal, procedural and proprietary issues.

- To affix the Common Seal of the Council to any Deed or other document required to be executed under Seal and to subscribe his name thereto as attesting such sealing.
- To determine the content of any binding contract or any other such documentation between the Council and any third party.
- To sign contracts or other formal documents on behalf of the Council (which do not have to be executed as a deed) in accordance with Contract Standing Orders.

8.2 As Monitoring Officer

- (i) To determine any action to be taken and to exercise the powers and responsibilities of the Monitoring Officer for the purpose of Section 5 of the Local Government and Housing Act 1989, part 3 of the Local Government Act 2000 and any other or subsequent relevant legislation.
- (ii) To determine when it is necessary and to issue reports to the Council as Monitoring Officer.
- (iii) To make payments of compensation, provide other benefits or take any other appropriate action to settle maladministration complaints in accordance with Section 92 of the Local Government Act 2000.
- (iv) To monitor and review the Council Constitution and determine any minor or consequential amendments.
- (v) To maintain the statutory register of Members interests in accordance with section 81 of the Local Government Act 2000

8.3 Democratic Arrangements and Scrutiny

- (i) To determine action to be taken as "Proper Officer" for the purposes of implementing the provisions in the Local Government Act 1972 and any other subsequent legislation relating to:
 - a. Exclusion of Reports
 - b. List of Background papers
 - c. identification of Background papers
 - d. "Need to know"
- (ii) To act generally as Proper Officer of the Council unless legislation or the Scheme of Delegation names another officer or unless the Council determines otherwise.
- (iii) To determine arrangements for the proper record and maintenance of records of decisions taken by the Council, the Cabinet or any other element of the decision-making process empowered to take decisions.
- (iv) To determine arrangements to record in the statutory register maintained for the purpose, particulars of any notice given by a member or officer of the Council under Section 117 of the Local Government Act 1972 of any

- pecuniary interest in a contract or any declarations of personal interest, or gifts and hospitality in accordance with any relevant code of practice.
- (v) To administer the Members' Allowance Scheme

8.4 Legal Proceedings

- (i) To institute, defend or settle any legal proceedings he or she considers necessary (either in the name of the Council or an individual officer of the Council), at common law or under any enactment, statutory instrument, order or bye-law conferring functions upon the Council or in respect of functions undertaken by then and to lodge appeals against any decisions affecting the discharge of any of the Council's functions. For the avoidance of doubt, this delegation shall extend to the taking of all procedural steps, including the service of any notices, statutory or otherwise, counter-notices and notices to quit.
- (ii) To authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972 or any modification or re-enactment thereof.

8.5 Registration Services

- (i) To act as "Proper Officer for registration of births, deaths and marriages
- (ii) To determine individuals who will be authorised to attest notices of civil partnerships;
- (iii) To designate a sufficient number of civil partnership registrars and determine who within the authority will be responsible for recording details of the formation into the civil partnership register.
- (iv) To act as Proper Officer for the approval of premises for the conduct of civil marriages and civil partnerships in accordance with the Marriage Act 1949 and the Civil Partnership Act 2004.

8.6 Land and Property

- (i) To determine when and to serve statutory notices to ascertain the legal interest of any person in land.
- (ii) To sign certificates of title and execute any land sale, transfer or lease on behalf of the Council.

8.7 General Delegations

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation.

9 Head of Finance

- 9.1 The chief financial officer must be qualified through membership of a specified professional accountancy body.

9.2 As Head of Service

To determine any operational issues relating to the following functions:

- Accountancy
- Strategic Procurement and Payments
- Income collection and Tax
- Internal Audit
- Benefits
- Customer Services

9.3 As Section 151 Officer

- (i) To determine methods for the proper administration of the council's financial affairs.
- (ii) To determine when it is necessary to report to the full Council (or to the Cabinet in relation to an executive function) and Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or an unbalanced budget, 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.
- (iii) To report to full Council for the purposes of budget determination, on the robustness of budget estimates and the adequacy of financial reserves, including the minimum level of general reserves.

9.4 Financial Management

- (i) To determine and maintain adequate and effective systems of internal control systems and accounting records
- (ii) To determine systems required to carry out the Council's obligations under the Accounts and Audit Regulations including the need to maintain an adequate system of internal audit.
- (iii) To determine and issue guidelines, as necessary, in respect of finance.
- (iv) To determine methods and take action to manage: the Council's funds and accounts; reserves and provisions; any trusts held and any pension fund affecting Council employees.
- (v) To determine arrangements for the billing, collection, recovery and writing off of Council Tax, Non- Domestic Rates and other amounts or debts due to the Council.
- (vi) To determine when and how to borrow and repay debt on behalf of the Council.
- (vii) To determine when and how to invest monies on behalf of the Council.
- (viii) To determine interest rates charged for amounts borrowed and lent by the Council.
- (ix) To determine when to sign bond certificates on behalf of the Council.
- (x) To sign cheques and pay amounts due on behalf of the Council.
- (xi) To determine operational actions in relation to collection and debt recovery in connection with sundry debts and mortgages, including the writing off of all debt and making provision for doubtful debts.

- (xii) To determine and make adequate and secure arrangements for the collection and banking of cash.
- (xiii) To determine circumstances in which to write off irrecoverable debts
- (xiv) To determine the method of finance for individual projects in the Capital Programme and the acquisition of assets.
- (xv) To administer the spending of the Church Funds
- (xvi) To determine the Tax base.
- (xvii) To determine expenditure of any amounts from contingencies in consultation with the Chair of the Cabinet and the Chief Executive
- (xviii) To review and determine changes in Contract Standing Orders and / or Financial Regulations for recommendation to the Council
- (xix) To review and determine detailed procurement guidelines and processes
- (xx) To determine and undertake anti-fraud measures, including data matching

9.5 Local Taxation

- (i) To take all decisions required for local Non-Domestic Rating List and Council Tax Valuation List display and public inspection and to update and maintain the accuracy of the lists throughout the period that they are effective.
- (ii) To determine methods to compile and maintain records of persons liable for Non-Domestic Rates and Council Tax.
- (iii) To determine when and how to serve demand Notices on all persons liable to pay Non-Domestic Rates and Council Tax, detailing the payments required.
- (iv) To determine all appropriate actions under statute and regulations to collect and enforce the payment of Non-Domestic Rates and Council Tax.
- (v) To determine when to make application to the Magistrates Court for liability orders to be made against defaulters.
- (vi) To determine when to levy distress and take all other actions empowered by the liability order
- (vii) To determine applications for mandatory charitable relief.
- (viii) To determine applications for discretionary rates relief in line with agreed Council policy.
- (ix) To determine effective measures to maintain the General Fund for non-domestic rating pooling arrangements
- (x) To determine appeals against administrative matters and give evidence at Valuation Tribunals.
- (xi) To determine method of bringing to the attention of the Valuation Office Agency all material facts that affect the accuracy of the rating and valuation lists.
- (xii) To determine circumstances in which to sign agreements for alteration of entries in the local non-domestic rating list.
- (xiii) To determine methods to liaise with all agencies, including the Valuation Office Agency and the Magistrates Courts on matters associated with the administration, billing, collection and enforcement of all revenues and taxation matters.

9.6 Customer Services and Benefits

- (i) To determine operational issues in relation to the Council's Face to Face Centre and Contact Centre.

- (ii) To determine all operational issues relating to Housing and Council Tax Benefits

9.7 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation.

10 Head of People Policy and Transformation

10.1 As Head of Service

To determine all operational issues relating to:

- Human Resources
- Employment Services
- Organisational Development and training
- Health and Safety
- Policy and Partnership
- Performance Management and Organisational Risk
- Intelligence Hub
- Digital Services and Complaints
- Business Transformation
- PR & Communications
- Assets

10.2 Human Resources

- (ii) To determine procedures to provide good employee relations with all the recognised trade unions and their representatives.
- (iii) To determine action necessary to ensure adherence to corporate Human Resources policies as agreed by Council.
- (iv) To determine operational actions for all payroll matters and arrange payment of national pay awards.
- (v) To determine pay and grading matters in line with the Council's collective agreement regarding job evaluation

10.2 Business Transformation

To determine all operational issues relating to Business Service development and Business Improvement, Including the Change Team.

10.3 Partnership and Policy

To determine all operational issues relating to:

- Partnerships and Planning

- Policy Development
- Engagement
- Organisational Planning, Performance and Risk Management

10.4 Digital Services

- (i) To determine standards of technology to be used by elected members and employees and to determine standards of communications systems appropriate to members, officers and schools and other Council functions, particularly in regard to advances in technology.
- (ii) To determine arrangements to ensure the confidentiality, integrity and availability of all data held in Council ICT systems.
- (iii) To determine standards of technology used to provide a comprehensive internal communications system.
- (iv) To determine standards and when to take advantage of technological changes relating to ICT and communication in all forms.
- (v) To lead on the partnership with the Shared Resource Service (SRS) and IT support provision
- (vi) To manage the centrally held IT budgets and issue of IT equipment
- (vii) To determine all operational issues relating to:
 - Electronic Document management systems
 - Information Development and Risk Management
 - Document Services

10.5 Complaints

To manage complaints and compliments in accordance with the Council's complaints policy.

10.6 Intelligence Hub

10.6.1 Customer Insight

To determine operational issues in relation to the gathering, recording, analysis and maintenance of customer insight data.

10.6.2 Spatial Data

- (i) To determine all operational issues in relation to the gathering, recording and maintenance of spatial data.
- (ii) To co-ordinate and manage all data sets for the Council
- (ii) To determine the naming and numbering of streets

10.7 PR and Comms

To determine any operational matters relating to the Council's PR and communications functions

10.8 Wellbeing of Future Generations

To determine all operational issues relating to the implementation of policies relating to the Well-being of Future Generations (Wales) Act 2015 and the Equalities Act 2010.

10.9 Assets

Minor Property Transactions

Decisions delegated:

- (i) To acquire, purchase and dispose of interests in land and property where the consideration for the transaction does not exceed £100,000. Where the transaction relates to the portfolio of any Cabinet Member(s), the decision shall be taken in consultation with that (those) Cabinet Member(s).
- (ii) To enter into, amend or surrender leases of land and property with an aggregate annual sum payable by the tenant (including rent, insurance rent, service charge/s and all other sums payable pursuant to the lease) not exceeding £100,000.
- (iii) To grant and obtain any consents sought or required in relation to any lease to which the Council is a party.
- (iv) To enter into, grant, amend or surrender licences, permissions, wayleaves, easements and other legal interests in land or property.
- (v) To grant the release or discharge of covenants relating to Council land and property

In addition to any other requirement above to consult with Cabinet Members, the relevant Cabinet Member(s) and Ward Member(s) shall be consulted where there is a direct or wider impact on the community or residents within a ward arising from any proposed transaction.

All decisions must be within agreed Council policies, and within revenue budget allocation for the service areas affected or capital funding availability.

The provisions of these delegations do not override any duty to ensure compliance with the Council's rules relating to capital acquisitions and transactions or other financial controls set out elsewhere. All transactions must be within the Council's approved Capital Programme, the relevant budget/s and any applicable prudential indicators.

Following the relevant assessment, dwellings provided to meet the council's statutory homelessness duties are dealt with by the Head of Housing and Communities.

10.10 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation.

11. HEAD OF ADULT SERVICES

11.1 As Head of Service

To determine all operational issues relating to the following:

- Safeguarding services including the protection of vulnerable adults
- Quality Assurance, including performance; planning and development; quality assurance; substance misuse; commissioning and contracts;
- Occupational Therapy Services
- CRT and Frailty Services
- Mental Health Services to adults and older people, including assertive outreach
- Adult Disability learning
- End to end services including adult assessment and the review team
- Provider services including residential; homecare; supported living and supporting people

11.2 The discharge of the following statutory duties on behalf of the statutory Director of Social Services:

- (i) To undertake assessments of the need for care and support, determine eligibility and make arrangements for meeting those assessed needs of adults and carers in accordance with the Council's statutory duties under the Social Services and Well-Being (Wales) Act 2014
- (ii) To exercise the Council's functions under Part 4 of the Social Services and Well-Being (Wales) Act 2014 to maintain and review care and support plans to meet the assessed needs of adults and carers.
- (iii) To exercise the Council's functions under Section 15 of the Social Services and Well-Being (Wales) Act 2014 in providing or arranging preventative services, to include delaying the need for care and support, minimizing the effect on disabled persons of their disabilities and preventing people from suffering from abuse and neglect.
- (iv) To be responsible for discharging the Council's safeguarding role in relation to adults at risk in accordance with part 7 of the Social Services and Well-Being (Wales) Act 2014.
- (v) To authorise and approve the maintenance costs for any person admitted to any residential accommodation.
- (vi) To authorise the following facilities for any registered disabled person, within the approved budget and within approved policies;
- (vii) attendance at a day activity providing appropriate development opportunities
- (viii) the provision of special facilities
- (ix) minor alterations and adaptations to premises including the installation of appropriate equipment, the works to be supervised by the appropriate professional staff
- (x) To contribute, where appropriate, and within local and / or national guidance, to the cost of adaptations to premises where the person is not eligible for a grant.
- (xi) To make arrangements for the burial or cremation of deceased residents of residential or nursing homes and to act in the administration of their estates in the absence of family or other individuals able to do so.

- (xii) To authorise the making of the necessary amendment orders providing for exemption for disabled car badge holders in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.
- (xiii) To administer badges for disabled persons as drivers or passengers.
- (xiv) To issue and recall badges in accordance with the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.
- (xv) To discharge the duties towards disabled people under the Social Services and Wellbeing (Wales) Act 2014 and any other relevant legislation.
- (xvi) Within the arrangements for the hearing of representations and complaints in accordance with Part 10 of the Social Services and Wellbeing (Wales) Act 2014 to respond to recommendations of complaint review panels including application of financial redress, as considered appropriate within the framework of the Council's policy on remedies to complaints, Financial Regulations and where necessary in consultation with the Monitoring Officer.
- (xvii) To be responsible for the exercise of the Council's functions under the Mental Health Act 1983 in relation to the welfare of mentally disordered people and under the Mental Capacity Act 2005 in relation to people lacking mental capacity.

11.3 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation.

12 HEAD OF CHILDREN SERVICES

12.1 As Head of Service

To determine operational issues in relation to:

- Safeguarding Services including child protection and quality assurance, domestic abuse, child protection, and acting as the Local Authority Designated Officer
- Youth Offending Services
- Integrated Family Support Services including substance misuse, family support and crisis support;
- Mentoring, assessment and planning services
- Resources including residential, fostering and placement matching and support services
- Services to disabled children; and
- Services to looked after children and young people

12.2 The discharge of the following statutory duties on behalf of the Strategic Director of Social Services:

- (i) To maintain the Child Protection Register.
- (ii) To undertake assessments of the need for care and support, determine eligibility and make arrangements for meeting those assessed needs of children in accordance with the Council's statutory duties under the Social Services and Well-Being (Wales) Act 2014

- (iii) To safeguard and promote the well-being of looked after children in accordance with Section 78 of the Social Services and Well-Being (Wales) Act 2014
- (iv) To exercise the Council's functions under Part 6 of the Social Services and Well-Being (Wales) Act 2014 to secure sufficient accommodation and maintenance for looked after children and to maintain and review care and support plans.
- (v) To exercise the functions of the Council under Sections 120 and 121 of the Social Services and Well-Being (Wales) Act 2014 in relation to children accommodated by health and education authorities or in residential care homes or mental nursing homes.
- (vi) To inspect arrangements for the care of children accommodated in independent schools in accordance with Section 87 of the Children Act 1989.
- (vii) To exercise the powers of the Council under Section 7 of the Children Act 1989 to report to the Court on the welfare of children in private proceedings.
- (viii) To exercise any functions of the Council relating to Orders with respect to children in family proceedings under Part II of the Children Act 1989.
- (ix) To exercise the powers of the Council under Section 16 of the Children Act 1989 to provide advice, assistance and befriending under the terms of a Family Assistance Order.
- (x) To exercise the functions of the Council under Section 17 of the Children Act 1989 to safeguard and promote the welfare of children in need including financial assistance within current budgetary limits.
- (xi) To determine provision for the day-care of pre-school children and provision for out-of-school and holiday care and activities as appropriate in accordance with the duties and powers of the Council under Section 18 of the Children Act 1989.
- (xii) To determine arrangements for the financial and other support of young people formerly looked after by the Council and by others under Section 24 of the Children Act 1989 within current budgetary limits.
- (xiii) To determine the assessment scale in respect of financial contribution by a parent or young person to any service provided by the Council under Part III of the Children Act 1989 and part 6 of the Social Services and Well-Being (Wales) Act 2014.
- (xiv) To vary or waive the charges for any service provided by the Council under Part III of the Children Act 1989 and part 6 of the Social Services and Well-Being (Wales) Act 2014.
- (xv) To exercise the functions of the Council in relation to the duty to make investigations as necessary to decide whether action should be taken to safeguard or promote the welfare of children in accordance with Section 47 of the Children Act 1989.
- (xvi) To take such action as is necessary under Section 31 of the Children Act 1989 to bring a child or young person before a Court where there are grounds for bringing care proceedings.
- (xvii) To present an application to a Court for the variation or discharge of any care order or supervision order in accordance with Section 39 of the Children Act 1989.
- (xviii) To exercise responsibilities in respect of Section 36(8) of the Children Act 1989, relating to Education Supervision Orders.

- (xix) To present an application to a Court for a Child Assessment Order, an Emergency Protection Order or a Recovery Order under Part V of the Children Act 1989.
- (xx) To determine appropriate accommodation for children in need in pursuance of the Council's duty under Sections 20 to 23 of the Children Act 1989, including the provision of placements outside the City as necessary.
- (xxi) To exercise the functions of the Council to undertake parental responsibility for children who are the subject of Care Orders and to make arrangements for reasonable contact with birth parents and others in accordance with Sections 33 and 34 of the Children Act 1989.
- (xxii) To give consent to medical or surgical treatment for children who are subject of Care Orders or who are accommodated by the local authority.
- (xxiii) To allow children the subject of a care order to reside at home in accordance with Section 22C of the Children Act 1989
- (xxiv) To make contributions towards the maintenance of children placed with a person as a result of a Child Arrangements Order in accordance with paragraph 15 of Schedule 1 of the Children Act 1989.
- (xxv) To determine payment of the legal expenses of applicants for a Child Arrangements Order or other Section 8 Orders under the Children Act 1989 in respect of children in care to the extent that the Legal Services Commission funding is not available.
- (xxvi) To change the names of children who are the subject of a care order in favour of the Council, subject to the requirements of Section 33 of the Children Act 1989.
- (xxvii) To give consent to the marriage of a young person in care pursuant to Section 3 of the Marriage Act 1949 as amended by the Family Law Reform Act 1969.
- (xxviii) To approve and sign applications for passports for children and young persons in the care of the Council.
- (xxix) To consent to children and young persons in the care of the Council travelling abroad.
- (xxx) To determine the applications of children and young persons in the care of the Council who wish to join HM Forces.
- (xxxi) To exercise the powers of the Council under Section 125 of the Social Services and Well-Being (Wales) Act 2014 in relation to the death of children looked after by local authorities.
- (xxxii) To exercise the functions of the Council under Part VI of the Children Act 1989 in relation to the provision of accommodation for children in community homes.
- (xxxiii) To arrange loans to foster parents to provide accommodation for sibling groups by extending their present homes or to purchase larger homes, the amount of the outstanding loan to be reduced by way of a special allowance for as long as they care for foster children, subject to consultation with the Head of Finance.
- (xxxiv) To vary foster care allowances, in line with budgets approved by the Council, and following consultation with the Head of Finance
- (xxxv) To sanction payment of the cost of the initial clothing and equipment required by children looked after by the Council who are placed in boarding schools and other establishments within current budgetary limits.

- (xxxvi) To approve applications to go on school expeditions, including expeditions abroad, of children looked after by the Council including expenditure on equipment and pocket money within current budgetary limits.
- (xxxvii) To make payments to promote contact between parents, families and friends with children looked after by the Council in accordance with Section 96 of the Social Services and Well-Being (Wales) Act 2014. .
- (xxxviii) To assess the contributions to be paid towards board and lodging by working children, provided that the amount remaining for weekly personal allowance and clothing allowance should not be less than the amount currently approved under the payment of foster care allowances.
- (xxxix) To maintain a Panel of Guardians ad Litem in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991
- (xl) To maintain a Panel of Guardians ad Litem in accordance with the Guardians ad Litem and Reporting Officers (Panels) Regulations 1991.
- (xli) To exercise the functions of the Council undertake Part VII of the Children Act 1989 in relation to the provision of accommodation by voluntary organisations.
- (xlii) To exercise the powers conferred on the Council under Part IX of the Children Act 1989 in respect of arrangements for the care of privately fostered children.
- (xliii) To make decisions to exempt persons from the usual fostering limit in accordance with paragraph 4 of Schedule 7 of the Children Act 1989.
- (xliv) To grant applications for and impose conditions of registration of child minding the day-care for young children under Part XA of the Children Act 1989.
- (xlv) To exercise the Council's adoption functions under the Adoption Act 1976 and the Adoption and Children Act 2002

12.3 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation.

13 HEAD OF PREVENTION AND INCLUSION

13.1 As Head of Service

To determine operational issues in relation to:

- Families First
- Flying Start
- Youth Services
- Childrens Prevention
- Early Years Integration, FIS and play
- DFGs
- Substance misuse

13.3 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as

contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation.

14 HEAD OF HOUSING AND COMMUNITIES

14.1 As Head of Service

To determine operational matters relating to:

- Strategic housing
- Housing needs and homelessness
- HSG/Supporting people
- Community Regeneration to include Libraries, Community Hubs, operational management of Community Centres, Community Development and Community First legacy.
- Community Cohesion and Resettlement

14.2 Strategic Housing

- (i) To determine any operational matters relating to the Council's strategic Housing function
- (ii) To determine the allocation of funds available for Renovation and Repairs Grants
- (iii) To determine when to carry out work in connection with improvement grants on behalf of owners at their expense, and with their agreement, in accordance with the Local Government and Housing Act 1989
- (iv) To determine circumstances in which divulge information relating to tenants as follows: (Subject to the requirements of the Data Protection Act)
 - Tenancy references to building societies providing the authority of the tenant is given.
 - Tenancy references in confidence to other local authorities irrespective of authority given by tenant.
 - Forwarding addresses only to statutory bodies, e.g. utility companies, Post Office, British Gas etc.
 - forwarding addresses only to other agencies on receipt of a search fee

14.2 Community Regeneration

- (i) To determine any operational issues relating to:
 - Housing and Community Regeneration, including community development; Community Regeneration; private sector housing; and preventative services;
 - Community Learning
 - Libraries
 - Community Hubs
 - Community Centres
 - Community Development

- Community Services

This includes determination of

- Anti-poverty programmes
- Activity programmes
- Promotional and marketing activities for the Council's facilities within the service area.
- Improvements upgrading or additions to facilities within the service area, subject to available finance.
- Any management agreements for leisure facilities or community learning facilities either owned by the service area or used by the service area.
- Management arrangements for all premises used primarily for community, youth or adult education, including community centres on school sites
- Applications for Grant Aid of £5,000 or less- Higher amounts to be determined by the Cabinet member
- Charges for the hire of facilities, pricing structures, coaching and other fees subject to the Council's agreed charging policies
- Conditions of hire
- Operating times
- Designs and siting of play areas within new developments

14.4 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in this constitution

15 HEAD OF ENVIRONMENT AND PROTECTION

15.1 As Head of Service

To take all operational decisions in relation to:

- Environmental Services including
- Waste disposal
- Recycling and Sustainability
- Green Services
- Cremation Services
- Refuse
- Grounds maintenance
- Street cleansing services
- Parks and outdoor recreation
- Climate change

15.2 Public Protection

15.2.1 General

- i. To appoint and authorise Officers, of the Council, to carry out duties and exercise powers as required or permitted by the relevant “Public Protection” (See below) statutes and statutory instruments,
- ii. To issue, grant, renew, vary, revoke or refuse licences, registrations, permits, consents or approvals under Public Protection statutes and statutory instruments; or to determine the fitness to hold such licences consult on changes to council licensing policies etc. under Public Protection statutes and statutory instruments, (including those licensing duties/powers that are Council “executive functions” eg Housing Act, Scrap Metal Act) in accordance with Council policies, UNLESS for specific licences where the delegations are to the Licensing (Sub) Committee or Panel-as detailed in the Paragraphs e and g, and 11-13 below;
- iii. To grant or renew all applications for Hackney Carriage Vehicle Licences, Private Hire Vehicle Licences, Hackney Carriage /Private Hire Driver's Licences and Private Hire Operator's Licences. Where refusal is considered possible due to criminal or driving convictions or other matters, then the decision will be taken by the Officer or, depending upon the seriousness/complexity, will be referred to the Licensing Committee (Panel), in accordance with Council Policies;

(Revocation of an existing taxi licence is a matter for the Licensing Committee (Panel));

- iv. To suspend any Hackney Carriage or Private Hire Licences in accordance with S60 61 62 and 68 of the Local Government (Miscellaneous Provisions) Act 1976 or instead to serve a "deferred" notice as warning that the licence may be suspended if certain matters are not attended to;
- v. To revoke any Hackney Carriage or Private Hire Licences in accordance with S60 61 62 and 68 of the Local Government (Miscellaneous Provisions) Act. Where refusal is considered appropriate due to criminal or driving convictions or other matters, then the decision will be taken by the Officer or, depending upon the seriousness/complexity, will be referred to the Licensing Committee (Panel), in accordance with Council Hackney Carriage and Private Hire Policies;
- vi. To grant, renew, refuse, suspend and revoke “street furniture” licence Section 115E of the Highways Act 1980 and to determine terms and conditions for the grant of such licences.
- vii. To grant/renew licence under the Lotteries and Amusements Act 1976 / House to House and Street Collections/ Street Trading Part 3 of Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, if no objections are raised.

If objections are raised then the application must go before the Licensing Sub-

Committee.

- viii. Together with Public Protection officers so authorised by the Head of Service, to charge offences where appropriate for contraventions of Public Protection criminal offences;
- ix. To enter into an agreement with another Local Authority or Enforcement Body to authorise that Local Authority/ Enforcement Body and its Officers, either, to discharge a function under Public Protection legislation in Newport; or to investigate and institute proceedings against offenders; or to assist with an investigation in Newport under the direct control of the Public Protection officers of Newport City Council; or to enter into an agreement with another Local Authority/ Enforcement Body to allow Public Protection officers of Newport City Council to investigate and for Newport City Council to institute proceedings against offenders for matters relating to that other Local Authority/ Enforcement Body; or assist with an investigation in that other Local Authority or for that Enforcement Body:
- x. To appoint the Council's Chief Inspector of Weights and Measures under Section 72(1) of the Weights and Measures Act 1985 and delegates to that the power under section 72(4) of the Act to designate suitably qualified and experienced officers as Deputy Chief Inspectors of Weights and Measures with powers to perform any of the powers and duties of the Chief Inspector in his or her absence or as directed by the Chief Inspector from time to time: and
- xi. To appoint the Council's Proper Officer for the purposes of the Public Health (Control of Disease) Act 1984 and in respect of the Council Functions relating to notifiable diseases and food poisoning and for the purposes of the Health Protection (Part 2A Orders) (Wales) Regulations 2010;
- xii. To appoint the Council's Medical Officer for Port Health for the purposes of the Public Health (Ships) Regulations 1979 (as amended), the Public Health (Aircraft) Regulations 1979 (as amended); the International Health Regulations 2005;
- xiii. To appoint a public analyst as required by Section 27 of the Food Safety Act 1990;
- xiv. To appoint an agricultural analyst as required by Section 67 of the Agriculture Act 1970;
- xv. To issue Certificates and exercise powers pursuant to the Safety of Sports Grounds Act 1975, and Fire Safety and Safety of Places of Sport Act 1987 in relation to the use of sports grounds.
- xvi. The "Public Protection" statutes, common law and statutory instruments to which these delegations apply, including any Regulations or Orders made there under, any amendments and additions thereto, and any licensing/registrations/authorisations/permits/approvals etc. in connection with that legislation, are those that cover:

- xvii. Community safety, anti-social behaviour, nuisance, food safety and standards, nutrition, health promotion, public health, port health, control of disease and infection, health and safety at work, explosives, licensing and registration, water supply quality and pollution, air quality and pollution, energy, littering, fly posting, fly tipping, land pollution, noise and noise pollution, contaminated land, waste, environmental control protection & improvements, nuisance, housing safety and conditions, houses in multiple occupation, camping, caravans, mobile homes and illegal eviction, the condition of buildings and land, fire safety and means of escape, sports and events ground safety, , Hackney Carriage and private hire vehicles, , street trading, street and house to house collections, CCTV and security, entertainment, alcohol supply, gambling, consumer protection, consumer credit, age -restricted goods, trading standards, fair trading, advertisements, descriptions, omissions, classifications, counterfeiting, trademarks, product safety, agricultural produce, fertilisers and animal feed, marketing and quality standards, medicines and poisons, animal health and welfare, dog and pest control, imports and exports, weights and measures, trading practices, fraud, deception, forgery, aiding and abetting, conspiracy and the European Communities Act 1972.

This includes any new legislation that has been passed by Parliament or the Welsh Government that is relevant to the above.

- xviii. Sex Shop / Sex Cinemas Local Government (Miscellaneous Provisions) Act 1982, section 2 and schedule 3)/ Lap dancing and other sexual entertainment venues Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009.

- To grant, refuse or revoke a Sexual entertainment venue licence is a matter for the Licensing Sub Committee.

- xix. (2) Lap dancing and other sexual entertainment venues Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009

- To grant, renew, revoke or refuse Sexual entertainment venue licensee.

15.2.2 Licensing Act: Arrangements for Applications Relating to Licensed Premises or Individuals

Matter to be dealt with	Sub Committee	Officers
Policy –consulting on proposed changes		x
Application for personal licence	If a Police objection	If 'No' objection
Application for personal licence with 'Unspent' Convictions	All cases	

Application for premises licence/club premises certificate	If a relevant representation made	If `No` relevant representation made
Application for `Provisional Statement`	If a relevant representation made	If `No` relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If `No` relevant representation made
Application to vary designated premises Supervisor	If a Police representation	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police representation	All other cases
Decision on whether a complaint is irrelevant frivolous vexations etc.		All cases
Decision to object when Local Authority is a `Consultee` and not the `Lead Authority`	All cases	
Determination of a Police representation to a temporary Event Notice	All cases	

15.2.3 As to the Gambling Act

Matter to be dealt with	Full Council	Sub-Committee	Officers
Policy –consulting on proposed changes			x
Approving Policy	x		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Cabinet Member)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission

Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

15.3 Waste Management and Recycling

To determine all operational matters relating to Waste management and Recycling. All policy matters are to be determined by the Cabinet Member, cabinet or Council as appropriate.

15.4 Litter Control Notices

To serve Street Litter Control Notices under Sections 93 and 94 of the Environmental Protection Act 1990.

15.5 Cremation Services

To determine all operational matters relating to the Gwent Crematorium. All policy matters are to be determined by the Gwent Cremation Joint Committee, Cabinet Member, Cabinet or Council as appropriate.

15.6 Ground, Parks and Recreation

To determine all operational matters relating to grounds, parks and recreation.

15.7 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation.

16 Head of City Services

16.1 As Head of Service

- Civil Contingencies
- Street Scene Services and Area Services, including:
 - Street works
 - Traffic and transport
 - Highways
 - Drainage
 - Road safety
 - Integrated Transport Services
 - Active Travel
 - Countryside

16.2 General Delegations for City Services

- (i) To enter into Section 38, 278 and 111 Agreements in connection with development affecting public highways.
- (ii) To determine Transport Grant submissions to the National Assembly.
- (iii) To determine traffic calming priority lists.
- (iv) To approve the adoption of highways maintainable at public expense.
- (v) To determine the siting of School Crossing Patrols.
- (vi) To determine issues relating to the operation of the Transporter Bridge.
- (vii) To determine street naming and numbering of properties.
- (viii) To determine any issues relating to bus shelters
- (ix) To determine day to day operational issues relating to home to school transport.
- (x) To determine issues relating to the maintenance of the Highways Act 1981 to include preventing obstruction of the highway.

16.3 Engineering and Construction

- (i) To adopt roads and sewers where agreements exist under Sections 38 and 278 of the Highways Act 1980 and Section 18 of the Public Health Act 1936.
- (ii) To adopt roads and sewers under Section 228 of the Highways Act 1980 and Section 17 of the Public Health Act 1936 where no Adoption Agreements exist.
- (iii) To deal with applications under Section 152 of the Highways Act 1989 for consent to fix or place any overhead beams, rail, pipe, cable, wire or other similar apparatus over, along or across a highway.
- (iv) To serve Notices under Section 134 of the Highways Act 1959 requiring the lopping of vegetation over highways and certain other roads and paths.
- (v) Execute repairs to unadopted roads and rear access lanes in accordance with the provisions of Section 47 of the Public Health Act 1961 to prevent or remove danger to persons or vehicles with an annual cost limit of £10,000. Schemes of above £10,000 shall be determined by the Cabinet Member.
- (vi) Approve terms for connections to Council sewers and the granting of any necessary easements on terms to be agreed by the Head of Law & Standards

- (vii) To make emergency and temporary prohibition Orders and Notices under Section 14 of the Road Traffic Regulation Act 1984, as amended.
- (viii) To give instructions to issue notices under Section 184 of the Highways Act 1980 (which notify owners of premises that the Council intends to construct vehicle cross - over's and to recover the cost from the owners)
- (ix) To issue certificates for payment in respect of highway construction or other engineering works.

16.4 Statutory Appointments

To determine the statutory appointment of a person (to be known as the "Traffic Manager") to perform such tasks as the authority consider will assist them to perform their network management duty.

16.5 Traffic Orders

To determine and implement non - contested Traffic Orders. Orders which receive representations are to be determined by the Cabinet Member.

16.6 Integrated Transport Services

To determine all operational matters relating to integrated transport services

16.7 Statutory duty to the Council to secure the 'expeditious movement of traffic'

- (i) To exercise the powers and duties of the Council in relation to Street Works conferred by Part III New Roads and Street Works Act 1991.
- (ii) To authorise officers so that they may issue Fixed Penalty Notices under section 95 of the New Roads and Street Works Act as amended by section 41 of the Traffic Management Act 2004.

16.8 Reservoirs Act 1985

- (i) To appoint a Supervision Engineering and an Inspection Engineer from the Welsh Office Panel to supervise, inspect and report appropriately as required by the Reservoirs Act 1985.
- (ii) To be responsible for carrying out the Council's duties under the Reservoirs Act 1985.

16.9 Flood and Water Management Act 2010

- (i) To exercise all of the powers and duties of the Council as the designated Sustainable Drainage Systems ("SuDS") Approving Body ("SAB") under Schedule 3 to the Flood Water Management Act 2010.
- (ii) To determine all outline and full SuDS applications on behalf of the SAB;
- (iii) To provide all pre-application advice in relation to SuDS and undertake all necessary statutory consultation;
- (iv) To undertake all statutory inspections and approvals of SuDS work;

- (v) To adopt and maintain SuDS schemes, subject to the conditions and exemptions specified in the 2010 Act and to agree the terms of any adoption agreement, including any commuted sums or maintenance charges.

16.10 City Centre Management

To determine all operational matters relating to overall management of the City Centre. .

16.11 Countryside and Footpaths

- (i) To make orders for diversion and extinguishment of public rights of way under the Highways Act 1980.
- (ii) To service notices and take appropriate action under the enforcement provisions of the Highways Act 1980 where public rights of way are affected.
- (iii) To make orders concerning public rights of way under the Wildlife and Countryside Act 1981.
- (iv) To act within the Council's powers and duties under the Countryside and Rights of Way Act 2000.

16.12 General

To determine matters relating to Human Resources, tenders, finance, land and buildings, operational plans and legal agreements relating to this service area and as contained in the general delegation of powers to all Heads of Service set out in Part 1 of this scheme of delegation

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Constitution

Part 4: Rules of Procedure

Appendix 1: Standing Orders

Section 1: Council Meetings

Standing Order 1: Meetings of the Council

1.1 Annual Meeting of the City Council

- (a) In a year when there is an ordinary election of City Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year the Annual Meeting will take place on a date on which the Council will determine.
- (b) The Annual Meeting will:
- Elect a person to preside if the Presiding Member or deputy Presiding Member is not present;
 - Elect the Presiding Member/Chair of Council for the new municipal year;
 - Appoint the Deputy Presiding Member/Deputy Chair of Council;
 - Receive any announcements from the Presiding Member;
 - Appoint the Leader of the Council
 - Give effect to appointments to the Cabinet as made by the Leader of the Council;
 - Appoint the Chairpersons of any committees, subject to legislative requirements. Also, to appoint Deputy Chairpersons if deemed appropriate. All such appointments may be deferred to an Ordinary Meeting of the Council;
 - Give effect to nominations to committees and /or other groups by the political groups under political balance arrangements to the Council's Committees. Such appointments may be deferred to an Ordinary Meeting of the Council;
 - Appoint to outside organisations. Such appointments may be deferred to an Ordinary Meeting of the Council; Appointments made to executive bodies may be made by the Cabinet.
 - Approve a programme of ordinary meetings for the year; This may be deferred to an Ordinary Meeting of the Council;
 - Consider any other business set out in the notice convening the meeting.

1.2 Ordinary Meetings

- (a) Ordinary meetings will:
- Elect a person to preside if the Presiding Member or Deputy Presiding Member is not present;
 - Approve the minutes of the previous meeting(s);
 - Receive any announcements from the Presiding Member, Leader of the Council, Cabinet Member or Chief Executive;
 - Deal with any appointments to internal or external bodies, unless the appointments are to executive bodies and are reserved to the Cabinet;

- Deal with any business outstanding from the last meeting;
 - Determine action to be taken on any matters referred to the Council for decision.
 - Consider reports from the Cabinet or scrutiny or other committees as appropriate and any other Council body or officer and determine any action to be taken arising from the consideration of reports;
 - Consider motions;
 - Provide an opportunity to question Members of the Cabinet, Chairs of Scrutiny and other Chairs of Committees in line with agreed procedures;
 - Other business specified in the agenda.
- (b) The Presiding Member or person chairing the meeting may at his or her discretion vary the order of business.
- (c) If there is a legal requirement for a matter to be considered urgently or if an urgent issue for decision arises, the Presiding Member or person chairing the meeting may bring forward for consideration an item which is not on the agenda and the reasons for so doing shall be recorded in the minutes of the meeting.
- (d) The Presiding Member or person presiding at the meeting may at any time call upon any person who is not a Member of the Council to advise the Council on any matter

1.3 Extraordinary Meetings

- a) Those listed below may require the Chief Executive to call a Council meeting in addition to ordinary meetings:

The Council by resolution;
 The Presiding Member in response to a written request from at least five City Councillors;
 The Monitoring Officer.

- b) When five City Councillors give written notice of their wish to call a meeting, the Presiding Member may:-
- i. Call a meeting within a reasonable time;
 - ii. Refuse to call a meeting; or
 - iii. Take no action.
- c) If the Presiding Member refuses to call a meeting or takes no action within seven days, the five named City Councillors may require the Chief Executive to convene a meeting on a date which they will determine. The Chief Executive shall then convene the meeting on the specified date.
- d) Extraordinary meetings of the Council shall only deal with the business set out in the agenda.

1.4 Location and Times of Council Meetings

The Council will determine the number, location and times of ordinary Council meetings. The programme will be agreed at either the annual meeting or at an ordinary council meeting.

1.5 Notice and Summons to Meetings

- a) Notice to the public of the time and place of any meeting shall be given in accordance with the access to information procedure rules and the Council's published Arrangements for multi-location meetings
- b) The agenda for the meeting shall be published in the public area of the Council's website.

- c) At least 3 working days before a meeting, the Proper Officer will, wherever possible, send a summons by electronic mail to every Member of the City Council;
- d) Working days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional holidays following a bank holiday.
- e) The summons will give the date, time and place of each meeting and will set out the business to be transacted at the meeting. The Council's website will provide information and access to relevant public documents to the press and public at least three working days before a meeting.

Standing Order 2: Presiding Member/ Chairperson of Meeting

2.1 Presiding Member and Chairperson of the Meeting

- a) The Presiding Member and Deputy Presiding Member will be elected from among the councillors at the Annual Meeting of the Council, and shall continue in office until resignation or disqualification or until the Council appoints a successor. A member of the Council's Executive may not be elected as Presiding Member or Deputy Presiding Member. The role of the Presiding Member shall include the function of the Chairperson of the Council.
- b) The Presiding Member shall be entitled to receive a senior salary. The Deputy Presiding Member shall not be entitled to receive a senior salary
- c) The Presiding Member and Deputy Presiding Member should maintain a non-political manner to allow a proper, full and effective debate. Therefore, in addition to the Leader and Cabinet Members who are disqualified from being appointed, the Presiding Member and Deputy Presiding Member should not be selected from the following:-
 - Leader of the Opposition;
 - Leader of any political group serving on the Council.

2.2 Conduct of the Meeting

- a) The Presiding Member or person chairing the meeting shall conduct the meeting so as to secure a proper, full and effective debate of business items where a decision is required. The steps the Presiding Member or person chairing the meeting may take include:

Allowing more time to allow a speaker to properly explain a matter;
Allowing a Councillor to speak more than once in a debate;
Allowing a full discussion of reports and matters for decision.
- b) The person chairing the meeting may exercise any power or duty of the Presiding Member, except for the Deputy Presiding Member.

2.3 No Confidence in the Chair

- a) Any Member of the Council may move a vote of no confidence in the Presiding Member or person chairing the meeting if it is considered that the Presiding Member or the Chairperson of the meeting is not conducting the meeting in a way that allows a proper, full and effective debate
- b) Any Member moving the motion will need to be supported by at least 5 other Members before any vote is taken.

- c) Only if the motion is supported by two-thirds of the Members in attendance, will the motion be carried. If the motion is carried it will be effective only for the meeting taking place at the time.
- d) If the motion is carried the Deputy Presiding Officer will take the chair for remainder of the meeting. In the absence of the Deputy (or in the case of the removal of the Deputy Presiding Member from the chair under this Standing Order) the Council will elect a chair from the Members present.

Standing Order 3: Quorum

No business shall be transacted at meetings of the Council unless at least one quarter of the whole number of Members of the City Council is present.

The Quorum for meetings of the Council is one-third of the total membership. This constitutes 17 City Councillors, based on a full membership of 51 members serving on the Council. In any other circumstance, the quorum shall be one-third of elected members.

During any meeting of the Council, the Presiding Member or person chairing the meeting may count the number of Members present and if that number has fallen below the required quorum, the Mayor or Presiding Member person chairing the meeting may declare that there is not a quorum present and the meeting will be adjourned. If the meeting is adjourned, any business which has not been dealt with will be deferred to the next ordinary meeting of the Council.

Standing Order 4: Questions by Members

4.1 General

A Councillor may ask a Member of the Cabinet questions on any policy issues relating to the appropriate portfolio; or the chairperson of a committee on any matters within the remit of the committee. Questions may be submitted and answered as follows:

4.2 Questions at Council to the Leader of the Council

At each ordinary Council meeting there will be an open session for elected members to ask questions of the Leader of the Council. The following process will be followed for questions to the Leader at Council:

- a) The first question will be posed to the Leader by the Presiding Member or person chairing the meeting as follows:
 - Before we commence questions from Members, does the Leader have any announcements to make to the Council?
- b) No more than 15 minutes will be allocated at the Council meeting for questions to the Leader. The 15 minute time limit will not include the Leader's announcements, and will commence upon the second question being asked.
- c) Each Member asking a question may ask one supplementary question to clarify any point arising out of the answer received to the original question.
- d) Each opposition group will be allocated one question each, to be asked in order of group membership e.g. the largest opposition group goes first, followed by the second largest opposition group, and so on. Each of the Group Leaders or their appointed deputies will be invited to put the question to the Leader in turn.
- e) After the allocated opposition group questions are completed, questions will be opened up to all Members.

- f) Questions from all other Members will be allocated according to a ballot:
- Councillors wishing to ask a question of the Leader must notify the Head of Democratic Services in writing by midday on the day of the council meeting. In writing includes electronic mail.
 - The content of the question does not need to be submitted in advance.
 - Question notifications will be grouped according to opposition / ruling party Members then shuffled to produce a random order.
 - Invitations to pose a question will be alternated between opposition and ruling party Members.
 - Example of question order:
 1. Presiding Member asks Leader to make any announcements

Followed by questions from:

 2. Leader of Opposition Group A
 3. Leader of Opposition Group B
 4. Leader of Opposition Group C
 5. Ruling Party Member from notification list
 6. Opposition Party Member from notification list
 7. Ruling Party Member from notification list
 8. Opposition Party Member from notification list
- g) The agenda item will end when the 15 minute time is over, or when the list of balloted questions is complete, whichever is the earliest.

4.3 Questions at Council to Cabinet Members and Committee Chairs

- a) This process will be followed for questions at Council to other Cabinet Members and Committee Chairs
- b) Questions must be provided in writing not later than 4pm three working days before the Council meeting ("Working days" do not include the date of issue, the date of the meeting, Saturdays, Sundays, Bank holidays or additional holidays following a Bank holiday). Where proper written notice has not been provided of any question, then the question may not be asked at the Council meeting.
- c) The question must be forwarded in writing to the Head of Democratic Services. The term "in writing" includes electronic mail.
- d) Only questions submitted in this way will be allowed at Council meetings.
- e) The question is then asked orally at the Council meeting and an oral answer will be given at the Council meeting. The question and the answer will be appended to the Council minutes and published to the Council's website normally within five working days of the meeting.
- f) Questions will be put in the order in which they are received. However if any councillor wishes to ask two or more questions to the same Cabinet Member they will be allocated a slot in rotation, allowing opportunities for other Members to ask their question.
- g) The councillor may ask one supplementary question to clarify any point arising out of the answer received to the original question. If possible, an answer will be provided orally at the Council meeting. Alternatively a written answer may be provided.
- h) No more than 10 minutes will be allocated at the Council meeting for questions to each Cabinet Member or Committee Chair.

- i) If Members are unable to ask their question orally within the allocated time, remaining questions will be answered in writing. The question and response will be appended to the minutes.
- j) The question must be addressed through the Presiding Member or the person chairing the meeting and not directly to the person being questioned.
- k) Members must ask any question within the allocated time as set out in these standing orders and should not seek to introduce any debate on the subject.
- l) Any dispute in relation to the validity of a question shall be resolved by the Council's Monitoring Officer.

4.4 Time allowed for questions

- a) As mentioned in Standing Order 4.2 and 4.3 above, no more than 15 minutes will be allocated at the council meeting for questions to the Leader and no more than 10 minutes will be allocated at the Council meeting for questions to each Cabinet Member.
- b) If Members are unable to ask their question orally within the allocated time, remaining written questions will be answered in writing. The question and response will be appended to the minutes.
- c) The time allowed to ask a question shall be no more than two minutes. This includes any question or any supplementary question.
- d) The sole arbiter of the time allocation shall be the Presiding Member or person chairing the meeting.

4.5 Rejection of Questions at Council

The Presiding Member or person chairing the meeting may reject a question if in his or her opinion, having regard to the Council's responsibilities and community leadership role, it:

- a) Is not about a matter for which the Council has a responsibility or which affects the administrative area of the Council;
- b) Is defamatory or frivolous or vexatious or offensive;
- c) Is substantially the same as a question which has been put at the meeting by any Member;
- d) The question concerns an item of business which is the subject of a report to the meeting;
- e) Requires the disclosure of confidential or exempt information where there is no demonstrable need to know.
- f) Is an operational matter that is better dealt with by the relevant officer on an informal basis.

4.6 The Three - Month Rule does not apply

The three month rule does not apply to questions to Cabinet Members or Chairs. A respondent will be able to inform a questioner that the answer to his or her question is substantially the same as that given at a previous meeting if that is appropriate.

4.7 Point of Order and Questions

A point of order may only be raised during a question-and-answer session if a Member considers that the requirements of Standing Orders 4.1 to 4.6 have been breached. The Presiding member or person chairing the meeting will only consider a point of order if the person raising the point of order states the Standing Order that he or she considers has been breached. No other 'points of order' will be considered.

4.8 Formal Questions at any other time

- a) Written questions can be forwarded to any Cabinet Member (including the chair) at any time although any submitted at weekends or later than 4pm on any working day will not be deemed to have been received for the purposes of response times until the next working day.
- b) The answers to such Questions will be provided within 10 working days of the receipt of the question by the Cabinet Member. The question and answer will be copied to all Members of the Council via electronic mail and will be subsequently published on the Council's website to allow public access to the exchange.
- c) "Working days" do not include the date of issue, Saturdays, Sundays, Bank holidays or additional holidays following a Bank holiday.
- d) The question must be forwarded in writing to the Head of Democratic Services and the question must be identified as a formal question to the Cabinet Member to be dealt with in accordance with this standing order. The term "in writing" includes electronic mail.
- e) Any dispute in relation to the validity of a question shall be resolved by the Council's Monitoring Officer.

4.9 Councillors to request how questions are to be answered

When submitting a question, councillors must identify clearly whether it is a formal question to be answered at council or a formal question to be asked at any time. If it is not clear from the submission, the question will be treated as a question asked at any time as described in Standing Order 4.8.

4.10 Rejection of Questions at any time to Cabinet Members

- a) The Cabinet Member may reject a question if in his or her opinion, having regard to the Council's responsibilities and community leadership role, it:
 - Is not about a matter for which the Council has a responsibility or which affects the administrative area of the Council;
 - Is defamatory or frivolous or offensive;
 - Concerns an item of business which is the subject of a report being considered as part of the decision-making process as Councillors have other opportunities to ask questions or comment on reports
 - Requires the disclosure of confidential or exempt information where there is no demonstrable need to know.
 - Is an operational matter that is better dealt with by the relevant officer on an informal basis. The Cabinet Member will take a view on whether the question relates to an operational matter better answered by the officers.

NB: When a question has been asked in general terms and it is difficult to determine what information the applicant actually wants, the Cabinet Member may ask the questioning Member to refine or clarify the question being asked

- b) If a Cabinet Member intends to reject a question he or she must respond to the questioning Member within 10 working days informing the Member that he or she intends to reject the question and the reason for that intention.
- c) Any dispute in relation to the validity of a question shall be resolved by the Council's Monitoring Officer.

Standing Order 5: Procedural Standing Orders

5.1 Notices of Motion

- a) Except for motions which can be moved without notice under these Standing Orders, written notice of motions for discussion at Council meetings signed by the proposer and seconded must be delivered by **4.00pm** at least **7 working days** before the next meeting of the Council to the Head of Democratic Services.
- b) Motions may be submitted within the same timescale by electronic mail but the seconder must send a separate email, or written confirmation within the same timescale confirming he or she is the seconder of the motion.
- c) Working days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional holidays following a bank holiday.
- d) The Monitoring Officer will maintain a record of all motions submitted for the meeting and the order in which they have been received. This record will be open to inspection by any Member of the Council.
- e) The Monitoring Officer will conclude if the motion as submitted is appropriate for consideration or can be resolved by the Council.
- f) No motion under this Standing Order will be debated at the Annual Meeting of the Council.

5.3 Motions Set Out in the Agenda for a Meeting

- a) Motions for which proper notice has been given under this procedural standing order will be listed on the agenda in the order in which they were received.
- b) The Monitoring Officer will conclude if the motion as submitted is appropriate for consideration or can be resolved by the Council and inform the mover of the motion before a matter is placed on the agenda.

5.4 Scope

- a) Motions must be about matters which are related to the responsibility of the City Council or which affect the administrative area of the Council.
- b) The Monitoring Officer's decision on whether or not a motion is relevant to the responsibility of the City Council will be final.
- c) If a motion which is set out in the agenda is not moved, either by the Member who gave notice of it or by some other Member on his/her behalf, it will be treated as withdrawn and will not be moved without fresh notice.
- d) If the motion relates to an executive function, and the Monitoring Officer decides that it can be discussed at Council, the Council will not be able to take a resolved decision on the matter but may ask the Cabinet or Cabinet Member to consider the matter in the light of any views expressed or recommendations made by the Council.

5.5 The Three Month Rule

- a) A motion or amendment to rescind the decision made at a meeting of the Council, including a decision taken under delegated powers by a committee, within the past three months and a motion or amendment in similar terms to one which has been rejected at a meeting of Council in the past

three months cannot be moved, unless the mover asks the consent of the Council to propose such a motion and consent is given by the Council.

- b) There shall be no speech or discussion upon a request for consent and if consent be refused by the Council, the same motion or one to the like effect shall not be placed on the agenda for at least three months from the date of such refusal.

5.6 Exceptions

This rule shall not apply to motions which are moved by the Leader of the Council or the Chair of any other Council body or other Member on their behalf, following a recommendation in the report of the Cabinet or other Council Committee.

5.7 Motions without Notice

The following motions may be moved without notice:

- To appoint a Chairperson at a meeting at which the Presiding member and Deputy Presiding Member are not present;
- To dispute the accuracy of the minutes of the Council;
- To change the order of the business specified in the agenda;
- To refer to the Cabinet any recommendation to Council as the matter is executive in nature.
- To appoint a Council body or representatives of the Council to an outside organisation arising from an item on the agenda;
- To adopt or amend recommendations to the Council.
- To amend or withdraw a motion;
- To extend the time limit for speeches or questions;
- To proceed to the next business;
- To suspend the Standing Orders;
- To exclude the press and public in accordance with the Access to Information Act 1985;
- By the Presiding member or person chairing the meeting, not to allow another contribution to the debate from a Member named or to exclude a Member from the meeting under the procedural Standing Order relating to Members conduct;
- To give consent of the Council where such consent is required.
- No confidence in the Presiding Member or person chairing the meeting (as described in Standing Order 2).

Standing Order 6: Rules of Debate

6.1 Speaking in Council

- a) When a Member wishes to speak, he or she will indicate this to the Presiding member or person chairing the meeting whilst remaining seated. No Member will speak unless called upon to do so by the Presiding Member or person chairing the meeting.
- b) When called upon to speak, the Member will normally stand, (unless this is not appropriate for the individual).
- c) The speaker must address the meeting through the Presiding Member or person chairing the meeting.
- d) If two or more Members indicate that they wish to speak the Presiding Member or person chairing the meeting will ask one to speak and the other(s) will remain silent. While a Member is speaking, other Members will remain silent unless raising a point of order or of personal explanation.

6.2 Matters Which May Not Be Raised

- a) A motion or amendment shall not be moved which is inconsistent with a decision already made by the Council at the meeting or in relation to an executive function where a decision has been taken by the Cabinet or Cabinet Member or to a decision delegated to a Committee.
- b) A matter shall be treated as dealt with if a motion, amendment or discussion relating to it has been replied to by the Leader, or Cabinet Member, the Chairperson of a committee or other group or other mover of a motion, or if the Council has proceeded to the consideration of another matter.

6.3 No Speeches until a Motion is Seconded

No other speeches may be made after a Member has moved a motion and has explained the purpose of it until the motion has been seconded by another Member.

6.4 Right to Require a Motion to be in Writing

The Presiding Member or person chairing the meeting may require a motion or amendment to be written out before allowing the matter to be discussed. The meeting may be adjourned to allow this to be done.

6.5 Seconder's Speech

When seconding a motion, a member may reserve his/her right to speak until later in the debate.

6.6 Content and Length of Speeches

- a) Speeches must be directed to the matter of the discussion or to a personal explanation or point of order. The mover of a motion may speak to it for not more than 7 minutes and may also speak in reply to it at the end of the debate without restriction.
- b) No other speech including a speech by the mover of an amendment may be longer than 3 minutes without the agreement of the Presiding Member or person chairing the meeting.
- c) The 7 or 3 minutes allowed will take account of any points of order or points of personal explanation raised during the speech
- d) The speaker must address the meeting through the Presiding Member or person chairing the meeting.
- e) The sole arbiter of the time allocation shall be the Presiding Member or person chairing the meeting.

6.7 Amendments to a Motion

- a) A Member may move an amendment to a motion and explain the purpose of it. The amendment must be seconded by another Member. The Presiding Member or person chairing the meeting may require that the amendment be written out before allowing the matter to be discussed. An amendment must be relevant to the motion and shall either be:-
 - To refer the subject of debate to the Cabinet or appropriate Council body for consideration or reconsideration;
 - To omit words;
 - To omit words and add others;
 - To insert, substitute or add words.
- 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 dealt with.

- c) No speech by the mover of an amendment may be longer than 3 minutes without the agreement of the Presiding Member or person chairing the meeting.
- d) If an amendment is rejected, different amendments may be proposed on the original motion.
- e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion upon which the vote shall then be taken unless notice has been given before the vote on the amendment of a further amendment or amendments.
- f) After an amendment has been carried, the Presiding Member or person chairing the meeting will advise the meeting of the content of the amended motion before any further amendment or amendments shall be moved on the substantive motion.
- g) The sole arbiter of the time allocation shall be the Presiding Member or person chairing the meeting.

6.8 When a Member May Speak Again

Subject to Standing Orders, when a Member has spoken on a motion he/she may not, without the consent of the Presiding Member or person chairing the meeting, speak again during the debate except:

- To speak once on an amendment moved by another Member;
- To move a further amendment if a motion has been amended since he / she last spoke;
- On a point of order;
- By way of personal explanation.

6.9 Alteration of Motion

A Member may:-

- Alter a motion of which he or she has given notice; or
- With the consent of the seconder alter a motion which has been moved without notice.

In either case, the alteration to the motion must be worded as an acceptable amendment in accordance with the procedural standing order relating to amendments to a motion.

6.10 Withdrawal of a Motion or Amendment

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

6.11 Right of Reply

- a) The mover of a motion has the right to reply at the end of the debate on the motion, immediately before the motion is put to the vote. If an amendment to the motion is moved, the mover of the original motion will also have the right to reply at the end of the debate on the amendment. Other than this, the mover of the original motion will not be allowed to speak in the debate on the amendment, except to answer questions during the debate if permitted to do so by the Presiding Member or person chairing the meeting.
- b) The Member who has proposed an amendment shall have a right of reply to the debate on his/her amendment. The right to reply will take place immediately before the final speech by the mover of the original motion.

- c) The Member exercising the right to reply shall not introduce any new issues into the debate.

6.12 Closure Motions

- a) A Member may move without comment, the following procedural motions.
- To proceed to the next business;
 - That the question be put;
 - To adjourn a debate;
 - To adjourn a meeting.
- b) A motion to proceed to next business should be moved, seconded and discussed. If it is carried, then the Presiding Member or person chairing the meeting will move to the next item of business on the agenda. If the motion is lost, the debate will continue from where it was left.
- c) A motion 'that the question be put' will take precedence over all other business – even if it interrupts a speaker. If the motion is seconded, it must be voted upon without further discussion. If the motion is carried the mover of the original motion being considered by Council may reply before the vote is taken. If the motion 'that the question be put' is moved during debate on an amendment, it only disposes of the amendment and does not affect the original motion.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Presiding Member or person chairing the meeting thinks that the item has been discussed sufficiently and cannot reasonably be discussed further on that occasion, he or she will put the motion to adjourn to the vote without giving the mover of the original motion the right to reply.
- e) A Member who moved or seconded the original motion under debate cannot move any of these closure motions. A Member cannot move a motion which contains more than one of these closure motions.

6.13 Point of Order

- a) A Member may raise a point of order relating to procedural matters at any time. The Presiding Member or person chairing the meeting must hear him/her immediately. A point of order shall relate **only** to an alleged breach of these standing orders or the law relating to meetings.
- b) Before making his or her point, the Member must indicate the standing order/point of law and the way in which he or she considers it has been broken.
- c) The ruling of the Presiding Member or person chairing the meeting as to whether the matter raised is a point of order will be final.

6.14 Personal Explanation

- a) A Member may make a personal explanation at any time.
- b) A personal explanation shall only relate to a material point made in an earlier speech by the Member which may appear to have been misunderstood during the current debate. The Presiding Member or person chairing the meeting will hear the explanation and his / her ruling as to whether the issue raised constitutes a personal explanation shall be final.

Standing Order 7: Voting

7.1 Majority

Unless the constitution provides otherwise any matter will be decided by a simple majority of those Members present in the room and voting.

7.2 Presiding Member's Casting Vote

If there are equal numbers of votes for and against, the Presiding Member or person chairing the meeting will have a second or casting vote. The Presiding Member or person chairing the meeting can only use a second or casting vote if he or she has participated in the original vote on any motion.

7.3 Method of Voting

Unless a recorded vote is demanded under these rules, the Presiding Member or person chairing the meeting will take the vote by a show of hands of those attending in person and an electronic vote from those attending remotely, or if there is no disagreement, by the consent of the meeting.

7.4 Recorded Vote

If five Members present at the meeting demand it, the names of those who vote for and against a motion or amendment or abstain from voting will be recorded in the minutes. A demand for a recorded vote may only be made before the vote is taken.

7.5 Right to Require Individual Votes be recorded

If, immediately after the vote is taken, a Member requests it, his/her vote will be recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

Standing Order 8: Minutes, Attendance and the Public

8.1 Signing of Minutes

- a) The Mayor or person presiding is required to sign the minutes at the next suitable meeting. The Mayor or person presiding will move that the minutes of the previous meeting be signed as a correct record, provided he/she attended the meeting. Only the accuracy of the minutes can be discussed.
- b) When the next meeting of the Council is an extraordinary meeting or the annual meeting, there is no requirement to sign the Minutes of the previous meeting. These minutes can be signed at the next ordinary meeting.
- c) At an extraordinary meeting called for a single purpose, no minutes of previous meetings will be approved and there will be no items on the agenda relating to questions to the Police Commander or Cabinet Members and Chairs of Committees.

8.2 Record of Attendance

The names of the Members present at a meeting of the Council will be recorded. To assist the record, Members who attend in person will be asked to sign their names on an attendance sheet. Members attending remotely will be automatically recorded on the system.

8.3 Exclusion of the Public

Members of the public and media may only be excluded from the meeting either in accordance with the access to information procedure rules in this Constitution or by the procedural standing order relating to disturbance by Members of the public.

Standing Order 9: Members Conduct

9.1 Respect for the Mayor or Person Presiding

Whenever the Presiding Member or person chairing indicates that he or she wishes to speak during a debate the rest of the Council shall be silent and seated.

9.2 Member Discipline

If a Member persistently disregards the ruling of the Presiding Member or person chairing by behaving improperly or offensively or deliberately obstructs the business of the Council, the Presiding Member or person chairing may move that the Member shall not be heard further. If seconded, the motion will be voted upon without discussion.

9.3 Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Presiding Member or person chairing 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.

9.4 General Disturbance

If there is a general disturbance making ordinary business impossible, the Presiding Member or person chairing may adjourn the meeting for as long as he or she thinks fit.

Standing Order 10: Members Interests in Contracts and Other Matters

- a) If any Member of the City Council has any direct or indirect financial interest under the provisions of Sections 94 to 98 of the Local Government Act 1972 in any contract, proposed contract or other matter, the Member shall inform the meeting of that interest and withdraw from the meeting while the matter is under consideration unless:
 - b) The disability to discuss that matter imposed by the section has been removed by the Secretary of State under Section 97 (1) of the Act; or
 - c) The contract, proposed contract or other matter is under consideration by the Council as part of the report of the Cabinet or other appropriate body and is not itself the subject of debate; or
 - d) Dispensation to remain has been granted by the Standards Committee.
- e) Any Member of the Council who has a personal interest within the terms of the Council's Code of Conduct in any matter before the Council must declare that interest and act in any matter before the Council must declare that interest and act in accordance with the provisions of the Code.

- f) Any disclosure, withdrawal or dispensation under this rule shall be recorded in the minutes of the meeting.

Standing Order 11: Disturbance by the Public

- a) If a Member or Members of the public interrupt the meeting, the Presiding Member or person chairing will warn the people concerned. If they continue to interrupt, the Presiding Member or person chairing will order their removal from the meeting.
- b) If there is a general disturbance in any part of the meeting room open to the public, the Mayor or person presiding may call for that part to be cleared.

Standing Order 12: Photography and Audio Recordings of Meetings

- a) The Council shall determine whether or not to broadcast or webcast meetings of the Council or any committees for viewing via the Council's website.
- b) The filming, videoing, photographing or audio recording of a meeting shall not be permitted without the agreement of the Presiding Member or person chairing. The agreement of the Presiding Member or person chairing have been obtained and the Chief Executive notified by not later than one hour before the meeting.
- c) The Presiding Member or person chairing will announce at the commencement of the meeting any agreement to allow photography or audio recording of the meeting.

Standing Order 13: Electronic Communication and Social Media

- a) If these standing orders require that written notice is given in any circumstance, such notice will be accepted if received by e-mail or other forms of electronic mail within any specified deadline.
- b) The Council does not wish to prevent Members from the use of social media during meetings but Members are reminded that the code of conduct remains in force when social media is being used by elected Members.

Standing Order 14: Suspension and Amendment of Standing Orders

- a) Any of the standing orders set out in Standing Order 5 may be suspended whilst the meeting is in progress.
- b) Any motion to add to, vary or revoke these procedural standing orders, other than a motion to adopt a recommendation of the Cabinet or other Council body, will when proposed and seconded stand adjourned without discussion to be dealt with at the next ordinary meeting of the Council.

Standing Order 15: Authority of the Presiding Member of person chairing the meeting

The ruling of the Presiding Member or person chairing or the application of any of the standing orders shall be final and shall not be challenged by any Member at a meeting.

Section 2: Cabinet, Committees and Meetings with Cabinet Members

NB: Procedural standing orders (above) relating to the Council meeting apply to meetings of the Cabinet and Committees.

Standing Order 16: Appointments

- a) The Council will determine its democratic structures.
- b) The Chair of the Cabinet/Leader of the Council will be appointed by the Council. The Chair of the Cabinet/Leader of the Council shall appoint Cabinet Members and determine and allocate Cabinet portfolios.
- c) The Council shall make appointments to the Chairs in line with any requirements relating to proportionality and, where appropriate, deputy chairs of committees and/or other groups to be appointed; the terms of reference and any powers delegated to each, subject to any legislative requirements. The Chair and Deputy Chair of the Governance & Audit Committee is, however, to be determined by the Committee.
- d) The Council shall also determine the composition of each committee in line with any requirements relating to proportionality; and give effect to nominations by the political groups under political balance arrangements to the Council's Committees
- e) The Cabinet shall determine and make appointments to any Cabinet Sub Committee, determine the chair of any Cabinet Sub Committee and the terms of reference of any such committees. The Cabinet may withdraw or amend any powers delegated to a Cabinet Sub Committee at any time.
- f) No Member of the Cabinet, Committees or other groups shall be appointed so as to hold office later than the next annual meeting of the Council. In the case of the Standards Committee, no independent Member shall be appointed so as to hold office for more than two consecutive periods of four years.
- g) The Council may, at any time amend the membership of or delegation to Committees or other groups and may at any time withdraw any powers delegated in relation to non-executive functions.
- h) The Chair of the Cabinet/Leader of the Council may at any time amend the membership of the Cabinet and may at any time withdraw any powers delegated in relation to executive functions.
- i) In the event of a vacancy occurring in the membership of the Committees or other groups other than the Cabinet by resignation or other cause during the year an appointment shall be made by the Council to fill the vacancy during the next appropriate meeting of the Council.
- j) In the event of a vacancy occurring in the membership of the Cabinet by resignation or other cause during the year, the Chair of the Cabinet shall determine any appointment to the vacant post or any action to be taken for powers delegated to that Cabinet post to be undertaken.
- k) In the event of a vacancy occurring as to the Chair of the Cabinet/Leader of the Council by resignation or other cause during the year an appointment shall be made by the Council to fill the vacancy during the next appropriate meeting of the Council

Standing Order 17: Attendance by Non-Members

- a) Members who are not Members of the Cabinet, Committees or other groups shall be entitled to attend those meetings upon the invitation of the Chair and may speak upon specific issues but shall not be entitled to vote.
- b) The Council can decide how many people will serve on the Governance & Audit Committee and how many independent members will be appointed. At least one-third of the Governance & Audit committee must be independent members. Independent members of the Governance & Audit Committee shall have full voting rights.
- c) The appropriate ward Members shall be entitled to attend site inspections of the Planning Committee. Members of the public are allowed to attend and speak at meetings of the Planning and Licensing Committees and Sub Committees at appropriate times and in line with agreed protocols.
- d) The Council shall co-opt a representative of the Roman Catholic Church and the Church in Wales and two parent governors to the appropriate Scrutiny Committee with voting rights for education matters only. Should the appropriate Committee deal with matters other than education matters, the co-opted Members shall not be entitled to participate, other than at the invitation of the Committee.
- e) The Council shall appoint an independent Chair to its Standards Committee, a vice chair and a community council Member together with lay Members, with voting rights. The Standards Committee will operate in accordance with the regulations relating to Standards Committees.
- f) Any other co-opted or invited Members appointed to the Committees or other groups shall be entitled to speak on any item but will not be entitled to propose or second a motion or to vote upon any matter.
- g) Co-opted Members are subject to the provisions of these Standing Orders and to the Council's Code of Conduct.
- h) Where decisions are being taken by individual Cabinet Members, no other Member shall be entitled to attend, unless they have requested a private meeting as part of any consultation response.
- i) Members who are not Members of the Cabinet, Committees or other groups shall be entitled to attend and speak at those meetings upon the invitation of the Chair and may speak upon specific issues but shall not be entitled to vote. The Cabinet or Committee may agree for any Member to attend that part of the meeting that includes exempt or confidential information. Unless the Chair of the Cabinet or Committee agrees, the Member shall leave the meeting when the resolution to exclude the public is passed.

Standing Order 18: Special Meetings

Three Members of the Cabinet, any Committees or other group may require the Monitoring Officer to call a special meeting at any time to consider matters specified by them in writing unless a meeting is due to be held within the next five days. Such matters shall be set out in the agenda sent to Members, and no other business shall be considered at that meeting of the Cabinet, Committees or other groups.

Standing Order 19: Quorum

- a) Three elected Members shall constitute a quorum of the Cabinet, Committees or other groups. Co-opted, added or invited Members shall not be considered for this purpose.

- b) During any meeting, the Chairperson may count the number of Members present and if that number has fallen below the required quorum, the Chairperson may declare that there is not a quorum present and the meeting will be adjourned.

Standing Order 20: Pecuniary or Personal Interests

- a) Any Member who has a pecuniary interest in a matter which he or she is required by Section 94 of the Local Government Act 1972 to disclose shall withdraw from the meeting whilst the matter is under consideration unless the disability to discuss the matter has been removed by the Secretary of State or Standards Committee.
- b) Any Member, who has a non-pecuniary personal interest in any matter, shall disclose that interest in accordance with the provisions of the Council's Code of Conduct. The existence and nature of the interest must be declared at the commencement of the discussion or when the interest becomes apparent. If that personal interest is such that a Member of the public might reasonably conclude that it would significantly affect the Member's ability to act purely on the merits of the case and in the public interest if that Member were to take part in the discussion of that matter, the Member must also withdraw from consideration of the matter at that meeting unless granted a dispensation by the Council's Standards Committee.
- c) Involvement in the affairs of another public body or voluntary organisation etc. by a Member who has been appointed as a representative of the Council shall be regarded as a personal interest and should be disclosed. However, in such a case that Member may still speak but must not vote on the matter.
- d) In relation to a matter which a Cabinet Member has delegated authority to decide, the Member will have a personal interest if a Member of the public might reasonably perceive a conflict between the Member's role in taking that decision on behalf of the authority as a whole and the Member's role in representing the interests of constituents in the Member's ward. The Cabinet Member must disclose the existence and nature of the interest, and withdraw from involvement in the decision. Where a Cabinet Member has an interest, the matter shall be determined by the Chair of the Cabinet or, in the absence of the Chair, another Member of the Cabinet. The fact that such a declaration has been made must be included in the record of the decision.

Standing Order 21: Voting and Recording of Votes

21.1 Majority

Unless the constitution provides otherwise any matter will be decided by a simple majority of those Members present in the room and voting.

21.2 Chairperson's Casting Vote

If there are equal numbers of votes for and against, the person presiding will have a second or casting vote. The person presiding can only use a second or casting vote if he or she has participated in the original vote on any motion.

21.3 Method of Voting

Unless a recorded vote is demanded under these rules, the Chairperson will take the vote by a show of hands by those attending in person and an electronic vote by those participating remotely, or if there is no disagreement, by the consent of the meeting.

21.4 Recorded Vote

If five Members present at the meeting demand it, the names of those who vote for and against a motion or amendment or abstain from voting will be recorded in the minutes. A demand for a recorded vote may only be made before the vote is taken.

21.5 Right to Require Individual Votes be recorded

If, immediately after the vote is taken, a Member requests it, his/her vote will be recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

Standing Order 22: Urgent Matters

22.1 Urgent Decisions outside the Budget or Policy Framework

- a) The Cabinet or an individual Member of the Cabinet may take an executive decision, which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i. If it is not practical to convene a quorate meeting of the full Council;
 - ii. Having regard to advice from relevant officers, including the Monitoring Officer and Chief Financial Officer.
- b) The reasons why it is not practical to convene a quorate meeting of full Council must be noted on the record of the decision.
- c) Urgent decisions will be effective and implemented immediately and will not be subject to the "call-in" procedure.
- d) 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. This will also be included in the decision record.

22.2 Matters Too Urgent to Await the Next Meeting

- a) The Chairperson of the Cabinet/Leader of the Council is authorised to take decisions on matters which are too urgent to await the next meeting of the full Cabinet. In the absence of the Chairperson of the Cabinet/Leader, the Deputy Leader shall be authorised to take urgent decisions.
- b) The individual Cabinet Members are authorised to take decisions in accordance with their Scheme of Delegation on matters. In the absence of the individual Cabinet Member, the Leader of the Cabinet shall be authorised to take urgent decisions.
- c) Urgent decisions will be effective and implemented immediately and will not be subject to the "call-in" procedure.
- d) The reasons why the matter was considered to be too urgent to await the next meeting must be noted on the record of the decision and, where appropriate, the record must also note that the decision was taken in the absence of consultation.
- e) Following the decision, the decision taker will provide a full report to the next appropriate meeting of the Governance & Audit Committee explaining why the decision was treated as a matter of urgency.

22.3 Matters Too Urgent to Await the "Call-In" Procedure

- a) Where an executive decision made by the Cabinet or an individual Cabinet Member at a formal meeting needs to be implemented urgently and cannot reasonably be deferred, the decision will be effective and implemented immediately and will not be subject to the "call-in" procedure
- b) The reasons why the matter was considered to be too urgent to await the "Call-in" procedure must be noted on the record of the decision.
- c) Following the decision, the decision-taker will provide a full report to the next appropriate meeting of the Governance & Audit Committee explaining why the decision needed to be implemented urgently and could not reasonably be deferred.

22.4 Regulatory Committees

- a) In the case of non-executive functions, the Chief Executive and other Chief Officers are authorised to make decisions, after consultation with the Chairperson or (in the absence of the Chair) any appointed Deputy Chairperson of the relevant regulatory committee, on matters which are too urgent to await the next formal meeting of the committee. In the absence of the Chairperson and Deputy, the most senior Member of the majority party serving on the committee shall be consulted.
- b) The reasons why the matter was considered to be too urgent to await the next meeting of the committee must be noted on the record of the decision.
- c) Following the decision, the decision-taker will provide a full report to the next appropriate meeting of the Governance & Audit Committee explaining why the decision was treated as a matter of urgency.

Standing Order 23: Suspension of Standing Orders

Standing Orders may be suspended if agreed by the Cabinet or by an officer in consultation with Cabinet Members in matters of urgency. Any suspension of Standing Orders must be reported to the Governance & Audit Committee to ensure safeguards against any possible misuse of this provision.

Standing Order 24: Reports to the Cabinet, Cabinet Members and Committees

- a) Each report to Council, the Cabinet, Cabinet Members, committees or other groups shall comply with corporate report writing standards, as approved by the Council, and be written using the approved template with all sections completed.
- b) All reports shall contain the views of the Monitoring Officer and the Head of Finance and the Head of People Policy & Transformation, together with the views of other relevant professional advisors.
- c) Where a report affects a single or two wards, the local Ward Members must be consulted and invited to comment.
- d) Reports to Cabinet must be cleared with the relevant Cabinet Member before it is included on any agenda.

Standing Order 25: Call-In Mechanism

Decisions by the Cabinet or by individual Cabinet Members are subject to the Council's adopted 'Call in' mechanism. The call-in mechanism is described in detail in the Council's Constitution.

Standing Order 26: Notice, Summons, Decisions and Dates of Meetings

- a) Notice to the public of the time and place of any meeting shall be given in accordance with the access to information procedure rules and the Council's Arrangements for Multi-location meetings..
- b) At least 3 working days before a meeting, the Head of Democratic Services or his or her representative will, wherever possible, send a summons by electronic mail to every Member of the Cabinet, Committee or other group. This requirement does not apply to occasions upon which individual Cabinet Members take decisions.
- c) The Council's website will provide information and access to relevant documents to the press and public at least three working days before a meeting
- d) Clear days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional days following a bank holiday
- e) The summons will give the date, time and place of each meeting and will set out the business to be transacted at the meeting.
- f) Decisions taken by the Cabinet or an individual Cabinet Member shall be published as soon as possible and normally within three working days of the decision(s) being taken.
- g) Dates of meetings of the Council, the Cabinet, Committees or other groups shall appear in the Council's Schedule of Meetings. Other non-executive groups shall meet as required. The Chairperson of the Cabinet or of any committee are authorised to cancel or change the scheduled date of a meeting in exceptional circumstances.
- h) Decision-making by individual Cabinet Members may take place at any time, without the requirement for any formal meeting. In the case of the Cabinet, committees or other groups, at least three days' notice of meeting must be given. Decision schedules must be issued in the normal manner for any meeting involving the taking of decisions.
- i) If these Standing Orders require that written notice is given in any circumstance, such notice will be accepted if received by e-mail or other form of electronic mail within any specified deadline.

Standing Order 27: Staff

All grading and structure proposals and recommendations to the Council for additional staff shall be undertaken in accordance with Scheme of Delegation, as agreed by Council, and set out in the Constitution.

Standing Order 28: Financial Estimates

- a) Each year, each Head of Service in consultation with the appropriate Cabinet Member shall prepare capital and revenue estimates for collation by the Head of Finance and submission to the Leader for recommendation to the Cabinet.

- b) The Cabinet shall consider the aggregate effect of these programmes and estimates on the Council's financial resources. After making such amendments, as they consider necessary they shall submit their budget proposals to the Council for approval with a recommendation as to the level of local tax.

Standing Order 29: Capital Expenditure

Before considering any proposal involving capital expenditure, every Head of Service or appropriate Cabinet Member, shall receive a project appraisal report in writing from the appropriate officer setting out full details of the proposed expenditure and including a complete financial appraisal of the scheme, incorporating the views of the Head of Finance.

Standing Order 30: Absence of Cabinet Member or Chairpersons and Deputy Chairpersons

- a) Where delegated powers have been allocated to individual Cabinet Members, in the absence of that Cabinet Member, the Leader or a Cabinet Member nominated by the Leader will take the decision.
- b) In the absence of the Leader at a meeting of the Cabinet, the Deputy Leader (or if there is no deputy leader, a Cabinet Member nominated by the Leader) shall Chair the meeting. In the absence of the Leader and Deputy Leader, the Chair shall be taken by a Member of the Cabinet as elected by a simple majority ballot
- c) In the absence of any Cabinet Member at a meeting of the Cabinet no substitute or deputy shall be nominated.
- d) In the case of committees and other groups, in the absence of the Chair at a meeting of the Committee or group, the Deputy Chair shall Chair the meeting. In the absence of the Chair and Deputy or if no deputy has been appointed, the Chair shall be taken by a Member of the committee as elected by a simple majority of votes cast.

Standing Order 31: Joint Meetings

- a) Where a matter crosses the portfolio areas of two or more Cabinet Members, the matter may be dealt with jointly provided agreement to a joint decision is reached. If there is no agreement, the matter shall be passed to the Cabinet for decision.
- b) Where any joint meeting of committees is convened, the first item of business of any joint meeting shall be to appoint a chairperson of the meeting.

Standing Order 32: Policy Matters

No change in the Policy Framework as set out in the Constitution and previously adopted by the Council shall be made without a written report to the Council.

Any proposed changes to the Policy Framework will be determined by the Council.

Standing Order 33: Smoking

Smoking shall not be permitted at any meetings

Standing Order 34: Photography and Audio Recordings of Meetings

- a) The filming, videoing, photographing or audio recording of a meeting shall not be permitted without the agreement of the chairperson of the meeting concerned. The chairpersons agreement must have been obtained and the Chief Executive notified by not later than one hour before the meeting.
- b) The chairperson will announce at the commencement of the meeting any agreement to allow photography or audio recording of the meeting.
- c) The Council will determine if any meeting shall be web casted or made available in any form on the Council's website or the internet.
- d) No filming, video recording, photography, audio recording, or webcasting will take place when exempt or confidential items are being considered by the Council or any of its committees or other groups.

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Constitution



Part 4: Rules of Procedure

1. Access to Information Procedure Rules

1.1 Scope

These rules apply to all meetings of the Council, the Cabinet and all other committees.

1.2 Additional Rights to Information

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

1.3 Rights to Attend Meetings

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

To ensure responsibility and accountability for decision-taking is not compromised, where a decision is being taken by an individual cabinet member, access to the meeting is restricted to the decision-taker(s). No other elected member, member of the public or representative of any other organisation shall be present.

As set out in Schedule 1 of the Local Government Act 2000, a Councillor who is not a member of the Executive is entitled to attend and speak at a meeting of the executive or a sub group of the executive held in public or private only when invited to do so.

1.4 Notices of Meeting

The Council will give at least three clear day's notice of any meeting by posting details of the meeting at the Civic Centre and/or on the Council's website. This requirement does not apply to meetings where decisions are to be taken by individual cabinet members or an officer.

Working / clear days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional holidays following a bank holiday.

1.5 Access to Agenda and Reports before the Meeting

The Council will make copies of the agenda and reports for meetings of the Council; Cabinet; Scrutiny Committees; the Audit Committee; the Democratic Services Committee and regulatory committees available for inspection on the Council's website at least three clear days before the meeting. On request, the papers will also be made available at the designated office.

If an item is added to the agenda, the report will be made available as soon as possible.

1.6 Supply of Copies

Public documents considered by the Council; Cabinet; Scrutiny Committees; the Audit Committee; the Democratic Services Committee and regulatory committees will be available via the Council's website.

The Council will supply copies of:

- any agenda and reports which are open to public inspection;
- any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- if the Proper Officer thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

1.7 Access to Minutes, etc. after the Meeting

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

- The minutes of the meeting or record of decisions taken by the Cabinet or cabinet member 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;
- 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;
- The agenda for the meeting; and reports relating to items when the meeting was open to the public;
- Background papers will be available for inspection for four years following a decision.

1.8 List of Background Papers

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

- disclose any facts or matters on which the report or an important part of the report is based, and
- which have been relied on to a material extent in preparing the report,
- but does not include published works or those which disclose exempt or confidential information (as defined in Rule 1.10.5).

1.9 Exclusion of Access by the Public to Meetings

1.9.1 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 the law and these Procedure Rules. Should the Cabinet hold informal deliberations in private, with or without officers present, these meetings shall not take decisions.

1.9.2 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. Confidential Information means (though not exclusively) information which is exempt under Part II of the Freedom of Information Act 2000, the Local Government Act 1972 or any other relevant legislation.

1.9.3 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.

1.9.4 Meaning of exempt information

Exempt information means information falling within the following 15 categories (subject to any condition):

Category	Condition
1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
2. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, a Magistrates' Court Committee or Probation Committee	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
3. Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
4. Information relating to any particular applicant for, or recipient or former recipient of any service provided by the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
5. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated
6. Information relating to the adoption, care, fostering or education of any particular child	Child means a person under 18 and anyone who is 18 and is still registered as a school pupil, or is the subject of a care order, within the meaning of Section 31 Children Act 1989
7. Information relating to the financial or business affairs of any particular person (other than the authority)	Information within paragraph 7 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services	Information within paragraph 8 is only exempt if, and for so long as, disclosure of the amount involved would be likely to give an advantage to a person entering into or seeking to enter into a contract with the authority in respect of the advantage would arise as against the authority or as against other such persons.

Category	Condition
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services	Information within paragraph 9 is only exempt if, and for so long as, disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning that property or those goods or services. (The disposal of property includes granting an interest in or right over it)
10. The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as the person offering any particular tender for a contract for the supply of goods or services	For the purposes of this paragraph “tender” includes a DLO/DSO written bid
11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority	Information within paragraph 11 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter “Labour relations matters” are as specified in paragraphs (a) to (g) of Section 29(1) of the Trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute
12. Any Instructions to counsel and any opinion of Council (whether or not in connection with any proceedings), and any advice received, information obtained or action to be taken in connection with: (a) any legal proceedings by or against the authority; or (b) the determination of any matter affecting the authority; whether, in either case, proceedings have been commenced or are in contemplation.	
13. Information which, if disclosed to the public, would reveal 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	Information within paragraph 13 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made
14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	
15. The identity of a protected informant	A “protected informant” means a person giving the authority information which tends to show that (a) a criminal offence; (b) a breach of statutory duty; (c) a breach of planning control; or (d) a nuisance, has been, or is being, or is about to be committed

Information falling within any of paragraphs 1-15 is not exempt by virtue of that paragraph if it relates to a proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

1.10 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, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication".

1.11 The Forward Work Programme

1.11.1 Period of forward work programme

A Forward Work Programme will be prepared by the Chief Executive.

The Work Programme may be added to as the programme progresses and the Council; Cabinet; Scrutiny Committees; the Audit Committee; the Democratic Services Committee and regulatory committees will consider other items not included in the Work Programme.

The Forward Work Programme will contain matters which the Executive, Overview & Scrutiny Committees and full Council are likely to consider.

The work programmes will be available to the public by way of the Council's website and from the designated office.

1.12 Consultation on Proposals to be considered by the Executive

The Cabinet or individual cabinet members acting under the Scheme of Delegation shall carry out proper consultation in relation to the exercise of their executive functions and have regard to the outcome of that consultation when reaching their decision. The record of the decision shall state the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

The Cabinet and cabinet members shall, as a minimum requirement, have regard to and shall comply with all relevant statutory provisions or guidance governing consultation or other non-statutory guidance adopted by the Council. The Monitoring Officer and Chief Financial Officer must be consulted on all reports requiring a decision. Where staffing implications arise, the Head of HR and Policy must be consulted.

Where a decision affects up to two wards, the individual ward members must be specifically consulted.

The relevant Scrutiny Committee shall be consulted in relation to any item included in the Policy Framework. The Cabinet and cabinet members shall also carry out such other consultation, as they consider appropriate having regard to the nature and effect of the decision.

The cabinet member may also decide to consult all members of the Council prior to a decision if he or she thinks fit. He or she may respond to any written representations in writing or by way of a meeting, as determined by the Cabinet member. Any representations received in this manner will be referred to in the report or schedule of decisions.

Reports to cabinet or Cabinet members shall be prepared on the Council's agreed report template(s) with all sections completed prior to submission for decisions.

1.13 Urgent Decisions

A matter may be considered urgent where a decision is required which does not allow time for consultation as required and/or where time is not allowed for the 'Call-in' process.

A decision can only be treated as urgent if the decision-taker (if an individual) or the chair of the body making the decision reports the reason for urgency to the relevant Scrutiny Committee or the Audit Committee in accordance with Standing Orders and the taking of the decision cannot or could not

reasonably be deferred. The decision record must show that the decision has been taken urgently and has not been subject to consultation. The decision record should also show whether the decision is subject to the 'Call-in' process.

1.14 Record of Decisions of the Cabinet

1.14.1 The decision record

- a) A record will be made of every decision made by the Cabinet and its committees (if any) and individual cabinet members, and of joint committees and joint sub-committees whose members are all members of a local authority Executive. Records of decisions will be available on the Council's website and available for inspection at the Civic Centre.
- b) This decision record will include a statement, for each decision, of:
 - the decision made
 - the date the decision was made
 - the reasons for that decision;
 - any personal interest declared;
 - any dispensation to speak granted by the authority's Standards Committee;
 - the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

1.14.2 Preparing the decision record

- a) The Democratic Services Manager or his or her representative shall attend any meeting of the Cabinet, any meeting of an individual cabinet member where the individual Cabinet Member intends to take any decisions, 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. Normally this will be within two working days of the decision being taken.
- b) Where an individual Cabinet Member makes a decision under delegated powers this shall be exercised in the presence of the Senior Democratic Services Officer or his/her representative. Signed copies of proposed decisions made at such meetings shall be retained and records of decisions shall be circulated and made available on the Council's website as soon as possible after the meeting, generally within two working days. The Decision Schedule shall clearly show the final date for Call-in and the date of implementation. This will allow for the Call-in mechanism under Standing Orders to be instigated. On the date indicated, any proposed decision not the subject of the Call-in procedure shall become operative.
- c) Where the date by which a Cabinet decision made by an individual member must be implemented makes compliance with the above procedure impracticable, the decision may be implemented immediately if the decision-maker reports the reasons to the relevant Scrutiny Committee, that the making of the decision is urgent and cannot reasonably be deferred in accordance with Standing Orders.
- d) A decision shall not be implemented until a decision record has been produced, unless a decision has been taken urgently in compliance with Standing Orders.

1.15 Scrutiny Committee Members' Access to Documents

1.15.1 Rights of access and limitations of access

Any Scrutiny Committee will be entitled to electronic access to any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

- any business transacted at a meeting of the Cabinet or its committees or
- any decision taken by an individual member of the Cabinet;

Except where any part of a document contains:

- confidential or exempt information or
- 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.

1.16 Additional Rights of Access for Members

1.16.1 Rights of access

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet and contains material relating to any business transacted at a meeting of a decision-making body of that authority or by an individual member of the Cabinet, except where:

- it would disclose confidential or exempt information as described in these rules, or
- it would disclose advice of a political advisor or assistant.

1.16.2 Nature of rights

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

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Constitution

Part 4: Rules of Procedure

2. Budget and Policy Framework Procedure Rules

2.1 General

The Council will be responsible for the adoption of its Policy Framework and Budget as set out in this Constitution. The Policy Framework and Budget documents shall be proposed by the Cabinet. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet or its individual members or officers to implement it.

2.2 Process for Developing the Policy Framework and Budget

The Policy Framework and Budget shall be prepared by the Cabinet for formal adoption by the Council. Although the Cabinet will propose it, there is a role for Scrutiny Committees in the development of the Budget and Policy Framework, which will eventually be adopted by the Authority.

The process by which the Policy Framework and Budget shall be developed is:

- a) The Cabinet will agree and include in its work programme a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget or Policy Framework. The timetable will allow for the budget proposals to be presented to Scrutiny Committees as part of the consultation process.
- b) At the end of the consultation period, the Chair of the Cabinet will then draw up firm proposals for presentation to the cabinet, having regard to the responses to consultation. The relevant Scrutiny Committee shall be consulted in relation to any item included in the Policy Framework or budget proposals. The Cabinet and cabinet members shall also carry out such other consultation, as they consider appropriate having regard to the nature and effect of the decision. If a relevant Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- c) Once the Cabinet has approved the firm proposals, they shall be referred at the earliest opportunity to the Council for decision.
- d) In approving the Budget and Policy Framework, the Council will also specify the extent of any change to approved virement within the budget and degree of in-year changes to the Policy Framework which may be undertaken by the Executive. Any other changes to the Policy and Budgetary Framework are reserved to the Council.

2.3 Process for developing the Budget

- a) Having received the Cabinet's firm proposals, and in reaching a decision, the Council may adopt the Cabinet's proposals, amend them, or substitute its own proposals in their place. The decision shall then be made public.

- b) Any member exercising their right to make amendments or substitute their own proposals to the Cabinet's proposals can only be considered if notice of the proposed amendment has been given to the Proper Officer in writing and signed by the proposer and seconder not later than 5.00pm at least 5 clear days before the date of the Council meeting.
- c) Any proposed amendment by a Member of the Council to the proposals of the Cabinet made in accordance with the above shall only be accepted and submitted to full Council for consideration if in the opinion of the Proper Officer (in consultation with advice sought from the Monitoring Officer and s151 Officer) it is deemed to be:
 - Legal, including the requirement to maintain/achieve a balanced budget.
 - Within the competence of the Council.
 - Financially robust.

Members should discuss any proposed changes and amendments with appropriate officers but always including the Council's s151 and Monitoring officers at the earliest opportunity.

2.4 Process for developing other Policy Frameworks

- a) The Council's decision will be publicised, and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately if the Council accepts the Cabinet's proposals without amendment or if the Cabinet's proposals are not accepted without amendment, that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- b) If the Leader objects to the decision of the Council, he/she shall give written notice to the Chief Executive to that effect, prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- c) The Council meeting must take place within 10 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
- d) The Council shall, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Section 2.4 (a) and shall be implemented immediately.

2.5 Decisions outside of the Budget or Policy Framework

- a) Subject to the provisions relating to virement, the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer, or joint arrangements discharging Cabinet functions may only take decisions that are in line with the Budget and Policy Framework.
- b) If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken by the Council, subject to 2.4 below.
- c) If the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer, or joint arrangements discharging Cabinet functions want to make a decision and there is any concern that the proposed decision is outside the Policy Framework or the agreed Budget, the Monitoring Officer will conclude whether the decision would be

contrary to the Policy Framework. The Chief Financial Officer, in consultation with the Monitoring Officer will conclude whether a decision would be contrary to or not wholly in accordance with the Budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 2.4 (urgent decisions outside the Budget and Policy Framework) shall apply.

2.6 Urgent decisions outside the Budget or Policy Framework

- a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet, officer, or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken in accordance with Standing Orders:
 - if it is not practical to convene a quorate meeting of the full Council; and
 - if the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency; and
 - having regard to advice from relevant officers, including the Monitoring Officer and Chief Financial Officer.
- b) The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chair of the relevant Scrutiny Committee must be noted on the record of the decision. In the absence of the Chair of a relevant Scrutiny Committee the consent of the Chair of another Scrutiny Committee 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.

2.7 Limits on decisions on Virement

Action taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, an officer, or joint arrangements discharging Cabinet functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads as follows:

Limits	Action By
Within Service Budgets -Up to an aggregate total of £50,000 or 5% per annum of the Objective Analysis as set out in the Budget Book (whichever is the lower)	Chief Officer after appropriate consultation
Within Service Budgets -Up to an aggregate total of £100,000 or 10% per annum of the Objective Analysis as set out in the Budget Book (whichever is the lower)	Cabinet Member following receipt of a report containing the comments of the Chief Financial Officer
An aggregate total of £100,000 to £250,000 or 15% per annum of the Objective Analysis as set out in the Budget Book (whichever is the lower)	Cabinet
Over £250,000	Council

2.8 In-year changes to Policy Framework

Changes to any policy and strategy that make up the Policy Framework can only be made by the Council, except those changes:

- a) necessary to ensure compliance with the Law, ministerial direction or government guidance;
- b) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

2.7 Call-in of decisions outside the Budget or Policy Framework

The Call-in procedure described in this Constitution will apply (subject to the urgency provisions of Standing Orders).

2.8 How does the Cabinet operate?

2.8.1 Who may make Cabinet decisions?

The arrangements for the discharge of Cabinet functions are set out in the Cabinet arrangements and Scheme of Delegation adopted as part of this Constitution by the Council. The arrangements may provide for Cabinet functions to be discharged by:

- a) the Cabinet as a whole;
- b) a committee of the Cabinet if any are appointed;
- c) an individual member of the Cabinet;
- d) an officer;
- e) joint arrangements; or
- f) another local authority.

2.8.2 Conflicts of Interest

- a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- b) If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- c) If the exercise of a Cabinet function has been delegated to a committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised by the another member of the Cabinet without an interest or by the full Cabinet as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

2.8.3 Cabinet meetings - when and where?

The Cabinet will meet at least at least six times per year at times and locations to be agreed by the Leader.

2.8.4. Public or private meetings of the Cabinet?

The Cabinet meeting will be held in public, subject to consideration of confidential or exempt information, as described in the Access to Information provisions.

The Cabinet reserves the right to meet in private although no decisions will be taken at a private meeting.

2.8.5 Quorum

The quorum for a meeting of the Cabinet shall be 3 including the Leader or person nominated by him/her to deputise in his/her absence. The quorum for any Cabinet committee shall be 3.

2.8.6 How are decisions to be taken by the Cabinet?

- a) Decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution. Any vote shall be decided by a show of hands.
- b) Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2.9 How Are The Cabinet Meetings Conducted?

2.9.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then the Cabinet Member nominated by the Leader to deputise for him/her will preside. In the absence of Cabinet Member nominated to deputise, the Chair is taken by a member elected by a majority vote.

2.9.2 Proportionality

Rules relating to proportionality do not apply to the composition of the Cabinet.

2.9.3 Who may attend?

The Cabinet meeting will be held in public. Members of the public may attend all meetings subject only to the exceptions in the rules governing access to information.

The Cabinet may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with these procedure rules.

As set out in Schedule 1 of the Local Government Act 2000, a member of the Council who is not a member of the Executive is entitled to attend and speak at a meeting of the executive or a sub group of the executive held in private only when invited to do so.

2.9.4 What business?

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

- a) consideration of the minutes of the last meeting;
- b) declarations of interest, if any;
- c) matters referred to the Cabinet (whether by an 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;
- d) consideration of reports from Scrutiny Committees; and
- e) matters set out in the agenda for the meeting.

2.9.5 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation.

Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration. The Cabinet and Cabinet Members shall, as a minimum requirement, have regard to and shall comply with all relevant statutory provisions or guidance governing consultation or other non-statutory guidance adopted by the Council.

Where a decision affects up to two wards, the individual ward members shall also be specifically consulted.

2.9.6 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for the meetings of and the agenda for the Cabinet.

The Democratic Services Manager will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the full Council has resolved that an item be considered by the Cabinet.

Where a Scrutiny Committee has requested the Cabinet to consider a specific item, the Leader will consider it for inclusion on the agenda for the next meeting of the Cabinet. If the item is not considered within three months, the Committee may then ask the Council to resolve the matter must be considered by the Cabinet.

Any member of the Council may ask the Leader to put an item which falls within the proper remit of the Cabinet on the agenda of a Cabinet meeting for consideration, and if the Leader agrees, the item will be considered at a meeting of the Cabinet at a time determined by the Leader but within 6 months of the request. In these cases, the notice of the meeting will give the name of the councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to one such item per Cabinet meeting. If the Leader concludes that the request should not be acceded to, the Leader shall provide reasons in writing to the elected member.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require 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.

Constitution

Part 4: Rules of Procedure

3. Overview and Scrutiny Procedure Rules

3.1 What will be the number and arrangements for Scrutiny Committees?

The Council will determine arrangements for Scrutiny Committees as set out in the Articles of this Constitution and will appoint to them, as it considers appropriate from time to time.

A maximum of eight Scrutiny Committees will be appointed.

Scrutiny Committees will comprise a maximum of 10 elected members.

3.2 Who may sit on Scrutiny Committees?

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

The Committees will be subject to proportionality and will include members of all political groups in accordance with the Local Government and Housing Act 1989 and Regulations made thereunder or subsequent relevant legislation.

3.3 Co-optees

Each Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees. Any Committee may also call individuals or organisations to provide evidence or information to the Committee.

Where a Committee considers 'Part 2' items containing confidential or exempt information, co-optees shall not be entitled to receive such reports or attend the meeting whilst such items are being discussed, unless agreed by the Committee. This shall not apply to the voting education representatives set out in 3.4 below. All Co-opted members shall be governed by the rules set out in the Members' Code of Conduct and should sign to confirm their acceptance of these conditions.

3.4 Education representatives

Each relevant Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

- 1 Church in Wales representative;
- 1 Roman Catholic Church representative;
- 2 parent governor representatives

A relevant Scrutiny Committee in this paragraph is a Scrutiny Committee of a local education authority, where the Committee's functions relate wholly or in part to any education functions that are the responsibility of the authority's Cabinet. If the Scrutiny Committee deals with other matters, these representatives shall not be entitled to receive reports, other than as a member of the public, shall not vote on those other matters and may only attend as co-opted members of the Committee for discussion of those other matters if invited to do so.

3.5 Meetings of the Scrutiny Committees

The Council shall determine the number of ordinary meetings but there shall normally be at least six ordinary meetings of each Scrutiny Committee in each year.

Timings and locations of meeting are to be determined by the Council, although the Council may delegate the decision on timings and locations to individual Committees to determine

In addition, extraordinary meetings may be called from time to time as and when appropriate, as determined by the Chair of the Committee.

3.6 Quorum

The quorum for any Scrutiny Committee shall be 3.

3.7 Who chairs Scrutiny Committee meetings?

The Council will appoint Chairs of the Scrutiny Committees. The Chairs of the Committees shall be allocated in accordance with the requirements of the Local Government (Wales) Measure 2011. Proportionality will apply.

In the absence of the Chair, the chair shall be taken by a member of the Committee as elected by the Committee by simple majority ballot.

3.8 Work programme

The Scrutiny Committees will be responsible for setting the work programme.

3.9 Agenda items

Any member of a Scrutiny Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for, and be discussed at, a meeting of the Committee.

On receipt of such a request the Senior Overview and Scrutiny Officer will ensure that reference to the request is made on the next agenda for the meeting of the appropriate Committee where it will be considered for inclusion in the work programme.

The Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Council and the Cabinet or individual Cabinet Members to review particular areas of Council activity.

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

3.9 Policy review and development

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

As to matters not forming part of the Council's Budget and Policy Framework, Scrutiny Committees may make proposals to the Executive in relation to matters within their terms of reference or as commissioned by the Cabinet or Cabinet Member.

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

3.10 Reports from Scrutiny Committees

Once it has formed recommendations on proposals for development, the Scrutiny Committee will prepare a formal report and submit it for consideration by the Cabinet or individual Cabinet Member (if the proposals are consistent with the existing Budget and Policy Framework), or to the Cabinet for onward recommendation to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

If any Scrutiny Committee cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

3.11 Making sure that Overview and Scrutiny reports are considered by the Cabinet

Once a Scrutiny Committee report on any matter which is the responsibility of the Cabinet or Cabinet Member has been completed, it shall be considered by the Leader for inclusion on the agenda of the next available meeting of the Cabinet or will be considered by the Cabinet Member. If for any reason the Cabinet or Cabinet Member does not consider the Scrutiny report within 3 months then the matter may be referred to Council for review. The Council may consider the report and make a recommendation to the Cabinet or Cabinet Member.

Only one report every three months may be submitted by each Scrutiny Committee for consideration for inclusion on the Cabinet agenda to the Cabinet on items instigated by the Scrutiny Committees.

The Cabinet's Forward Work Programme for decision will need to take account of the need for consultation. Scrutiny Committees must be consulted on policy framework documents and as part of the budget making process.

3.12 Members and officers giving account

Any Scrutiny 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 request the Cabinet Member or decision maker , Head of Paid Service and/or any chief officer to attend before it to explain in relation to matters within their remit:

- any particular decision or series of decisions; and/or
- the extent to which the actions taken implement Council policy; and/or
- outcomes of decisions;

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

Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chair of that Committee will inform the Senior Overview and Scrutiny Officer. The Senior Overview and Scrutiny Officer shall inform the member or officer in writing giving at least 5 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where the member or officer is unable to attend on the required date, the Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

3.13 Attendance by others

A Scrutiny Committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance in such circumstances is optional.

3.14 Call-in

- i. When the Cabinet or an individual member of the Cabinet makes a decision, the decision shall be published as soon as possible after the meeting and normally within 2 working days of the decision being made. The Proper Officer shall prepare a Decision Schedule with signed copies of all proposed decisions made by the Cabinet or an individual member of the Cabinet at each meeting. This Decision Schedule shall be available for inspection at the Civic Centre and copies shall be circulated to all members of the Council within the same timescale.
- ii. The Decision Schedule will bear the date on which it is published and will specify that the decisions will come into force, and may then be implemented, on the expiry of five working days after the date of publication, unless a decision is called-in (or unless it is an urgent item implemented immediately in accordance with Standing Orders).
- iii. During this period, any single member of the Council who is not a member of the Cabinet may request that a proposed decision be called-in by the relevant Scrutiny Committee. A decision may only be called-in on the following grounds:
 - a belief that the proposed decision is contrary to the Policy Framework or Budget, or falls outside the functions of the Cabinet;
 - a belief that the Cabinet or individual Cabinet Member has failed to follow agreed procedures on consultation (as provided in the Constitution) before reaching their decision;

- a belief that the Cabinet or individual Cabinet Member has not followed, or has failed to take account of, any legal obligations, including regulatory or statutory guidance governing the Council's actions, or other guidance adopted by the Council.
- iv. A decision cannot be called-in on the grounds that a member of the Council disagrees with the merits of a proposed decision. The call-in procedure should only be implemented where there are genuine and serious grounds for doing so.
 - v. To instigate the call-in procedure, the individual member shall complete the relevant pro-forma, clearly setting out the grounds and reasons for the call-in and shall submit the form to the Head of Law and Standards. Upon receipt of a properly constituted request for call-in, the Head of Law and Standards shall immediately circulate a copy of the request to the Chair of the relevant Scrutiny Committee and shall advise the Cabinet Member or the Leader of the Cabinet that the proposed decision shall be suspended pending the determination of the call-in procedure.
 - vi. The Head of Law and Standards, as Monitoring Officer, shall determine as soon as possible whether the request for call-in is valid. In the case of a request for call-in on the grounds that the proposed decision is contrary to the Budget, the Monitoring Officer shall, where appropriate, consult with the Head of Finance, as the Council's Section 151 Officer, before reaching his decision. If the Monitoring Officer decides that the request is not valid because there are no sustainable grounds for call-in, he shall immediately advise the member who made the request, the Chair of the relevant Scrutiny Committee and the Cabinet Member or the Leader of the Cabinet. The decision will then become effective and may be implemented immediately.
 - vii. If the Monitoring Officer decides that the request is valid and there are sustainable grounds for call-in, the matter will be referred to the next meeting of the relevant Scrutiny Committee for consideration.
 - viii. The following procedure shall be adopted at the Scrutiny Committee for considering a proposed decision which has been validly called-in: -
 - a. The Head of Law and Standards shall obtain and circulate copies of the relevant report(s) to the Cabinet or individual Cabinet Member, together with copies of all relevant background documents, in accordance with the Access to Information Procedures set out in Part 4 of the Constitution. The Part 1 reports and documents will be circulated to the members of the Scrutiny Committee and the member requesting the call-in, and will also be available to the press and public. However, Part 2 reports and confidential background documents will only be circulated to the members of the Scrutiny Committee and the member requesting the call-in.
 - b. The Cabinet Member or the Leader of the Cabinet (or his nominee) shall be entitled to attend the meeting of the Scrutiny Committee to make representations regarding the proposed decision. The member requesting the call-in shall also be entitled to attend the meeting to make representations regarding the grounds and reasons for the call-in.
 - c. The Local Government (Access to Information) Act will apply to the meetings. Therefore, all members (whether or not they have submitted any request for call-in), members of the press and public are entitled to attend as observers throughout the proceedings under Part 1 of the Agenda. However, only those members who have requested that a proposed decision be called-in shall be entitled to speak on that particular matter.
 - d. At the end of Part 1 of the Agenda, the Scrutiny Committee should consider and pass (as appropriate) the necessary Resolution to exclude the press and public because of the "exempt" confidential information contained in the Part 2 reports. At this stage, all other members should also leave the meeting, except the member who has requested that the particular proposal be called in. (If other members have challenged other items on the Part 2

Agenda, they will be asked to leave the meeting at this stage until the Scrutiny Committee are ready to consider their particular matter).

- e. Although the proceedings should be kept as informal as possible, a logical and ordered approach should be maintained in order to ensure a fair and impartial hearing. It is suggested that the following procedure should be adopted: -

Opening Remarks:

- f. The Chair of the Scrutiny Committee introduces the item on the Agenda and ensures that the member requesting the call-in and the Cabinet Member or Leader of the Cabinet (or nominee) understand the procedure to be followed.

The Case for the Cabinet/Cabinet Member:

- g. The Leader of the Cabinet (or nominee) or Cabinet Member puts the case for the proposed decision, going through written reports, explaining reasons for the decision and referring to any relevant background documents.
- h. The Member requesting the call-in may then ask any questions.
- i. The Scrutiny Committee may then ask any questions.

The Case for the Call-in

- j. The Member requesting a call-in is puts forward the case for reviewing the proposed decision, explaining the grounds and reasons.
- k. The Leader of the Cabinet (or nominee) or Cabinet Member may then ask questions.
- l. The Scrutiny Committee may then ask questions.

Closing Statements:

- m. A summing-up by the Leader of the Cabinet (or nominee) or Cabinet Member
- n. A summing-up by the member requesting the call-in

Decision:

- o. For confidential matters listed in Part 2 of the Agenda, it may be appropriate to ask the Leader of the Cabinet (or nominee) or Cabinet Member and the member requesting the call-in to withdraw from the meeting at this stage, while the Scrutiny Committee deliberates and arrives at a decision.
- p. For non-confidential Part 1 matters, the Leader of the Cabinet (or nominee) or Cabinet Member and the member requesting the call-in are entitled to remain in the meeting, together with the press and public, while the Scrutiny Committee deliberates and arrives at a decision. However, they are not entitled to participate in the debate or speak or vote on any item.
- q. The Decision is arrived at by simple majority of votes cast.

The procedure is then repeated for each separate item on the Agenda relating to every proposed decision that has been the subject of a call-in request.

- ix. Where the Scrutiny Committee does not support the call-in, the proposed decision will then become effective and may be implemented immediately.

- x. Where the Scrutiny Committee supports the call-in on the grounds that the proposed decision was taken without proper consultation or there was a failure to take account to any legal obligations or relevant guidance, they shall refer the matter back to the decision-making person or body for reconsideration, setting out in writing the reasons for their decision. The decision-making person or body shall then reconsider the decision at the next scheduled meeting before adopting a final decision.
- xi. Where the Scrutiny Committee supports the call-in on the grounds that the proposed decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall refer the matter to the next meeting of full 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. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer.
- xii. The Council may either:
 - endorse a decision or proposal of the Cabinet or Cabinet Member as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - amend the Council's Budget or Policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Framework to accommodate it, require the Cabinet or Cabinet Member to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

3.15 The Party Whip

A member of any scrutiny committee must not vote on any matter under consideration at a meeting if, before the meeting, he or she has been given a party whip relating to the matter

Each member must declare any party whip he or she has been given. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

3.16 Procedure at Scrutiny Committee meetings

Scrutiny Committees shall consider the following business:

- minutes of the last meeting;
- declarations of interest (including whipping declarations);
- consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
- responses of the Cabinet to reports of the Scrutiny Committee; and
- the business otherwise set out on the agenda for the meeting.

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

- that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

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

3.17 Matters within the remit of more than one Scrutiny Committee

Where a matter for consideration by a Scrutiny Committee also falls within the remit of one or more other Scrutiny Committees, the decision as to which Scrutiny Committee will consider it will be resolved by the Chairs of the Committees acting collectively.

Constitution

Part 4: Rules of Procedure

4. Officer Employment Procedure Rules

4.1 Recruitment and appointment

4.1.1 Declarations

- (a) The Council has drawn up procedures which include a requirement that any candidate for an appointment as an Officer must state in writing whether they have any relationship with any councillor or Officer of the Council;
- (b) 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 them.

4.1.2 Seeking support for appointment

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information;
- (b) no councillor will seek support for any person for any appointment with the Council.

4.2 Recruitment and remuneration of Chief Officers:

- 4.2.1 (a) Where the Council proposes to appoint a Chief Officer, within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006 [as amended], and the proposed remuneration of the post is £100,000 or more per annum, or it is otherwise not proposed that the appointment be made exclusively from among their existing Officers, the Council will:
 - (i) draw up a statement specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed;
 - (ii) make arrangements for the post to be advertised publicly in such a way as is likely to bring it to the attention of persons who are qualified to apply for it (unless the proposed appointment is for a period of 12 months or less); and
 - (iii) make arrangements for a copy of the statement mentioned above to be sent to any person on request.
- (b) Where a post has been advertised as provided above, the Council must:
 - (i) interview all qualified applicants for the post; or
 - (ii) select, or direct appropriate officers to select, a short list of such qualified applicants and interview those included on the short list.
- (c) Where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council may make further arrangements for advertisement;

- (d) Any decision to determine or vary the remuneration of Chief Officers (or those to be appointed as Chief Officers) must be made by full Council.

4.2.2 Appointment of Head of Paid Service

The full council will make the appointment of the Head of Paid Service following the recommendation of a short list for such an appointment by a committee of the Council. That committee must include at least one member of the executive but must not comprise a majority of members of the executive.

4.2.3 Appointment of Chief Officers, Statutory Officers and Deputy Chief Officers

The full Council will appoint statutory chief officers and statutory officers. A committee of the Council may appoint non-statutory chief officers and deputy chief officers. That committee must include at least one member of the executive but must not comprise a majority of members of the executive.

4.2.4 Other appointments

- (a) Officers other than those listed above. Appointment of these officers (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by councillors;
- (b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

4.3 Disciplinary action and Investigations

4.3.1 Head of Paid Service, s151 Officer, Monitoring Officer, Head of Democratic Services:

- (a) No disciplinary action (other than action to which paragraph (b) applies) in respect of the head of the authority's paid service (unless the head of the authority's paid service is also a council manager of the relevant authority), its monitoring officer, its s151 officer or its Head of Democratic Services may be taken by the relevant authority, or by a committee, a sub-committee, a joint committee on which the relevant authority is represented or any other person acting on behalf of the relevant authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 [as amended] (investigation of alleged misconduct). The detailed rules appear below;
- (b) The action to which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of 2 months beginning on the day on which the suspension takes effect.

4.3.2 Investigation of alleged misconduct - Head of Paid Service, s151 Officer, Monitoring Officer, Head of Democratic Services:

- (a) subject to sub-paragraph (k), where it appears to the council that an allegation of misconduct which may lead to disciplinary action has been made against the above officers the council must appoint a committee ("an investigation committee") to consider the alleged misconduct;
- (b) the investigation committee must:
 - (i) consist of a minimum of 3 members of the authority;
 - (ii) be politically balanced in accordance with section 15 of the 1989 Act; and 220
 - (iii) must, within one month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated;
- (c) for the purpose of considering the allegation of misconduct, the investigation committee:
 - (i) may make such enquiries of the relevant officer or any other person it considers appropriate;

- (ii) 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
 - (iii) may receive written or oral representations from the relevant officer or any other person it considers appropriate;
- (d) 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");
- (e) the designated independent person who is appointed:
- (i) must be such person as may be agreed between the relevant authority and the relevant officer within one month of the date on which the requirement to appoint the designated independent person arose; or
 - (ii) where there is no such agreement, must be such person as is nominated for the purpose by the Welsh Ministers;
- (f) the designated independent person:
- (i) may direct:
 - (1) that the relevant authority terminates any suspension of the relevant officer;
 - (2) that any such suspension is to continue after the expiry of the period referred to in 4.3.1(b);
 - (3) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
 - (4) that no steps (whether by the relevant authority or any committee, sub- committee or officer acting on behalf of the relevant 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;
 - (ii) may inspect any documents relating to the conduct of the relevant officer which are in the possession of the relevant authority, or which the relevant authority has power to authorise the designated independent person to inspect;
 - (iii) may require any member or member of staff of the relevant authority to answer questions concerning the conduct of the relevant officer; (iv) must make a report to the relevant authority:
 - (1) 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
 - (2) recommending any disciplinary action which appears appropriate for the relevant authority to take against the relevant officer, and
 - (3) must no later than the time at which the report is made send a copy of the report to the relevant officer;
 - (g) subject to sub-paragraph (h), the relevant officer and relevant authority must, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation;
 - (h) where there is no agreement under sub-paragraph (g), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken;
 - (i) the relevant authority must consider the report prepared by the independent person within one month of receipt of that report;
 - (j) a relevant 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;
 - (k) these rules do not apply in the case of a Head of Paid Service who is also the Council Manager. For the purposes of these rules, any officer who was a relevant officer at the time of the alleged misconduct or when the reason for the proposed dismissal occurred (but is no longer so), shall be regarded as a relevant officer;
 - (l) a disciplinary committee of the Council (excluding those persons who served on the investigation committee) will consider the report along with representations from the

officer against whom allegations are made, in accordance with the Council's detailed disciplinary procedures. An appeal will lie to the full Council from the decision of this committee, except in the case of the Head of Paid Service (in which case the Council will consider an appeal, or approve the recommendation of the committee if no appeal is made).

4.3.3 Other Officers:

- (a) appointment and dismissal of Officers below Chief Officer is the responsibility of the Head of Paid Service or their nominee, and may not be undertaken by councillors;
- (b) Councillors will not be involved in disciplinary action against any Officer below Chief Officer or statutory officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to Members.

4.4 Definitions

4.4.1 The following definitions are applicable:

- (a) references to the 1989 Act are to the Local Government and Housing Act 1989;
- (b) Head of Paid Service means the officer designated as the authority's Head of Paid Service under s.4 of the 1989 Act;
- (c) statutory Chief Officer means:
 - (i) the Chief Education Officer or Director of Education appointed under s532 of the Education Act 1996;
 - (ii) the Director of Social Services appointed under s.6 of the Local Authority Social Services Act 1970;
- (d) Non-Statutory Chief Officer means:
 - (i) a person for whom the Head of Paid Service is directly responsible;
 - (ii) any person who is required to report directly or is directly accountable to the local authority themselves or any committee or sub-committee of the authority;
- (e) Deputy Chief Officer means a person who is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers (except for secretarial, clerical and support staff);
- (f) s151 Officer means the officer appointed for the purposes of s151 of the Local Government Act 1972, s73 of the Local Government Act 1985 or s112 of the Local Government Finance Act 1988;
- (g) Monitoring Officer means the officer designated under s5(1) of the 1989 Act;
- (h) Head of Democratic Services means the officer appointed under s8 of the Local Government (Wales) Measure 2011;
 - (i) disciplinary action means, in relation to a member of staff of a relevant authority, any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the relevant authority has undertaken to renew such a contract.

Constitution

Part 4: Rules of Procedure

Appendix 1: Standing Orders

Section 1: Council Meetings

Standing Order 1: Meetings of the Council

1.1 Annual Meeting of the City Council

- (a) In a year when there is an ordinary election of City Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year the Annual Meeting will take place on a date on which the Council will determine.
- (b) The Annual Meeting will:
- Elect a person to preside if the Mayor or Deputy Mayor is not present;
 - Elect the Mayor for the new municipal year;
 - Appoint the Deputy Mayor;
 - Receive any announcements from the Mayor;
 - Appoint the Leader of the Council
 - Appoint the Chair of the Council
 - Give effect to appointments to the Cabinet as made by the Leader of the Council;
 - Appoint the Chairpersons of any committees, subject to legislative requirements. Also to appoint Deputy Chairpersons if deemed appropriate. All such appointments may be deferred to an Ordinary Meeting of the Council;
 - Give effect to nominations to committees and /or other groups by the political groups under political balance arrangements to the Council's Committees. Such appointments may be deferred to an Ordinary Meeting of the Council;
 - Appoint to outside organisations. Such appointments may be deferred to an Ordinary Meeting of the Council; Appointments made to executive bodies may be made by the Cabinet.
 - Approve a programme of ordinary meetings for the year; This may be deferred to an Ordinary Meeting of the Council;
 - Consider any business set out in the notice convening the meeting.

1.2 Ordinary Meetings

- (a) Ordinary meetings will:
- Elect a person to preside if the Mayor or Deputy Mayor is not present;
 - Approve the minutes of the previous meeting(s);
 - Receive any announcements from the Mayor, Leader of the Council, Cabinet Member or Head of Paid Service;

- Deal with any appointments to internal or external bodies, unless the appointments are to executive bodies and are reserved to the Cabinet;
 - If specifically agreed by the Mayor, to receive without discussion, any petition submitted by a Member of the Council. Petitions will normally be presented to the appropriate Cabinet Member and normally outside of the Council meeting.
 - Deal with any business outstanding from the last meeting;
 - Determine action to be taken on any matters referred to the Council for decision.
 - Consider reports from the Cabinet or scrutiny or other committees as appropriate and any other Council body or officer and determine any action to be taken arising from the consideration of reports;
 - Consider motions;
 - Provide an opportunity to question Members of the Cabinet, Chairs of Scrutiny and other Committees in line with agreed procedures;
 - Other business specified in the agenda.
- (b) The Mayor or person presiding at the meeting may at his or her discretion vary the order of business.
- (c) If there is a legal requirement for a matter to be considered urgently or if an urgent issue for decision arises, the Mayor may bring forward for consideration an item which is not on the agenda and the reasons for so doing shall be recorded in the minutes of the meeting.
- (d) The Mayor or person presiding at the meeting may at any time call upon any person who is not a Member of the Council to advise the Council on any matter

1.3 Extraordinary Meetings

- a) Those listed below may require the Head of Paid Service to call a Council meeting in addition to ordinary meetings:

The Council by resolution;

The Mayor in response to a written request from at least five City Councillors;

The Monitoring Officer.

- b) When five City Councillors give written notice of their wish to call a meeting, the Mayor may:-
- i. Call a meeting within a reasonable time;
 - ii. Refuse to call a meeting; or
 - iii. Take no action.
- c) If the Mayor refuses to call a meeting or takes no action within seven days, the five named City Councillors may require the Head of Paid Service to convene a meeting on a date which they will determine. The Head of Paid Service shall then convene the meeting on the specified date.
- d) Extraordinary meetings of the Council shall only deal with the business set out in the agenda.

1.4 Location and Times of Council Meetings

The Council will determine the number, location and times of ordinary Council meetings. The programme will be agreed at either the annual meeting or at an ordinary council meeting

1.5 Notice and Summons to Meetings

- a) Notice to the public of the time and place of any meeting shall be given in accordance with the access to information procedure rules.
- b) The agenda for the meeting shall be published in the public area of the Council's website.

- c) At least 3 working days before a meeting, the Proper Officer will, wherever possible, send a summons by electronic mail and / or by post to every Member of the City Council, or leave it at their post box at the Civic Centre
- d) Working days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional holidays following a bank holiday.
- e) The summons will give the date, time and place of each meeting and will set out the business to be transacted at the meeting. The Council's website will provide information and access to relevant public documents to the press and public at least three working days before a meeting.

Standing Order 2: Mayor / Chairperson of Meeting

2.1 Mayor and Chairperson of the Meeting

- a) The Mayor of the City will be elected strictly on the basis of seniority unless any individual declines the opportunity.
- b) In the light of decisions by the Independent Remuneration Panel, the Council will determine whether the Mayor receives a senior salary.
- c) The Mayor and/or Chairperson should also maintain a non-political manner to allow a proper, full and effective debate. The Mayor, Deputy Mayor or Chairperson of the Council should therefore not be selected from the following
 - The Leader of the Council;
 - Any Member of the Council's Executive, including any Cabinet Member with or without portfolio;
 - Leader of the Opposition;
 - Leader of any political group serving on the Council.

2.2 Conduct of the Meeting

- a) The Mayor or person presiding shall conduct the meeting so as to secure a proper, full and effective debate of business items where a decision is required. The steps the Mayor or person presiding may take include:

Allowing more time to allow a speaker to properly explain a matter;
 Allowing a Councillor to speak more than once in a debate;
 Allowing a full discussion of reports and matters for decision.

- b) The person presiding at the meeting may exercise any power or duty of the Mayor.

2.3 No Confidence in the Chair

- a) Any Member of the Council may move a vote of no confidence in the Mayor or person presiding at the meeting as chair of that meeting if it is considered that the Mayor or the Chairperson of the meeting is not conducting the meeting in a way that allows a proper, full and effective debate
- b) Any Member moving the motion will need to be supported by at least 5 other Members before any vote is taken.

- c) Only if the motion is supported by two-thirds of the Members in attendance, will the motion be carried. If the motion is carried it will be effective only for the meeting taking place at the time.
- d) If the motion is carried the Deputy Mayor will take the chair for remainder of the meeting. In the absence of the Deputy (or in the case of the removal of the Deputy Mayor from the chair under this Standing Order) the Council will elect a chair from the Members present.

Standing Order 3: Quorum

No business shall be transacted at meetings of the Council unless at least one quarter of the whole number of Members of the City Council is present.

The Quorum for meetings of the Council is one- third of the total membership. This constitutes 13 City Councillors, based on a full membership of 50 members serving on the Council. In any other circumstance, the quorum shall be one- third of elected members.

During any meeting of the Council, the Mayor or person presiding may count the number of Members present and if that number has fallen below the required quorum, the Mayor or person presiding may declare that there is not a quorum present and the meeting will be adjourned. If the meeting is adjourned, any business which has not been dealt with will be deferred to the next ordinary meeting of the Council.

Standing Order 4: Questions by Members

4.1 General

A Councillor may ask a Member of the Cabinet questions on any policy issues relating to the appropriate portfolio; or the chairperson of a committee on any matters within the remit of the committee. Questions may be submitted and answered as follows:

4.2 Questions at Council to the Leader of the Council

At each ordinary Council meeting there will be an open session for elected members to ask questions of the Leader of the Council. The following process will be followed for questions to the Leader at Council:

- a) The first question will be posed by the person presiding the Council meeting to the Leader as follows:
 - Before we commence questions from Members, does the Leader have any announcements to make to the Council?
- b) No more than 15 minutes will be allocated at the Council meeting for questions to the Leader. The 15 minute time limit will not include the Leader's announcements, and will commence upon the second question being asked.
- c) Each Member asking a question may submit a supplementary question in writing to clarify any point arising out of the answer received to the original question. A written response to the supplementary question will be appended to the Council minutes and published to the Council's website normally within five working days of receipt of the supplementary question.
- d) Each opposition group will be allocated one question each, to be asked in order of group membership e.g. the largest opposition group goes first, followed by the second largest opposition group, and so on. Each of the Group Leaders or their appointed deputies will be invited to put the question to the Leader in turn.
- e) After the allocated opposition group questions are completed, questions will be opened up to all Members.

- f) Questions from all other Members will be allocated according to a ballot:
- Councillors wishing to ask a question of the Leader must notify the Head of Democratic Services in writing by midday on the day of the council meeting. In writing includes electronic mail.
 - The content of the question does not need to be submitted in advance.
 - Question notifications will be grouped according to opposition / ruling party Members then shuffled to produce a random order.
 - Invitations to pose a question will be alternated between opposition and ruling party Members.
 - Example of question order:
 1. Mayor asks Leader to make any announcements

Followed by questions from:

 2. Leader of Opposition Group A
 3. Leader of Opposition Group B
 4. Leader of Opposition Group C
 5. Ruling Party Member from notification list
 6. Opposition Party Member from notification list
 7. Ruling Party Member from notification list
 8. Opposition Party Member from notification list
- g) The agenda item will end when the 15 minute time is over, or when the list of balloted questions is complete, whichever is the earliest.
- h) On occasions where the Deputy Leader is standing in for the Leader at the Council meeting, the Deputy Leader will respond to the question from the person presiding the meeting under Standing Order 4.2(a).
- i) On occasions where the Deputy Leader is standing in for the Leader at the Council meeting, questions to the Leader must be submitted in writing and will not be asked orally at the Council meeting. The question must be provided in writing by no later than 4pm three working days before the Council meeting ("Working days" do not include the date of issue, the date of the meeting, Saturdays, Sundays, Bank holidays or additional holidays following a Bank holiday). The question and response will be appended to the minutes and published to the Council's website normally within five working days of receipt of the supplementary question.

4.3 Questions at Council to Cabinet Members and Committee Chairs

- a) This process will be followed for questions at Council to other Cabinet Members and Committee Chairs
- b) Questions must be provided in writing not later than 4pm three working days before the Council meeting ("Working days" do not include the date of issue, the date of the meeting, Saturdays, Sundays, Bank holidays or additional holidays following a Bank holiday). Where proper written notice has not been provided of any question, then the question may not be asked at the Council meeting.
- c) The question must be forwarded in writing to the Head of Democratic Services if it is a matter for Cabinet Members, the Regulatory Committees or the Democratic Services Committee. If the question is for the Chair of one of the Scrutiny Committees, notice must be provided in writing to the Senior Overview and Scrutiny Officer. The term "in writing" includes electronic mail.
- d) Only questions submitted in this way will be allowed at Council meetings.

- e) The question is then asked orally at the Council meeting and an oral answer will be given at the Council meeting. The question and the answer will be appended to the Council minutes and published to the Council's website normally within five working days of the meeting.
- f) Questions will be put in the order in which they are received. However if any councillor wishes to ask two or more questions to the same Cabinet Member they will be allocated a slot in rotation, allowing opportunities for other Members to ask their question.
- g) The councillor may ask one supplementary question to clarify any point arising out of the answer received to the original question. If possible, an answer will be provided orally at the Council meeting. Alternatively a written answer may be provided.
- h) No more than 10 minutes will be allocated at the Council meeting for questions to each Cabinet Member or Committee Chair.
- i) If Members are unable to ask their question orally within the allocated time, remaining questions will be answered in writing. The question and response will be appended to the minutes.
- j) The question must be addressed through the Mayor or the person presiding at the meeting and not directly to the person being questioned.
- k) Members must ask any question within the allocated time as set out in these standing orders and should not seek to introduce any debate on the subject.
- l) Any dispute in relation to the validity of a question shall be resolved by the Council's Monitoring Officer.

4.4 Time allowed for questions

- a) As mentioned in Standing Order 4.2 and 4.3 above, no more than 15 minutes will be allocated at the council meeting for questions to the Leader and no more than 10 minutes will be allocated at the Council meeting for questions to each Cabinet Member.
- b) If Members are unable to ask their question orally within the allocated time, remaining written questions will be answered in writing. The question and response will be appended to the minutes.
- c) The time allowed to ask a question shall be no more than two minutes. This includes any question or any supplementary question.
- d) The sole arbiter of the time allocation shall be the Mayor or person presiding at the meeting.

4.5 Rejection of Questions at Council

The Mayor or person presiding may reject a question if in his or her opinion, having regard to the Council's responsibilities and community leadership role, it:

- a) Is not about a matter for which the Council has a responsibility or which affects the administrative area of the Council;
- b) Is defamatory or frivolous or vexatious or offensive;
- c) Is substantially the same as a question which has been put at the meeting by any Member;
- d) The question concerns an item of business which is the subject of a report to the meeting;
- e) Requires the disclosure of confidential or exempt information where there is no demonstrable need to know.
- f) Is an operational matter that is better dealt with by the relevant officer on an informal basis.

4.6 The Three - Month Rule does not apply

The three month rule does not apply to questions to Cabinet Members or Chairs. A respondent will be able to inform a questioner that the answer to his or her question is substantially the same as that given at a previous meeting if that is appropriate.

4.7 Point of Order and Questions

A point of order may only be raised during a question and answer session if a Member considers that the requirements of Standing Orders 4.1 to 4.6 have been breached. The Mayor or person presiding will only consider a point of order if the person raising the point of order states the Standing Order that he or she considers has been breached. No other 'points of order' will be considered.

4.8 Formal Questions at any other time

- a) Written questions can be forwarded to any Cabinet Member (including the chair) at any time although any submitted at weekends or later than 4pm on any working day will not be deemed to have been received for the purposes of response times until the next working day.
- b) The answers to such Questions will be provided within 10 working days of the receipt of the question by the Cabinet Member. The question and answer will be copied to all Members of the Council via electronic mail and will be subsequently published on the Council's website to allow public access to the exchange.
- c) "Working days" do not include the date of issue, Saturdays, Sundays, Bank holidays or additional holidays following a Bank holiday.
- d) The question must be forwarded in writing to the Head of Democratic Services and the question must be identified as a formal question to the Cabinet Member to be dealt with in accordance with this standing order. The term "in writing" includes electronic mail.
- e) Any dispute in relation to the validity of a question shall be resolved by the Council's Monitoring Officer.

4.9 Councillors to request how questions are to be answered

When submitting a question, councillors must identify clearly whether it is a formal question to be answered at council or a formal question to be asked at any time. If it is not clear from the submission, the question will be treated as a question asked at any time as described in Standing Order 4.8.

4.10 Rejection of Questions at any time to Cabinet Members

- a) The Cabinet Member may reject a question if in his or her opinion, having regard to the Council's responsibilities and community leadership role, it:
 - Is not about a matter for which the Council has a responsibility or which affects the administrative area of the Council;
 - Is defamatory or frivolous or offensive;
 - The question concerns an item of business which is the subject of a report being considered as part of the decision making process as Councillors have other opportunities to ask questions or comment on reports
 - Requires the disclosure of confidential or exempt information where there is no demonstrable need to know.
 - Is an operational matter that is better dealt with by the relevant officer on an informal basis. The Cabinet Member will take a view on whether the question relates to an operational matter better answered by the officers.

NB: When a question has been asked in general terms and it is difficult to determine what information the applicant actually wants, the Cabinet Member may ask the questioning Member to refine or clarify the question being asked

- b) If a Cabinet Member intends to reject a question he or she must respond to the questioning Member within 10 working days informing the Member that he or she intends to reject the question and the reason for that intention.
- c) Any dispute in relation to the validity of a question shall be resolved by the Council's Monitoring Officer.

Standing Order 5: Procedural Standing Orders

5.1 Notices of Motion

- a) Except for motions which can be moved without notice under these Standing Orders, written notice of motions for discussion at Council meetings signed by the proposer and seconded must be delivered by **4.00pm** at least **7 working days** before the next meeting of the Council to the Head of Democratic Services.
- b) Motions may be submitted within the same timescale by electronic mail but the seconder must send a separate email, or written confirmation within the same timescale confirming he or she is the seconder of the motion.
- c) Working days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional holidays following a bank holiday.
- d) The Monitoring Officer will maintain a record of all motions submitted for the meeting and the order in which they have been received. This record will be open to inspection by any Member of the Council.
- e) The Monitoring Officer will conclude if the motion as submitted is appropriate for consideration or can be resolved by the Council.
- f) No motion under this procedural Standing Order will be debated at the Annual Meeting of the Council.

5.3 Motions Set Out in the Agenda for a Meeting

- a) Motions for which proper notice has been given under this procedural standing order will be listed on the agenda in the order in which they were received.
- b) The Monitoring Officer will conclude if the motion as submitted is appropriate for consideration or can be resolved by the Council and inform the mover of the motion before a matter is placed on the agenda.

5.4 Scope

- a) Motions must be about matters which are related to the responsibility of the City Council or which affect the administrative area of the Council.
- b) The Monitoring Officer's decision on whether or not a motion is relevant to the responsibility of the City Council will be final.

- c) If a motion which is set out in the agenda is not moved, either by the Member who gave notice of it or by some other Member on his/her behalf, it will be treated as withdrawn and will not be moved without fresh notice.
- d) If the motion relates to an executive function, and the Monitoring Officer decides that it can be discussed at Council, the Council will not be able to take a resolved decision on the matter but may ask the Cabinet or Cabinet Member to consider the matter in the light of any views expressed or recommendations made by the Council.

5.5 The Three Month Rule

- a) A motion or amendment to rescind the decision made at a meeting of the Council, including a decision taken under delegated powers by a committee, within the past three months and a motion or amendment in similar terms to one which has been rejected at a meeting of Council in the past three months cannot be moved, unless the mover asks the consent of the Council to propose such a motion and consent is given by the Council.
- b) There shall be no speech or discussion upon a request for consent and if consent be refused by the Council, the same motion or one to the like effect shall not be placed on the agenda for at least three months from the date of such refusal.

5.6 Exceptions

This rule shall not apply to motions which are moved by the Leader of the Council or the Chair of any other Council body or other Member on their behalf, following a recommendation in the report of the Cabinet or other Council body.

5.7 Motions without Notice

The following motions may be moved without notice:

- To appoint a Chairperson at a meeting at which the Mayor and Deputy Mayor are not present;
- To dispute the accuracy of the minutes of the Council;
- To change the order of the business specified in the agenda;
- To refer to the Cabinet any recommendation to Council as the matter is executive in nature.
- To appoint a Council body or representatives of the Council to an outside organisation arising from an item on the agenda;
- To adopt or amend recommendations to the Council.
- To amend or withdraw a motion;
- To extend the time limit for speeches or questions;
- To proceed to the next business;
- To suspend the Standing Orders;
- To exclude the press and public in accordance with the Access to Information Act 1985;
- By the Mayor or person presiding, not to allow another contribution to the debate from a Member named or to exclude a Member from the meeting under the procedural Standing Order relating to Members conduct;
- To give consent of the Council where such consent is required.
- No confidence in the Mayor or Person presiding (as described in Standing Order 2).

Standing Order 6: Rules of Debate

6.1 Speaking in Council

- a) When a Member wishes to speak, he or she will indicate this to the Mayor or person presiding whilst remaining seated. No Member will speak unless called upon to do so by the Mayor or person presiding.
- b) When called upon to speak, the Member will normally stand, (unless this is not appropriate for the individual).
- c) The speaker must address the meeting through the Mayor or person presiding.
- d) If two or more Members indicate that they wish to speak the Mayor or person presiding will ask one to speak and the other(s) will remain silent. While a Member is speaking, other Members will remain silent unless raising a point of order or of personal explanation.

6.2 Matters Which May Not Be Raised

- a) A motion or amendment shall not be moved which is inconsistent with a decision already made by the Council at the meeting or in relation to an executive function where a decision has been taken by the Cabinet or Cabinet Member or to a decision delegated to a Committee.
- b) A matter shall be treated as dealt with if a motion, amendment or discussion relating to it has been replied to by the Leader, or Cabinet Member, the Chairperson of a committee or other group or other mover of a motion, or if the Council has proceeded to the consideration of another matter.

6.3 No Speeches until a Motion is Seconded

No other speeches may be made after a Member has moved a motion and has explained the purpose of it until the motion has been seconded by another Member.

6.4 Right to Require a Motion to be in Writing

The Mayor or person presiding may require a motion or amendment to be written out before allowing the matter to be discussed. The meeting may be adjourned to allow this to be done.

6.5 Seconder's Speech

When seconding a motion a Member may reserve his/her right to speak until later in the debate.

6.6 Content and Length of Speeches

- a) Speeches must be directed to the matter of the discussion or to a personal explanation or point of order. The mover of a motion may speak to it for not more than 7 minutes and may also speak in reply to it at the end of the debate without restriction.
- b) No other speech including a speech by the mover of an amendment may be longer than 3 minutes without the agreement of the Mayor or person presiding.
- c) The 7 or 3 minutes allowed will take account of any points of order or points of personal explanation raised during the speech
- d) The speaker must address the meeting through the Mayor or person presiding.
- e) The sole arbiter of the time allocation shall be the Mayor or person presiding at the meeting.

6.7 Amendments to a Motion

- a) A Member may move an amendment to a motion and explain the purpose of it. The amendment must be seconded by another Member. The Mayor or person presiding may require that the amendment be written out before allowing the matter to be discussed. An amendment must be relevant to the motion and shall either be:-
- To refer the subject of debate to the Cabinet or appropriate Council body for consideration or reconsideration;
 - To omit words;
 - To omit words and add others;
 - To insert, substitute or add words.
- 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 dealt with.
- c) No speech by the mover of an amendment may be longer than 3 minutes without the agreement of the Mayor or person presiding.
- d) If an amendment is rejected, different amendments may be proposed on the original motion.
- e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion upon which the vote shall then be taken unless notice has been given before the vote on the amendment of a further amendment or amendments.
- f) After an amendment has been carried, the Mayor or person presiding will advise the meeting of the content of the amended motion before any further amendment or amendments shall be moved on the substantive motion.
- g) The sole arbiter of the time allocation shall be the Mayor or person presiding at the meeting.

6.8 When a Member May Speak Again

Subject to Standing Orders, when a Member has spoken on a motion he/she may not, without the consent of the Mayor or person presiding, speak again during the debate except:

- To speak once on an amendment moved by another Member;
- To move a further amendment if a motion has been amended since he / she last spoke;
- On a point of order;
- By way of personal explanation.

6.9 Alteration of Motion

A Member may:-

- Alter a motion of which he or she has given notice; or
- With the consent of the seconder alter a motion which has been moved without notice.

In either case, the alteration to the motion must be worded as an acceptable amendment in accordance with the procedural standing order relating to amendments to a motion.

6.10 Withdrawal of a Motion or Amendment

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

6.11 Right of Reply

- a) The mover of a motion has the right to reply at the end of the debate on the motion, immediately before the motion is put to the vote. If an amendment to the motion is moved, the mover of the original motion will also have the right to reply at the end of the debate on the amendment. Other than this, the mover of the original motion will not be allowed to speak in the debate on the amendment, except to answer questions during the debate if permitted to do so by the Mayor or person presiding.
- b) The Member who has proposed an amendment shall have a right of reply to the debate on his/her amendment. The right to reply will take place immediately before the final speech by the mover of the original motion.
- c) The Member exercising the right to reply shall not introduce any new issues into the debate.

6.12 Closure Motions

- a) A Member may move without comment, the following procedural motions.
 - To proceed to the next business;
 - That the question be put;
 - To adjourn a debate;
 - To adjourn a meeting.
- b) A motion to proceed to next business should be moved, seconded and discussed. If it is carried, then the Mayor or person presiding will move to the next item of business on the agenda. If the motion is lost, the debate will continue from where it was left.
- c) A motion 'that the question be put' will take precedence over all other business – even if it interrupts a speaker. If the motion is seconded, it must be voted upon without further discussion. If the motion is carried the mover of the original motion being considered by Council may reply before the vote is taken. If the motion 'that the question be put' is moved during debate on an amendment, it only disposes of the amendment and does not affect the original motion.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor or person presiding thinks that the item has been discussed sufficiently and cannot reasonable be discussed further on that occasion, he or she will put the motion to adjourn to the vote without giving the mover of the original motion the right to reply.
- e) A Member who moved or seconded the original motion under debate cannot move any of these closure motions. A Member cannot move a motion which contains more than one of these closure motions.

6.13 Point of Order

- a) A Member may raise a point of order relating to procedural matters at any time. The Mayor or person presiding must hear him/her immediately. A point of order shall relate **only** to an alleged breach of these standing orders or the law relating to meetings.
- b) Before making his or her point, the Member must indicate the standing order/point of law and the way in which he or she considers it has been broken.
- c) The ruling of the Mayor or person presiding as to whether the matter raised is a point of order will be final.

6.14 Personal Explanation

- a) A Member may make a personal explanation at any time.
- b) A personal explanation shall only relate to a material point made in an earlier speech by the Member which may appear to have been misunderstood during the current debate. The Mayor or person presiding will hear the explanation and his / her ruling as to whether the issue raised constitutes a personal explanation shall be final.

Standing Order 7: Voting

7.1 Majority

Unless the constitution provides otherwise any matter will be decided by a simple majority of those Members present in the room and voting.

7.2 Mayor's Casting Vote

If there are equal numbers of votes for and against, the Mayor or person presiding will have a second or casting vote. The Mayor or person presiding can only use a second or casting vote if he or she has participated in the original vote on any motion.

7.3 Method of Voting

Unless a recorded vote is demanded under these rules, the Mayor or person presiding will take the vote by a show of hands, or if there is no disagreement, by the consent of the meeting.

7.4 Recorded Vote

If five Members present at the meeting demand it, the names of those who vote for and against a motion or amendment or abstain from voting will be recorded in the minutes. A demand for a recorded vote may only be made before the vote is taken.

7.5 Right to Require Individual Votes be recorded

If, immediately after the vote is taken, a Member requests it, his/her vote will be recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

Standing Order 8: Minutes, Attendance and the Public

8.1 Signing of Minutes

- a) The Mayor or person presiding is required to sign the minutes at the next suitable meeting. The Mayor or person presiding will move that the minutes of the previous meeting be signed as a correct record, provided he/she attended the meeting. Only the accuracy of the minutes can be discussed.
- b) When the next meeting of the Council is an extraordinary meeting or the annual meeting, there is no requirement to sign the Minutes of the previous meeting. These minutes can be signed at the next ordinary meeting.
- c) At an extraordinary meeting called for a single purpose, no minutes of previous meetings will be approved and there will be no items on the agenda relating to questions to the Police Commander or Cabinet Members and Chairs of Committees.

8.2 Record of Attendance

The names of the Members present at a meeting of the Council will be recorded. To assist the record, Members will be asked to sign their names on an attendance sheet.

8.3 Exclusion of the Public

Members of the public and media may only be excluded from the meeting either in accordance with the access to information procedure rules in this Constitution or by the procedural standing order relating to disturbance by Members of the public.

Standing Order 9: Members Conduct

9.1 Respect for the Mayor or Person Presiding

Whenever the Mayor or person presiding indicates that he or she wishes to speak during a debate the rest of the Council shall be silent and seated.

9.2 Member Discipline

If a Member persistently disregards the ruling of the Mayor or person presiding by behaving improperly or offensively or deliberately obstructs the business of the Council, the Mayor or person presiding may move that the Member shall not be heard further. If seconded, the motion will be voted upon without discussion.

9.3 Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Mayor or person presiding 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.

9.4 General Disturbance

If there is a general disturbance making ordinary business impossible, the Mayor or person presiding may adjourn the meeting for as long as he or she thinks fit.

Standing Order 10: Members Interests in Contracts and Other Matters

- a) If any Member of the City Council has any direct or indirect financial interest under the provisions of Sections 94 to 98 of the Local Government Act 1972 in any contract, proposed contract or other matter, the Member shall inform the meeting of that interest and withdraw from the meeting while the matter is under consideration unless:
- b) The disability to discuss that matter imposed by the section has been removed by the Secretary of State under Section 97 (1) of the Act; or
- c) The contract, proposed contract or other matter is under consideration by the Council as part of the report of the Cabinet or other appropriate body and is not itself the subject of debate; or
- d) Dispensation to remain has been granted by the Standards Committee.

- e) Any Member of the Council who has a personal interest within the terms of the Conduct of Members (Model Code of Conduct) (Wales) Order 2001 in any matter before the Council must declare that interest and act in any matter before the Council must declare that interest and act in accordance with the provisions of the Code.
- f) Any disclosure, withdrawal or dispensation under this rule shall be recorded in the minutes of the meeting.

Standing Order 11: Disturbance by the Public

- a) If a Member or Members of the public interrupt the meeting, the Mayor or person presiding will warn the people concerned. If they continue to interrupt, the Mayor or person presiding will order their removal from the meeting.
- b) If there is a general disturbance in any part of the meeting room open to the public, the Mayor or person presiding may call for that part to be cleared.

Standing Order 12: Photography and Audio Recordings of Meetings

- a) The Council shall determine whether or not to broadcast or webcast meetings of the Council or any committees for viewing via the Council's website.
- b) The filming, videoing, photographing or audio recording of a meeting shall not be permitted without the agreement of the Mayor or person presiding. The Mayor or person presiding's agreement must have been obtained and the Head of Paid Service notified by not later than one hour before the meeting.
- c) The Mayor or person presiding will announce at the commencement of the meeting any agreement to allow photography or audio recording of the meeting.

Standing Order 13: Electronic Communication and Social Media

- a) If these standing orders require that written notice is given in any circumstance, such notice will be accepted if received by e-mail or other forms of electronic mail within any specified deadline.
- b) The Council does not wish to prevent Members from the use of social media during meetings but Members are reminded that the code of conduct remains in force when social media is being used by elected Members.

Standing Order 14: Suspension and Amendment of Standing Orders

- a) Any of the standing orders set out in Standing Order 5 may be suspended whilst the meeting is in progress.
- b) Any motion to add to, vary or revoke these procedural standing orders, other than a motion to adopt a recommendation of the Cabinet or other Council body, will when proposed and seconded stand adjourned without discussion to be dealt with at the next ordinary meeting of the Council.

Standing Order 15: Authority of the Mayor or Person Presiding

The ruling of the Mayor or person presiding or the application of any of the standing orders shall be final and shall not be challenged by any Member at a meeting.

Section 2: Cabinet, Committees and Meetings with Cabinet Members

NB: Procedural standing orders (above) relating to the Council meeting apply to meetings of the Cabinet and Committees.

Standing Order 16: Appointments

- a) The Council will determine its democratic structures.
- b) The Chair of the Cabinet will be appointed by the Council. The Chair of the Cabinet shall appoint Cabinet Members and determine and allocate Cabinet portfolios.
- c) The Council shall make appointments to the Chairs in line with any requirements relating to proportionality and, where appropriate, deputy chairs of committees and/or other groups to be appointed; the terms of reference and any powers delegated to each, subject to any legislative requirements. The Chair of the Audit Committee is, however, to be determined by the Committee.
- d) The Council shall also determine the composition of each committee in line with any requirements relating to proportionality; and give effect to nominations by the political groups under political balance arrangements to the Council's Committees
- e) The Cabinet shall determine and make appointments to any Cabinet Sub Committee, determine the chair of any Cabinet Sub Committee and the terms of reference of any such committees. The Cabinet may withdraw or amend any powers delegated to a Cabinet Sub Committee at any time.
- f) No Member of the Cabinet, Committees or other groups shall be appointed so as to hold office later than the next annual meeting of the Council. In the case of the Standards Committee, no Member shall be appointed so as to hold office for more than four years.
- g) The Council may, at any time amend the Membership of or delegation to Committees or other groups and may at any time withdraw any powers delegated in relation to non-executive functions.
- h) The Chair of the Cabinet may at any time amend the Membership of the Cabinet and may at any time withdraw any powers delegated in relation to executive functions.
- i) In the event of a vacancy occurring in the Membership of the Committees or other groups other than the Cabinet by resignation or other cause during the year an appointment shall be made by the Council to fill the vacancy during the next appropriate meeting of the Council.
- j) In the event of a vacancy occurring in the Membership of the Cabinet by resignation or other cause during the year, the Chair of the Cabinet shall determine any appointment to the vacant post or any action to be taken for powers delegated to that Cabinet post to be undertaken.
- k) In the event of a vacancy occurring as to the Chair of the Cabinet by resignation or other cause during the year an appointment shall be made by the Council to fill the vacancy during the next appropriate meeting of the Council

Standing Order 17: Attendance by Non-Members

- a) Members who are not Members of the Cabinet, Committees or other groups shall be entitled to attend those meetings upon the invitation of the Chair and may speak upon specific issues but shall not be entitled to vote.
- b) The council can decide how many people will serve on the Audit Committee and how many lay Members will be appointed. There must be at least one lay Member appointed and the maximum is one-third of the audit committee Membership. Lay Members of the Audit Committee shall have full voting rights.
- c) The appropriate ward Members shall be entitled to attend site inspections of the Planning Committee. Members of the public are allowed to attend and speak at meetings of the Planning and Licensing Committees and Sub Committees at appropriate times and in line with agreed protocols.
- d) The Council shall co-opt a representative of the Roman Catholic Church and the Church in Wales and two parent governors to the appropriate Scrutiny Committee with voting rights for education matters only. Should the appropriate Committee deal with matters other than education matters, the co-opted Members shall not be entitled to participate, other than at the invitation of the Committee.
- e) The Council shall appoint an independent Chair to its Standards Committee, a vice chair and a community Member together with lay Members, with voting rights. The Standards Committee will operate in accordance with the regulations relating to Standards Committees.
- f) Any other co-opted or invited Members appointed to the Committees or other groups shall be entitled to speak on any item but will not be entitled to propose or second a motion or to vote upon any matter.
- g) Co-opted Members are subject to the provisions of these Standing Orders and to the Council's Code of Conduct. They shall not be considered as making up the required number for a meeting to be considered quorate.
- h) At meetings where decisions are being taken by individual Cabinet Members, no other Member shall attend.
- i) Members who are not Members of the Cabinet, Committees or other groups shall be entitled to attend and speak at those meetings upon the invitation of the Chair and may speak upon specific issues but shall not be entitled to vote. The Cabinet or Committee may agree for any Member to attend that part of the meeting that includes exempt or confidential information. Unless the Chair of the Cabinet or Committee agrees, the Member shall leave the meeting when the resolution to exclude the public is passed.

Standing Order 18: Special Meetings

Three Members of the Cabinet, any Committees or other group may require the Monitoring Officer to call a special meeting at any time to consider matters specified by them in writing unless a meeting is due to be held within the next five days. Such matters shall be set out in the agenda sent to Members, and no other business shall be considered at that meeting of the Cabinet, Committees or other groups.

Standing Order 19: Quorum

- a) Three elected Members shall constitute a quorum of the Cabinet, Committees or other groups. Co-opted, added or invited Members shall not be considered for this purpose.

- b) During any meeting, the Chairperson may count the number of Members present and if that number has fallen below the required quorum, the Chairperson may declare that there is not a quorum present and the meeting will be adjourned.

Standing Order 20: Pecuniary or Personal Interests

- a) Any Member who has a pecuniary interest in a matter which he or she is required by Section 94 of the Local Government Act 1972 to disclose shall withdraw from the meeting whilst the matter is under consideration unless the disability to discuss the matter has been removed by the Secretary of State or Standards Committee.
- b) Any Member, who has a non-pecuniary personal interest in any matter, shall disclose that interest in accordance with the provisions of the Council's Code of Conduct. The existence and nature of the interest must be declared at the commencement of the discussion or when the interest becomes apparent. If that personal interest is such that a Member of the public might reasonably conclude that it would significantly affect the Member's ability to act purely on the merits of the case and in the public interest if that Member were to take part in the discussion of that matter, the Member must also withdraw from consideration of the matter at that meeting unless granted a dispensation by the Council's Standards Committee.
- c) Involvement in the affairs of another public body or voluntary organisation etc. by a Member who has been appointed as a representative of the Council shall be regarded as a personal interest and should be disclosed. However, in such a case that Member may still speak but must not vote on the matter.
- d) In relation to a matter which a Cabinet Member has delegated authority to decide, the Member will have a personal interest if a Member of the public might reasonably perceive a conflict between the Member's role in taking that decision on behalf of the authority as a whole and the Member's role in representing the interests of constituents in the Member's ward. The Cabinet Member must disclose the existence and nature of the interest, and withdraw from involvement in the decision. Where a Cabinet Member has an interest, the matter shall be determined by the Chair of the Cabinet or, in the absence of the Chair, another Member of the Cabinet. The fact that such a declaration has been made must be included in the record of the decision.

Standing Order 21: Voting and Recording of Votes

21.1 Majority

Unless the constitution provides otherwise any matter will be decided by a simple majority of those Members present in the room and voting.

21.2 Chairperson's Casting Vote

If there are equal numbers of votes for and against, the person presiding will have a second or casting vote. The person presiding can only use a second or casting vote if he or she has participated in the original vote on any motion.

21.3 Method of Voting

Unless a recorded vote is demanded under these rules, the Chairperson will take the vote by a show of hands, or if there is no disagreement, by the consent of the meeting.

21.4 Recorded Vote

If five Members present at the meeting demand it, the names of those who vote for and against a motion or amendment or abstain from voting will be recorded in the minutes. A demand for a recorded vote may only be made before the vote is taken.

21.5 Right to Require Individual Votes be recorded

If, immediately after the vote is taken, a Member requests it, his/her vote will be recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

Standing Order 22: Urgent Matters

22.1 Urgent Decisions outside the Budget or Policy Framework

- a) The Cabinet or an individual Member of the Cabinet may take a decision, which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i. If it is not practical to convene a quorate meeting of the full Council;
 - ii. If the Chairperson of the relevant committee agrees that the decision is a matter of urgency; and
 - iii. Having regard to advice from relevant officers, including the Monitoring Officer and Chief Financial Officer.
- b) The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chairperson of the relevant committee to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairperson of the relevant committee the consent of the Chairperson of another scrutiny committee will be sufficient.
- c) Urgent decisions will be effective and implemented immediately and will not be subject to the "call-in" procedure.
- d) 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. This will also be included in the decision record.

22.2 Matters Too Urgent to Await the Next Meeting

- a) The Chairperson of the Cabinet is authorised to take decisions on matters which are too urgent to await the next meeting of the full Cabinet. In the absence of the Chairperson of the Cabinet, another Member of the Cabinet shall be authorised to take urgent decisions.
- b) The individual Cabinet Members are authorised to take decisions in accordance with their Scheme of Delegation on matters which are too urgent to await their next formal meeting. In the absence of the individual Cabinet Member, the Leader of the Cabinet shall be authorised to take urgent decisions.
- c) Urgent decisions will be effective and implemented immediately and will not be subject to the "call-in" procedure.
- d) The reasons why the matter was considered to be too urgent to await the next meeting must be noted on the record of the decision and, where appropriate, the record must also note that the decision was taken in the absence of consultation.
- e) Following the decision, the decision taker will provide a full report to the next appropriate meeting of the Audit Committee explaining why the decision was treated as a matter of urgency.

22.3 Matters Too Urgent to Await the "Call-In" Procedure

- a) Where an executive decision made by the Cabinet or an individual Cabinet Member at a formal meeting needs to be implemented urgently and cannot reasonably be deferred, the decision will be effective and implemented immediately and will not be subject to the "call-in" procedure
- b) The reasons why the matter was considered to be too urgent to await the "Call-in" procedure must be noted on the record of the decision.
- c) Following the decision, the decision-taker will provide a full report to the next appropriate meeting of the Audit Committee explaining why the decision needed to be implemented urgently and could not reasonably be deferred.

22.4 Regulatory Committees

- a) In the case of non-executive functions, the Head of Paid Service and other Chief Officers are authorised to make decisions, after consultation with the Chairperson or (in the absence of the Chair) any appointed Deputy Chairperson of the relevant regulatory committee, on matters which are too urgent to await the next formal meeting of the committee. In the absence of the Chairperson and Deputy, the most senior Member of the majority party serving on the committee shall be consulted.
- b) The reasons why the matter was considered to be too urgent to await the next meeting of the committee must be noted on the record of the decision.
- c) Following the decision, the decision-taker will provide a full report to the next appropriate meeting of the Audit Committee explaining why the decision was treated as a matter of urgency.

Standing Order 23: Suspension of Standing Orders

Standing Orders may be suspended if agreed by the Cabinet or by an officer in consultation with Cabinet Members in matters of urgency. Any suspension of Standing Orders must be reported to the Audit Committee to ensure safeguards against any possible misuse of this provision.

Standing Order 24: Reports to the Cabinet, Cabinet Members and Committees

- a) Each report to Council, the Cabinet, Cabinet Members, committees or other groups shall comply with corporate report writing standards, as approved by the Council, and be written using the approved template with all sections completed.
- b) All reports shall contain the views of the Monitoring Officer and the Head of Finance and (where there are staffing implications) the Head of People and Business Change, together with the views of other relevant professional advisors.
- c) Where a report affects a single or two wards, the report must include comments by the local Ward Members.
- d) Reports to Cabinet must be cleared with the relevant Cabinet Member before it is included on any agenda.

Standing Order 25: Call-In Mechanism

Decisions by the Cabinet or by individual Cabinet Members are subject to the Council's adopted 'Call in' mechanism. The call-in mechanism is described in detail in the Council's Constitution.

Standing Order 26: Notice, Summons, Decisions and Dates of Meetings

- a) Notice to the public of the time and place of any meeting shall be given in accordance with the access to information procedure rules.
- b) At least 3 working days before a meeting, the Head of Democratic Services or his or her representative will, wherever possible, send a summons by post or by electronic mail to every Member of the Cabinet, Committee or other group, or leave it at their usual home address. This requirement does not apply to occasions upon which individual Cabinet Members take decisions.
- c) The Council's website will provide information and access to relevant documents to the press and public at least three working days before a meeting
- d) Clear days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional days following a bank holiday
- e) The summons will give the date, time and place of each meeting and will set out the business to be transacted at the meeting.
- f) Decisions taken by the Cabinet or an individual Cabinet Member shall be published as soon as possible and normally within three working days of the decision(s) being taken.
- g) Dates of meetings of the Council, the Cabinet, Committees or other groups shall appear in the Council's Schedule of Meetings. Other non-executive groups shall meet as required. The Chairperson of the Cabinet or of any committee are authorised to cancel or change the scheduled date of a meeting in exceptional circumstances.
- h) Meetings for decision-making purposes by individual Cabinet Members may be called as required but, in the case of the Cabinet, committees or other groups, at least three days' notice of meeting must be given. Decision schedules must be issued in the normal manner for any meeting involving the taking of decisions.
- i) If these Standing Orders require that written notice is given in any circumstance, such notice will be accepted if received by e-mail or other form of electronic mail within any specified deadline.

Standing Order 27: Staff

All grading and structure proposals and recommendations to the Council for additional staff shall be undertaken in accordance with Scheme of Delegation, as agreed by Council, and set out in the Constitution.

Standing Order 28: Financial Estimates

- a) Each year, each Head of Service in consultation with the appropriate Cabinet Member shall prepare capital and revenue estimates for collation by the Head of Finance and submission to the Leader for recommendation to the Cabinet.

- b) The Cabinet shall consider the aggregate effect of these programmes and estimates on the Council's financial resources. After making such amendments, as they consider necessary they shall submit their budget proposals to the Council for approval with a recommendation as to the level of local tax.

Standing Order 29: Capital Expenditure

Before considering any proposal involving capital expenditure, every Head of Service or appropriate Cabinet Member, shall receive a project appraisal report in writing from the appropriate officer setting out full details of the proposed expenditure and including a complete financial appraisal of the scheme, incorporating the views of the Head of Finance.

Standing Order 30: Absence of Cabinet Member or Chairpersons and Deputy Chairpersons

- a) Where delegated powers have been allocated to individual Cabinet Members, in the absence of that Cabinet Member, the Leader or a Cabinet Member nominated by the Leader will take the decision.
- b) In the absence of the Leader at a meeting of the Cabinet, the Deputy Leader (or if there is no deputy leader, a Cabinet Member nominated by the Leader) shall Chair the meeting. In the absence of the Leader and Deputy Leader, the Chair shall be taken by a Member of the Cabinet as elected by a simple majority ballot
- c) In the absence of any Cabinet Member at a meeting of the Cabinet no substitute or deputy shall be nominated.
- d) In the case of committees and other groups, in the absence of the Chair at a meeting of the Committee or group, the Deputy Chair shall Chair the meeting. In the absence of the Chair and Deputy or if no deputy has been appointed , the Chair shall be taken by a Member of the committee as elected by a simple majority ballot.

Standing Order 31: Joint Meetings

- a) Where a matter crosses the portfolio areas of two or more Cabinet Members, the matter may be dealt with jointly provided agreement to a joint decision is reached. If there is no agreement, the matter shall be passed to the Cabinet for decision.
- b) Where any joint meeting of committees is convened, the first item of business of any joint meeting shall be to appoint a chairperson of the meeting.

Standing Order 32: Policy Matters

No change in the Policy Framework as set out in the Constitution and previously adopted by the Council shall be made without a written report to the Council.

Any proposed changes to the Policy Framework will be determined by the Council.

Standing Order 33: Smoking

Smoking shall not be permitted at any meetings

Standing Order 34: Photography and Audio Recordings of Meetings

- a) The filming, videoing, photographing or audio recording of a meeting shall not be permitted without the agreement of the chairperson of the meeting concerned. The chairpersons agreement must have been obtained and the Head of Paid Service notified by not later than one hour before the meeting.
- b) The chairperson will announce at the commencement of the meeting any agreement to allow photography or audio recording of the meeting.
- c) The Council will determine if any meeting shall be web casted or made available in any form on the Council's website or the internet.
- d) No filming, video recording, photography, audio recording, or webcasting will take place when exempt or confidential items are being considered by the Council or any of its committees or other groups.

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Part 4: Rules of Procedure

Appendix 2: Standing Orders: Arrangements for Multi-location meetings

1. Legislative Framework

- 1.1 Section 47 of the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”) requires the Council to make and publish arrangements for the purpose of ensuring that its meetings are able to be held by means of any equipment or other facility which:-
- (a) enables persons who are not in the same place to attend the meetings, and
 - (b) in the case of meetings required to be electronically broadcast under section 46 of the 2021 Act, to speak to and be heard by each other and to see and be seen by each other.
- (hereinafter referred to as “**multi-location meetings**”)
- 1.2 If the Council revises or replaces its arrangements for multi-location meetings, it must publish the revised or new arrangements. In making arrangements for multi-location meetings, the Council must have regard to any guidance issued by the Welsh Ministers.
- 1.3 For the purposes of these multi-location meeting arrangements, “meetings” are formal meetings convened under the Local Government Act 1972 or the Local Government Act 2000 of:-
- (a) Council;
 - (b) Cabinet;
 - (c) Any Committee or sub-committee of Council or Cabinet;
 - (d) Any joint committee where the Council is the host or lead authority
- and, for the avoidance of doubt, these meetings include panel hearings held by the Council’s Licensing Committee established under section 6 of the Licensing Act 2003 or a sub-committee established by the Licensing Committee.
- 1.4 Part 2 of schedule 4 to the 2021 Act amends the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 to make the approval and adoption of arrangements for multi-location meetings a non-executive function for Council. Once adopted, these arrangements for multi-location meetings will form part of the Council’s published Constitution and will need to be read in conjunction with the Council’s Standing Orders
- 1.5 Section 47 of the 2021 Act also provides that any reference in the Local Government Act 1972 and the Local Government Act 2000
- (a) to the attendance, presence or appearance of a person at a Council meeting includes, in relation to a multi-location meeting, attendance, presence or appearance by remote means; and
 - (b) the place at which a multi-location meeting is held is not to be read as limited to a single physical location.

- 1.6 Part 1 of schedule 4 to the 2021 Act also makes consequential amendments to Part 5A and Schedule 12A of the Local Government Act 1972, in relation to the publications of notices, agendas, reports, documents and minutes of multi-location meetings. The Council is required to:-
- (a) publish notice of the meetings electronically at least 3 clear days before the meeting;
 - (b) publish details of how to access the meeting remotely and the place in which the meeting is held if it is partly or wholly taking place physically;
 - (c) where a multi-location meeting is not open to the public, give public notice of the time and place of the meeting, the fact that it is being held partly by remote means, and that it is not open to the public.
 - (d) publish the agenda and reports for multi-location meetings electronically at least 3 clear days before the date of the meeting;
 - (e) where the multi-location meeting is partly or wholly taking place physically, make available for the use of members of the public attending the meeting a reasonable number of hard copies of the agenda and of the reports for the meeting;
 - (f) provide hard copies of agendas and reports, upon request and on payment of reasonable costs, for any newspapers
 - (g) publish electronically within 7 days of the multi-location meeting a written record of the business carried out at the meetings, including a record of the names of who attended the meeting, apologies, declarations of interest, voting and decisions taken (excluding exempt information).
 - (h) make copies of all agendas, reports, background documents and minutes of meetings accessible electronically to members of the public for a period of 6 years following the date of the meeting (or provide facilities for inspection or copying of the published documents, on payment of a reasonable charge, if it is not reasonable practicable to publish or access them electronically).
- 1.7 Section 46 of the 2021 Act requires the Council to make and publish arrangements for the purpose of ensuring that:-
- (a) a broadcast of proceedings at formal Council, Cabinet, committee and sub-committee meetings is available electronically so that members of the public not in attendance at the meeting can see and hear the proceedings;
 - (b) the proceedings are broadcast as they take place, subject to any specified exceptions;
 - (c) the broadcast is available electronically for a specified period after the meeting.
- 1.8 If the Council revises or replaces its arrangements for broadcasting meetings, it must publish the revised or new arrangements. In making arrangements for broadcasting, the Council must have regard to any guidance issued by the Welsh Ministers, who are also empowered to make Regulations regarding the broadcasting of meetings. The validity of any decision taken at these meetings is not affected by the availability or otherwise of a broadcast (whether as the proceedings take place or afterwards).
2. **Purpose of these Arrangements**
- 2.1 The meeting arrangements in **Section 3** (“the **Arrangements**”) set out how the Council intends to discharge its statutory duties under sections 46 and 47 of the 2021 Act in relation to the broadcasting of meetings, and the convening of meetings involving participants in multiple

locations. These rules and procedures constitute the mandatory, core requirements for compliance with the legislative framework. As such, they will form part of the Council's published Constitution and will need to be read in conjunction with the Council's Standing Orders relating to the conduct of meetings.

- 2.2 Any provisions in Council Standing Orders or any other parts of the Constitution shall be read subject to these Arrangements and shall take effect as if varied or dis-applied by these Arrangements. In the event of any conflict or inconsistency between anything in these Arrangements and any rules of procedure in the Constitution, then the provisions of these Arrangements shall take precedence insofar as they relate to multi-location meetings.
- 2.3 However, except as may be varied or dis-applied by the terms of these Arrangements, then all other relevant provisions of Council Standing Orders, and other rules of procedure set out in the Constitution shall continue to apply to all multi-location meetings.
- 2.4 **Section 4** sets out the Council's wider multi-location meetings policy, which reflects the general legislative principles in section 3, while setting out more detailed practices and procedures to ensure that multi-location meetings work efficiently, effectively and accountably. This non-statutory policy will be subject to periodic oversight and review by Democratic Services Committee and should also be considered in conjunction with the Council's wider Public Participation and Engagement Strategy.

3. Multi-location meeting Arrangements

3.1 Location

Any reference in Standing Orders to the “location” of the meeting shall, where the meeting is partly or wholly taking place physically, mean the Council Chamber (or such alternative meeting room with the necessary equipment or facility for remote attendance and electronic broadcasting). The “place” at which the meeting is being held will be the Council Chamber or the designated meeting room and it shall be open to any elected member or member of the public to physically attend the meeting in person. However, elected members shall be entitled to attend remotely from multiple locations, and are not required to be physically present in the meeting place, provided that they are capable of being seen and heard at all times by other Councillors, participants and members of the public attending in person or viewing the broadcast meeting.

In the event that no suitable meeting room is available, with the necessary equipment or facility for remote attendance and electronic broadcasting then, by agreement with the Chair of the meeting, the multi-location meeting can take place wholly by remote means. All references to the “place” of the meeting shall mean the electronic, digital or virtual locations of each of the members who join the meeting remotely.

3.2 Notice and summons to multi-location meetings

At least 3 clear working days before a multi-location meeting (or if the meeting is convened at shorter notice, then at the time it is convened), the designated Proper Officer or his or her representative will publish a **notice** electronically on the Council’s website specifying

- (a) the date, time and place of the meeting;
- (b) the business to be transacted at the meeting;
- (c) where an Extraordinary Meeting is called by members of the Council, the notice shall set out the names of those members
- (d) details of how the public can access the electronic broadcast of the meeting;
- (e) details of those parts of the meeting that will not be open to the public, both in person and remotely;

- 3.3 At least 3 clear working days before a multi-location meeting (or if the meeting is convened at shorter notice, then at the time it is convened), the designated Proper Officer or his or her representative shall send an authenticated **summons** by electronic mail to every Member of the Council, Cabinet, Committee or sub-committee at their official council e-mail address, giving the date, time and place of each meeting, details of the business to be transacted at the meeting and the link to join the meeting remotely.

If a Member gives notice in writing to the Proper Officer that he/she desires summonses to attend meetings of the Council to be sent to him/her at an address specified in the notice rather than electronically, such summonses must be sent to that member by being left at, or sent by post to, that address.

Want of service of a summons on any Member shall not affect the validity of any meeting.

Except in the case of business required by or under any legislation to be transacted at the annual meeting of the Council and other business brought before that meeting as a matter of urgency in accordance with the Council's Standing Orders, no business shall be transacted at any meeting than that specified in the summons.

3.4 For the purpose of these Arrangements:-

- (a) Clear days do not include the date of issue, the date of the meeting, Saturdays, Sundays, bank holidays or additional days following a bank holiday;
- (b) references to joining and attending a meeting remotely means joining or attending electronically from multiple locations by means of any equipment or other facility which enables Members who are not in the same place to speak to and be heard by each other and to see and be seen by each other.

3.5 Access to agendas, reports and information.

At least 3 clear working days before a multi-location meeting (or if the meeting is convened at shorter notice, then at the time it is convened), the designated Proper Officer or his or her representative shall publish electronic copies of the agenda and reports on the Council's website.

If an item is added to an agenda, copies of which have been published, copies of the item or revised agenda and copies of any report for the meeting relating to the item will be published electronically on the Council website at the time the item is added to the agenda.

An item of business may not be considered at any meeting unless either—

- (a) a copy of the agenda including the item (or a copy of the item) is published electronically at least 3 clear days before the meeting, or, if the meeting is convened at shorter notice, at the time it is convened, or
- (b) by reason of special circumstances, which must be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

3.6 Where the multi-location meeting is partly or wholly taking place physically, the designated Proper Officer or his or her representative shall:-

- (a) make available for the use of members of the public attending the meeting a reasonable number of hard copies of the agenda and of the reports for the meeting; and
- (b) provide hard copies of agendas and reports, upon request and on payment of reasonable costs, for any newspapers.

3.7 If Proper Officer thinks fit, there may be excluded from the copies of reports published electronically under paragraph 3.5 and made available under paragraph 3.6 the whole of a report which, or any part of which, relates only to items during which, in the Proper Officer's opinion, the meeting is likely not to be open to the public. Where the whole or part of a report is excluded it shall be marked "Not for publication", and there must be stated on every copy of the report or part a description, in terms of Schedule 12A of the Local Government Act 1972, of the exempt information by virtue of which the public are likely to be excluded from the meeting during the item to which the report relates.

3.8 Attendance

The attendance, presence or appearance of any Member or other person at a Council meeting includes, in relation to a multi-location meeting, attendance, presence or appearance by remote means.

Remote participation by any Member in any multi-location meeting will count as an official “attendance” for the purposes of the 6 months’ rule under Section 85 of the Local Government Act 1972.

Where a Member has a right to attend any meeting in accordance with any statutory or common law right or under the terms of the Council’s Constitution, then that right is to be interpreted as a right to attend by remote access.

A written record of the names of who attended the multi-location meeting, either remotely or in person, and all apologies for absence will be published electronically within 7 days of the date of the meeting. To assist in this process, Members attending in person will be asked to sign an attendance sheet, but there is no legal requirement to do so. Members joining remotely will be automatically recorded on the system.

Apologies for absence should be sent to the Proper Officer or his or her representative in advance of the multi-location meeting. The Chair will announce the names of the members who have sent their apologies at the start of the meeting. Any additional apologies should be reported either verbally at the meeting or submitted remotely in writing by electronic means.

3.9 Quorum

The number of Councillors required to be present for a quorum at any remote meeting shall be as set out in the Constitution. For the purposes of determining whether a quorum of Councillors is present at any multi-location meeting, the Chair shall include all those members in remote attendance at any one time.

If at any time during the multi-location meeting, there is no longer a quorum of participating Members, both in person and in remote attendance, the Chair shall immediately adjourn the meeting. The remaining business shall be considered at a future meeting to be convened on a date and time to be agreed by the Proper Officer in consultation with the Chair.

3.10 Speaking

The order of speaking and the time limits for speeches and questions shall be as set out in the Council’s Standing Orders.

No person shall speak until invited to do so by the Chair and shall cease to speak when instructed to do so by the Chair.

If two or more Members indicate that they wish to speak the Chair will ask one to speak and the other(s) will remain silent. While a Member is speaking, other Members will remain silent unless raising a point of order or of personal explanation

When a Member is speaking, no other Member shall interrupt or seek to speak over that Member. If a Member interrupts or speaks over another Member then the Chair will warn that Member about their conduct. If the Member concerned persists in interrupting the speaker then the Chair may move that the Member shall not be heard further. If the Member continues to interrupt after such a motion is carried, the Chair may move that either the Member leaves the meeting (in person or remotely), or that the meeting is adjourned.

- 3.11 When the Chair opens up a matter for debate or question, Members should indicate their wish to speak by raising their hands, if they are present in person, or by using the chat facility if they are joining the meeting remotely. At the beginning of each agenda item, the Governance Officer will activate the “Raise Hand” application within the chat facility. Members joining remotely should click on the raised hand icon in the chat box and their name will appear in the list of speakers. The Chair will invite Members to speak in the strict order that they have indicated, either in person or remotely.

- 3.12 If a Member who is attending the meeting remotely wishes to raise an urgent point of order, personal explanation or closure motion, then a message should be written in the chat facility, to request that the Chair allow the Member to speak out of turn.

3.13. **Written motions**

Where the Chair of the meeting requires a motion or amendment to be written out before allowing the matter to be discussed, Members joining the meeting remotely should post their written motion or amendment in the chat box and the Chair will read out the motion or amendment before opening the discussion. If required, the electronic motion or amendment will be written down and hard copies provided for those Members attending in person. Members attending in person should write out their motion or amendment, which will be copied and circulated to the other Members present in person and posted electronically in the chat facility for the benefit of those Members attending remotely. The meeting may be adjourned to allow this to be done.

3.14. **Voting**

Any matter will be decided by a simple majority of votes cast by those Members present in the meeting, wither in person or remotely, at the time when the question was put. Where Committees are acting in some form of quasi- judicial capacity and rules of natural justice apply, then members cannot vote or participate in any decision if they have not been present in the meeting, in person or remotely, throughout that item. In the case of an equality of votes, then the Chair will have a second and casting vote.

- 3.15 Unless a recorded vote is demanded under Council Standing Orders, the Chair will take the vote by a show of hands by those Members present in person. Members attending remotely should cast their votes electronically using the voting application in the chat box. The Chair will declare whether the motion has been carried or lost once there is a clear majority. This process will be repeated for every agenda item that requires a vote.

- 3.16 If any Member attending remotely is unable to cast their vote using the electronic voting application, they can submit their vote in writing by adding it to the chat facility and it will be counted with the other votes already cast.

- 3.17 If a recorded vote is requested, the Chair will ask each Member in alphabetical order to state whether they wish to vote for or against the motion or whether they wish to abstain. The votes will then be counted and recorded. At the conclusion of the voting, the Chair will declare the numbers of votes cast and whether the motion has been carried or lost.

3.18 **Declaration of Interests**

If a Member has any pecuniary or personal interest in any matter under discussion at the multi-location meeting then that interest should be declared as soon as possible by notifying the Chair either through raising their hands, if present in person, or electronically through the chat facility if they are attending remotely. The Chair will then invite the Member to speak and declare the nature of the interest, which will be recorded in the written minutes.

- 3.19 Where the personal interest is a pecuniary or prejudicial interest and the Member is required to leave the multi-location meeting during the discussion of the item, the Member shall leave the meeting room or immediately disconnect their electronic remote access. The Member should not re-join the meeting, in person or remotely, until notified by the Proper Officer or his or her representative that the item has been concluded.

- 3.20 Wherever possible, Members should notify the Proper Officer or his or her representative at least 2 working days in advance of the multi-location meeting whether they have any personal or pecuniary interest to declare. The Proper Officer or his or her representative provide a copy of

the declaration of interest form to Members for completion and return. For members declaring an interest remotely, the form will be sent by e-mail for completion and return after the meeting. This will be added to the electronic register of members' interests.

3.21 Interpretation of these Arrangements and Standing Orders

Where the Chair is required to interpret Standing Orders and the provisions of these Arrangements for multi-location meetings, for remote participation, they shall take advice from the Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

3.22 Disorderly Conduct by Members

In accordance with Standing Orders, if any Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs the business of the multi-location meeting, the Chair may move that the Member shall not be heard further. If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the meeting, either in person or remotely, or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

3.23 Technical issues.

In the event that the Chair or the Proper Officer identifies a failure of the electronic remote participation facility, the Chair should declare an adjournment while the fault is addressed. If it is not possible to address the fault and the meeting becomes inquorate because of this fault, the meeting will be adjourned until such time as it can be reconvened on a date and time to be agreed by the Proper Officer in consultation with the Chair. If the meeting is quorate, because of the numbers of Members present in person, then it will continue.

3.24 Access to information

The Proper Officer or his or her representative shall as soon as reasonably practicable after a multi-location meeting publish electronically on the Council's website copies of:-

- (a) the draft minutes of the meeting, excluding so much of the minutes of proceedings during which the meeting was not open to the public due to the disclosure of exempt information;
- (b) a copy of the agenda for the meeting, and
- (c) a copy of so much of any report for the meeting as relates to any item during which the meeting was open to the public.

3.25 If the draft minutes are not available for publication before the end of 7 working days beginning with the date on which the meeting was held, the Proper Officer or his or her representative shall publish electronically on the council website a not setting out:-

- (a) the names of the members who attended the meeting, and any apologies for absence;
- (b) any declarations of interest;
- (c) any decision taken at the meeting, including the outcomes of any votes, but excluding anything relating to a decision taken when the meeting was not open to the public as discloses exempt information."

- 3.26 The Proper Officer or his or her representative shall make copies of all agendas, reports, background documents and minutes of multi-location meetings accessible electronically to members of the public for a period of 6 years following the date of the meeting (or provide facilities for inspection or copying of the published documents, on payment of a reasonable charge, if it is not reasonable practicable to publish or access them electronically).

3.37 **Broadcasting**

All multi-location meetings of formal Council, Cabinet, committee and sub-committee meetings will be broadcast live, as they take place, via the Council's website, so that members of the public not in attendance at the meeting can see and hear the proceedings.

If a motion is passed to exclude the press and public from a multi-location meeting while confidential or exempt information is being discussed (as defined in Schedule 12A of the Local Government Act 1972) under Part 2 of the agenda, then the right of the press and public to see and hear the meeting shall cease and the Proper officer or his or her representative will immediately disconnect the livestream broadcast and their remote access. The remote access rights of any external participants in the multi-location meeting will also be removed.

- 3.38 The recording of the live broadcast will be uploaded onto the Council website within 7 working days from the date of the meeting and will be available for viewing for a period of up to 6 months. Copies of the recording can be downloaded and made available upon request for a period of up to 6 years following the date of the meeting, in accordance with paragraph 3.26

4. Multi-location meetings policy

4.1 This multi-location meetings policy sets out more detailed practices and procedures to ensure that multi-location meetings work efficiently, effectively and accountably. This is a non-statutory policy, which will be subject to periodic oversight and review by Democratic Services Committee and should also be considered in conjunction with the Council's wider Public Participation and Engagement Strategy.

4.2 Background

Section 4 of the Local Government (Wales) Measure 2011 enabled local authorities in Wales to introduce voluntary arrangements for remote meetings. The Local Government (Coronavirus) (Wales) Regulations 2020 ("the Regulations") were then introduced on 22nd April 2020 and they enabled Welsh local authorities to hold remote meetings to overcome Covid 19 social distancing restrictions during the pandemic lock-down. All Council meetings have been held remotely since June 2020 using Microsoft Teams and Microsoft Live Event applications, to enable live broadcasts of remote meetings. The Regulations continued in force until 1st May 2021, when they were superseded and replaced by the provisions of sections 46 and 47 of the Local Government and Elections (Wales) Act 2021 ("the 2021 Act"). The 2021 Act imposed a statutory duty on all Welsh local authorities to make and publish arrangements for "hybrid" or multi-location meetings and for the broadcasting of these meetings. Since May 2021, the Council has continued to operate fully remote meetings under the 2021 Act, to comply with Covid restrictions and social distancing requirements. However, the removal of all Covid restrictions means that the Council can now introduce arrangements for hybrid or multi-location meetings where participants have a choice about joining remotely or attending in person.

4.3 As part of the Council's Strategic Covid-Recovery Aims, a New Working Model has been agreed for both elected members and Council staff, based on flexible working arrangements. An integral part of this New Working Model is the use of technology and the freedom to participate remotely in Council meetings. The Council recognises the benefits of multi-location meetings in terms of:

- (a) Improved transparency and democratic decision-making,
- (b) Improved diversity and equality – empowering a wider range of people to take an active role in local democracy and removing barriers to people serving as elected members,
- (c) Improved accessibility, public participation and engagement,
- (d) Improved productivity and efficiency, with greater use of technology and reducing the time and cost of unnecessary travel.
- (e) Improved resilience and sustainability - reducing the carbon footprint of physical meetings and mitigating the risks of people being prevented from attending in-person meetings.
- (f) Improving the arrangements for use of the Welsh language and simultaneous translation.

4.4 The critical principle that underpins this multi-location meeting policy is that all participants are treated equally, whether they are attending in person or remotely. The arrangements for multi-location meetings should ensure that anyone joining remotely should have equal status and should not be disadvantaged by comparison with those attending in person. Remote attendance should not be regarded as second best.

4.5 Therefore, the technology and the protocols for the conduct of multi-location meetings will provide the freedom and flexibility for all Councillors (and any other participants) to either attend in person or remotely. The Council Chamber (or another meeting room with the necessary equipment or facility for remote attendance and electronic broadcasting) will be designated as the physical location for the meeting and any elected member, participant or member of the public will be

entitled to attend in person. Elected members (and other participants) will also be able to attend remotely from multiple locations using MS Teams and the screens in the meeting room will ensure that they are capable of being seen and heard at all times by other Councillors, participants and members of the public attending in person. Members of the public will also be able to view proceedings remotely via the live-stream broadcast of the meeting on the Public-i system, which can be accessed through the agenda hyper-link on Council's web-site. The meeting arrangements will enable one or all of the participants to join remotely or in-person, or any combination of numbers. If all members elected to join remotely, facilities will still be provided in the meeting room for members of the public or other participants to attend in person and view the broadcast proceedings on the screens from the public gallery or seating areas.

- 4.6 In the event that no suitable meeting room is available, with the necessary equipment or facility for remote attendance and electronic broadcasting then, by agreement with the Chair of the meeting, the multi-location meeting can take place wholly by remote means.

4.7 **Council meetings**

All formal meetings will be conducted as multi-location meetings. Elected members and other participants will be able to join the following meetings remotely, which will also be broadcast live:-

- (a) Council;
- (b) Cabinet;
- (c) Any Committee or sub-committee of Council or Cabinet;
- (d) Any joint committee where the Council is the host or lead authority;
- (e) Panel hearings held by the Council's Licensing Committee established under section 6 of the Licensing Act 2003 or a sub-committee established by the Licensing Committee.

There may be exceptional occasions where physical attendance may not be possible if there is no suitable meeting room available with the necessary equipment, in which case the multi-location meeting will take place wholly by remote means. However, it will not be permissible for any meeting to be held entirely in person.

- 4.8 Where a meeting room is available with the necessary equipment or facility for remote attendance and electronic broadcasting (usually the Council Chamber), then provision will be made for disability access and any other visual or hearing aids to ensure that those attending in person are able to participate on the same footing as those attending remotely. A public gallery or seating area will be set aside for the public and the press. The display screens and audio equipment in the meeting room will enable those in attendance see and hear those joining remotely, and be seen and heard by them at all times.

4.9 **Multi-location meeting platforms**

Microsoft Teams is the supported and secure application used by the Council for joining multi-location meetings remotely. It has functionality for audio, video, and screen sharing and you do not need to be a member of an organisation (or have a Teams account) to join a Teams meeting. For smaller closed meetings, the MS Teams meeting application can be used. However, for larger numbers of participants and live broadcasting of public meetings, the MS Live Event facility will be utilised.

- 4.10 The multi-location meetings will be broadcast live using the live-streaming facility of the Public-i system in the Council Chamber, which integrates with MS Teams and also with the democratic services governance software, to provide greater functionality. The display screens in the meeting room will enable all those attending in person to see and hear those participants who

have joined remotely via MS Teams. The cameras and projectors in the meeting room will focus on the individual member or participant who is speaking and their name will be displayed on the screen to identify them for the purposes of the live broadcast. When a member or participant is speaking remotely, then his or her name and image will also be displayed on the screen for the purposes of the live broadcast.

4.11 **Notices, agendas, reports and exempt matters**

Democratic Services will publish the agenda and reports for multi-location meetings on the Council's website at least 3 clear working days before the date of the meeting and will notify Councillors by e-mail of the date and time of the meeting, together with a link to the electronic agenda and reports. Paper copies of agendas will not be made available to members. The 2021 Act provides for electronic publication of agendas, reports and minutes and does not require printed copies of documents to be made available to members. Hard copies of agendas will be provided, on request, for any members of the public or press attending meetings in person. However, the Chair can be provided with hard copies of meeting papers, if required, to assist with the management of proceedings.

- 4.12 The Governance Team in Democratic Services will be responsible for organising the multi-location meetings. They will send a meeting request via Microsoft Teams/Live Events to all members and other participants, which will also appear in Outlook calendars. This enables them to be the 'organiser/producer' of the multi-location meetings and gives them more functionality in terms of controlling the proceedings and the live broadcast from the meeting room, in order to support the Chair. Elected members should, wherever possible, advise the Governance Team in advance of the meeting about whether they intend to join the multi-location remotely or attend in person, to give an indication about attendance numbers and to assist with the organisation of the meeting.
- 4.13 It is recommended that Members **use their Council laptops** for participating remotely in multi-location meetings and any tablets or smart phones are used to open the agenda and documents. This will assist with any technical support that may be required. Those members attending the meeting in person should use their laptops or tablets to access the agenda and documents but should not open their MS Team application, to maintain bandwidth and the audio and visual quality of the broadcast. Members attending in person are advised to fully charge their laptops and devices before the meeting because of the limited numbers of charging points in the Chamber.
- 4.14 Notices of meetings will comply with the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended by the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) (Amendment) Regulations 2021, for multi-location Cabinet meetings. For all other Council meetings, notices will comply with Part 5A and schedule 12 of the Local Government Act 1972 (as amended by the 2021 Act).
- 4.15 Public notice of all multi-location meetings will be published electronically on the Council website at least three clear days before the meeting (or at the time it is convened, if it is convened at shorter notice). The notice will include details of how to access the meeting and the place, date and time of the meeting, if it is partly taking place physically. Where a formal meeting is taking place which is not open to the public, the notice will include the date and time of the meeting and the fact that it is not open to the public.
- 4.16 The agenda and reports for multi-location meetings (including late reports) will be published on the Council website of the authority. Paper agendas will be made available to members of the public attending meetings in person. Background papers relating to written reports considered at multi-location meetings must now be proactively published on the Council website, not merely be available for public inspection upon request (although, exceptionally, if it is impractical to do this, they must be open for public inspection). This will require the automatic placement in the public domain of all background documents listed in written reports. Wherever possible, electronic copies of all background documents that have been used in the preparation of the report should

be attached to or embedded within the published reports. Reports writers will, therefore, need to carefully consider how background papers are identified, produced and prepared for publication.

- 4.17. A written record of the names of the elected members who attended the meeting will be recorded in the minutes, alongside apologies, declarations of interest and decisions made. The draft minutes will be published electronically on the Council website as soon as possible after the date of the meeting. Where the full minutes are not available within 7 working days of the meeting, then a written record of the meeting will be published, with the details of attendances, declarations and decisions made. There is no longer any legal requirement for members' signatures to be recorded but members attending a meeting in person will be asked to sign an attendance sheet, to assist with the preparation of the minutes.
- 4.18 If the press and public are excluded from a multi-location meeting while confidential or exempt information is being discussed (as defined in Schedule 12A of the Local Government Act 1972) under Part 2 of the agenda, then the right of the press and public to see and hear the meeting shall cease. Any members of the press or public attending in person will be required to leave the meeting room and the Democratic Services officer will immediately disconnect the livestream broadcast and remove the remote access rights of any external participants. Members (and any officers) who remain as remote participants in the Part 2 meeting should ensure that no other person is able to see or hear the confidential discussion from their laptop/device. Any such disclosure of confidential information would be a breach of the Officer or Members Code of Conduct. The business to be conducted at meetings will be organised to ensure that all exempt and confidential reports and discussions are listed at the end of the agenda under Part 2 and that confidential reports containing exempt information are clearly identified and are not publicly accessible.
- 4.19 Copies of all agendas, reports, background documents and minutes of multi-location meetings will remain accessible electronically to members of the public for a period of 6 years following the date of the meeting. The documents will be uploaded and can be accessed electronically via the Council website. Where it is not reasonably practicable to publish or access them electronically, Democratic services will make arrangements for public inspection or copying of the published documents, on payment of a reasonable charge.
- 4.20 The recording of the live broadcast will be uploaded onto the Council website within 7 working days from the date of the meeting and will be available for viewing for a period of up to 6 months. Copies of the recording can be downloaded and made available upon request for a period of up to 6 years following the date of the meeting.
- 4.21 **Meeting attendance**
- If any elected member joins any multi-location meeting, either in person or remotely, for any part of the meeting, then this will count as an official "attendance" for the purposes of the 6 months' rule under Section 85 of the Local Government Act 1972. For a member to be in attendance remotely he or she must be capable of participating in the meeting or part of the meeting and must be capable of being seen and heard by the other members.
- 4.22 Remote participation in any multi-location meeting will be automatically recorded in the participants list in MS Teams. Members attending in person will be asked to sign an attendance sheet for record purposes, although there is no legal requirement to do so. All attendances will be formally recorded in the published minutes.
- 4.23 Any apologies for absence should be sent to the Governance Team in advance of the multi-location meeting. The Chair will be provided with the list of apologies received and will announce the names of the members who have sent their apologies at the start of the meeting. Any additional apologies should be reported either verbally at the meeting or recorded in the chat box where a member is attending remotely.

- 4.24 If a member has any pecuniary or personal interest in any matter under discussion at the multi-location meeting then that interest should be declared at the appropriate time by notifying the Chair in person or remotely in the chat facility. The Chair will then invite the member to speak and declare the nature of the interest, which will be recorded in the written minutes.
- 4.25 Where the personal interest is a pecuniary or prejudicial interest and the member is required to leave the multi-location meeting during the discussion of the item, the member will need to leave the meeting room or disconnect their remote access by clicking the Leave button or clicking the red square with the white telephone in the toolbar. The Democratic Services officer will notify the member that the item has been concluded and that he or she may re-join the meeting. Where the member has disconnected their remote access, they will be contacted by e-mail, text or telephone to confirm that they can reconnect and re-join the meeting remotely. The Chair should check that any member has left and re-joined the meeting remotely at the appropriate time by clicking on the 'show participants' button in the toolbar next to the chat icon.
- 4.26 Wherever possible, members should notify Democratic Services at least 2 working days in advance of the remote meeting whether they have any personal or pecuniary interests to declare. The Democratic Services officers provide copies of declarations of interest forms for members declaring an interest in person at the meeting and will e-mail forms to members attending remotely, for completion and return following the meeting. The completed and signed declarations of interest forms will be added to the electronic public register of members' interests.
- 4.27 In the event of any failure of the technology for remote attendance, so that all remote participants are unable to continue to participate fully in the meeting, the Chair should declare an adjournment while the technical fault is addressed. If it is not possible to address the fault and the meeting becomes inquorate because of this fault, the meeting will be abandoned and reconvened at a later date. However, if the meeting remains quorate because of the numbers of members attending in person, then it will continue, unless the Chair considers that this would be undemocratic because of the nature of the business being discussed and the numbers of members who have been prevented from attending and voting remotely. If an individual member who has joined the meeting remotely loses internet connection or otherwise has technical difficulties, then the meeting will continue while those issues are being resolved.
- 4.28 There is no facility for pausing and restarting the live stream. Therefore, during any adjournment, remote participants should switch off their microphones and cameras. The Chair will confirm the time for recommencing the meeting and all remote participants will need to re-join the meeting at the restart time.
- 4.29 **Participation in multi-location meetings**
- Councillors who intend to participate remotely are encouraged to join the meeting promptly (i.e. at least 10 minutes before the scheduled start time) in order to avoid disrupting the meeting. Attendees should use the link within the calendar invite for the meeting which will say '**Join Microsoft Teams Meeting**', which will open the Microsoft Teams application on the laptop automatically. Any member having technical issues opening the link or joining the meeting should e-mail or call the meeting organiser/presenter.
- 4.30 Prior to participating remotely in any Council meetings, all members and officers should activate the corporate background to avoid unnecessary distractions or inappropriate images being shown on the screen. The Governance Team will send the corporate image to all participants, with instructions as to how the picture can be saved and opened as the background image within MS Teams.
- 4.31 Members who are joining remotely should ensure that they **click on the chat icon** in the tool bar as they will need this to indicate to the Chair that they wish to speak or cast their vote in relation to any item on the agenda. If this is not activated then they will not be able to fully participate in the meeting. The chat facility will appear on the right hand side of the screen and will be visible to

all the other participants in the meeting, including those members attending in person and viewing the screens in the meeting room.

- 4.32 Remote participants should also ensure that, where confidential matters are being discussed remotely, no other person can hear the audio broadcast. The relevant provisions of the Officer and member Codes of Conduct regarding the disclosure of confidential information will apply at all times to remote participation in meetings. Where other people may be present in the room, then the use of headphones or earphones may be appropriate.
- 4.33 Members and other participants are requested to notify Democratic Services before the meeting whether they intend attending in person or remotely, to enable the Governance Officer to check that all required participants are present at the start of the meeting. However, with live broadcasts, meetings will need to commence at the designated time and will not be delayed until everyone has joined, either in person or remotely. Members will be able to join the meeting later, and this will count for attendance purposes, but where Committees are acting in some form of quasi-judicial capacity and rules of natural justice apply, then members cannot participate in any debate or decision if they have not been present throughout that item.
- 4.34 The Democratic Services team will also have details of any members of the public or external participants who have been invited to participate. If they are joining remotely, they will be sent an invitation to join the meeting with the appropriate appointment, link or dialling code. If they are attending in person, then they will be notified of the place and time of the meeting.
- 4.35. The meetings will be live-streamed using the Public-i system and the press and public will be able to access the meeting remotely by clicking on the link published on the Council's website. They will be able to see and hear the live debate but they will not be able to participate.
- 4.36 The Chair will ask all members and officers joining remotely to **turn off and mute all unnecessary microphones**, unless they are speaking. This prevents background noise, which is intrusive and disruptive during the meeting, and also saves bandwidth and connectivity. The Governance Officer will also monitor this and will be able to mute microphones when they are not in use. Remote participants are reminded **to turn their microphones back on when they are invited to speak**. The Governance Officer cannot un-mute microphones.
- 4.37 The Chair will also ask all remote participants to **turn off all unnecessary cameras**. This helps to maintain bandwidth and call quality and avoids anyone being filmed/recorded without realising. If the Chair is attending remotely then he/she should keep their camera on at all times. There is no facility for the Governance Officer to turn off other participants' cameras (unlike muting microphones), although they are able to change the live display. The Chair will also remind members and participants attending remotely to **activate the chat box** for the purposes of speaking and voting.
- 4.38 The Democratic Services team will act as meeting organisers/presenters and will support the Chair in managing the remote attendance. They will be responsible for managing the live-stream broadcast and will operate the cameras to display the speakers on the screen. They will ensure that the chat box facility is activated for remote participants to indicate their wish to speak and will operate the electronic poll for remote voting. At the direction of the Chair, the Governance Team may pause or adjourn the meeting by taking down the live stream or live-feed from public viewing and may mute any speaker at any time. The Governance Team shall also allocate different levels of access to people logging in remotely (based on whether they are the Chair, a Councillor, officer or participant).
- 4.39 The order of speaking and the time limits for speeches and questions are set out in the Council's Standing Orders and the Arrangements for Multi-location meetings. When the Chair opens up a matter for debate or question, members should indicate their wish to speak by raising their hand if they are present in person or by using the chat facility if they are attending remotely. At the beginning of each agenda item, the Governance Officer will activate the "Raise Hand" application within the chat facility for the benefit of those members attending remotely. Members should click on the raised hand icon in the chat box and their name will appear in the list of speakers. The

Chair will invite Members to speak in the strict order that they have indicated, in person or via the chat box.

- 4.40 If a Member attending remotely wishes to raise an urgent point of order, personal explanation or closure motion, then a message should be written in the chat facility, to request that the Chair allow the Member to speak out of turn.
- 4.41 The messaging function in the chat window should only be used for communicating and interacting with the Chair. Members attending remotely should not use the chat box to communicate with each another as this function needs to be kept clear to allow the Chair to manage the meeting effectively. Any messages posted in the chat window will be available for all participants to read.
- 4.42 All remote participants in the multi-location meeting should comply with the following etiquette at all times:-

- (a) Join the meeting promptly to avoid any unnecessary interruptions
- (b) Mute your microphone when you are not talking.
- (c) Switch off your camera if you are not speaking.
- (d) Indicate a wish to speak by using the chat function
- (e) Only speak when invited to do so by the Chair
- (f) Speak clearly
- (g) If referring to a specific page or slide, mention the page or slide number
- (h) Switch off your video and microphone after you have spoken.

4.43 **External participants**

All Members and Council staff have Microsoft Teams installed on their laptop/device linked to their email account and therefore they can join a remote meeting using this application. External participants can also use the Teams application, by downloading it to their laptop, smartphone or tablet. They can be sent the meeting request via email and if a participant is included in this way, they can use all the functions of Teams (video / chat) to participate remotely in the meeting. This can be used for external presenters at Committee meetings or where public speaking is allowed (for example, Planning Committee). Alternatively, the Democratic Services Officer can add an external participant in part of a meeting as a voice call at the appropriate time. There is also provision for a conference call number and ID to be given to external participants, to enable them to join the meeting remotely. Again, this will be arranged by the Governance Team as part of the meeting organisation/production.

- 4.44 External remote participants will require access to appropriate equipment. A desktop PC or laptop with access to a stable broadband connection will be the best way to engage. Participants will need a camera (if they do not have a laptop with an integrated camera) and ideally should use headphones to avoid background noise.
- 4.45 Democratic Services will assist remote participants in resolving any basic technical problems before or during a multi-location meeting, ensuring that they know how to mute and unmute themselves, to activate and disable video, to check their internet connection etc. IT staff will be on call staff to deal with more complex technical issues. Participants will be advised about using the “raised” hand facility as well as etiquette around muting and unmuting when speaking. If the “raise hand” feature is not usable for those joining on mobile or on a tablet, then remote

participants may have to indicate to the Chair on screen or through the audio link that they wish to speak.

- 4.46 External participants will be required to check the environment around them before joining a meeting remotely to ensure that lighting and background is suitable, to avoid visual distractions and the inadvertent display of personal information. Mobile telephones and onscreen notifications should also be set to silent to avoid any unnecessary disturbance.
- 4.47 The Protocols and Procedures for Planning Committee and Licensing panel hearings should also be read as if varied or dis-applied by the provisions of this the Arrangements and Policy for multi-local meetings and in the case of any conflict or inconsistency then terms of the Arrangements and Policy shall take precedence insofar as they relate to remote attendance at meetings and hearings.
- 4.48 Where external participants have the right to speak at meetings, they have the right to attend the meeting in person or remotely. It may be advisable for external participants to attend in person, if they do not have access to, or are unfamiliar with, the necessary technology for remote participation. Where external participants wish to join the meeting remotely but they do not have access to the necessary technology, then the Democratic Services team will arrange for the participant to attend the Council offices and use a Council laptop. External participants may also be required to attend the meeting in person if this is considered necessary for the efficient conduct of the meeting, to ensure that they speak and leave the meeting at the appropriate time. A pre-recorded speech may also be used, where appropriate.

4.50 **Voting**

Any matter will be decided by a simple majority of votes cast by those Members present in the meeting, wither in person or remotely, at the time when the question was put. In the case of an equality of votes, then the Chair will have a second and casting vote. Unless a recorded vote is demanded under Council Standing Orders, the Chair will take the vote by a show of hands by those Members present in person. Members attending remotely should cast their votes electronically using the voting application in the chat box.

- 4.51 When a motion has been put to the vote, the Democratic Services officer will enable the Polling application in the chat box. Members voting remotely must ensure that they have the chat functionality enabled and open on the right hand side of the screen in order to cast their votes. A voting survey will appear in the chat box on the right hand side of the screen and with options to indicate whether a member wished to vote For, Against or Abstain. Members should click on the circle alongside the option that they wish to vote for, followed by the "Submit Vote" box underneath it.
- 4.52 If a Member makes a mistake when voting remotely, they can click the correct option and submit the vote again and it will override the original vote option submitted. The Chair will allow sufficient time for members to cast their votes correctly. The Poll will update in real time. The votes will be automatically counted as they are submitted and are visible to all participants in the meeting. Electronic votes are recorded on the system but individual votes are not identified on the screen and the chat room Poll is not available on the live stream for public viewing. If the Polling function fails or any Member is unable to cast their vote remotely, they can submit their vote in writing by adding it to the chat facility and it will be counted with the other votes already cast.
- 4.53 The Chair will declare whether the motion has been carried or lost once there is a clear majority of votes cast in person and remotely. This process will be repeated for every agenda item that requires a vote.
- 4.54 If a recorded vote is requested, the Chair will ask each Member in alphabetical order to state whether they wish to vote for or against the motion or whether they wish to abstain. The votes will then be counted and recorded. At the conclusion of the voting, the Chair will declare the numbers of votes cast and whether the motion has been carried or lost.

4.55 Chairing

Chairing a multi-location meeting is very different to chairing a face-to-face meeting. Chairs will need to be supported to carry out their role in specific ways. The job of the Chair will be a particular challenge where some members and participants are attending in person and others are joining the meeting remotely. It may, therefore, be advisable for Chairs to attend multi-location meetings in person, wherever possible, as this will make it easier for officers to provide face-to-face technical and governance support in managing the meeting. However, Chairs are able to attend multi-location meetings remotely, if they choose to do so.

4.56 Chairs have a particular responsibility to prepare for the meeting in a more planned and directed way than might be necessary for a physical meeting. This may involve the Chair consulting with officers, and other members, to determine:

- (a) What the meeting is about, and the possible purpose and outcomes for every item on that meeting's agenda;
- (b) What information will need to be made available in order for these outcomes to be delivered;
- (c) Where councillors or other meeting participants will want to contribute – and where and how public participation might need to be facilitated;
- (d) Where these people might need particular support in order to participate in the way that they want.

4.57 Chairs will also need to engage with all participants (which may include external witnesses and members of the public or others with a role to play) to ensure that their role and means of involvement are well understood. Chairs should:

- (a) Think about the accessibility of the meeting to the public, and whether there are any things they can do that will ensure that public observers are welcomed and that business is explained in a way that is understandable, including the operation of the multi-location meeting itself;
- (b) Ensure that they are prepared for the meeting in a logistical sense by being aware of which members and other participants may be joining by remote means;
- (c) Ensure before the start of the meeting that everyone is able to access the meeting, and that everyone is able to both see and hear each;
- (d) Provide a reminder of meeting arrangements and policies, particularly relating to conduct and voting arrangements;
- (e) At the beginning of the meeting, Chairs should remind participants of the protocols and arrangements and explain to those members of the public present in the meeting room that the proceedings are being recorded and broadcast live. The images and sound recording may also be used for training purposes within the Council. Generally the public seating areas are not filmed. However, by entering the meeting room and using the public seating area, they are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.
- (f) Check at the end of each agenda item that all members are content that they have been able to contribute, and ensure that agreed voting arrangements are followed where relevant.

4.58 The “balance” between individuals in a room, and those joining by remote means, will have a significant effect on how business will be transacted. Therefore, it is important that Chairs and

their support officers know in advance of the meeting which members intend to attend physically and who may join by remote means. For meetings with a mix of arrangements, particularly if the Chair themselves will be joining by remote means, planning is essential. This may include:

- (a) Understanding the motivations and objectives of individual participants on specific agendas items, and having a sense of what they may want to say and ask;
- (b) Identifying how a support officer or other member may bring their attention to a member wishing to make a comment through remote means or in the committee room;
- (c) Planning debate to be themed or otherwise structured rather than inviting comments generally, to ensure that all participants have an opportunity to contribute;
- (d) Ensuring that reports reflect the above sets of circumstances.

4.59 Training

Participation in remote meetings will also require a fundamental change in culture and, therefore, elected members will need to be fully trained and confident in using the technology in order to contribute effectively to the debate and decision-making. The role of the Chair will become even more important in managing the conduct of the remote meeting in a structured way. Therefore, additional training will be required for those members who Chair remote meetings, particularly their interaction with other members and officers and the use of electronic speaking and voting applications.

- 4.60 All elected members will be provided with initial training as part of their induction programme and a more comprehensive programme of training will be delivered as part of the on-going member-development process, tailored to the particular needs and roles of individual Chairs, members and Committees.

4.61 Welsh Language Standards

MS Teams does not currently have the functionality to provide simultaneous Welsh translation for remote meetings, to meet the requirements of the Welsh Language Standards. However, consecutive Welsh translation for virtual meetings can be provided upon request and notice to this effect will be included with the publication of the notice of the meetings and the subsequent minutes.

Financial Regulations

This document constitutes Part 4, Appendix 2 of the Council Constitution

Revised July 2016

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1 General

1.1 These regulations should be read in addition to and not in substitution or deviation from the Council's Standing Orders.

1.2 The Head of Finance shall, for the purposes of Section 151 of the Local Government Act 1972, be responsible for the proper administration of the Council's financial affairs.

1.3 Each Chief Officer shall consult the Head of Finance with respect to any matter within their purview, which is likely to significantly affect the finances of the Council before any form of commitment is given and before reporting to the Cabinet, any Cabinet Member, or any Committee.

1.4 References in these regulations to Chief Officers will in the main relate to Heads of Service, but may also refer to the Chief Executive and or Corporate Directors. Reference to the Head of Finance will also include his/her specifically nominated representative for various aspects of these regulations.

1.5 In recognition of their separate status, separate Financial Regulations have been issued for schools.

2 Financial Control & Supervision

2.1 The Head of Finance is responsible for regulating and controlling the finances of the Council within policies laid down by the Council from time to time. The inclusion or exclusion of any specific matters in any other regulations or resolutions shall not be considered as altering in any way the scope of this regulation.

2.2 Chief Officers shall be responsible for ensuring that Standing Orders and Financial Regulations are complied with in respect of matters falling under their jurisdiction. Non-compliance may be considered a disciplinary offence.

3 Budgeting & Budgetary Control (See also Standing Order 32 & 33)

3.1 The detailed form of capital and revenue estimates shall be determined by the Head of Finance following consultation with the Cabinet Chairman and with the other Chief Officers.

3.2 Chief Officers prepare the estimates of the impact on income and expenditure of budget decisions and strategies for input for revenue account and capital account in accordance with guidelines issued by the Head of Finance.

3.3 The Head of Finance shall collate the estimates and submit them to the Cabinet Chairman for consideration and submission to the Cabinet for approval.

3.4 Chief Officers will be provided with a defined set of Budgets for which they will be personally accountable. Chief Officers shall be empowered to incur expenditure included within their approved estimates subject to compliance with the Standing Orders and Financial Regulations of the Council.

3.5 The Medium Term Capital Programme will be approved by Cabinet on an annual basis, and subject to Standing Order 31, to incur expenditure in order to:

- take steps to enable land required for the purposes of the programme to be acquired in due time and;
- prepare a scheme and estimate including associated revenue expenditure for approval by the Cabinet.

Any additions to the capital programme approved at Cabinet will be subject to a project appraisal report as in 3.6 below, and be included as an addition reported to Cabinet on a regular basis.

3.6 Any proposal involving capital expenditure shall be the subject of a project appraisal report, prepared by the relevant Chief Officer and containing the views of the Head of Finance. Any additions shall be reported to Cabinet before expenditure is incurred and will detail the capital and revenue implications of proceeding with the project. In particular the report shall contain the Head of Finance's advice about the resources to be employed and the adequacy of the budget provision.

3.7 Any proposal for capital or revenue expenditure that is not included in an approved programme and cannot be accommodated within the Chief Officer's delegated authority shall be the subject of a joint report (of the Chief Officer and Head of Finance) to the Cabinet.

3.8 The Head of Finance shall be responsible for maintaining a corporate accounting system which will provide a statement of receipts and payments under each head of approved estimate and any other such relevant information as needed. Each Chief Officer is responsible for accurately recording on the corporate accounting system all expenditure and income due to the Council irrespective of any local management systems that are maintained. Chief Officers are responsible for ensuring that staff have been adequately trained in the use of the corporate financial systems.

3.9 Chief Officers are responsible for monitoring, controlling and reporting all activities which incur expenditure or generate income against the approved budget.

3.10 Chief Officers shall have a duty to consult with the Head of Finance as a matter of urgency where it appears that the amount of any head of estimate of approved expenditure or income will substantially vary from the approved estimate.

3.11 It is recognised that schools with delegated budgets under the approved Local Management of Schools Scheme (LMS) are responsible with the Governing Body for controlling their own in-year expenditure, in accordance with guidance issued by the Chief Education Officer.

3.12 Virements and Technical Adjustments

3.13 In accordance with guidance the transfer of budgets between objective codes (i.e. cost centres) shall be subject to the following authority levels, Budget adjustments are split into two categories, virements and technical adjustments.

Virements

3.14 A virement is instigated, when budget previously identified and required for a particular set of strategic objectives or purpose, is no longer required and can be redirected to achieve further different strategic objectives or purpose, requiring additional expenditure to that previously

planned. Monies are transferred to achieve different strategic objectives from that originally planned for the money.

3.15 Examples:

- transferring expenditure/income budgets to different cost centres
- transferring expenditure/income budgets to different subjective on cost centres
- creating income and associated expenditure budgets for unknown/'windfall' income streams

3.16 Under no circumstances can virements be used to:

- fund recurring expenditure from non-recurring savings
- transfer capital monies to revenue
- create an unbalanced budget

3.17 Virements (which are deemed not to be technical adjustments) are subject to the following delegated authorisation limits:

- Following appropriate consultation with Head of Finance, any Head of Service, shall have the authority to vire any budget within their control to an aggregate total of £100,000 or 5% per annum (whichever is the lower).
- The Cabinet shall have the authority to vire any budget up to an aggregate total of £2,000,000 or 15% per annum (whichever is the lower) and Council shall have the authority to vire any budget in excess of this amount.
- All virements undertaken will be reflected in budget monitoring reports to the Cabinet as presented from time to time.
- All virements require authorisation and full explanations in a form which the Head of Finance will decide, before implementation

Technical Adjustments

3.18 A number of budget adjustments take place during the year for purely technical reasons. These are not subject to the authorisation limits of budget virements and the Head of Finance or his nominated representatives can authorise these. These adjustments will include:

- Adjustments within the same cost centre and sub code area i.e. employee, premises, transport etc.
- Internal and central support recharges
- Realignment of budgets for office accommodation, provisions, insurance or capital charges
- Detailed allocation or amendments to schools delegated budgets
- Allocation of savings from Change/Efficiency Programmes (inc. cross cutting savings)
- Adjustments required to support approved Council-wide initiatives such as Total Reward, Living Wage or Pay Award
- Realignment of budgets to reflect changes in grants or external funding, provided additional contributions are not required from core budgets
- Adjustments required or arising from specific decisions approved by Council or Cabinet

- Allocation of sums to or from pooled/contingency budgets where these are within the overall budget but awaiting detailed allocation
- The movement of budgets for specific functions or areas of work either within directorates or between directorates where the changes are for purely structural or reporting purposes and there is no change in the overall purpose for which the funding was allocated.

3.19 Where a decision is required as to whether a technical adjustment will apply, advice should be sought from the Assistant Head of Finance.

4 Accounting

4.1 The Head of Finance shall be responsible for advising the Council on all financial matters and for issuing instructions for the safe and efficient receipt of monies payable to and for the issue of money by the Council.

4.2 The Head of Finance shall be responsible for keeping the principal accounting and costing records of the Council and shall exercise overall supervision and control and, where necessary, shall prescribe the form of financial records, statements and accounts kept under the control of any Chief Officer.

4.3 Each Chief Officer should ensure the following principles shall be observed in the allocation of accounting duties:

- 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 paying them;
- officers responsible for the examination and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

5 Audit

5.1 A continuous internal audit, under the independent control and direction of the Head of Finance, shall be exercised over all services of the Council.

5.2 The responsibility of Internal Audit shall be to review, appraise, and report upon:

- the soundness, adequacy and application of internal controls, including the application of these regulations and Contract Standing Orders;
- the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
 - fraud and other offences;
 - waste, extravagance and inefficient administration, poor value for money or other causes.
- the suitability and reliability of financial and other management data developed by the Council.

5.3 Internal Audit must be consulted by Chief Officers at an early stage during the development of all new systems or the upgrading of existing systems to ensure that such systems provide adequate internal controls.

5.4 For the purpose of Internal Audit the Head of Finance and his/her nominated representative shall have authority to:

- enter at all reasonable times on any Council premises or land without prior notice;
- have access to all records, documents, computer programs and files and correspondence relating to any financial and related transactions of the Council;
- require and receive such explanations as are necessary concerning any matter under examination;
- require any employee of the Council to produce cash, stores or any other Council property under their control or such items in their custody as an officer of the Council which are the property of other persons;
- secure and prevent access to any equipment and records subject to an immediate report to the relevant Chief Officer.

5.5 In every case where any matter arises that could involve irregularities concerning cash, stores or other Council property or any suspected irregularity in the exercise of the functions of the Council, the relevant Chief Officer shall immediately notify the Head of Finance who shall take such steps as is considered necessary by way of investigation and report. The Chief Internal Auditor shall advise the most appropriate course of action.

5.6 The Chief Internal Auditor shall submit at least an annual audit report for consideration by the Audit Committee. In addition individual audit reports shall be prepared for Chief Officers relating to audit assignments undertaken in relation to their services.

5.7 The Council's Audit Committee will also be responsible for:

- reviewing the annual audit needs assessment and Strategic Audit Plan;
- considering major findings of Internal Audit investigations;
- reviewing implementation of Internal Audit recommendations and management responses;
- ensuring the resources available to Internal Audit are sufficient to meet the Council's needs.

5.8 All amendments to the Internal Audit Plan are to be approved by the Head of Finance and reported to the Council's Audit Committee.

5.9 Notwithstanding the responsibility of the Head of Finance 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, and the Chairman of the Cabinet, on any matter in which the Head of Finance appears to be personally involved; or any other matter he/she considers appropriate.

5.10 Chief Officers having responsibility for building, engineering, other works or service contracts must supervise, monitor and control the administration of those contracts. They should ensure satisfactory delivery of the project contract and robust budgeting of costs.

5.11 In order to maintain an objective and independent position, the Internal Audit Section will not undertake work outside of the agreed Audit Plan without the authority of the Head of Finance.

5.12 Audit Reports will normally be issued in draft for up to one month to enable relevant officers to comment on the factual accuracy. Responses received, or any failure to respond, will be taken into account when the reports are submitted to the Audit Committee where applicable. All agreed recommendations are required to be implemented by Chief Officers within 6 months.

5.13 The Head of Finance will bring to the attention of the Chief Executive and the Chairman of the Cabinet any substantial matter concerning probity, which becomes the subject of an Internal Audit investigation.

6 Petty Cash & other Advance Accounts

6.1 The Head of Finance shall make such advances as is considered necessary after consultation with a Chief Officer to meet petty cash payments and for use as change floats. Such accounts will be maintained on an Imprest system.

6.2 Payments from petty cash Imprests shall be limited to a maximum value and type of expenditure as may be directed from time to time by the Head of Finance by way of Financial Instructions. This maximum shall not be exceeded without the authority of the Chief Officer in conjunction with Head of Finance and only in accordance with his/her guidance.

6.3 No income received on behalf of the Council may be paid into an Imprest account but must be banked or paid to the Council intact as provided elsewhere in these regulations.

6.4 Any officer responsible for an Imprest account shall, when requested, provide to the Head of Finance a certificate as to the state of the Imprest account.

6.5 On leaving the employment of the Council or otherwise ceasing to be responsible for an Imprest account, an officer shall account to the Head of Finance for the amount of the Imprest account.

7 Banking Arrangements

7.1 All arrangements with the Council's bankers shall be made by or under arrangements approved by the Head of Finance, who shall operate such banking accounts, including Girobank Accounts, as is considered necessary. No bank accounts with reference to the Council or an establishment will be set up without the prior approval of the Head of Finance.

7.2 All cheques, including Girobank payment forms, shall be ordered only on the authority of the Head of Finance, who shall make proper arrangements for their safe custody.

7.3 Cheques on the Council's main bank accounts, including Girobank Accounts, shall bear the facsimile signature of the Head of Finance or be signed by the Head of Finance or by such Officers designated by him/her for that purpose.

8 Contracts for Supply of Goods & Materials, Building, Constructional Maintenance or Engineering Work, etc.

8.1 Each Chief Officer shall ensure that no contract for the supply of goods or materials or for the execution of works shall be entered into unless it is in accordance with the Council's Contract Standing Orders, Procurement Strategy and associated guidance.

9 Property

9.1 The Head of Law and Regulation shall maintain a terrier of all properties owned by the Council, (except dwellings provided under the Housing Acts), recording the purpose for which held; location extent and plan reference; purchase details; particulars of nature of interest; rents payable; particulars of tenancies granted and any other information required to complete the Council's asset register.

9.2 The Head of Law and Regulation shall maintain a terrier of all Council dwellings, Council built garages and garage plots on Council housing land.

9.3 The Head of Law and Regulation shall also have custody of all title deeds under secure arrangements.

10 Income

10.1 The collection of all income due to the Council shall be undertaken in accordance with arrangements approved by the Head of Finance, and shall be receipted in every instance as directed by the Head of Finance.

10.2 All fees and charges from works/goods delivered must be taken in advance wherever possible, and if not take at point of sale or invoice raised at the earliest opportunity. Invoices must be raised within payment terms as determined by the Head of Finance and no credit terms should be made available unless agreed by Head of Finance in advance.

10.3 All money received on behalf of the Council shall at such intervals as determined by the Head of Finance be paid to the Finance Service Area, or subject to the instructions of the Head of Finance be banked in the Council's name. All such money must be paid to the Finance Service Area or be banked, as appropriate, intact without any deduction except on the specific authorisation of the Head of Finance.

10.4 All receipt forms, tickets, licences and other documents representing receipts for money, shall be in a form approved and supplied by the Head of Finance who shall be satisfied as to the arrangements for their control. In addition the use of any cash receipting equipment must be subject to the approval of the Head of Finance.

10.5 Every transfer of official money from one member of staff to another will be evidenced in the records of the service areas concerned by the signature of the officer receiving the money.

10.6 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full or the written authority from the Head of Finance for the writing off of the debt.

10.7 Personal cheques shall not be cashed out of money held on behalf of the Council without the specific authority of the Head of Finance.

11 Grants

11.1 Chief Officers shall be responsible for ensuring that proper arrangements, including adherence to grant terms and conditions, are in place in respect of all grants from whatever source, which may be due to the Council.

11.2 Each Chief Officer shall ensure that whenever a grant application is being considered the Head of Finance is consulted and where necessary the proper authority obtained and suitable records are kept as specified by the Head of Finance.

11.3 All grants and associated expenditure must be accounted through the approved accounting system and budgeted and controlled to ensure appropriate compliance with grant terms and conditions.

12 Insurances

12.1 The Head of Service responsible for the Insurance area shall effect all necessary insurance cover and determine those risks that are to be covered by the Council's insurance funds.

12.2 All Chief Officers shall notify the Head of Law and Regulation of all new risks, properties or vehicles that need to be insured and of any deletions or other alterations necessary to existing insurances.

12.3 The Head of Law and Regulation should be promptly notified of any occurrence likely to lead to a claim. Unless otherwise decided by the Head of Law and Regulation, all cases involving loss or damage must be notified to the Police. If the case involves the possibility of fraud the Head of Finance must be informed.

12.4 All appropriate officers of the Council shall be included in a suitable fidelity guarantee insurance and, in all circumstances where the Council undertakes work on a contractual basis for a third party, professional indemnity insurance.

12.5 The Head of Law and Regulation shall annually, or at such other periods as is considered necessary, review all insurances in consultation with other Chief Officers as appropriate.

12.6 Chief Officers shall consult both the Head of Law and Regulation and the Head of Finance concerning any indemnity the Council may have to give.

13 Inventories & Asset Registers

13.1 Each Chief Officer shall maintain inventories and/or asset registers of such items, and in such format, as directed by the Head of Finance.

13.2 Each Chief Officer shall arrange for the inventories to be checked physically, on at least an annual basis, and shall certify that the records are correct. Any adjustments that may be necessary for surpluses or deficiencies shall be subject to approval by the Head of Finance.

13.3 Council property shall not be removed otherwise than in accordance with the ordinary activities of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the Chief Officer concerned.

13.4 Special arrangements are contained in Financial Instructions in respect of the property of Social Services clients in residential/nursing homes.

14 Treasury Management

14.1 The Council has adopted the key recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code) 2011. In addition, the Welsh Government (WG) issued revised Guidance on Local Authority investments in 2010 that requires the Authority to approve a treasury management strategy before the start of each financial year.

14.2 The Council will fulfil the legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and WG guidance.

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

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

14.3 All money in the hands of the Council shall be aggregated for the purposes of Treasury Management and shall be under the control of the Head of Finance.

14.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Audit Committee and for the execution and administration of treasury management decisions to the Head of Finance who will act in accordance with the Council's policy statement and TMPs and CIPFA's Prudential Code for Capital Finance in Local Authorities.

14.5 All such borrowing, investment or financing shall be in the name of the Council.

14.6 All securities, the property of, or in the name of the Council or its nominees, in its ownership, shall be held in the custody of the Head of Finance.

14.7 The Head of Finance shall be the registrar for securities or delegate such responsibility where appropriate.

14.8 Any officer acting as a trustee by virtue of their office shall deposit the relevant securities with the Head of Finance unless the deed otherwise provides.

14.9 The Council will receive reports on its treasury management policies, practices and activities including, as a minimum, an annual strategy and plan in advance of the year and annual report after its close, in the form prescribed in its TMPs.

15 Orders for Work, Goods & Services

15.1 Each Chief Officer shall ensure that official orders shall be:

- issued for all work, goods or services supplied to the Council unless specifically approved by the Head of Finance.
- raised where possible on the electronic procurement system by authorised requisitioner, and approved by Chief Officer's authorised signatories which shall be regularly updated as necessary, and authorised signatories removed when officer leaves the authority.
- The order raised should reflect as closely as possible the expected goods/services to be received and the estimated cost.

Orders raised outside of the electronic procurement system shall be:

- in a form approved by the Head of Finance who shall consult the Head of Law and Regulation thereon, if necessary;
- approved on behalf of each Chief Officer by persons they authorise, with approval of the Head of Finance. A list of each Chief Officer's authorised signatories for ordering goods shall be supplied to the Head of Finance and regularly updated as necessary.

15.2 Chief Officers will be responsible for orders issued from their division, and in particular, for ensuring that they conform with the Council's requirements concerning purchasing and compliance with the Procurement Gateway Process, in particular use of corporate contracts, and that the expenditure will be within the relevant annual estimates or covered by specific financial provision.

15.3 Each Chief Officer shall ensure an appropriate segregation of duties exists between the ordering, receipt, payment and accounting for the purchase of goods and services.

15.4 No employee shall purchase goods on behalf of the Council, or any client of the Council, in a manner that confers any financial or any other benefit to the purchaser (eg by the use of personal catalogues).

16 Payment of Accounts

16.1 Apart from petty cash Imprest and other payments from advance accounts the normal method of payment of money due from the Council shall be from the Council's Banking Account in a form directed by the Head of Finance.

16.2 Chief Officers or their senior delegated officers will be responsible for checking, examining and certifying the goods receipted on the electronic procurement system and the invoices received to ensure correct and timely payments of accounts. All other invoices or other payment vouchers or accounts arising in their service area, will require the same level of checking, examining, certifying and prompt delivery to the payments section.

16.3 The above certification of payment vouchers will be in a form approved by the Head of Finance.

16.4 Each Chief Officer shall supply to the Head of Finance, for approval, names and specimen signatures and initials of officers they propose shall sign such vouchers.

16.5 Before the receipting of goods on the electronic procurement system or the certifying of voucher for payment, the certifying officer shall satisfy themselves that:

- the goods, work or service to which the order/voucher relates have been received, carried out, examined and approved;
- the prices, extensions, calculations, discounts, other allowances, credits and V.A.T. are correct;
- the relevant expenditure has been properly incurred;
- appropriate entries have been made in inventories, stores or stock records;
- the order/voucher has not been previously passed for payment, and is properly payable by the Council.

16.6 Duly invoices/certified vouchers shall be passed without delay to the Head of Finance and/or input into the Council's accounts payable system, who shall examine them as is considered necessary and where appropriate will be entitled to make enquiries and to receive such information and explanations as is required.

16.7 Each Chief Officer shall, not later than a date, as specified each year by the Head of Finance, notify the Head of Finance of any outstanding expenditure relating to the previous financial year.

17 Salaries & Wages

17.1 The payment of all salaries, wages, gratuities, compensation and other emoluments to all employees or former employees of the Council shall be made by, or under arrangements approved and controlled by, the Head of Service responsible for payroll administration.

17.2 Each Chief Officer, as appropriate, shall notify the Head of Service responsible for payroll administration by paper or electronic means including input to the Council's corporate personnel system, of all matters affecting the payment of salaries, wages and other emoluments and in particular:

- appointments, resignations, dismissals and suspensions;
- absences from duty for sickness or other reasons, apart from annual leave;
- changes in remunerations, other than normal increments and pay awards and agreements of general applications;
- information necessary to maintain records of service for superannuation, income tax, national insurance and similar purposes.

17.3 With particular regard to resignations or dismissals of staff, each Chief Officer shall notify the Head of Service responsible for payroll administration immediately it becomes known that an employee's employment is to terminate, for whatever reason. At the same time the Chief Officer shall notify the Head of Service responsible for payroll administration of any outstanding amounts that may have to be recovered from the employee, for example, in respect of post entry training costs, aids to recruitment costs or outstanding car loans.

17.4 Any report concerning the early retirement of an employee, for any reason, shall include the views of the Head of People and Transformation and a calculation of the costs in a form approved by the Head of Service responsible for payroll administration.

17.5 All time records and other pay documents shall be in a format approved by the Head of Service responsible for payroll administration and shall be certified in writing, or as otherwise directed, by or on behalf of the relevant Chief Officer.

17.6 All Chief Officers shall supply to the Head of Service responsible for payroll administration, and regularly update where necessary, the names of the officers they authorise to sign such documents or input such data, together with the officer's specimen signatures and / or computer identification codes.

17.7 Appointments of all employees shall be made in accordance with the Standing Orders of the Council within the approved establishments, grades and rates of pay.

18 Security

18.1 All Chief Officers are responsible for maintaining proper security, at all times, of the buildings, stocks, furniture, equipment, cash and assets under their control. No Council property shall be sold or otherwise disposed of without the approval of the appropriate Chief Officer in consultation with the Head of Finance. Any such disposal must be in accordance with Standing Orders.

18.2 The Head of Finance shall issue instructions concerning the limits of cash holdings, and in no circumstances should these be exceeded without the Chief Officer's express authority.

18.3 Instructions will also be issued by the Head of Finance with regard to the frequency of banking and deposits with the bank, Girobank or the Finance Division Revenue Section/Council Tax Offices.

18.4 All Chief Officers shall make sufficient arrangements for the security, custody and availability of keys to safes and similar receptacles in their Service Area. Any loss of such keys shall be reported to the Head of Finance as soon as possible.

18.5 In cases of burglary and break-in the Chief Officer shall notify the Police immediately. The Head of Finance should then be informed of all such incidents including details of losses incurred as soon as possible.

18.6 The Head of Service responsible for IT shall be responsible for maintaining proper security and privacy with regards to information held in the corporate computer installation and all its systems, and for their use, including Internet.

18.7 Each Chief Officer shall be responsible for maintaining proper security and privacy in respect of information held in other computer equipment and related systems within their Service Area.

18.8 The Chief Executive shall be responsible for ensuring all aspects of the Data Protection Act 1998 are complied with by the Council.

18.9 Officers who have Internet access, or other I.T facilities, should restrict their use to work related matters other than with the express approval of their Chief Officer. Members who have Internet access, or other I.T facilities or equipment provided by the Council should ensure that they are properly used for the purposes of their role as a Councillor.

19 Stocks & Stores

19.1 Each Chief Officer shall be responsible for the care and custody of the stocks and stores in their service area.

19.2 All stores records shall be in a format approved by the Head of Finance.

19.3 Stocks shall not be in excess of normal requirements, as determined by the Chief Officer in consultation with the Head of Finance, except in special circumstances after consultation with the Head of Finance.

19.4 Where stocks and stores are held the Chief Officer shall arrange for a system of continuous stock taking to be undertaken and shall ensure that all stocks are checked at least once a year.

19.5 Chief Officers shall be required to submit to the Head of Finance, where appropriate, a certificate indicating the value of stocks, stores and work in progress at 31 March each year. Such certificates shall be provided to the Head of Finance by the end of April each year.

19.6 The Head of Finance shall be entitled to examine and check stores and records, and be supplied with such information relating thereto as may be required for the accounting, costing and financial records of the Council.

20 Financial Instructions & Procedures

20.1 From time to time the Head of Finance or the Chief Officer in consultation with the Head of Finance, shall issue Financial Instructions as is deemed necessary for the guidance of all employees of the Council who handle cash or deal with financial matters during the course of their duties. All such instructions will be deemed to have the same authority as if they were specifically referred to in Financial Regulations.

20.2 It will be the responsibility of each Chief Officer to ensure that every such employee in their division has access to a copy and complies with all Financial Instructions relevant to their duties.

21 Leasing

21.1 The Head of Finance shall be responsible for obtaining quotations from Finance Houses providing lease arrangements for the acquisition of buildings, plant, vehicles and equipment in accordance with European Union directives.

21.2 No leasing arrangements should be entered into as a means of acquiring assets unless agreed with Head of Service and with consultation of the capital accountant as the most efficient means of acquiring the asset.

21.3 Provision within Service estimates to cover the annual costs of leasing should be made only following consultation with the Head of Finance.

21.4 Sale/Lease-back and operating leasing arrangements also come within this regulation.

22 Officers' Fees, Travelling & Subsistence Allowances & Incidental Expenses

22.1 All claims for payment of fees, car allowances, subsistence allowances and travelling and other expenses shall be submitted and/or input to the corporate Payroll system, duly certified, in a format approved by the Head of Service responsible for payroll, to the payroll team as soon as possible following the end of the monthly period in which they are incurred.

22.2 All subsistence claims will be reimbursed in accordance with guidelines issued by the Head of Service. Claims will only be reimbursed if supported by a valid VAT receipt.

22.3 Each Chief Officer shall supply to the Head of Service, for approval, names, designations and specimen signatures of officers they propose shall sign such claims. Where approval is carried out on-line then names, designations and computer identification codes shall be submitted to the Head of Service.

22.4 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, properly and necessarily incurred and the fees and allowances are properly payable by the Council.

22.5 Claims submitted more than three months after fees were earned or the expenses incurred must be accompanied by an explanatory letter of the delay and will only be paid on the express approval of the Head of Service and only when the reasons for delay are exceptional.

22.6 All payments of incidental expenses such as removal, lodging and disturbance allowances and training course fees, etc. shall be made in accordance with the appropriate scheme approved by the Council.

22.7 Payments to members of the Council or its Committees who are entitled to claim travelling or other allowances, will be made by the Head of Service on receipt of the prescribed form duly completed. All claims for a financial year are to be submitted within one month of 31 March. Details of payments made to members will be retained by the Head of Service and made available for public inspection when appropriate.

23 Protection of Private Property

23.1 The Head of Regeneration, Investment & Housing or any other Chief Officer where appropriate, shall notify the Head of Finance promptly of any cases where it is considered necessary to take into the possession of the Council or that officer any moveable property belonging to a third party in order to prevent or mitigate loss or damage to such property. In such cases the appropriate Chief Officer shall arrange for the preparation in the presence of two officers of an itemised inventory of all such property. The appropriate Chief Officer must make arrangements for each such inventory to be kept securely.

23.2 All valuables such as jewellery, watches and other small articles of a similar nature and documents of title belonging to a third party shall be held in safe custody and in a secure environment as is approved by the Head of Finance.

23.3 Any such items taken into the possession of the Council shall not be disposed of without the written approval of the Head of Finance.

24 Purchasing Cards

- 24.1 The purchasing card system is designed to support the current Purchase 2 Pay purchasing and invoicing process and should not be considered as a replacement mechanism to bypass the formal requisition and approval process.
- 24.2 A Purchasing Card is provided to nominated staff to purchase low value goods and services that would normally require a Purchase Order. Purchasing Card transactions do not require a Purchase Order. The Purchasing Card transactional and card monthly spend limits are set out below.
- 24.3 The Purchasing Card shall only be used for the following requirements unless specifically authorised by the Purchasing Card Administrator:
- The purchase would result in a low value (sub £100) order being processed.
 - There is a valid and urgent requirement to purchase goods or services.
 - Traditional order methods cannot be used (e.g. internet only services).
- 24.4 Purchasing Cards should not be considered for use where it would result in the bypassing of Corporate Procurement rules.
- 24.5 Card Holder Supervisors will be responsible for carefully checking the transactions on Barclaycard Spend Management and ensure that the purchases are appropriate and that all of the Council's procedures have been observed. It is expected that supervisors will check transactions against physical receipts provided. If the Supervisor is not willing to approve a purchase made on the card by the cardholder then they should notify the Purchasing Card Administrator immediately who will then escalate to Internal Audit.

Cardholder Responsibilities

- 24.6 The cardholder is responsible for:-
- Ensuring that the monthly Card Provider Purchasing Card statements are reconciled, approved on the system by the Cardholder
 - Ensuring that all relevant receipt documentation is received from suppliers to ensure reconciliation of card spend meets HMRC requirements by providing tax (e.g. VAT) receipts (original physical copies must be retained).
 - Ensuring that the card and PIN is kept safe and secure at all times.

- Ensuring that the card is only used to purchase goods and services on behalf of the Council.
- Ensuring that lost or stolen cards must be reported to the Card Provider and the Purchasing Card Administrator immediately. The card will be cancelled, a replacement card will normally be despatched within seven (7) days. If the lost or stolen card is subsequently found, the card must be destroyed.
- Notifying the Purchasing Card Administrator of any changes to personal details e.g. change of name, home address, location, position within the company. If the Cardholder leaves the Council their card must be returned to the Purchasing Card Administrator where it will be cancelled and destroyed.
- Ensuring that expired or cancelled cards are destroyed.



Contract Standing Orders Feb 2020

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Definitions and Interpretations

In these Contract Standing Orders the following definitions apply:

Approved List	a list of providers that have been selected by the Council through a non-OJEU tendering process, from which the Council may select, by way of a mini competition, to Contract with to provide Services for the Council.
Authorised Officer	means any officer with responsibility for carrying out procurement process(es) detailed in these Contract Standing Orders
Contract	means any form of agreement (including, without limitation, official purchase orders) for the supply of Goods, provision of Services or carrying out of Works.
Contract Manager	means an officer responsible for the managing and monitoring of a Contract.
Contract Standing Orders	means these Contract Standing Orders.
Contractor	means any Contractor, supplier or provider with whom the Council enters into a Contract for the carrying out of Works, provision of Services or the supply of Goods.
Corporate Contracts Register	means the register of all quotations and tenders undertaken through the Procurement Gateway Process.
Council	means Newport City Council
eAdvertisement	means the electronic Contract advertisement portal which Newport City Council uses to advertise Contract notices.
eSourcing	means the Electronic Tendering portal which Newport City Council uses to conduct all Tendering processes
Framework Agreement	an agreement with one or more Contractors, the purpose of which is to establish the terms (in particular with regard to price and quantity) governing a Contract or Contracts to be awarded during the period for which the framework agreement applies.
Head of Service	means the officer in charge of a service area within the Council.
Goods	Covers all Goods, Supplies, Substances and Materials that the Council Purchases, Hires or otherwise obtains.
Light Touch Regime	means rules within the Public Contract Regulations relating to certain social and other specific services.
Lots	means the sub division of contracts into different parts or categories, usually to increase competition and allow greater supplier access.
National Procurement Service (NPS)	means the Welsh Government National Procurement Service or any subsequent National Contracting Body.
OJEU/EU Thresholds	means the financial values at which the Public Contracts Regulations 2015 require tenders to be advertised in the Supplement to the Official Journal of the European Union ("OJEU"), or any subsequent UK National eNotification service. These thresholds vary from time to time and can be checked on the OJEC website at www.OJEC.com/thresholds

Procurement	means the process by which the Council manages the acquisition of all its Goods, Services and Works, in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the Contracts.
Procurement Gateway Process	means the procedure that must be followed when procuring Goods, Works or Services over the value of £4k
Procurement Guidance	means the Guidance issued/to be issued from time to time by Strategic Procurement.
Procurement Process	means the procurement process that spans the whole life cycle, from identification of needs, options appraisal, supplier selection, award, and Contract management through to the end of a Contract or the end of the useful life of the asset, or disposal of the asset.
Public Contract Regulations	means the Public Contract Regulations 2015 or any subsequent amendments or variations to these UK regulations.
Services	includes all Services, which the Council purchases or otherwise obtains including advice, specialist consultancy work, agency staff etc.
Service Manager Procurement & Payments	means the Manager or any officers under that person's supervision or management who have responsibility for carrying out any of the obligations, duties or activities required to be performed by that person under these Contract Standing Orders or to act in that person's absence.
Standstill Period	means the statutory time period between notifying tenderers and awarding a contract, as per regulation 87 of the Public Contract Regulations.
Tender(s)	means the competitive process used to obtain pricing through either a quotation or tender exercise.
Tenderer(s)	means an individual, individuals, partnerships, companies or other bodies invited to submit pricing for providing the Council with Services, supplying Goods or carrying out Works.
Variant Bid/Tender	means an offer/bid which contains variants on the requirements specified by the Council in its procurement documentation.
Variation & Variations	means any alteration to a Contract, including additions, omissions, substitutions, alterations, or changes of any other nature.
Works	includes all Works of new construction and repairs in respect of physical assets (buildings, roads, etc.) including all those activities constituting Works for the purposes of the Public Contracts Regulations.

1 Introduction

1.1 *These Contract Standing Orders:*

- 1.1.1 Are made under Section 135 of the Local Government Act 1972 and all other powers enabling the Council.
- 1.1.2 Are applicable to all parts of the Council's activities, including any type of sub-contracting, apart from contracts for the acquisition and sale of interests in land and the Excepted Contracts described in section 2 below.
- 1.1.3 Are applicable where the Council is acting as agent for another body unless the principal directs otherwise.
- 1.1.4 Must be adopted by any external Contractors empowered to form Contracts on behalf of the Council and by any person who is not an Officer of the Council engaged to manage a Contract on behalf of the Council.
- 1.1.5 Shall apply to the selection of nominated suppliers and nominated Sub-Contractors for Goods, Works or Services covered by prime costs and provisional sums in a main Contract.
- 1.1.6 Are not applicable to expenditure between Service Areas or through formal joint arrangements or ventures involving the Council.

1.2 *Key Messages*

- 1.2.1 Any Officers delegated with responsibility for the procurement of Goods, Services (including contracts for consultancy) or Works for or on behalf of the Council (in accordance with the Scheme of Delegation) are affected by these Contract Standing Orders.
- 1.2.2 The funding for all contracts must be in accordance with approved budgets and comply with [Financial Regulations](#).
- 1.2.3 All values referred to in these Contract Standing Orders are exclusive of VAT.
- 1.2.4 Procurement is the process by which the Council manages the acquisition of all its Goods, Services (including but not limited to consultants/consultancy Services of any type) and Works of all varieties. It includes the identification of need, consideration of options, the actual tendering process and the subsequent management and review of the contracts. These 'Contract Standing Orders' should be read in conjunction with the guidance available on the Council's Procurement intranet pages and the Council's Procurement Gateway Process. All Procurement activity must be conducted in-line with the Council's [Procurement Gateway Process](#).
- 1.2.5 The 'Gateway' process is mandatory to follow if seeking to commission or procure Goods, Services or Works over £4k in value. The processes are designed to give a consistent, compliant approach to procurement across the authority and enable senior management to have visibility of the Goods, Services and Works being purchased by the Council. The extent and complexity of the 'Gateway Process' is linked to the value of the Goods,

Works or Services being purchased – with four main processes stepping up in detail.

- 1.2.6 Procurement by the Council is governed by detailed UK legislation. The Law requires all Council procurement and contracting to be conducted transparently, fairly and in a non-discriminatory manner. In the event of statutory or other legal requirements exceeding the requirements contained within these Contract Standing Orders, then statute shall take precedence over any provision in these Contract Standing Orders.
- 1.2.7 Before undertaking any competitive tendering process on behalf of the Council, Officers must check with Strategic Procurement to ensure there isn't a NCC contract (or other approved contract) that already exists for the goods/services being considered. Where they so exist, Officers must make full use of [NCC Corporate Contracts](#).
- 1.2.8 Guidance on other established Framework Agreements or legally available arrangements can be sought from the Council's Strategic Procurement Section.
- 1.2.9 Details of all Contracts available for use can be obtained from the Council's Procurement Intranet Site or the Council's iproc Purchase to Pay (P2P) system. If unsure, please contact the Procurement Section for guidance.
- 1.2.10 These Contract Standing Orders are not intended as detailed guidance for implementation and they should be read in conjunction with the Council's Constitution as a whole and in particular, in respect of Contract payments, the Council's Financial Regulations and the Council's Procurement Gateway Process.
- 1.2.11 The Service Manager Procurement & Payments shall undertake a formal review of these Contract Standing Orders at least every three years.
- 1.2.12 Any dispute regarding interpretation of these Contract Standing Orders shall be referred to the Head of Law & Regulation and Service Manager Procurement & Payments for resolution.

1.3 Purpose - These Contract Standing Orders:

By following the Procurement Gateway Process the Council will;

- 1.3.1 Ensure the achievement of value for money for the Council in the market by ensuring provision for securing appropriate competition at different levels of expenditure.
- 1.3.2 Ensure fullest accountability and compliance at all levels whilst ensuring an adequate audit trail.
- 1.3.3 Ensure that Officers follow proper and fair procedures for the involvement and selection of Contractors.
- 1.3.4 Ensure compliance with the Public Contract Regulations and Welsh Government and Council Policy. Ensure that levels of monitoring and training exist to ensure proper compliance and that these Contract Standing Orders are regularly reviewed to take account of new circumstances.

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- 1.3.5 Ensure that consideration is given to meeting the goals and principles of the [Well-being of Future Generations \(Wales\) Act 2015](#), and delivering social, economic and environmental benefits whilst spending public money.
 - 1.3.6 Ensure immediate action is taken in the event of a breach of Contract Standing Orders, to keep proper records of all contracts, tenders etc. including electronic data files (where electronic tendering systems are used), minutes of tender evaluation panels and other meetings;
 - 1.3.7 Ensure waivers of any provision of these Contract Standing Orders are recorded and reported to Audit Committee on at least a six monthly basis.
 - 1.3.8 Ensure proper records of all contracts awarded.
 - 1.3.9 Ensure the safekeeping of all original contracts which have been completed by signature and ensuring contracts to be executed under the seal of the Council are provided to the Head of Law and Regulation for completion within an appropriate timeframe. Sealed contracts are retained by the Head of Law and Regulation.

1.4 Who is affected by these Contract Standing Orders?

- 1.4.1 Any Authorised Officer with responsibility for the procurement of Goods, Services (including contracts for consultancy) or Works for or on behalf of the Council.

1.5 Compliance

- 1.5.1 Every Contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and shall comply with:
 - 1.5.1.1 All relevant statutory provisions;
 - 1.5.1.2 The [Public Contracts Regulations 2015](#) or such other amendment, variation or replacement Regulations in force from time to time ("Regulations")
 - 1.5.1.3 The Council's Constitution including these Standing Orders for Contracts, the Council's Financial Regulations and Scheme of Delegation.
- 1.5.2 The highest standards of probity are required of all Officers and Members involved in the procurement, award and management of Council contracts. Any serious non-compliance could lead to the Council's disciplinary procedures being invoked.
- 1.5.3 Officers and Members are reminded of their responsibilities in relation to gifts and hospitality and should ensure that they comply with the obligations set out in the Officers' Code of Conduct and Members' Code of Conduct respectively and any guidance issued in that regard.
- 1.5.4 Officers shall take appropriate measures to effectively prevent, identify and remedy Conflicts of Interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all Contractors as set out in the Regulations.

- 1.5.5 All contracts must contain a provision allowing the Council to terminate without compensation in the event that there has been actual or attempted fraud or corruption in connection with the procuring, continuation, renewal or performance of the Contract, including appropriate exclusion grounds as set out in the Regulations.

2 Exempt & Excepted Contracts

Exempt Contracts

- 2.1 The following Contracts are exempt from the requirements of these Contract Standing Orders:
- 2.1.1 Employment Contracts (this exemption does not extend to the recruitment of agency staff or external secondment arrangements).
- 2.1.2 Contracts relating solely to disposal or acquisition of an interest in land and property.
- 2.1.3 The execution of requirements which can only be provided by, or on behalf of, a public utility, statutory undertaking or local authority.
- 2.1.4 In a genuine emergency threatening public health, injury to persons or serious and immediate damage to property, an Authorised Officer can take any necessary action to alleviate the threat. This power is limited to the alleviation of the threat and does not extend to any Works beyond what is strictly essential.
- 2.1.5 Tenders invited on behalf of any consortium, associated or other body of which the Council is a Member, but not leading the procurement and provided that the tenders are invited in accordance with the method prescribed by any such body and comply with the Public Contract Regulations.
- 2.1.6 Purchase of Works, Goods or Services from a supplier under an acknowledged public sector agreement or a collaborative procurement agreement arranged through another public sector body.
- 2.1.7 Purchase of Works, Goods or Services from an in-house service provider
- 2.1.8 Purchase of Works, Goods or Services from an existing Contract on the Council's Corporate Contracts Register.
- 2.1.9 Purchases of between £1 and £4,000. However, officers should provide evidence that the purchase represents value for money in accordance with the Council's Financial Regulations. This may be via a note of cost comparison's or other evidence for internal audit purposes.

Excepted Contracts

- 2.2 Where an Authorised Officer can demonstrate good reason, and where the value of such action does not exceed the EU Procurement thresholds, or any subsequent UK Government threshold and where Strategic Procurement and Head of Service* approval has been obtained via the [Excepted Contracts Form](#), Contract Standing Orders shall not apply to the following:

**Note – Approvals above Head of Service level are required from;*

- a. Strategic Director/Chief Executive Officer for submissions by Head of Service*
- b. Chief Executive Officer for submissions by Strategic Director*
- c. Leader of the Council for submissions by Chief Executive Officer*

- 2.2.1 Purchase by auction or at public fairs or markets.
- 2.2.2 The purchase of Goods, materials or Services which are only available from one provider, or are of a specialist nature, for which no satisfactory alternative is available.
- 2.2.3 The acquisition of Services from artists and performers where the identity and or skills of the artist or performer is the primary consideration. Officers must ensure that the engagement of such artists represents value for money and is an appropriate business decision.
- 2.2.4 Extensions of existing contracts where the extension is in accordance with the terms & conditions, specification, rates and/or prices of the original Contract award, notwithstanding existing Contract conditions in relation to price variations.
- 2.2.5 First extension of existing contracts where the value of the extension does not exceed the applicable EU/UK threshold and no provision for extension was provided in the original Contract award, and where valid reasons can be demonstrated.
- 2.2.6 Extensions of consultancy contracts up to 50% of the original Contract (where the combined original value and extension value do not exceed any EU/UK thresholds), where continuation of Services is deemed necessary, and where the particular knowledge and understanding of the commission is intrinsically linked to the supplier, and no suitable supplier could undertake the work without undue delay or additional/further cost.
- 2.2.7 The execution of Works or the purchase of Goods or Materials necessary for urgent maintenance work to highways, buildings, plant or other assets to prevent rapid and progressive deterioration or to maintain essential Services.
- 2.2.8 Where it is necessary to procure against 2.2.1 to 2.2.8 above the excepted Contract forms must be sent to Strategic Procurement for reporting to the Procurement Gateway Board on a Quarterly Basis.

3 Social Services

- 3.1 In the case of social care contract let under the provisions of the Social Services and Well Being (Wales) Act 2014, Children's Act 2004 and the NHS and Community Care Act 1990 and regulated by Care Inspectorate Wales, the Head of Adult and Community Services and the Head of Children and Young People Services (herein after referred to as Head of Service) are not required to invite tenders for individual service contracts (being a support contract for an individual person) in the following circumstances, and where the Council does not have any suitable existing contract or framework;

- 3.1.1 where the Head of Service is reasonably satisfied that there is only one suitable provider of such services due to the specialist nature of the provision, whilst having regard to locality and family/carer access and visitation.
- 3.1.2 where emergency situations arise and the Council need to commission a service to protect and safeguard vulnerable people, for example in the event of provider failure.
- 3.1.3 where a service user (or their nominated representative) chooses a particular service provider to deliver their care, over another provider, which is in accordance with Social Services and Well Being (Wales) Act 2014. In such circumstances, any appropriate top up fees, in line with Service Area procedures must be levied.

Note - Where it has been necessary to let an individual service contract in respect of 3.1.1, 3.1.2 or 3.1.3, the Service Area must maintain a register of placements, detailing the rationale and cost for the placement. At the end of each financial year, the register must be provided to the Service Manager Procurement & Payments.

- 3.1.4 for all residential and supported living providers, however each provider will need to be accredited on the Councils Registered Provider List and all individual placements must still be brokered.
- 3.2 In respect of contracts for general service provision, general Contract Standing Orders shall apply.

4 Internal Providers

- 4.1 These Contract Standing Orders are the Council's procedure for buying Goods and Services for the Council. They do not apply to internal purchases or service provision. Where an in-house service provider has declined the opportunity to provide Goods, Works or Services, any subsequent procurement from an external supplier must comply with the principles of these Contract Standing Orders and follow the Procurement Gateway Process.
- 4.2 Where a service area believes the costing provided via an in-house provider does not represent value for money, they may apply to the Head of Finance for authority to waive this requirement and tender the provision. For the avoidance of doubt, the In-house service providers included specifically are as listed in the "Approved In-House Provider List"

5 Procurement Planning

- 5.1 In accordance with the Procurement Gateway Process by the end of March each calendar year, Heads of Service shall submit to the Service Manager Procurement & Payments a completed Procurement Forward Plan detailing the planned procurement activities over £4,000 (new purchasing requirements associated with budget planning for the forthcoming financial year). The Strategic Procurement team will use this information for procurement planning, to identify collaborative opportunities, to allocate appropriate resources and to ensure all relevant legislative requirements are observed.

Procurement plans will be under constant review and updated as and when required.

6 Procurement Tendering Process

6.1 Procurement Gateway Process

- 6.1.1 For all **Goods, Services and Works** please refer to the Council's procurement gateway process and flowcharts on the [intranet procurement pages](#).
- 6.1.2 The processes are designed to give a consistent approach to procurement across the authority and enable senior management to have visibility of the Goods and Services being purchased by the Council.
- 6.1.3 The 'Gateway' process is mandatory to follow if seeking to commission or procure Goods, Services or Works over £4k in value. Officers must not disaggregate requirements in order to avoid the applicable thresholds, and must consider the aggregated spend over the length of the contract.

Reminder: The below thresholds apply where there is no In-House provider, existing Contract arrangement or appropriate framework agreement available. Up to £4,000 it is necessary only to demonstrate and record that value for money is being achieved.

6.2 Thresholds for Procurement

6.2.1 Process One – Quotations (see Gateway Process One)

From £4,000 to £25,000 written quotations should be sought from either;

- 1) a minimum of three recognised suppliers in the appropriate market, or previously established competitive sources of supply, or
- 2) where it is not possible to identify suppliers, an open and advertised quotation process should be undertaken using the Council's approved eAdvertisement and eSourcing tool.

6.2.2 Process Two – Low Value Tenders (see Gateway Process Two)

From £25,001 to £75,000 formal tenders must be undertaken using the Council's approved eSourcing tool, either by selecting a minimum of four recognised suppliers in the appropriate market, or previously established competitive sources of supply. Where it is not possible to identify suppliers, an open and advertised tender process must be undertaken.

6.2.3 Process Three – Mid Value Tenders up to EU/UK Procurement Thresholds (see Gateway Process Three)

From £75,001 to current EU/UK Procurement Thresholds (current levels detailed on "link to thresholds on intranet pages") an openly advertised formal tendering process must be undertaken using the Council's approved eAdvertisement and eSourcing Tools.

6.2.4 Process Four – High Value Tenders Above EU/UK Procurement Thresholds (see Gateway Process Four)

Above threshold procurements must be undertaken via an openly advertised formal tendering process using the Councils approved eAdvertisement and eSourcing Tools, and in compliance with the Public Contract Regulations.

6.2.5 For Process One & Two, when selecting suppliers, consideration must be given in regard to supporting opportunities for local suppliers, and the wider Welsh supply base and its ability to meet the needs of the Council.

6.3 Code of Practice – Ethical Employment in Supply Chains

Newport City Council have signed up to the [Welsh Government's Code of Practice](#) – Ethical Employment in Supply Chains, and therefore all tenders must consider the principles of the Code when compiling documentation, vetting suppliers and awarding contracts. The overarching principle of the Code is to ensure that workers in public sector supply chains are employed ethically and in compliance with both the letter and spirit of UK, EU, and international laws. The Code covers Modern Slavery and human rights abuses, Blacklisting, False self-employment, Unfair use of umbrella schemes and zero hours contracts as well as considering paying the living wage. Advice must be sought from Strategic Procurement during tender preparation to ensure processes adhere to the principles of the Code.

6.4 Division of Contracts into Lots

The Council may where it considers appropriate decide to award a Contract in a form of separate lots and may determine the size and subject matter of such lots in accordance with the Public Contract Regulations.

Where the Council has decided not to subdivide an above EU/UK Threshold Contract (Process Four) into lots it shall provide an indication of the main reasons within the Procurement Gateway report. Officers must not use lotting opportunities or split up requirements into smaller elements to disaggregate requirements in order to avoid the Procurement Gateway Processes detailed above.

6.5 Supplier Selection

6.5.1 It must be demonstrated that the appropriately experienced, technically competent Contractors or suppliers have been shortlisted.

6.5.2 Care must be taken to differentiate supplier selection criteria for short-listing from award criteria.

6.5.3 This demonstration may include, but need not be limited to:

- Eligibility
- Financial standing, including provisions for insurance and liability
- Technical or professional capacity and capability
- Health and Safety
- Quality Standards including certification by official quality control institutes or agencies of recognised competence and or attesting conformity to quality assurance standards and/or measures
- Sustainability, including environmental management measures

- Evidence as to whether they are unsuitable on certain grounds, e.g., of bankruptcy, criminal conviction or failure to pay taxes.
- 6.5.4 The Welsh Public Sector standard supplier selection template is called the Supplier Qualification Information Database (SQulD). In addition to this, for above EU/UK threshold procurements there is the European Single Procurement Document (ESPD). These are the templates that the Council use as standard and Authorised Officers in Service Areas will need to complete this template with the assistance of their Procurement Officer within Strategic Procurement.

6.6 Financial Vetting

- 6.6.1 Financial vetting shall be considered for all tenders in excess of £75k. The decision as to whether a financial assessment is required should be based on risk and the impact on the Council of Contract failure. All vetting shall be agreed with the Council's Central Accountancy Team via a method approved by the Head of Finance for that purpose and be conducted at the selection stage.

6.7 Evaluation

- 6.7.1 The Authorised Officer shall examine tenders in accordance with the predetermined evaluation criteria for the tender and identify tenders that best meet the criteria including value for money.
- 6.7.2 Where the evaluation criterion is the most economically advantageous, the evaluation criteria or sub-criteria shall as a minimum be listed in the Invitation documentation in order of importance. Any particular scoring or weighting attributable to any criteria or sub-criteria must be clearly stated. In addition, the criteria shall be strictly observed (and remain unchanged) at all times throughout the evaluation and Contract award procedure. Further information on award criteria and weightings can be obtained from the Strategic Procurement Team.
- 6.7.3 Where tenderers submit "conditional" offers, seeking to add new conditions to the Contract the Authorised Officer should notify the tenderer that conditional offers will not be accepted and the tenderer must either withdraw the conditions or withdraw their tender. In the event the tenderer elects to withdraw their tender, their submission will be removed from the evaluation process. Only in exceptional circumstances will the Council consider conditional offers e.g. where only one tender has been received and it is conditional, and only then with approval from the Head of Law & Regulation.

7 Electronic Tendering

- 7.1 All procurements above the value of £25k must be conducted electronically in line with the Council's Procurement Gateway Process, Welsh Procurement Policy and The Public Contracts Regulations.
- 7.1.1 The tender process will be conducted electronically by Authorised Officers or Strategic Procurement as determined by the Procurement Gateway Process. All communications related to a tender conducted electronically shall be directed through the Council's approved eSourcing tool. No formal communication shall be made outside of the system.

- 7.1.2 Further information regarding the use of the Council's eSourcing tool may be obtained from Strategic Procurement.

8 Estimating the Contract Value

- 8.1 The value of a Contract means the estimated total monetary value over its full duration (not the annual value), including any extensions or other options. Where the duration of a Contract is indeterminate, this should be taken to be the estimated value of the Contract over a period of four years. No procurement may be artificially split to avoid compliance with these Contract Standing Orders and EU/UK procurement directives. The Council shall make the best use of its purchasing power by aggregating purchases wherever possible.
- 8.2 If it is known that the Contract duration will be longer than four years, then the Contract value will be the total value over the full term of the Contract.
- 8.3 Where the value is, or may be, equal to or greater than the relevant EU/UK threshold, the Council should also have regard to regulation 6 of the Public Contracts Regulations, which deals with the methods for calculating the estimated value of a procurement and the treatment of Lots.

9 Form of Contract

- 9.1 Every Contract where the value or amount of the Contract does not exceed £25,000 shall be in writing in a form approved by the Head of Law and Regulation.
- 9.2 Every Contract that exceeds £25,000 but does not exceed £100,000 shall be signed by either the Head of Service or their Authorised Officer. Contracts between £100,000 and £250,000 shall be signed by the Head of Law and Regulation.
- 9.3 Every Contract that exceeds £250,000 in value shall be made under the Seal of the Council.
- 9.4 All contracts shall be recorded using the information from the Procurement Gateway form on the Council's Corporate Contracts Register maintained by Strategic Procurement.

10 Framework Agreements

- 10.1 All Framework Agreements must be awarded, set up and managed strictly in accordance with the Public Contracts Regulations.
- 10.2 Framework Agreements can be used where the Council wishes to Contract for the provision of Goods, Services or Works without conducting multiple procurement exercises.
- 10.3 Established framework and consortia arrangements endorsed by Strategic Procurement for use by the Council shall be mandatory. On occasion, it may be deemed that the framework agreement would not provide best value – this will need to be proven and approved by Strategic Procurement.

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- 10.4 The Framework Agreement may include within its terms a requirement for a further competition exercise between those Contractors who are parties to the Framework Agreement. These shall be tendered in accordance with the terms of the Framework Agreement itself.
- 10.5 Where the Council is able to call off from existing Framework Agreements procured by Central Government Agencies, purchasing consortia or other Local Authorities or Public Bodies, then the Council may benefit from using those Frameworks without entering into a separate procurement exercise. Where such Framework Agreements contain a number of different Contractors able to provide a particular category of Goods or Services, competition in line with the Framework guidance must be followed.
- 10.6 Any Framework Agreement identified by a Service Area shall be notified to Strategic Procurement by the Authorised Officer and must be approved by the Procurement & Payments Manager in order to ensure suitability, legal compliance and value for money. Upon approval, Strategic Procurement can incorporate the Framework Agreement onto the Council's Contract Register.
- 10.7 Any joint procurement arrangements with other Local Authorities and/or Public Sector Bodies including membership or use of any consortia must be approved by Strategic Procurement to ensure suitability, legal compliance and value for money.
- 10.8 The term of a Framework Agreement must not exceed four years and, while a Framework Agreement may be entered into with one Contractor, where a Framework Agreement is concluded with several Contractors, there should be at least three in number.

11 Approved Supplier Lists

- 11.1 In circumstances where no other suitable Contract arrangement exists for the purchase of Services or Works on a regular basis, and where approval is granted by Strategic Procurement, an [Approved List of Suppliers](#) may be maintained by a Service Area.

This Contract Standing Order shall have effect where:-

- 11.2 A Head of Service, or Authorised Officer maintains an approved list of suppliers to be invited to tender for contracts for the supply of Works or Services of specified categories or
- 11.3 Where Strategic Procurement has approved the use of an external approved list maintained by a third party.

Lists maintained by the Council

- 11.4 The List shall be compiled and maintained in accordance with these Contract Standing Orders, and the Council's [Procurement Gateway Process](#).
- 11.5 Approved Lists must be established in consultation with Strategic Procurement and must be listed on the Council's Contract Register.
- 11.6 In establishing and using an Approved List, the procedure detailed on the [Strategic Procurement Intranet Site](#) must be followed.

12 Community Benefits and Wellbeing of Future Generations (Wales) Act 2015

- 12.1 The Council is committed to achieving economic, social and environmental well-being for its residents and implementing Community Benefits and meeting the requirements of the Wellbeing of Future Generations (Wales) Act 2015 so as to ensure a better quality of life for everyone, now and for generations to come.
- 12.2 For all procurements over £75k, the Authorised Officer **must** consider the Economic, Social and Environmental impact of the project when determining the specification and evaluation criteria, and potential for community benefits to maximise the added value of the procurement.
- 12.3 Authorised Officers shall seek guidance from Procurement and the Council's Community Regeneration section on how best to incorporate Community Benefits into the tender and Contract.

13 Amendment to Tenders, Errors and Omissions

- 13.1 As a general rule, no adjustment or qualification to any tender(s) is permitted. Only where approval has been obtained from Strategic Procurement, errors found during the examination of tenders shall be dealt with as follows:
- 13.1.1 Where the error contained in a tender appears to be a genuine mistake by typing, printing or arithmetic, or appears to be an eSourcing technical issue, the tenderer shall be given details of the error(s) and shall be given the option to either agree to the tender being corrected or withdrawing the tender. This rule also applies where the genuine mistake may have been made by the Council.
- 13.1.2 The tenderer will be given up to 3 working days to respond.
- 13.1.3 If confirmation from the tenderer is not received within 3 working days, the tender will be withdrawn.
- 13.1.4 Invitation to Tender documents must state how errors in Tenders will be dealt with.
- 13.1.5 All correspondence must be in writing, and where applicable through the Council's approved eSourcing tool.
- 13.1.6 No request to amend a Tender after the time fixed for receipt shall be accepted.

14 Tender Clarification and Negotiation

- 14.1 An Authorised Officer may seek clarification of the information provided (or not provided) by a Tenderer only where this is necessary to aid understanding. The types of clarification will generally be:

Where a Tenderer has made an accidental omission such as not including a relevant certificate;

Where ALL Tenderers responding have misinterpreted a question;

- 14.1.1 The Council will not seek clarifications from individual Tenderers where a question has been misinterpreted and/or poorly answered (this will include where a Tenderer has not followed the format of the Invitation To Tender and/or submitted standard text in place of a fully informed written answer) and other submissions received, fully interpreted and answered in full the same question. A clarification of this nature would not be permissible due to the Tenderer having a second chance at providing information which would alter the evaluation, and be unfair to other Tenderers.
- 14.1.2 If, for any reason, it is necessary to amend the Specification after Tenders have been received, a new Tender process shall be undertaken.
- 14.1.3 Where procurement is conducted pursuant to the Public Contracts Regulations advice must be sought from Strategic Procurement. The Authorised Officer may seek clarification from tenderers where appropriate in consultation with Strategic Procurement.
- 14.1.4 Where procurements do not exceed the applicable EU/UK thresholds, if it is in the Council's interest to do so to achieve value for money Strategic Procurement may authorise negotiations. Strategic Procurement will also establish the timescales for said negotiation procedure. Such actions must not distort competition. At all times during the procurement process the Council shall ensure that all tenderers are treated in accordance with the principles of the European Treaty.

15 Authorised Award of Tenders/Quotations and Reports

- 15.1 The Council shall only award a Contract where it represents best value for money. A Contract shall only be awarded using the pre-determined tender evaluation criteria and weightings. Where a tender is to be evaluated on price only, the Contract must be awarded to the Tenderer submitting the lowest (compliant with specification) price.
- 15.2 A Contract may only be awarded by an authorised officer with the required approval to award contracts in accordance with the Council's Scheme of Delegations. For all Procurements valued at above £4,000, the decision to award a Contract shall be made using the Council's Procurement Gateway Process.
- 15.3 Where Procurement is conducted pursuant to the Public Contract Regulations the Authorised Officer must notify all tenderers in writing of the outcome of the tender, and the Council's intention to award a contract. Unsuccessful tenderers must be informed of the scoring attributed to the evaluation, being their score and the score of the winning tender, as well as any characteristics and relative advantages of the winning tender. The name of the winning tenderer should also be provided. The statutory standstill period must be observed prior to any final contract award.
- 15.4 Where a tender has been advertised on the Council's approved eAdvertisement website, the Council shall publish a Contract Award Notice on the same website as soon as possible after the decision to award the Contract has been taken, and in any case within 30 days.

- 15.5 Where Procurement is conducted pursuant to the Public Contract Regulations the Authorised Officer must allow the statutory standstill period prior to issuing a final award and shall publish a Contract award notice in the Official Journal of the European Union no later than 30 days after the date of award of the Contract or such other requirements or time limits as are set out in the Regulations. An official Tender report in-line with Rule 84 of the Public Contracts Regulations must also be produced.
- 15.6 Where the Public Contract Regulations do not apply and an unsuccessful tenderer requests feedback on their tender, the Authorised Officer must within 15 days of any request, inform the tenderer of the reasons for being unsuccessful. If the supplier was unsuccessful at the award stage the responsible officer shall also inform it of the characteristics and relative advantages of the successful tender as well as the name of the bidder awarded the contract.

16 Contract Management

- 16.1 Once the Contract has been awarded, the Service Area Contract Manager will manage the day-to-day aspects of the Contract for its term.
- 16.2 The day-to-day management of the Contract shall be undertaken by the Contract Manager and shall include monitoring and reporting in respect of:-
- (i) performance
 - (ii) compliance with specification and Contract terms
 - (iii) cost
 - (iv) any value for money/best value requirements
 - (v) user satisfaction
 - (vi) risk management, and
 - (vii) delivery of agreed Community Benefits
- 16.3 For all contracts, it is the responsibility of the Contract Manager to raise any incidents of poor performance immediately with the Contractor and seek rectification. In instances of particularly poor performance, or persistent poor performance, the Contract Manager should consider the appropriate course of action to take under the Contract, taking advice from Strategic Procurement and/or Law & Regulation.
- 16.4 Where the Contract has key performance indicators built into monitoring objectives, the Contract Manager must make a written report evaluating the extent to which the Contract is meeting the objectives set. This should be done normally when the Contract is completed but for term contracts, such report should be prepared annually. The report should be presented to the appropriate Head of Service and the Service Manager Procurement & Payments.

17 Variations to Contract

- 17.1 Whether or not it is a requirement of the Contract, every variation (whether having a financial implication or not) will be authorised in writing by the appropriate officer(s). The Authorised officer will keep detailed records of any such variation and any variation of a financial matter shall be open to inspection by the Head of Finance. The authorisation will be issued before the variation is placed.

- 17.2 For variations approved by an Authorised Officer, the Contract Manager shall monitor at least monthly the overall level of variations approved to gain assurance that they are correct and appropriate.
- 17.3 Any variation to the original Contract must be in the best interests of the Council and of continued delivery of Services.

18 Extensions of Contract Period / Term

- 18.1 The decision to extend the Contract period (term) may only be made before the original expiry date, where it is in accordance with the terms and conditions of the original Contract. The relevant Head of Service must authorise any extension of Contract using the [Excepted Contracts form](#), which must also be approved by Strategic Procurement. The value of any extended term shall be assessed and recorded within the Excepted Contracts form as part of the extension procedure.
- 18.2 The decision to extend a Framework Agreement may only be made before the original expiry date, where the extension is in accordance with the terms and conditions of the original Contract. Strategic Procurement must take all such decisions to extend framework arrangements. The aggregate term of the Framework Agreement must not exceed 4 years.
- 18.3 Where the terms of the Contract and or original procurement exercise do not expressly provide for extension then such Contract may only be extended in exceptional circumstances, where legislation permits and value for money issues have been addressed. Such decisions shall be made by the relevant Head of Service and Strategic Procurement.

19 Procurement of Consultants

- 19.1 For the avoidance of doubt, the appointment of consultants shall be made in accordance with the requirements of these Contract Standing Orders.

20 Procurement by Consultants

- 20.1 Where the Council uses consultants to act on its behalf in relation to any procurement, then the Head of Service shall ensure that the consultants carry out any procurement in accordance with these Contract Standing Orders.
- 20.2 All decisions must be made in accordance with the Council's Scheme of Delegations and are subject to the Council's Procurement Gateway Process.
- 20.3 No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to outside of the Procurement Gateway Process.. The Head of Service shall ensure that the consultant's performance in relation to procurement is in accordance with these Contract Standing Orders and all statutory procurement obligations.
- 20.4 Where the Council uses consultants to act on its behalf in relation to any procurement, the consultant must declare any potential conflict of interest that may arise to the Head of Service prior to the commencement of the procurement process or at such time that the Contractor becomes aware of such a potential conflict of interest. Where the Head of Service considers that

such a conflict of interest is significant, the consultant shall not be allowed to participate in the procurement process.

Note: it is the Council, which is responsible for all actions and decisions of consultants in relation to the conduct of procurements, therefore there need to be proper governance procedures in place to manage and monitor consultants appropriately.

21 Variant Tenders

- 21.1 Variant tenders may be considered where this was indicated in the Invitation to Tender documentation. This must be in accordance with the Public Contract Regulations and in consultation with Strategic Procurement.

22 Abnormally Low Tenders

- 22.1 Where as a result of identifying that the overall tendered price or costs raises significant doubts that the Contractor will be able to complete the Contract within the Contract terms, the Council shall require tenderers to explain the price or costs proposed. Where the Council determine the explanation is insufficient or believe significant doubts as to the Contractors ability to meet the requirements still exist, the Council reserve the right to reject the tender. This must be undertaken in accordance with the Public Contract Regulations and in consultation with the Service Manager Procurement & Payments.

23 Capital Contracts

- 23.1 In the case of capital contracts, the appropriate Head of Service must ensure that the scheme is in the approved capital programme before inviting tenders in accordance with the Procurement Gateway Process.
- 23.2 For awarded contracts the Head of Service and Head of Finance must be made fully aware of the implications of a major change in the specification of a project in both financial and operational terms, and be made fully aware of all other significant decisions affecting the project. At the first indication or identification of a significant potential overspend of either £25k or 10% of the Contract value (whichever is the lowest), the appropriate Head of Service and Head of Finance shall be notified. This must be reported to the Councils Cabinet for further consideration.

24 Disposal of Assets

- 24.1 Heads of Service shall be authorised to dispose of Goods and materials surplus to the Council's requirements by whichever means would, in the judgement of the officers, result in the best value for the Council; examples may include;
- auction
 - tender
 - private sale
 - transfer to another service
 - donation to a not for profit organisation

- 24.2 Where a surplus item is likely to raise more than £1,000, the appropriate Head of Service shall be consulted before its disposal. Written tenders should be invited for any item likely to realise more than £5,000.
- 24.3 Irrespective of likely value, all Vehicle and Plant assets should be disposed of via the Head of City Services and all IT assets should be disposed of via the Head of People and Business Change, where they are not owned or managed by the Shared Resource Service (SRS). In the event that a Head of Service determines that Goods are beyond their economic useful life and therefore of no value, they should arrange for recycling as appropriate or disposal as waste. Appropriate records of disposal should be maintained and where assets are maintained on an Asset Register, the appropriate Head of Service should be informed to update the register.

25 Waiver of Contract Standing Orders

- 25.1 Approval of waiver of any of these Contract Standing Orders shall only be given in exceptional circumstances and only following a written report to the appropriate Cabinet Member, which includes the comments of the Chief Financial Officer, Monitoring Officer and Head of Service. All waivers will be reported to Audit Committee on at least a six monthly basis. There should be no delay in presenting a waiver report for consideration, which should be done as soon as the relevant circumstances present themselves.
- 25.2 The originator of the report requesting a waiver of Standing Orders is responsible and accountable for making sure that the contents of the report are factually correct. The originator of the report should ensure that all supporting documentation is retained on an easily accessible file for auditing purposes.

Constitution

Part 5: Codes and Protocols



Section 1: Members Code of Conduct

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NEWPORT CITY COUNCIL

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 subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

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 subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

[Note: subparagraph (b) is omitted.]

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your

authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

- (i) another relevant authority of which you are also a member;
- (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
- (iii) a body to which you have been elected, appointed or nominated by your authority;
- (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
- (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

- (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
- (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Personal Interests

15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

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1. Introduction

Newport City Council wishes to maintain and further improve the quality, economy, and effectiveness of all its services, and is progressing this through its commitment to the national drive for improvement in public service, including community leadership by local government in support for the government's new approach to public service, Continuous Improvement.

Within the Continuous Improvement context, the Council will want to ensure that the public will receive services that reflect the highest standards of conduct and have confidence in the integrity of its employees.

The purpose of this Code is to outline existing legislation, regulations and conditions of service and will provide guidance to assist employees in exercising appropriate conduct during their employment with Newport City Council.

The Code has been prepared in consultation with the Trade Unions and forms part of the Council's Terms and Conditions.

Reference to the development of local codes of conduct can be found in both the National Joint Council for Local Government Services National Agreement on Pay and Conditions of Service (Green Book), and Joint Negotiating Committee for Local Authority Craft and Associated Employees National Agreement on Pay and Conditions of Services (Red Book).

The Conditions of Service for Teachers in Primary and Secondary Schools (Burgundy Book) refers to the provision of the authority's own conditions, which provide further safeguards for, and obligations on the individual teacher.

The Code is applicable to all employees and is recommended for adoption by the Governing Bodies of the schools within Newport City Council.

This document constitutes Part 5, Section 2 of the Council Constitution

POLICY

2 Standards

2.1 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. The Authority's expectation on propriety and accountability is that

employees at all levels will lead by example, by ensuring adherence to rules and that all procedures and practices are above reproach.

2.2 The Code incorporates the existing laws, regulations and conditions of service and is intended to assist employees in their day-to-day work, in the light of the challenges they face in the new and more commercially orientated environment. The code has been produced with the objective of setting guidelines for employees, which will help to maintain and improve standards of conduct and protect employees from misunderstanding or accusations of improper conduct.

2.3 The Code itself cannot cover all cases likely to arise in practice, but the principles do. Ultimately, the Authority relies on the integrity, common sense and professional judgement of individual employees. It is not enough to avoid actual impropriety, employees must, at all times, avoid any occasion for suspicion and any appearance of improper conduct. Employees must not hesitate at any time to seek advice from their line manager on the interpretation of the code, or when circumstances arise which it does not cover.

2.4 Employees must ensure that they are aware of the principles of the Authority's Standing Orders and Financial Regulations and Council Policies and Procedures and at all times act in accordance with best practice when dealing with the affairs of the Authority. Employees are also expected to follow any Code of Conduct related to their professional bodies. Further information relating to the above can be found on the internal Intranet facility or alternatively can be obtained from your Line Manager/Support Services Division/Head Teacher.

2.5 It is the responsibility of all employees, without fear of recrimination, to bring to the attention of the appropriate level of management, any impropriety or breach of procedure. This they can do in the knowledge that such concerns will be treated with the utmost confidence and properly investigated. Further information on the appropriate procedure to be followed can be found in the Council's Disclosure of Malpractice 'Whistleblowing' Policy.

3 Political Neutrality

3.1 Employees serve the Authority 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 Employees should not be called upon to advise any political group of the Authority, either as to the work of the group or as to the work of the Authority, and they should not be required to attend any meetings of any political group. However, it is accepted that certain employees may be invited to advise any political group of the Authority as part of the substantive duties and responsibilities of their post.

3.3 Employees, 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.

3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 and 3.2.

3.5 Employees holding politically restricted posts are disqualified from membership of any local authority, other than a parish or community council, from being an AM, MP or MEP and are subject to prescribed restrictions on their political activity, in accordance with the Local Government and Housing Act 1989 (s1(5),(6)).

3.6 Politically restricted posts are defined as:

- specified posts, such as the Head of Paid Service and the Monitoring Officer. Chief Officers and their deputies are restricted without exemption or appeal.
- all posts which reach or exceed Spinal Column Point 44 or equivalent remuneration level unless exemption for individuals is granted.
- all posts which meet the duties-related criteria for determining a 'sensitive' post. These posts are defined as, those which give advice on a regular basis to the employing Authority, to any committee or sub-committee or another joint committee on which the Authority is represented, to any Member/Employee Working Groups, or speak on behalf of the Authority on a regular basis to journalists and broadcasters.

A full list of posts that are politically restricted, is available from Human Resources.

4 Equality Issues

4.1 It is the responsibility of all employees to ensure that they act in accordance with the Authority's Equal Opportunities Policy in addition to the legal requirements, and that they themselves do not discriminate in any way against fellow employees or job applicants. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

4.2 Employees should be aware that acts of deliberate discrimination and wilful disregard of equal opportunity policies will be treated as disciplinary offences.

4.3 Employees are encouraged to raise any concerns they may have and to inform management if they suspect that discrimination is occurring within the Authority. Further information on the appropriate procedure to be followed can be found in the Council's Equal Opportunities Policy and the Disclosure of Malpractice 'Whistleblowing' Policy.

5 Disclosure of Information

5.1 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 Authority, 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.

5.2 Information concerning an employee's personal, or employment details will not be supplied to any person, unless the Authority receives a written request containing the employee's consent.

5.3 Employees should not communicate to the public, the proceedings of any meeting that constitutes part of the Council's democratic decision-making process, nor the content of any document relating to the Authority unless required by law or expressly authorised to do so.

5.4 Employees should be aware of which information the Authority is and is not open about, and act accordingly. If an employee is unsure about any aspect of disclosure of information, they should refer to their Line Manager/Head Teacher

5.5 An employee who receives a request from the media to comment on any issues concerning the services of the Authority shall not comment without the express consent of a Chief Officer.

5.6 All employees must abide by the principles of any current Data Protection Act and act in accordance with the Council's code of best practice. As an employee of the Authority, it is part of your job to ensure that personal data remains confidential and secure. Misuse or unauthorised disclosure of personal data can lead to personal prosecution and disciplinary action in accordance with the Authority's Disciplinary Procedure.

5.7 For the purpose of internal audit, the Head of Finance and Scrutiny and his/her nominated representative shall have authority to:

- enter at all reasonable times on any Council premises or land without prior notice.
- have access to all records, documents, computer programs and files and correspondence relating to any financial and related transactions of the Council.
- require and receive such explanations as are necessary concerning any matter under examination.
- require any employee of the Council to produce cash, stores or any other Council property under their control or such items in their custody as an officer of the Council which are the property of other persons.
- secure and prevent access to any equipment and records subject to an immediate report to the relevant Chief Officer.

Further information can be obtained from Paragraph 5 of the Authority's Financial Regulations.

6 Relationships

6.1 Councillors

6.1.1 Employees are responsible to the Authority, and for some, their role is to give advice to councillors and senior managers and all are there to carry out the Authority'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.

6.1.2 Employees should operate within the Authority's management structure and procedures on all matters affecting service delivery and employment. Employees must not 'lobby' councillors on these issues. Exception to this will be made for recognised Trade Union Officials through the mechanisms and procedures established by the Trade Unions and the Council.

6.1.3 Employees must take instructions from their immediate line manager as outlined in the reporting structure of their job description. If an employee is asked by a councillor to undertake duties, or comment on a matter that falls outside the boundaries of their responsibilities or is a breach of the Authority's policies and procedures, the matter should be raised with their Line Manager/Head of Law and Standards/Head Teacher. Further guidance on the procedure to be followed can be found in the Disclosure of Malpractice 'Whistleblowing' Policy.

6.1.4 Councillors will act in accordance with the Members' Code of Conduct in the course of their working relationship with employees.

6.2 The Local Community and Service Users

6.2.1 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 policies of the Authority.

6.2.2 For areas of the Council where employees are involved in the care and protection of service users, particularly those of a more vulnerable nature, it is expected that they will protect the rights and promote the interests of service users and ensure the trust and confidence of those service users are established and maintained. Wherever possible, employees should protect service users from danger or harm, and follow practice and procedure designed to keep employees, service users and other people safe from violent and abusive behaviour.

6.2.3 Employees should respect the dignity, privacy and confidentiality of service users. They must not in any way, abuse, neglect or harm service users, exploit their professional relationship with them or abuse their trust. Employees must report to their Line Manager/ Head Teacher concerns regarding the welfare of a service user.

6.2.4 Employees must not form inappropriate relationships with service users, and must inform their Line Manager/ Head Teacher of any conflicts of interest in relation to service users.

6.3 Contractors

6.3.1 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.

6.3.2 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.

6.4 Partner Agencies

All relationships of a business or private nature between employees who are involved in working alongside partner agencies in joint initiatives should be made known to the appropriate manager.

7 Separation of Roles During Tendering

7.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

7.2 Employees must also ensure that they are aware of and comply with the Authority's Standing Orders and Financial Regulations when awarding contracts for goods and/or other services.

7.3 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

7.4 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.

7.5 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.

7.6 In order to avoid any possible accusation of bias, wherever possible, employees should not be involved in the tendering process where they are related to or have a close personal relationship with potential contractors. Orders and contracts must be awarded on merit; hence employees should not put themselves in a position to compromise their integrity.

7.7 Employees should ensure that no special favour is shown to current or recent 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.

8 Personal Interests

8.1 If an employee knows that a contract in which he/she has a pecuniary interest is proposed to be entered into by the Authority, he/she must give notice of his/her interest in writing to the Authority.

8.2 There are also areas other than contracts where pecuniary interest must be disclosed even though there is no statutory requirement. Remuneration from a firm that has dealings with the Authority is a direct interest. If the

remuneration were to be paid by the firm to a partner or known relative this would also be regarded as direct interest. It is in the best interests of the employee to exercise caution, and declare any relationship that may fall into the circumstances outlined above. 'Remuneration' includes commission, honoraria, dividends, agency fees and interests in addition to salary, wages or fees.

8.3 The legal requirement to disclose pecuniary interest is intended to preserve public confidence in the conduct and integrity of local government employees. It is with this objective in mind that the Authority also require you to declare other interests of friendship, relationship, or membership, which could give rise to suspicion, however ill-founded, that you could be influenced by improper motives in performing your duties.

8.4 The disclosure of pecuniary and non-pecuniary interests should be submitted by completing an Employee Disclosures Form. This can be found under requests and survey in your ESS (Employee Self Service) Account. These disclosures will be maintained and are subject to periodic review.

8.5 Employees should declare to an appropriate manager membership of any organisation does not open to the public without formal membership and commitment of allegiance and which has secrecy about rules, membership, or conduct.

8.6 The registration of these interests is the best defence against ill-informed or malicious allegations. You must not allow the impression to be created of you that you are, or may be, using your position to promote a private or personal interest, including those of your family and friends as well as those arising through membership of, or association with, clubs, societies and other organisations.

9 Appointment and Other Employment Matters

9.1 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 was 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 involved in appointments are required to disclose to the Authority any relationship known to them to exist between themselves and a candidate whether they are related to an applicant, or have a close personal relationship outside of work with him or her. Following the disclosure, the employee should not be involved in the appointment process. It is the duty of the Chief Executive to report to the Authority or appropriate committee of any such disclosure made.

9.2 Employees who are involved on the appointment process should adhere to the Council's Recruitment and Selection Procedure.

9.3 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative or partner.

9.4 If you are called upon to take part in appointing an officer, the only question you should consider is which candidate would best serve the whole Council. You should not let your political or personal preferences influence your judgement. You should not canvass the support of colleagues for a candidate and you should resist any attempt by others to canvass yours. Further information on recruitment can be found in the Recruitment and Selection Procedure.

10 Outside Commitments

10.1 Employees are not precluded by their Contracts of Employment from accepting other employment outside their normal working hours with other employers. Such employment must be declared to the employee's manager to ensure that it does not in any way hinder or conflict with the interests of their employment with the Council, or in any way weaken public confidence in the conduct of the Authority's business. This should be done by completing an Employee Disclosures Form. This can be found under requests and survey in your ESS (Employee Self Service) Account. These disclosures will be maintained and are subject to periodic review.

10.2 When it is considered that the nature of the employee's external employment will be in conflict with the Authority's business, the Council reserves the right to further discuss the implications of this with the employee. Employees are advised to seek advice from their Line Manager/Head Teacher before accepting external employment.

10.3 Employees who accept other employment must adhere to the Working Time Regulations, and sign an individual agreement with the Authority to disapply the forty-eight hour working week limit (if applicable). Further information on this can be obtained from your Human Resources.

10.4 Employees should not undertake outside work if it makes use of material to which the employee has access by virtue of his or her position. It is irrelevant whether or not the work is paid for. If work is undertaken which makes use of similar materials to which the employee has access to by virtue of employment, and in the interests of the employee, receipts of the purchase of such materials should be retained.

10.5 Employees above spinal column point 28 shall devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other appointment without the express consent of the Council.

10.6 Exactly what constitutes a business can be open to interpretation. The amount of time such an activity occupies and whether additional income is received as a result, are examples of factors to be taken into consideration in determining this. For the purpose of this Code, a business will be construed to incorporate any work or activity of whatever nature, whether paid or unpaid, undertaken by an employee in connection with any trade, profession, occupation or commercial venture including the purchase and sale of goods and services.

11 Copyright/Ownership/Intellectual Rights

11.1 If, whilst employed by Newport City Council, and during the course of their duties an employee originated any design or other work in which copyright or intellectual rights may subsist, then they must disclose it to the Authority and regard themselves as a trustee for the Authority in this matter.

11.2 Newport City Council is then assigned, by way of future assignment of copyright, the copyright and other proprietary rights throughout the world in respect of all copyright works written, originated, conceived, or made by that employee.

11.3 Employees should execute such deeds or documents and all such acts or things as may be necessary, or desirable, to substantiate the rights of the Authority in respect to matters referred to in paragraph 11.2 above.

11.4 These rules apply irrespective of whether the work was done alone or with another person or persons. The rules also apply if the work was done during the course of duties but outside normal hours.

11.5 These rules do not apply for works written, originated, conceived or made wholly outside normal working hours, and are wholly unconnected with the individual's employment with Newport City Council.

12 Corruption

Employees must be aware that it is a serious criminal offence for them to corruptly receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. It is in the best interests of the employee to be able to demonstrate that any such rewards have not been corruptly obtained.

13 Declaration of Bribes/Threats

Staff must disclose to the appropriate manager, details of any threats, offers or bribes made to them by:

- any person under the supervision of the service, or made on behalf of such a person, with the intention of securing some advantage.
- any person attempting to secure some advantage on behalf of themselves, others, or their company in connection with dealings with the Authority.

14 Gifts and Hospitality

14.1 Employees should treat with extreme caution any offer or gift that is made to them which is in any way linked to their work for the Council. No employee should accept any gift or hospitality from any person, firm or organisation with whom the Council has had, is having, or is contemplating having, dealings of any kind, other than in accordance with this Code.

14.2 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Local Authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded. To do this you will need to complete the Gifts or Hospitality Disclosure form. This can be found under requests and survey in your ESS

(Employee Self Service) Account. These disclosures will be maintained and are subject to periodic review. in the register of gifts and hospitality.

14.3 The acceptance of any gift or hospitality shall be subject to Line Management /Head Teacher approval. Approval should be obtained before acceptance. Employees should complete the Gifts or Hospitality Disclosure form for any offer of a gift or hospitality regardless of whether or not they accept it.

14.4 Employees should not accept significant personal gifts from contractors and outside suppliers, although it is considered acceptable for employees to keep insignificant items of token value such as pens, diaries, etc. The distinction must be drawn between such items, which may be used at work, as opposed to gifts of a personal nature, which should be refused. Whilst it is impossible to set and adhere to a financial limit on the value of any gifts or favours, which may be regarded as acceptable, the general rule applies that any gifts accepted should be low in value.

14.5 When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

14.6 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

14.7 Gifts and hospitality must not be accepted from the same party on a frequent or regular basis, in order to avoid any concern that proper working relationships are consequently being compromised.

14.8 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

14.9 When a gift is received, but not authorised for acceptance, it shall either be returned to the giver, or with the giver's consent, passed to the Mayor for donating to a local charity or similar organisation. 12

14.10 In the interests of openness and accountability, these disclosure forms will be maintained in the ITrent / ESS system and will be subject to periodic review. Each employee is responsible for declaring this information via their ESS Account.

15 Sponsorship - Giving and Receiving

15.1 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.

15.2 Where the Authority 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 such interest. Similarly, where the Authority 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.

16 Use of Financial Resources

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 Authority. Employees are encouraged to raise any concerns they may have, with regard to the lawfulness of certain actions, in accordance with procedures set out in the Anti-Fraud and Corruption Strategy. Further guidance on the appropriate procedures can be obtained from your Line Manager/Head Teacher.

17 Employees Charged with Offences

Employees charged with criminal offences, the nature of which, are in any way related to the employee's post are required to inform the appropriate manager at the earliest opportunity.

18 Conclusion

18.1 This Code should be made available to all employees throughout the Authority and should be issued to new recruits as part of their induction programme.

18.2 Employees are required to acknowledge through the on-boarding process that they have read this Code and that they fully understand the principles of the guidance given.

18.3 If employees are unclear about any part of this Code, they should contact the Human Resources or the Internal Audit Section for clarification.

18.4 This Code of Conduct will be subject to regular review. Any subsequent amendments will be made in consultation with the Trade Unions.

Appendix 1 Relevant legislation/ regulations

Local Government Act 1972

Local Government Planning and Land Act 1980

Local Government (Access to Information) Act 1985

Local Government and Housing Act 1989

Prevention of Corruption Act 1906 and 1919

Local Government Officers (Political Restrictions) Regulations 1990

Local Government (Politically Restricted Posts) (No 2) Regulations 1990

Sex Discrimination Act 1975

Race Relations Act 1976

Disability Discrimination Act 1995

Local Government (Direct Service Organisation) (Consultation) Regulations 1993

Appendix 2 Summary/extracts of Standing Orders and Financial Regulations FOR ALL PURCHASES MADE BY THE COUNCIL FOR GOODS/SERVICES

CONTRACT STANDING ORDERS (CSO)

CSO 1 Compliance with Standing Orders Every contract made by or on behalf of the Council must comply with these Standing Orders. Arrangements to meet the requirements of any future legislation or EU directive shall take precedence over these Standing Orders.

CSO 2 EU Public Procurement Directives The requirements of the appropriate EU Public Procurement Directive shall be complied with in relation to all contracts for the execution of works or supply of goods/services.

CSO 3 Excepted Contracts Contract Standing Orders 4,5,6,7,8 and 15(a) shall not apply when: the purchase of goods/services cost less than £4000; where goods or materials can only be obtained from one supplier (when no satisfactory alternative can be obtained); and purchases or sales are by auction, at public fairs or markets.

CSO 5 Open Competitive Tendering Except where the Council has deemed that Standing Orders 6,7 or 8 apply, no contract exceeding £35,000 shall be made unless at least 10 days public notice has been given in at least one local newspaper, also for contracts exceeding £75,000 notice (of invitation to tender) must be given in either a newspaper or journal which circulates persons capable of undertaking such a contract.

CSO 6 Selective Tendering by Advertisement This Standing Order shall have effect where, by virtue of a decision of the Council, invitation to tender for a contract is to be limited to persons who reply to a public notice. Invitations to tender should be sent to no less than four persons who applied. If there were less than four persons who applied all persons should be invited. Where such work falls within the activities of Monwel Hankinson or the Central Supplies Organisation each should be afforded the opportunity to tender as one of the four persons.

CSO 7 Selective Tendering - List of Approved Contractors Where a list of approved contractors is maintained, an invitation to tender shall be sent to at least four of those persons. Persons on the list should be selected on a fair and equitable basis through either strict rotation or by other means to ensure fair competition, value for money and quality of service.

CSO 8 Contracts for Services - Approved Register This Standing Order shall have effect where the Council has determined that a register shall be kept of persons to be invited to tender for contracts for the provision of services to the Council in specified categories. The register should include the names of all persons who wish to be included (and have been approved by the Council) and the type of service the person wishes to provide. Where no nationally accepted scale of fees and charges is in force tenders should be invited from no less than four persons on the register.

CSO 9 Nominated Sub-Contractors & Suppliers The sub-contractor must be willing to enter into a contract with the main contractor indemnifying the main contractor against work/goods included in the sub-contract.

CSO 10 Invitations to Tender Each invitation to tender shall name the latest day and hour for receipt of tenders.

CSO 11 Submission of Tenders Each invitation to tender should be addressed to the Head of Law & Standards in a plain, sealed envelope bearing only the word 'Tender'. No facsimile transmissions will be accepted.

CSO 12 Receipt of Tenders All tenders received will be consecutively numbered and the receiving officer will record the date and time it was received. Any tenders received after the date and time indicated for the receipt of tenders will not be considered unless approved by the Cabinet Member.

CSO 13 Opening of Tenders When the tenders have been opened (all together at a designated time) each will be initialled and the name of each person, the amount, date and time of opening, officers present and the nature of the goods/services to be supplied will be recorded.

CSO 14 Acceptance of Tenders No tender, other than the lowest (for payment of goods/services) shall be accepted until the Cabinet or appropriate Cabinet Member has considered a written report from the appropriate Head of Service.

CSO 15 Form of Contract No contract will be entered into without written quotations from four competent persons having been obtained and the contract having been agreed by the Head of Law & Standards. Contracts over £75,000 must be made under the seal of the Council.

CSO 15(a) Children Act 1989 & National Health Service, and Community Care Act 1990 This Standing Order shall have effect in respect of contracts for the provision of services under the Children Act 1989 and the National Health Service and Community Care Act 1990.

CSO 16 Contents of Contract Every contract shall specify (in writing) the work/materials/things to be furnished, the price to be paid (with a statement of discounts or other deductions) and the timescale within which the contract is to be performed. In each contract that exceeds £10,000 clauses protecting the Council's interest must be included.

CSO 17 Contracts - Disposal of Assets Heads of Service, in consultation with the Head of Finance & Scrutiny shall be authorised to dispose of goods/materials by auction, tender or private sale (whichever would result in the best price for the Council). Where a surplus item is likely to raise more than £5,000 the appropriate Cabinet Member must be consulted.

This is an abbreviated version of the Council's Contract Standing Orders. Copies of the full version can be obtained from your line manager or on the Council's Intranet system. The full version should be referred to in the first instance where it is felt there may be scope for interpretation.

FINANCIAL REGULATIONS

1 **General** These regulations apply to all Council employees

2 **Financial Control and Supervision** Non-compliance with the Council's Standing Orders and Financial Regulations may be considered a disciplinary offence.

3 **Budgeting & Budgetary Control** Chief Officers are responsible for monitoring, controlling and reporting all activities which incur expenditure or generate income against the approved budget and ensuring that staff have been adequately trained in the use of the corporate financial systems.

4 **Accounting** There should be segregation of duties between officers collecting income on behalf of the Authority and those officers responsible for recording, calculating and checking these sums.

5 **Audit** Internal Audit representatives must be able to enter at all reasonable times any Council premises without notice and have access to all records, documents, computer programs, files and correspondence relating to any financial and related transactions of the Council. In every case where any matter arises that could involve irregularities / suspected irregularities concerning cash, stores or Council property the Chief Internal Auditor must be notified immediately. Any new system developments must be reported to the Chief Internal Auditor to ensure that adequate internal controls exist.

6 **Petty Cash & Other Advances** Payments made from the petty cash imprest shall be limited to a maximum value and receipts must be available to support the expenditure. No income should be paid to the Authority through the imprest account.

7 **Banking Arrangements** No bank accounts with reference to the Council or an establishment will be set up without the prior approval of the Head of Finance & Scrutiny.

8 **Contracts for Supply of Goods & Materials, Building, Constructional Maintenance or Engineering Work, etc.** For contracts up to £4,000 in value at least four oral quotations must be obtained and appropriately recorded. For contracts of a value between £4,000 and £35,000 at least four written quotations must be obtained. For all contracts that exceed £35,000 in value, tendering procedures (as per Standing Orders) must be carried out.

9 **Property** A list of all properties owned by the Council (except dwellings provided under the Housing Acts) must be included in the Council's asset register.

10 **Income** All income received on behalf of the Council must be receipted and banked in the Authority's name, promptly and intact. All handovers of Council monies between officers must be appropriately shown. In no circumstances are personal cheques to be cashed through Council funds.

11 **Grants** Chief officers are responsible for ensuring that proper arrangements are in place in respect of all grants from whatever source, which may be due to the Council.

12 Insurances All new risks, properties or vehicles that need to be insured must be notified to the Head of Law & Standards as should all deletions and other alterations necessary to existing insurances. Appropriate officers are included in a suitable fidelity guarantee. The Council's Insurance fund will be reviewed annually.

13 Inventories & Asset Registers An inventory / asset register must be maintained and should be checked at least annually and certified to the effect that the information is correct. Any anomalies found must be reported.

14 Treasury Management All Council monies aggregated for the purpose of treasury management shall be under the control of the Head of Finance & Scrutiny.

15 Orders for Work, Goods and Services Official orders must be completed for all work, goods or services supplied to the Council and be certified by an authorised officer. A list of authorising signatures will be maintained by the Head of Finance & Scrutiny and should be updated as necessary (i.e., when a current authorised signatory leaves). Segregation of duties must exist between those officers ordering, receiving, paying and accounting for the purchase of goods / services.

16 Payment of Accounts All payments for goods /services via an invoice must be made through the Council's bank account. Invoices must be correctly coded and certified by an approved officer prior to the payment being processed.

17 Salaries & Wages All matters affecting the payment of salaries and wages (i.e., appointments, resignations, dismissals, suspensions, absences from duty etc.) must be notified promptly.

18 Security All Chief Officers are responsible for maintaining proper security of the buildings, stock, furniture, equipment, cash and assets under their control at all times. In the case of a burglary / break in the Police must be notified immediately and the Head of Finance & Scrutiny should be informed as soon as possible of the incident and the details of any losses. Internet access / other IT facilities must not be used for non-work-related matters without the consent of the appropriate Chief Officer.

19 Stocks and Stores Stock held shall not be in excess of normal requirements. A system of regular stock taking should be operated and year end certificates be completed indicating the value of stock held to be submitted to the Head of Finance & Scrutiny.

20 Financial Instructions Guidance to employees through the issue of Financial Instructions may be issued from time to time. These documents must be deemed to have the same authority as if they were specifically referred to in Financial Regulations.

21 Leasing All leasing agreements must be made through the Head of Finance & Scrutiny.

22 Officers' Fees, Travelling and Subsistence Allowances and Incidental Expenses All claims must be certified by an approved officer and submitted to the Head of Finance & Scrutiny no later than three months after the expenses were incurred. All subsistence claims must be supported by a relevant receipt.

23 Protection of Private Property The Head of Finance & Scrutiny must be promptly notified of any cases where it is considered necessary to take into possession any movable property belonging to a third party in order to mitigate loss or damage to such property. All such items must be recorded in an appropriate inventory and certified by two officers.

This is an abbreviated version of Financial Regulations. Copies of the full version can be obtained either from your line manager or on the Council's Intranet system. The full version should be referred to in the first instance where it is felt there may be scope for interpretation.

Created By:	Human Resources & Internal Audit
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Reviewed By:	Kirsty Plant
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Current Version:	V2.3

Document Control

Version	Date	Author	Notes/Changes
V1	01/03/2003	Human Resources	Council Constitution
V1.1	21/07/2017	Human Resources	Version control
V1.2	25/09/2018	Human Resources	Link to new register of disclosure form
V2	09/04/2020	Human Resources	New template and amendment to appendix numbers
V2.1	17/12/2020	Human Resources	Re-establish link to disclosure form
V2.2	05/03/2021	Human Resources	Re-establish link to disclosure form
V2.3	08/02/2023	Human Resources	General Review & Update of disclosure process
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e.g. VI	Click to enter date.	Click to enter text	Click to enter text
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Constitution

Part 5: Codes and Protocols

Appendix 3: Protocol on Member / Officer Relations

1. Introduction

- 1.1 The purpose of this Protocol is to guide Councillors and officers of the Council in their relations with one another.
- 1.2 The Protocol seeks to reflect the underlying principles of both the Councillor Code of Conduct and the Employee Code of Conduct. The shared purpose of these Codes is to enhance and maintain the integrity of local government by promoting high standards of personal conduct and ethical behaviour. It is essential that both Councillors and officers are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.
- 1.3 Mutual respect between Councillors and officers is essential to good local government. However, close personal familiarity between individual Councillors and officers can damage this relationship and prove embarrassing to other Councillors and officers.
- 1.4 The relationship has to function without compromising the ultimate responsibilities of officers to the Council as a whole, with due regard to such technical, financial, professional and legal advice that officers can legitimately provide to Councillors. The Protocol seeks to set a framework that assists the working relationships between Councillors and officers.

2. Roles and Responsibilities.

2.1 Councillors

Councillors have a wide range of roles and responsibilities:

- 2.1.1 Councillors express political values and support the policies of the party or group to which they belong (if any).
- 2.1.2 Councillors represent their electoral division and are advocates for the citizens who live in the area.
- 2.1.3 Councillors are involved in active partnerships with other organisations as community leaders.
- 2.1.4 Councillors contribute to the decisions taken in Full Council and the various Committees and bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
- 2.1.5 Councillors help develop and review policy and strategy.
- 2.1.6 Councillors monitor and review policy implementation and service quality.
- 2.1.7 Councillors are involved in quasi-judicial work through their Membership of regulatory committees, such as Planning and Licensing.

2.2 Officers

Officers have the following general roles and responsibilities:-

- 2.2.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.
- 2.2.2 Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.
- 2.2.3 Initiating policy proposals.
- 2.2.4 Implementing agreed policy.
- 2.2.5 Ensuring that the Council always acts in a lawful manner.

3. **Respect and Courtesy**

- 3.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Councillors and Officers. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Councillors and Officers remember their respective obligations to enhance the Council's reputation.
- 3.2 Councillors should avoid personal criticism of individual officers or identifiable groups of officers in public forums (including the media and social media). Similarly, officers should avoid personal criticism of elected Councillors or groups of councillors in public forums (including the media and social media).

4. **Undue Pressure**

- 4.1 It is important in any dealings between Councillors and Officers that neither should seek to take unfair advantage of their position. In their dealings with Officers (especially junior staff), Councillors need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Councillors hold senior official and/or political office. Wherever possible, Councillors should direct enquiries through Heads of Service or senior managers rather than approach more junior staff directly.
- 4.2 A Councillor should not apply undue pressure on an Officer either to do anything that he/she is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services. Similarly, an Officer must neither seek to use undue influence on an individual Councillor to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other staff. (The Council has formal procedures for consultation, grievance and discipline, and Officers have the right to report possible wrongdoing under the Council's Confidential Whistleblowing Policy).
- 4.3 Councillors should not, by their conduct, language, or actions, make any officer feel intimidated, harassed, threatened or bullied. Similarly, officers should not, by their conduct, language, or actions, make any Councillor feel intimidated, harassed, threatened or bullied.

5. **Personal Relationships**

- 5.1 Close personal familiarity between individual Councillors and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details. Such familiarity could also cause embarrassment to other Councillors and/or other Officers and even give rise to suspicions of favouritism. For these reasons close personal familiarity should be avoided.
- 5.2 Councillors should declare to the Leader their Political Group or to the Leader of the Council or to the Monitoring Officer, any close personal relationship with an Officer, which could be considered as influencing their work or decision-making. This might be a family relationship, a business

relationship, or another close relationship, which might be perceived as so significant that it is likely to prejudice their judgement.

- 5.3 Officers also have a duty to declare any such close personal relationships with individual Councillors to their Manager or Head of Service, where appropriate.
- 5.4 Councillors should not accept any Cabinet position or sit on any Committee which is responsible for any Service Area where a Councillor's relationship with an officer could unduly influence the Councillor's decision-making or the work of the Service Area in question or be perceived as such.

6. Provision of Advice and Guidance

- 6.1 Council officers have an obligation to give impartial advice and to implement the Council's decisions. They have operational responsibilities and powers which are generally set out in the Council's scheme of delegation.
- 6.2 Councillors taking decisions must reach those decisions having regard to any relevant advice by the authority's officers. In advising, officers are free to give their professional advice wherever appropriate. Councillors may test this advice by questioning and challenging in an appropriate manner but not in a way that could be interpreted as intimidating, harassing, threatening or bullying. Councillors should ensure that any such challenge is made to an officer of suitable seniority, generally a statutory officer, Corporate Director or Head of Service.
- 6.3 Officers should accept that Councillors are entitled to question advice given, and to receive a full and complete explanation.
- 6.4 The Council has four main statutory officers; the Head of Paid Service, the Monitoring Officer, the Section 151 Officer and the Head of Democratic Services, who have duties to advise the Council as a corporate body or the Cabinet in relation to executive functions, and have a statutory right to advise as they believe appropriate within their statutory duties.
- 6.5 Officers have to advise Councillors from time to time that a certain course of action cannot be carried out. Councillors sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Councillors might achieve some or all of their objectives in other ways.

7. Access to Information and Documents

- 7.1 Councillors are free to approach Officers of the Council to provide them with such information 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.
- 7.2 Officers should always endeavour to respond to requests for information promptly and should in any event inform the Councillor if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed i.e. either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within five working days of the receipt of the enquiry.
- 7.3 The legal rights of Councillors to inspect Council documents are covered partly by statute and partly by common law.
- 7.4 The Access to Information Procedure Rules (as set out in the Council's Constitution) and the provisions of the Local Government Act 1972 Part VA and Schedule 12A provide a statutory right

of access to papers relating to Council business, including agendas, reports, background papers and minutes of meetings.

- 7.5 The Monitoring Officer has the initial responsibility to determine whether consideration of reports to the Council, Cabinet, Cabinet Members or Committees are likely to disclose confidential or 'exempt' information as defined in legislation and whether it is in the public interest that this information is not made public. However, the decision as to whether they remain confidential is for the Committee to determine at the relevant meeting.
- 7.6 If any report is issued within the confidential Part 2 of the agenda for a meeting and unless the Council, Cabinet or Committee decides that it should be discussed in public, all Officers and Councillors must respect the confidentiality of the report and not disclose it to a third party.
- 7.7 It does not however follow that all the contents of a Part 2 report must be regarded as secret. It may only be certain items of information or terms of negotiations justify the inclusion of that report within Part 2; other aspects may already be within the public domain or otherwise outside the definition of 'exempt'. In such circumstances, an Officer or Councillor may refer to these 'public' aspects in discussions with third parties but must exercise proper care and judgement not to reveal those elements of the paper which are protected. Any Officer or Councillor should consult with the Monitoring Officer before doing so.
- 7.8 The Council promotes openness and access to information by all its Councillors. Whilst Councillors have no automatic statutory right to Part 2 reports and "exempt information", generally reports to be considered by the Council, the Cabinet, Cabinet Members, Committees are made available to all Members of the Council. Confidential or exempt information provided to Councillors as part of these reports must be used properly and should not be released or disclosed to any third party. It is not necessary for a Councillor to establish an individual "need to know" in relation to exempt information contained in Part 2 reports.
- 7.9 The common law right of Councillors is based on the principle that any councillor has a right to inspect any Council documents so far as his/ her access to the document is reasonably necessary to enable the councillor properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.
- 7.10 The exercise of the common law right depends upon a Councillor's ability to demonstrate a "need to know". In this respect a Councillor has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.
- 7.11 The information sought by a Councillor should only be provided by the respective Service Area as long as it is within the limits of their resources. For their part, Councillors, should seek to act reasonably in the number and content of the requests they make.
- 7.12 It is important for Service Areas and their staff to keep Councillors informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the wards that they represents. Local Members should be informed and consulted about proposals that affect their wards and should also be invited to attend Council initiated events within their wards.
- 7.13 If a Councillor asks for specific information relating to the work of a particular Service Area, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chair concerned should be advised about the information provided.
- 7.14 Councillors may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the "need to know". Employees are encouraged to supply documents to Councillors without the need for a formal FOI request if it is apparent from the Member's enquiry that any member of the public would be entitled to receive

such documentation. The Monitoring Officer will be able to advise on whether any request would fall within the Freedom of Information Act.

8. Confidentiality

- 8.1 In accordance with the Councillor Code of Conduct, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:
- 8.1.1 he/she has the consent of a person authorised to give it;
 - 8.1.2 he/she is required by law to do so;
 - 8.1.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - 8.1.4 the disclosure is:
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council
- 8.2 Confidential [Part 2] Committee papers are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 8.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 8.4 Officers should make it clear to Councillors if they are giving them confidential information. If a Councillor is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.
- 8.5 Any Council information provided to a Councillor must only be used by the Councillor in connection with the proper performance of his/her duties as a Member of the Council.
- 8.6 If a Councillor receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

9. Provision of Member Support

- 9.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, word processing, printing, photocopying, transport, etc.) to Councillors 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.
- 9.2 Correspondence
Official letters on behalf of the Council should be sent in the name of the appropriate Officer, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Councillor is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor
- 9.3 Media
Communication with the media on behalf of the Council or in relation to council business can be an important part of a Member's workload. In general, Councillors provide comment and views while Officers provide factual information. If a Councillor is unsure about the circumstances of a

particular issue he/she should contact the appropriate Corporate Director or Head of Service concerned or ask the Public Relations and Communications Team to do so.

10. **The Council's role as Employer.**

- 10.1 In their dealings with Officers, Councillors should recognise and have regard to the Council's role as employer. Councillors should be aware that Officers could rely on inappropriate behaviour of a Councillor in an employment case against the Council.
- 10.2 Councillors will play no part in the appointment of Council staff, other than the appointment of Chief Officers.
- 10.3 Councillors should not act as referee or canvass the appointment of any individual for a post within the City Council. Councillors will take their own personal view as to whether it is appropriate, and in accordance with the principles of this Protocol, for them to act as referee for any Officer applying for a post outside the Council.

11. **Political Activity**

- 11.1 There are a number of constraints that apply to an Officer who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.
- 11.2 In summary, such Officers are prevented from:
 - 11.2.1. being a Member of Parliament, European Parliament or local authority;
 - 11.2.2. acting as an election agent or sub-agent for a candidate for election as a Member of any these bodies;
 - 11.2.3. being an Officer of a political party or any branch of a political party or a member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him to:
 - (a) participate in the general management of the party or branch; or
 - (b) act on behalf of the party or branch in dealings with persons other than members of the party;
 - 11.2.4 canvassing on behalf of a political party or a candidate for election to any the bodies referred to in 11.2.1;
 - 11.2.5 speaking to the public with the apparent intent of affecting public support for a political party; and
 - 11.2.6 publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.
- 11.3 It is common for party groups within the Council to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Officers may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Officers should not, however, attend any political party meetings which include individuals who are not Members of the Council. Officers should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. If an officer gives a briefing to any political group represented on the Council, then a similar briefing will be made available to the other party groups on the Council. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by Officers.
- 11.4 Usually the only Officers involved in attending group meetings will be the Chief Executive, Corporate Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.

- 11.5 Officers are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Corporate Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold. However, officers may occasionally be called upon by individual Councillors to advise or give information on particular issues that relate to the councillor's representational or constituency role, provided that they do not advise or assist Members in relation to any personal or political matters.
- 11.6 Certain Officers will work closely with the Leader and Cabinet Members on policy matters. Other officers will also work closely with Chairs of Committees. These officers may be asked to brief those Councillors on legal or constitutional issues, the implementation of policies and/or available options. This is entirely acceptable, whether done individually or collectively. However, the relationship should not be so close (or appear to be so close) as to bring into question the officer's ability to deal impartially with other Councillors or party groups.

12. **Complaints**

- 12.1 Any complaints about the conduct of particular officers or any breach of this Protocol by a member of staff should be referred to the appropriate Head of Service. In the case of complaint is against a Head of Service, the matter should be raised with the appropriate Corporate Director or Chief Executive. Any complaints about Corporate Directors should be referred to the Chief Executive. If the complaint is about the Chief Executive, this must be raised with the Leader of the Council. In all such cases the complaints will be handled in accordance with the Council's confidential internal staffing procedures. The outcome of the process is the only information that the complainant will be entitled to.
- 12.2 Any complaints about the conduct of a particular Councillor or any breach of this Protocol by an elected Member should be reported to the Council's Monitoring Officer, who will then advise on whether it is appropriate for the issue to be dealt with in accordance with the Council's Local Resolution Protocol or, in the case of a more serious breach, referred to the Public Services Ombudsman for Wales..

13. **Conclusion**

By following good practice and securing sensible and practical working relationships between Councillors and Officers, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the public. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Officers.

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Constitution

Part 6: Schedule of Members Remuneration

Approved by Council on 23 April 2024

Newport City Council

MEMBERS' SCHEDULE OF REMUNERATION

This Scheme is made under the Local Government (Wales) Measure 2011 with regard to Independent Remuneration Panel for Wales (IRPW) Regulations which apply to payments made to members and co-opted members of local authorities.

1. Basic Salary

- 1.1 A Basic Salary shall be paid to each elected Member of the Authority.
- 1.2 In accordance with the Regulations, the rate of the Basic Salary shall be reviewed annually as determined by the Independent Remuneration Panel for Wales.
- 1.3 Where the term of office of a Member begins or ends other than at the beginning or end of a year, their entitlement to the Basic Salary will be pro-rata.
- 1.4 No more than one Basic Salary is payable to a Member of the Authority.

2. Senior Salaries & Civic Salaries

- 2.1 Members occupying specific posts shall be paid a Senior Salary as set out in **Schedule 1**.
- 2.2 In accordance with the Regulations, the rates of Senior Salaries and Civic Salaries shall be reviewed annually as determined by the Annual or Supplementary Report of the Independent Remuneration Panel for Wales.
- 2.3 Only one Senior Salary or Civic Salary is payable to a Member of the Authority.
- 2.4 A Member of the Authority cannot be paid a Senior Salary and a Civic Salary.
- 2.5 All Senior and Civic Salaries are paid inclusive of Basic Salary.
- 2.6 A Senior Salary may not be paid to more than the number of members specified by the Independent Remuneration Panel for Wales in its Annual Report and cannot exceed fifty percent of the total membership of the authority, except to include a temporary Senior Salary office holder providing temporary cover for the family absence of the appointed office holder.
- 2.7 A Member of the Authority in receipt of a Senior Salary **cannot** receive a salary from any National Park Authority (NPA) or Fire and Rescue Authority (FRA) for which they have been nominated.

- 2.8 Where the term of Senior Salary or Civic Salary of a Member begins or ends other than at the beginning or end of a year, their entitlement to the Salary will be pro-rata.

3. Election to Forgo Entitlement to Allowance

- 3.1 A Member may, by notice in writing delivered to the Proper Officer of the authority, personally elect to forgo any part of their entitlement to any salary, allowance or fee payable under this Scheme from the date set out in the notice.

4. Suspension of a Member

- 4.1 Where a Member of the Authority is suspended or partially suspended from their responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the part of the Basic Salary payable to them in respect of that period for which they are suspended will be withheld by the Authority (Section 155 (1) of the Measure).
- 4.2 Where a Member in receipt of a Senior Salary is suspended or partially suspended from being a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the Authority must not make payments of the Member's Senior Salary for the duration of the suspension (Section 155 (1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the Member may retain the Basic Salary.

5. Repayment of salaries, allowances or fees

- 5.1 Where payment of any salary, allowance or fee has been made to a Member of the Authority or Co-opted Member in respect of any period during which the Member concerned:
- (a) is suspended or partially suspended from that Member's/Co-opted Member's duties or responsibilities in accordance with Part 3 of the 2000 Act or regulations made under that Act;
 - (b) ceases to be a Member of the Authority or Co-opted Member; or
 - (c) is in any other way not entitled to receive a salary, allowance or fee in respect of that period,
- the Authority will require that such part of the allowance as relates to any such period be repaid.

6. Payments

- 6.1 Payments of all allowances will be made by the Council by direct bank credit in monthly instalments of one-twelfth of the Member's annual entitlement from 9th May 2022.
- 6.2 Where payment has resulted in a Member receiving more than their entitlement to salaries, allowances or fees the Authority will require that such part that is overpayment be repaid.
- 6.3 All payments are subject to the appropriate tax and National Insurance deductions.

7. Reimbursement of Costs of Care

- 7.1 Reimbursement of costs of care shall be paid to a Member or Co-opted Member, who has caring responsibility for dependent children or adults, or a personal care requirement, provided the Member incurs expenses in the provision of such care whilst undertaking 'approved' council duties.
- 7.2 Reimbursement of costs of care applies in respect of children who are aged 15 or under and other persons for whom the Member or Co-opted Member can show that care is required. If a Member or Co-opted Member has more than one dependent the Member may claim more than one allowance, provided the Member can demonstrate a need to make separate arrangements for care.
- 7.3 Eligible Members may claim reimbursement of costs of care for actual and receipted costs up to a maximum amount not exceeding that determined by the Independent Remuneration Panel for Wales as set out in **Schedule 1**. All claims for reimbursement of costs of care should be made in writing to Democratic Services detailing times, dates and reasons for claim. Receipts are required for both informal and formal care arrangements.

8. Family Absence

- 8.1 Members are entitled under the provisions of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to a period of family absence, during which if they satisfy the prescribed conditions they are entitled to be absent from authority meetings.
- 8.2 When taking family absence Members are entitled to retain a basic salary irrespective of their attendance record immediately preceding the commencement of the family absence.
- 8.3 Should a senior salary holder be eligible for family absence they will be able to continue to receive their senior salary for the duration of the absence.
- 8.4 If the authority agrees that it is necessary to make a substitute appointment to cover the family absence of a senior salary holder the Member substituting will be eligible if the authority so decides to be paid a senior salary.
- 8.5 If the paid substitution results in the authority exceeding its maximum number of senior salaries, an addition to the maximum will be allowed for the duration of the substitution.

9. Co-optees' payments

- 9.1 A Co-optees' daily fee (with a provision for half day payments) shall be paid to Co-optees, provided they are statutory Co-optees with voting rights.
- 9.2 Payments will take into consideration travelling time to and from the place of the meeting, reasonable time for pre meeting preparation and length of meeting (up to the maximum of the daily rate).
- 9.3 The Monitoring Officer is designated as the "appropriate officer" and will determine preparation time, travelling time and length of meeting, the fee will be paid on the basis of this determination.
- 9.4 The Monitoring Officer can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
- 9.5 A half day meeting is defined as up to 4 hours.
- 9.6 A full day meeting is defined as over 4 hours.

9.7 The daily and half day fee for the Chairpersons of the Standards Committee and Governance and Audit Committee, as determined by the Independent Remuneration Panel for Wales, is set out in **Schedule 1**.

9.8 The daily and half day fee for other statutory Co-optees with voting rights, as determined by the Independent Remuneration Panel, is set out in **Schedule 1**.

10. Travel and Subsistence Allowances

10.1 General Principles

10.2 Members and Co-opted Members are entitled to claim travelling expenses when travelling on the Authority's business for 'approved duties' as set out in **Schedule 2**. Where Members travel on the Authority's business they are expected to travel by the most cost effective means. In assessing cost effectiveness regard will be given to journey time. A Member who does not travel by the most cost effective means may have their claim abated by an appropriate amount.

10.3 Where possible Members should share transport.

10.4 The distance claimed for mileage should be the shortest reasonable journey by road from the point of departure to the point at which the duty is performed, and similarly from the duty point to the place of return.

10.5 The rates of Members' Travel and Subsistence Allowances are set out in **Schedule 3** and are subject to annual review by the Independent Remuneration Panel for Wales.

10.6 Where a Member is suspended or partially suspended from their responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, any travel and subsistence allowances payable to them in respect of that period for which they are suspended or partially suspended must be withheld by the Authority.

11. Travel by Private Vehicle

11.1 The Independent Remuneration Panel for Wales has determined that the maximum travel rates payable should be the rates set out by Her Majesty's Revenue & Customs for the use of private cars, motor cycles and pedal cycles plus any passenger supplement.

11.2 The mileage rates for private vehicles as determined by the Independent Remuneration Panel for Wales are set out in **Schedule 3**.

11.3 Where a Member makes use of their private vehicle for approved duty purposes, the vehicle must be insured for business use. Proof of appropriate insurance must be provided to the Authority on request.

12. Travel by Public Transport

12.1 Rail/Coach Travel

Unless otherwise authorised rail tickets will be second-class.

Corporate Administration will purchase requisite rail and coach tickets for Members in advance of journeys. In the unlikely event that a Member needs to purchase a ticket directly, payment will be reimbursed upon production of the used ticket and/or a receipt.

12.2 **Taxi Fares**

Taxi fares will only be reimbursed where their use has been authorised for cases of urgency, where no public transport is reasonably available, or a Member has a particular personal need. Re-imbursement will be upon receipt only.

12.3 **Travel Abroad**

Travel abroad on the Authority's business will only be permitted where authorised by the Chief Executive. Corporate Administration will arrange travel and accommodation.

12.4 **Other Travel Expenses**

Members are entitled to reimbursement of toll fees, parking fees, overnight garaging and other necessary travel associated expenses. Re-imbursement will be upon receipt only.

13. **Overnight Accommodation**

13.1 Overnight stays will only be permitted where the Authority's business extends to two days or more, or the venue is at such a distance that early morning or late night travel would be unreasonable. All overnight stays must receive prior authorisation from the relevant Head of Service and will be paid for by way of the Service area budget.

13.2 Overnight accommodation will be booked by Corporate Administration .Wherever possible the overnight accommodation will be pre-paid or invoiced.

13.3 Direct booking of overnight accommodation by a Member will only be permitted in the event of an emergency. Reimbursement will only be made upon the production of a receipt and will be at a level deemed reasonable and not in excess of the rates set out in **Schedule 3**.

14 **Subsistence Allowance**

14.1 The day subsistence rate to meet the costs of meals and refreshments in connection with approved duties (including breakfast when not provided as part of overnight accommodation) is set out in **Schedule 3**. The maximum daily rate covers a 24 hour period and can be claimed for any meal that is relevant, providing such a claim is supported by receipt(s)

14.2 No provision is made for subsistence claims within the City of Newport.

15. **Claims and Payments**

15.1 A claim for travel and subsistence allowances must be made in writing within three months of the end of the calendar month in which entitlement to allowances arises and must be accompanied by the relevant receipts.

15.2 Allowances will be paid by the Council by direct bank credit.

16. **Pensions**

16.1 The Authority shall enable its Members who are eligible to join the Local Government Pension Scheme.

17. Supporting the work of Authority Members

- 17.1 The Independent Remuneration Panel for Wales expects Members to be provided with adequate support to carry out their duties and that the support provided should take account of the specific needs of individual Members. The Authority's Democratic Services Committee is required to review the level of support provided to Members and should take proposals for reasonable support to the full council.
- 17.2 All elected Members & Co-opted Members should be provided with adequate telephone, email and internet facilities to give electronic access to appropriate information.
- 17.3 Such support should be without cost to any Member. Deductions must not be made from Members' salaries as a contribution towards the cost of support which the Authority has decided is necessary for the effectiveness and or efficiency of Members.

18 Compliance

- 18.1 In accordance with the Regulations, the Authority must comply with the requirements of Independent Remuneration Panel for Wales in respect of the monitoring and publication of payments made to Members and Co-opted Members as set out in **Schedule 4**.

Members are reminded that expense claims are subject to both internal and external audit.

SCHEDULE 1

SCHEDULE OF REMUNERATION 2021-22

MEMBERS ENTITLED TO BASIC SALARY		ANNUAL AMOUNT OF BASIC SALARY
The following named elected members of the authority		
Councillors		
S Adan	J Jones	
M Al-Nuaimi	J Jordan	
C Baker-Westhead	M Kellaway	
C Batrouni	L Lacey	
P Bright	M Linton	
J Clarke	S Marshall	
J Cleverley	D Mayer	
P Cockeram	R Mogford	
S Cocks	A Morris	
B Davies	J Mudd	
D Davies	B Perkins	
P Drewett	J Peterson	
M Evans	A Pimm	£18, 666
Y Forsey	M Pimm	
D Fouweather	C Reeks	
J Harris	J Reynolds	
D Harvey	W Routley	
T Harvey	A Screen	
G Horton	M Spencer	
P Hourahine	A Sterry	
M Howells	E J Stowell-Corton	
R Howells	K Thomas	
J Hughes	C Townsend	
F Hussain	T Watkins	
L James	K Whitehead	
D Jenkins		

	SENIOR SALARIES ENTITLEMENTS (includes basic salary)		ANNUAL AMOUNT OF SENIOR SALARY
	ROLE	MEMBER	
1.	Leader	J Mudd	£62, 998
2.	Deputy Leader and Cabinet Member for Education and Early Years	D Davies	£44, 099
3.	Cabinet Member for Community Well-being	D Harvey	£37, 799
4.	Cabinet Member for Strategic Planning, Regulation and Housing	J Clarke	£37, 799
5.	Cabinet Member for Social Services	J Hughes	£37, 799

	SENIOR SALARIES ENTITLEMENTS (includes basic salary)		ANNUAL AMOUNT OF SENIOR SALARY
	ROLE	MEMBER	
6.	Cabinet Member for Social Services	S Marshall	£37, 799
7.	Cabinet Member for Organisational Transformation	D Batrouni	£37, 799
8.	Cabinet Member for Climate Change and Bio-diversity	Y Forsey	£37, 799
9.	Cabinet Member for Infrastructure and Assets	L Lacey	£37, 799
10.	Presiding Member/Chair of Council	P Cockeram	£27, 999
11.	Chairperson of Overview and Scrutiny Management Committee	P Hourahine	£27, 999
12.	Chairperson of Performance Scrutiny Committee - Partnerships	E Stowell-Corten	£27, 999
13.	Chairperson of Performance Scrutiny Committee - People	W Routley	£27, 999
14.	Chairperson of Performance Scrutiny Committee – Place and Corporate	M Howells	£27, 999
15.	Chairperson of Planning Committee	M Spencer	£27, 999
16.	Chairperson of Democratic Services Committee	R Mogford	£27, 999
17.	Chairperson of Licensing Committee	K Thomas	£27, 999
18.	Leader Of The Largest Opposition Group	M Evans	£27, 999
A maximum of 18 senior salaries for Newport City Council may be paid and this has not been exceeded.			

ENTITLEMENT TO CIVIC SALARIES		ANNUAL AMOUNT OF CIVIC SALARY
ROLE	MEMBER	
Civic Head (Mayor)	T Watkins	£27, 999
Deputy Civic Head (Deputy Mayor)	P Drewett	£22,406

ENTITLEMENT AS STATUTORY CO-OPTES		AMOUNT OF CO- OPTES ALLOWANCES
ROLE	MEMBER	
Chairperson Of Standards Committee	A Mitchell	£134 Half Day Rate £268 Full Day Rate

ENTITLEMENT AS STATUTORY CO-OPTTEES		AMOUNT OF CO-OPTTEES ALLOWANCES
ROLE	MEMBER	
Chairperson of Governance & Audit Committee	G Chapman	£134 Half Day Rate £268 Full Day Rate
Statutory Co-optees - Standards Committee, Audit Committee, Scrutiny Committees	K Watkins, J Davies, P Worthington, R Morgan, G Nurton, N Barry, D Reed	£26.25 Half Day Rate £210 Full Day Rate

Contribution towards the costs of care and personal assistance	
All Members	<p>Formal (registered with Care Inspectorate Wales) care costs to be reimbursed in full.</p> <p>Informal (unregistered) care costs to be reimbursed up to a maximum rate equivalent to the Real Living Wage at the time the costs are incurred.</p>

Members Support – what is provided in terms of telephone, internet or email (see Determination 6)	
Telephone Support for Executive Members	Smartphone provided
Telephone Support for Chairs of Committees	Smartphone provided
Telephone Support for all other Members	Phone call function through MS Teams on laptops provided
Access to Email for Executive Members	Laptop and smartphone provided
Access to Email for Chairs of Committees	Laptop and smartphone provided
Access to Email for all other Members	Laptop provided
Internet Support for Executive Members	
Internet Support for Chairs of Committees	
Internet Support for all other Members	

SCHEDULE 2

Approved duties: -

- attendance at a meeting of the Authority or of any committee of the Authority or of any body to which the Authority makes appointments or nominations or of any committee of such a body;
- attendance at a meeting of any association of authorities of which the Authority is a member;
- attendance at any other meeting the holding of which is authorised by the Authority or by a committee of the Authority or by a joint committee of the Authority and one or more other Authorities;
- a duty undertaken for the purpose of or in connection with the discharge of the functions of Cabinet;
- a duty undertaken in pursuance of a standing order which requires a Member or Members to be present when tender documents are opened;
- a duty undertaken in connection with the discharge of any function of the Authority which empowers or requires the Authority to inspect or authorise the inspection of premises;
- attendance at any training or developmental event approved by the Authority or its Cabinet.

SCHEDULE 3

Mileage Rates

All sizes of private motor vehicle Up to 10,000 miles Over 10,000 miles	45 pence per mile 25 pence per mile
Private Motor Cycles Pedal Cycles	24 pence per mile 20 pence per mile
Passenger supplement	05 pence per mile

Subsistence Allowance

The day subsistence rate is up to a maximum of £28 and covers a 24 hour period and can be claimed for any meal if relevant provided such a claim is supported by receipts.

Re-imburement of alcoholic drinks is not permitted.

Overnight Stay

The maximum allowances for an overnight stay are £200 for London and £95 for elsewhere. A maximum of £30 is available for an overnight stay with friends or relatives whilst on approved duty.

SCHEDULE 4

Compliance

- The Authority will arrange for the publication on the council's website the total sum paid by it to each Member and Co-opted Member in respect of salary, allowances, fees and reimbursements not later than 30 September following the close of the year to which it relates. In the interests of transparency this will include remuneration from all public service appointments held by elected Members.
- The Authority will publish on the council's website a statement of the basic responsibility of a councillor and role descriptors for senior salary office holders, which clearly identify the duties expected.
- The Authority will publish on the council's website the annual schedule of Member Remuneration not later than 31 July of the year to which the schedule refers.
- The authority will send a copy of the schedule to the Independent Remuneration Panel for Wales not later than 31 July of the year to which the schedule refers.
- The Authority will maintain records of Member/Co-opted Members attendance at meetings of council, cabinet and committees and other approved duties for which a Member/Co-opted Member submits a claim for reimbursement.
- The Authority will arrange for the publication on the council's website of annual reports prepared by Members.
- When the Authority agrees a paid substitution for family absence it will notify the Independent Remuneration Panel for Wales within 14 days of the date of the decision of the details including the particular post and the duration of the substitution.

Constitution

Part 7: Management Structure

The Council's management structure is based on service areas each overseen by a Head of Service. The Council's strategic role is overseen by the Chief Executive and three Strategic Directors.

The service areas are contained within Service Groupings as set out below. These service groupings may be reviewed and revised from time to time by the Chief Executive.

1.1 Chief Executive

1.2 Strategic Directors

- Strategic Director Social Services
- Strategic Director Transformation and Corporate
- Strategic Director Environment and Sustainability

1.3 Heads of Service Reporting Directly to the Chief Executive

- Head of Regeneration and Economic Development
- Head of Education (Chief Education Officer)

1.4 Heads of Service Reporting to Strategic Director Social Services

- Head of Children Services
- Head of Adult Services
- Head of Prevention and Inclusion

1.5 Heads of Service Reporting to Strategic Director Transformation and Corporate

- Head of Law and Standards
- Head of People, Policy and Transformation
- Head of Finance

1.6 Heads of Service Reporting to the Strategic Director Environment and Sustainability

- Head of Housing and Communities
- Head of Environment and Public Protection
- Head of City Services

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