



**THE CONSTITUTION
OF
TORFAEN COUNTY BOROUGH COUNCIL**

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VERSION 11

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PART 1 INTRODUCTION

1.1 Why we have a Constitution

1.1.1 This is the Constitution of Torfaen County Borough Council (The Council). This Constitution aims to:

- Establish a framework for the participation of Councillors in the work of the Council;
- Provide for the separation of the executive and scrutiny roles within the Council's political management arrangements;
- Facilitate efficient, effective and accountable decision making;
- Provide Councillors with a clear framework through which to exercise their representational role and engage more directly with the local community.

1.1.2 The Constitution also specifies in Part 2 the rights of citizens and the means by which the public can participate and gain access to information about the Council's political management process.

1.1.3 More details of public rights to information can be found in paragraph 4.28 and other appropriate sections of this Constitution.

1.2 Arrangements for Review and Suspension

1.2.1 The Monitoring Officer, working with Councillors, will monitor and evaluate the operation of the Constitution and will make recommendations to the Council for improvements to it as necessary.

1.2.2 Elements of the Constitution may be suspended by resolution of the Council, following the advice of the Monitoring Officer.

1.2.3 With regard to rules of proceedings the Cabinet or individual Committees are able to suspend specific elements by resolution of two thirds of those present.

1.3 Interpretation

1.3.1 Any dispute as to the interpretation of this Constitution shall be determined by the Mayor upon the advice of the Monitoring Officer.

1.3.2 References to the Chief Executive, Monitoring Officer or Chief Financial Officer shall apply to their nominated deputy in their absence.

1.3.3 Proper Officer' means the Chief Executive, the Monitoring Officer or one or more Officers appointed by the Chief Executive for this purpose.

1.3.4 Any reference to specific posts or offices such as the Chief Executive, Chief Financial Officer etc) shall be deemed to be to the postholder or officeholder for the time being and if the title of the post or office is changed or the functions of the post or office are varied then the reference will be to the employee of the Council for the time being undertaking the relevant functions.

1.4 The Model

1.4.1 The model of the Council's arrangements provides in broad terms for the following:

- a Cabinet comprising the Leader and Executive Members

Note the Council allocates certain areas of responsibility to the Cabinet and to members of the Executive. It is the practice of the Council to appoint a Councillor to the Cabinet who is not a member of the majority party but ordinarily no portfolio or specific responsibilities are allocated to that member

- each portfolio held by an Executive Member relates to a directorate or service area or function and a 'cross-cutting' issue
- each of the Executive Members with a portfolio has an Assistant;
- all of the executive portfolios are scrutinised by an Overview and Scrutiny Committee. The Executive Members cannot be members of such Committees, but can participate by invitation. The role of the Committee is one of scrutiny/challenge, making recommendations on policy development and performance review;
- the Leader and Deputy Leader of the Council hold overarching portfolios which are strategic in their content;
- there is an Ethics and Standards Committee;
- there is an Audit Committee;
- there is a Planning Committee;
- there is a Licensing Committee
- There are other Committees which perform other functions – such as the Members' Services Working Party and the Appointments Committee.

*NB The Executive as defined in the Local Government Act 2000 is also known as the Cabinet within the Constitution of Torfaen County Borough Council.

1.5 The Performance of Functions

1.5.1 The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 as amended specify those functions which must be performed by the Council; those functions which must be performed by the Cabinet; those functions which are to be performed partly by the Council and partly by the Cabinet; and those functions which the Council may choose to allocate to the Council or to the Cabinet. These latter functions are referred to as local choice functions and this constitution sets out the allocation of the local choice functions. Appendix 8 sets out how the local choice functions have been allocated.

1.5.2 The separation of functions and decision making operates on the following broad principles:

- determination of the Authority's policy framework and budget and other constitutional/quasi-legislative functions is the responsibility of the Council.
- functions which involve either determining an application from a person for a license, approval, consent, permission or registration or direct regulation of a person (except in cases where there is only limited discretion in the discharge of the function) together with any related enforcement actions (including prosecution) are not the responsibility of the executive;
- all other functions are the responsibility of the executive.

1.5.3 The composition and membership of the Cabinet is determined by the Council. Seats on Committees of the Council (excluding the Ethics and Standards Committee) are allocated in accordance with rules which are intended to mean that overall the composition of the committees reflect the political balance of the Council. The number of seats given to each of the political groups will be calculated as a ratio of the number of seats available on Committees and the number of Members in each of the political groups. The Council is under a duty to give effect to the wishes of each political group in the appointment to seats on each committee within the allocation.

The Council and the Cabinet may delegate their functions except where the law does not allow. The Council may delegate its functions to a committee or sub-committee of the Council or to an employee (sometimes employees of the Council are referred to as officers). The Cabinet may delegate its functions to a committee of the Cabinet or to an officer. An Executive Member may delegate his or her functions to an officer.

PART 2 CITIZENS AND THE COUNCIL

This part of the constitution sets out the general rights of citizens with regard to Council matters.

2.1 Elections and Voting at Elections

2.1.1 The election of Councillors generally takes place every four years. There were elections in June 2004 and the next elections are due to take place in May 2008 and every four years after that.

2.1.2 Anyone who is a British Citizen, Commonwealth Citizen, Citizen of the Republic of Ireland or a citizen of another Member State of the European Community who has attained the age of 21 years may stand for election as a Councillor unless they are disqualified. They must also meet at least one of four qualifications on both polling day and the day of nomination:

- be registered to vote within the Council's area;
- or for the whole of the previous 12 months have:
- lived; or
 - occupied land or premises(as owner or tenant); or
 - had their main place of work
- within the Council's authority area.

Certain people are disqualified from becoming a candidate at a local election. These include employees of the Council, subjects of bankruptcy restrictions orders or interim orders in England or Wales, adjudged bankrupts in Northern Ireland, or someone whose estate has been sequestered in Scotland. People who have served a prison sentence of three months or more within the last five years may not stand as a candidate.

Further information is available from the Elections Team on 01495 766077 or on the Electoral Commission's website www.electoralcommission.gov.uk

2.1.3 A person must be on the electoral register to be able to vote in elections for the Council. The Council appoints an Electoral Registration Officer who maintains a register of those eligible to vote at all elections including the Local Government elections but also elections for the UK Parliament, National Assembly for Wales, European Parliament and Town and Community Councils.

2.1.4 Most citizens living in Torfaen who are over eighteen will be entitled to be included in the register of electors and therefore become eligible to vote at elections. Registration is compulsory because it is a criminal offence to fail to register. Voting is not compulsory.

- 2.1.5 Every Autumn, forms are sent out to all dwellings in Torfaen requesting details of those eligible to vote. However a person can apply to be put on the electoral register at any time of the year.

Note: Young people who are under eighteen but who will be over eighteen shortly, should also be included in the list returned to the Elections Team.

- 2.1.6 Anyone whose name is on the Electoral Register can ask for a postal vote.

Please contact the Elections Team on 01495 766077 if you would like a form to register to vote or to apply for a postal vote or use our website www.torfaen.gov.uk.

2.2 Petitions for Constitutional Change

- 2.2.1 If more than 10% of electors on the Electoral Register sign a petition that complies with regulations published under the Local Government Act 2000, the Council must hold a referendum on the constitutional change sought by those signing the petition. The types of changes include a change to having an Elected Mayor. There are detailed technical requirements to be complied with for a petition to be valid.

2.3 Information

- 2.3.1 Citizens have rights to attend meetings of the Council and to see copies of relevant papers. These rights arise under legislation and are also conferred by the Council. The rights are summarized below but are set out in detail in paragraphs 4.28, 5.15, 6.9, 7.8, 8.4, 9.4, and 10.4.

- 2.3.2 In summary, citizens have the right to:

- a) attend meetings of the Council, Cabinet, Overview and Scrutiny Committee and other committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- b) see reports, background papers and any records of decisions made by the Council, Cabinet, Overview and Scrutiny Committees, other Committees and individual executive members, except where confidential or exempt information is likely to be disclosed;

- 2.3.3 The Council publishes an Executive Forward Plan setting out key and other decisions that are expected to be taken by the Cabinet, individual executive members and in some cases Chief Officers within the next month. The most recent copy of this is available on the Council's website and can be provided on request.

- 2.3.4 The Council has a publication scheme under the Freedom of Information Act 2001 setting out documents that are available for the public to see.

The latest version of the publication scheme can be found on the Council's website or is available from the Chief Legal Officer and Monitoring Officer.

- 2.3.5 The Freedom of Information Act also gives the public rights of access to other information held by the Council.

The Council has published guidance on how to ask it for access to this information on its website.

Where the Council holds personal data about a person that person has rights of access to the information held by the Council about them subject to certain exceptions. These rights are contained in the Data Protection Act 1998.

The information should be requested from the relevant service department.

2.4 Accounts and audit

- 2.4.1 Any person interested may inspect the Council's books and accounts during the audit of the Council's accounts subject to certain exceptions.

- 2.4.2 In addition, anyone on the Electoral Register for the Council's area can question the auditor about the accounts.

Both rights are exercisable only during certain times when the audit is taking place.

The Council's auditor is the District Audit service who can be contacted on 01495 766442.

2.5 Petitions and Questions at Council meetings

- 2.5.1 The rules for meetings of the Council allow those living and/or working in Torfaen and representatives of organisations based in Torfaen to ask questions at meetings of the Council. Paragraph 4.16 of this Constitution sets out the rules relating to such questions.

- 2.5.2 Anyone wishing to present a petition at a Council meeting may do so with the consent of the Mayor. Paragraph 4.17 of this Constitution sets out the rules relating to presenting petitions.

2.6 Third party speaking rights

- 2.6.1 The rules for meetings of the Planning Committee allow those wishing to do so to make representations to the Planning Committee on applications for planning permission and to speak at the Planning Committee where they have made written objections. Paragraph 7.6.3 and Appendix 12 of this Constitution set out the rules relating to such representations.

2.7 Complaints

- 2.7.1 Citizens can complain in the following ways. :

- a) To the Council's Chief Executive or Monitoring Officer in respect of any alleged illegality on the part of the Council or any of its officers or councillors
- b) To the Chief Executive, Chief Finance Officer, Monitoring Officer or Chief Internal Auditor in relation to any alleged financial impropriety.
- c) To the Monitoring Officer in respect of any alleged breach of the code of conduct by Councillors

Note: The Monitoring Officer also deals with Code of Conduct for Community Councillors

d) To the Public Services Ombudsman about any injustice you have suffered as a result of maladministration or where you believe a Councillor or co-opted member of the Council has breached the Member's Code of Conduct.

e) To the District Auditor in relation to any alleged financial impropriety.

The Council has a successful track record in resolving complaints and we encourage complainants to use the Complaints Procedure. For more details of our complaints procedure and how to take the first step to resolving a complaint contact the Democratic Services Team at the Civic Centre on 01495 766058. There are other external regulators with specific responsibilities not listed above and you may wish to seek legal advice on the best way of pursuing more specific complaints

2.8 Citizens responsibilities

2.8.1 Members of the public dealing with public servants including elected councillors and Council employees are expected to comply with reasonable standards of behaviour. The Council can, has and will take action against anyone who abuses, threatens, intimidates or assaults its staff or elected councillors and reserves the right to prosecute offenders. Citizens who abuse their rights in this way will have those rights restricted or removed.

PART 3

MEMBERS OF THE COUNCIL

3.1 Composition of the Council and Eligibility for Election

3.1.1 The Council will comprise 44 members otherwise called Councillors. One or more Councillors is elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Boundary Commission for Wales and approved by the National Assembly for Wales.

3.1.2 Only registered voters of the Torfaen County Borough area or those living, working or owning or renting property there will be eligible to hold the office of Councillor.

3.2 Election and Term of Office of Councillors

3.2.1 The regular election of Councillors will be held on the second Thursday in June 2004 and the first Thursday in May every four years after that. The term of office of a Councillor will start on the fourth day after he or she has been elected and will finish on the fourth day after the date of the next regular election.

3.2.2 Should a vacancy arise, a by-election will be held in accordance with election law. Any Councillor elected at a by-election will hold office until the fourth day after the date of the next regular election.

3.3 The Role of Councillors

3.3.1 All Councillors will:

- participate in the good governance of Torfaen.
- participate in improving open democracy in Torfaen
- contribute to the formation and scrutiny of the Council's policies, strategies, budget and service delivery.
- represent the interests of their ward and respond to enquiries and representations from local people.
- lead on proposals relating to best interests and sustainability of the local community.
- represent the Council on outside bodies especially in their local area.
- develop and maintain good and effective working relations with the Council's Executive, Overview and Scrutiny Committees and relevant Officers.
- maintain the highest standards of conduct and ethics.

3.3.2 Subject to the requirements of political proportionality the Council may appoint any Councillor to any office or to any Committee save that:

- The Mayor and Deputy Mayor shall not be appointed as an Executive Member.

- No member of the Cabinet shall hold a seat on any regulatory or Overview and Scrutiny Committee.
- No Assistant to an Executive Member shall participate as a member of an Overview and Scrutiny Committee in the review and scrutiny of any matter in which he or she has been involved as an Assistant to that Executive Member.
- No Assistant to an Executive Member shall serve as a Chair of an Overview and Scrutiny Committee.

3.4 Conduct

- 3.4.1 Councillors will at all times adhere to the Councillors' Code of Conduct approved by Council set out in Appendix 1 to this Constitution and any other codes and protocols approved by the full Council. Any appropriate code or protocol approved by full Council will be included in this Constitution in Appendix 2 as soon as it is approved.
- 3.4.2 Alleged breaches of the Councillors' Code of Conduct are subject to investigation by the Public Services Ombudsman and the Ombudsman may refer such allegations for investigation and reporting to the Monitoring Officer and for consideration by the Ethics and Standards Committee (See part 8 of this Constitution).
- 3.4.3 In addition workers may report matters under the Confidential Reporting Code for Employees set out in Appendix 18.

3.5 Rights and Duties of Councillors

Failure to attend meetings

- 3.5.1 As required by Section 85 of the Local Government Act 1972, where a Councillor fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Authority (see Note below), then they cease to be a member of the Authority unless the failure was due to some reason approved by the Council before the expiry of that period. Attendance is defined by the 1972 Act. In summary a Councillor attending as a member of a committee or sub-committee of the Authority or at a meeting of a joint committee, joint board or other body discharging the functions of the Authority or attending as a representative of the Authority at a meeting of any body of persons, is deemed to be attending a meeting of the Authority.
- 3.5.2 Under section 85 of the Local Government Act 1972 where a Councillor being a member of the Executive fails throughout a period of six consecutive months from the date of their last attendance, to attend any meeting of the Executive then that Councillor shall cease to be a member of the Council unless the failure was due to some reason approved by the Council before the expiry of that period.

For the purposes of that provision the discharge by an executive member,

acting alone, of any function of the executive or attendance as a member at a meeting of a committee of the Executive is deemed to be attendance at a meeting of the Executive.

- 3.5.3 The law makes provision for exceptions to the above requirements in the case of persons employed in the forces in connection with war and emergencies and in the case of any member suspended or partially suspended under sections 66, 73, 78 or 79 of the Local Government Act 2000.
- 3.5.4 Co-opted and non-voting members of Committees who fail to attend a meeting of the relevant body over a six-month period, except for some reason agreed by the relevant body before the expiry of the said period, will cease to qualify as a member of that body.

Copy of Constitution to be given to Councillors

- 3.5.5 A copy of this Constitution shall be given to each Councillor upon their election to the Council. A printed copy can be supplied on request (in larger font if required) and a printed copy will be kept in the members' room.

Councillors' rights to inspect documents

- 3.5.6 In addition to the rights of access conferred on members of the public, all Councillors shall be able to inspect any document which is in the possession or control of the Council and which contains material relating to any business to be transacted at a meeting of the Council or a committee or sub-committee subject to paragraph 3.5.7.
- 3.5.7 Where it appears to the Chief Legal Officer and Monitoring Officer may decline to permit inspection of any document by any Councillor which contains exempt information of a description referred to in section 100F(2) of the Local Government Act 1972.
- 3.5.8 In addition to the rights of access conferred on members of the public, all Councillors will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a meeting or a decision making body of the Executive or by any individual member of the Executive, when the meeting concludes or when taken by an individual member immediately after the decision has been made except to such extent as either it contains exempt information falling within the categories of exempt information referred to in paragraph 10(2) of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings)(Wales) Regulations 2001 or it contains the advice of a political adviser.
- 3.5.9 In addition to the rights of access conferred on members of the public and the rights referred to above, a member of a scrutiny committee will be entitled to copies of any document (except a document which is only in draft form) which is in the possession or control of the Executive or its

committees and which contains material relating to any business transacted at a meeting (whether public or private) of Executive, or any decision taken by an individual member of the Executive. However no member of a scrutiny committee shall be entitled to any part of a document where the Chief Legal Officer and Monitoring Officer determines that it contains (a) exempt information or confidential information, or (b) the advice of a political adviser, unless it is relevant to an action or decision that is being reviewed or scrutinised by a scrutiny committee or to any review contained in any programme of work of a scrutiny committee.

3.5.10 The right to inspect includes the right to take a copy of the document or to require a copy of the document except where that infringes the copyright in any work.

3.5.11 A Councillor shall not knowingly inspect or ask for a copy of any document relating to a matter in which he or she has a personal interest that would prevent him or her from voting at a meeting of the Council considering such matter

3.5.12 Where information of a possible defamatory nature is contained in a document, inspection of which by a Councillor is permitted, such inspection is allowed on the clear understanding that neither the document nor its contents shall be disclosed or passed on to any other party.

3.5.13 All agenda, reports and other documents and all proceedings of Committees and other bodies shall be treated as confidential matters unless and until they become public in the ordinary course of the Council's business. In particular no Councillor shall disclose any exempt or confidential information unless authorized to do so by law.

3.5.14 Nothing in these rules shall be deemed to affect the right of any Councillor to inspect or copy any document where such right is provided by any statute or regulation or at common law.

Inspection of Council land and premises, etc

3.5.15 No member of the Council, or 'additional member' co-opted by the Council, may inspect any lands or premises owned or rented by the Council or which the Council has a right or duty to inspect or enter upon or issue any order in respect of any works which are carried out by or on behalf of the Council, unless specifically authorised to do so by the relevant Director after consultation with the relevant Executive Member (or Leader if the Executive Member is making the request).

3.6 Members Allowances

3.6.1 Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Appendix 3.

3.6.2 The Council shall pay the Mayor and the Deputy Mayor for the purpose of enabling them to meet the expenses of their respective offices such allowance as the Council thinks fit.

Statutory Provisions:

Parts I and VA and Section 79, Local Government Act 1972

Part III, Chapter I of the Local Government Act 2000

Sections 18 and 19, Local Government and Housing Act 1989 and regulations made under those sections.

PART 4 THE COUNCIL

4.1 Definitions

4.1.1 The Council meeting means a meeting to which all Members of the Council have been invited, constituted and conducted in accordance with this Constitution.

4.1.2 **The Policy Framework** means the following plans and strategies:

Behaviour Support Plans
Children's Services Plan
Children and Young Peoples Framework Partnership
Community Care Plan
Community Strategy
Improvement Plan
Crime and Disorder Reduction Strategy
Early Years Development Plan
Education Strategic Plan
Health, Social Care and Wellbeing Strategy
Housing Strategy
Local Transport Plan
Regeneration Strategy
School Organisation Plan
Unitary Development Plan (including supplementary planning guidance)
Welsh Language Scheme
Young Peoples Partnership Strategic Plan
Youth Justice Plan

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

4.2 Functions

4.2.1 Only the Council will exercise the following functions:

- Adopting the Constitution and changes to it (including the rules of procedure/standing orders and contract standing orders which form part of the Constitution).
- Adopting or amending the Code of Conduct and any other codes and protocols relating to Members' conduct.
- Agreeing or amending the Policy Framework and the Budget.
- Authorising the making of an application to the Welsh Assembly Government 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 specific approval by the Assembly is required under sections 32 or 43 of the Housing Act 1985.

- Appointing the Leader, Deputy Leader and Executive Members.
- Appointing or Approving the Appointment of the Head of Paid Service, Monitoring Officer, Chief Financial Officer.
- Any matter involving the discharge of an Executive function which is covered by the Policy Framework or the Budget where the Cabinet, Executive member or officer is considering making a decision that is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and they are not authorised by this Constitution to make such a decision. This rule does not apply if the matter is urgent as defined in paragraph 5.9 below.
- Agreeing and amending the terms of reference for Committees, deciding on their composition and making appointments to them (including appointments to fill vacancies).
- Adopting and amending an Allowances Scheme.
- Appointing or Approving the appointment of the Head of Paid Service, Monitoring Officer, Chief Financial Officer and Directors.
- The making, amendment, revocation, re-enactment or adoption of byelaws and the promotion of, or opposition to the making of, local legislation or personal bills.
- Changing the name of the area, conferring the freedom of the County Borough and conferring the title of honorary alderman.
- The adoption of any other plan or strategy not within the Policy Framework but where the Council determines that the adoption of that plan or strategy should be reserved to Council.
- Any other matters that the law requires to be reserved to the Council Meeting.

4.2.2 The Council may choose to exercise any of the functions delegated to the Planning Committee or to the Licensing Committee or to Officers set out in Parts 7 and 12 of this Constitution save where such matters are reserved by law to the Licensing Committee under the Licensing Act 2003.

4.3 Council Meetings

4.3.1 There are three types of Council meeting and there are informal seminars:

- The Annual Meeting
- Ordinary meetings

- Extraordinary meetings
- Council Policy Seminars

4.4 Election and Appointment of the Mayor and Deputy Mayor

- 4.4.1 The Council shall as the first item of business at its annual meeting elect one of its Councillors to be Chair of the Council with the title of Mayor who shall, unless they resign their office or become disqualified from acting, continue in office until their successor is elected.
- 4.4.2 The Council shall at its annual meeting appoint one of its Councillors to be Deputy Mayor who shall, unless they resign their office, cease to be a councillor or are disqualified from acting continue in office until immediately after the appointment of the Deputy Mayor at the next annual meeting. The Deputy Mayor shall be eligible for appointment as Mayor.
- 4.4.3 Where a casual vacancy occurs in the office of Mayor or Deputy Mayor, the vacancy shall be filled by the election (in the case of the Mayor) or appointment (in the case of the Deputy Mayor) by the Council of one of its Councillors at their next meeting and the person so elected/appointed shall hold office until the date upon which the person in whose place they are elected/appointed would regularly have retired.
- 4.4.4 The Mayor, or in their absence the Deputy Mayor, must preside at any meeting of Council at which they are present. If the Mayor and Deputy Mayor are both absent from any meeting of Council, a temporary Chair shall be chosen for that meeting (or agenda item) from the voting membership then present.

4.5 Role and Functions of the Mayor and Deputy Mayor

- 4.5.1 The Mayor and in their absence the Deputy Mayor shall have the following roles and functions:
- Promoting the effective democratic functioning of the Council in a manner that secures the rights of Councillors and the public under this Constitution and promotes the involvement of the public and organisations within the Borough in decisions that affect them
 - Promoting social inclusion and sustainable and cohesive communities
 - Promoting partnerships and good relationships between individuals, organisations and communities within the Borough
 - Fulfilling such civic and ceremonial functions and attending such functions as the Council and he/she determines appropriate.
 - Upholding and promoting this Constitution and interpreting this Constitution where necessary.
 - Witnessing the sealing of documents on behalf of the Council.
- 4.5.2 The ruling of the Mayor as to the construction or application of the Constitution, or as to any procedural question, at a meeting of the Council shall be final and shall not be open to discussion.

4.6 The Annual Meeting of Council

4.6.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of outgoing Councillors. In any other year, the annual meeting will take place in May.

4.6.2 The annual meeting will:

- Elect a person to preside if the outgoing Mayor is not present.
- Elect the new Mayor.
- Appoint the new Deputy Mayor.
- Receive any declarations of interest from Councillors.
- Approve the minutes of the last meeting.
- Receive any announcements from the Mayor or Chief Executive.
- Elect the Leader.
- Elect the Deputy Leader.
- Appoint another eight Councillors to the Cabinet.
- Appoint seven of those Councillors to executive portfolios, and the eighth member without portfolio. (Note that it is expected that this person will be chosen by the minority group to represent them on the Cabinet).
- Appoint the Chair of the Scrutiny Coordinating Committee
- Appoint the Chair of each Overview and Scrutiny Committee, the Planning Committee, the Licensing Committee, the Members' Services Working Party and the Appointments Committee followed by the Vice Chair of each of those Committees, where appropriate.
- Determine the allocation of seats to political groups in accordance with the political balance rules (see paragraph 1.5.3)
- Appoint the members of each Overview and Scrutiny Committee, the Planning Committee, the Licensing Committee, the Members' Services Working Party, the Appointments Committee, the Audit Committee and the Appeals Committees referred to in Part 10, in accordance with the allocation of seats and three members of the Ethics and Standards Committee.
- Appoint the Chair and members of any other Member/Officer group, Working Party or Panel established by the Council for specific purposes.
- Appoint Councillors to serve on such outside bodies as the Council considers

appropriate.

- Consider any other business set out in the notice convening the meeting.

4.6.3 Nothing in paragraph 4.6.2 shall preclude or be construed as precluding the Council from doing any of the following at an ordinary meeting of the Council subject to the following provisions of this Part of the Constitution:

- electing the Leader where such election becomes necessary following the death, resignation, retirement, disqualification or removal of the Leader during the period of office or as a result of a change to the Council's constitution;
- appointing the Deputy Leader where such appointment becomes necessary following the death, resignation, retirement, disqualification or removal of the Deputy Leader during the period of office or as a result of a change to the Council's constitution;
- appointing Councillors to the Cabinet where such appointment becomes necessary following the death, resignation, retirement, disqualification or removal of the Councillor concerned during the period of office or as a result of a change to the Council's constitution;
- appointing a chair and (where the terms of reference allow) a vice chair for any standing committee where such appointment becomes necessary following the death, resignation, retirement, disqualification or removal of the Councillor concerned during the period of office or as a result of a change to the Council's constitution;
- deciding on an any amendment to the standing committees of the Council including their titles, size and terms of reference as set out in the Council's constitution subject to any statutory constraints or limitations and provided that the Council shall appoint at least one overview and scrutiny committee, a Standards deciding on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989;
- receiving nominations of Councillors to serve on the standing committees and giving effect to the Council's duty to make appointments to such committees in accordance with the Local Government and Housing Act 1989.

4.7 Ordinary Meetings of Council

4.7.1 Ordinary meetings of Council will take place in accordance with an agreed programme. Ordinary meetings at their discretion may contain an informal element.

4.7.2 The formal business of an ordinary meeting of the Council will be to:

- Elect a person to preside if the Mayor and Deputy Mayor are not present.
- Receive apologies for absence

- Receive any declarations of interest from Members.
- Approve the minutes of the last meeting
- Receive a report back on the actions required from previous meetings
- Receive any petitions presented by members of the public or organisations (see paragraph 4.17)
- Receive questions from the public or organisations (see paragraph 4.16.1 for who is permitted to ask questions) and answers on behalf of the Council
- Receive announcements from the Mayor, Leader or Chief Executive.
- Receive the Cabinet minutes, the Leader's report and questions to the Leader on the Cabinet minutes and his/her report.
- Receive such Executive Members' reports as the Mayor considers appropriate and questions by Councillors to Executive Members
- Receive such Chairs of Overview and Scrutiny Committees' reports as the Mayor considers appropriate and questions to the Chairs
- Receive such Chairs of Planning Committee and Licensing Committee reports as the Mayor considers appropriate and questions to the Chairs
- Receive and debate any reports concerning the Policy Framework (see paragraph 4.1.2), budget or other reports, presentations and proposals from the Executive, Overview and Scrutiny, other committees, representatives on outside bodies and officers as the Mayor considers appropriate.
- Consider any motions put forward by Members.
- Consider any other questions from members.
- Consider any other business specified in the invitation to the meeting.

4.8 Extraordinary Meetings of Council

4.8.1 Those listed below may require the Proper Officer to arrange Council meetings in addition to ordinary meetings:

- the Council by resolution
- The Mayor
- The Cabinet by resolution
- The Chief Executive
- The Monitoring Officer; and / or
- any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused or failed to arrange a meeting within seven

days of the presentation of the requisition.

- 4.8.2 The business of any extraordinary meeting shall be limited to the matter referred to in the resolution, requisition and/or invitation for the meeting, together with any questions from members of the public and petitions from the public which the proper officers consider directly relate to the main business of the meeting.

4.9 Council Policy Seminars

- 4.9.1 Council Policy Seminars are informal seminars to which all members of Council are invited to receive information about policy matters or to debate and discuss emerging policy issues or matters that will subsequently require decisions. They play an important role in ensuring that members are fully involved and fully briefed on matters that will subsequently require decisions by Cabinet or by full Council.

- 4.9.2 The Seminars are held on subject matters and at times approved by the Leader.

- 4.9.3 No formal notice is given of the dates and times of seminars though it is normal practice to hold them on Monday afternoons.

- 4.9.4 Members of the public may attend Council Policy Seminars. Co-opted members of Overview and Scrutiny Committees will be invited to those Seminars relevant to the terms of reference of the Committee.

- 4.9.5 No decisions are made at Policy Seminars and no notes of seminars are maintained.

4.10 Time and Place of Meetings

- 4.10.1 The time and place of Council meetings will be determined by the Proper Officer and notified in the invitation.

4.11 Notice of and invitation to Meetings

- 4.11.1 The Proper Officer will give notice to the public of the time and place of any meetings in accordance with the Access to Information Rules set out in section 4.28. Unless the meeting has been convened at shorter notice, at least three clear days before a meeting, the Proper Officer will send an invitation and agenda to every Member of the Council. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are appropriate.

4.12 Chair of Meeting

- 4.12.1 The Mayor shall chair meetings of the Council and in his/her absence the Deputy Mayor shall do so. Where these rules apply to Cabinet, Committee and Sub-Committee meetings, references to the Mayor and Deputy Mayor mean the Chair and Vice Chair.

4.13 Quorum

4.13.1 The quorum of a meeting will be one quarter of the whole number of Councillors (or members, where this applies to committees or sub-committees which include voting members who are not councillors) or the nearest whole number above. During any meeting if the Mayor counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date agreed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.14 Timetabling of the agenda

4.14.1 The Mayor shall decide the amount of time allotted to each item of the Council agenda and the order of the agenda.

4.14.2 Unless the Mayor in his or her discretion decides to extend the time, the maximum time allowed for petitions shall be 10 minutes and the maximum time for questions from the public shall be 20 minutes.

4.15 Questions by Members

4.15.1 A member of the Council may ask the Leader or relevant Executive Member any question without notice upon any item of the report of the Cabinet when that item is being received or under consideration by the Council.

4.15.2 **Question on notice at full Council:** Subject to paragraph 4.15.3 a Member of the Council may ask:

- a member of the Cabinet; or
- the Chair of any Committee or Sub-Committee

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

4.15.3 **Notice of questions:** A Member may only ask a question under paragraph 4.15.2 if either:

- they have given at least one working days notice in writing of the question to the Chief Executive; or
- the question relates to urgent matters, they have the consent of the Mayor and the content of the question is given to the Proper Officer not later than the start of the meeting.

4.15.4 In this section and in section 4.16 below “one working days notice” means the full text of the question must be received in writing or by email by the Chief Executive by the same time on the previous working day as the time of commencement of the Council meeting.

4.15.5 **Response:** An answer may take the form of:

- a direct oral answer;

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

4.15.6 **Supplementary question:** A Member asking a question under paragraph 4.15.2 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

4.15.7 Principal questions asked under this section and a summary of the replies to the questions will be recorded in the minutes of the meeting.

4.15.8 Supplementary questions and answers will not be recorded in the minutes of the meeting.

4.16 Questions by Members of the Public

4.16.1 A member of the public who lives or works in Torfaen and any person who represents a public, private, voluntary or community organisation based in Torfaen may ask a question at a Council meeting on any matter in relation to which the Council has powers or duties or which affects the area.

4.16.2 **Notice of questions:** A member of the public may only ask a question under paragraph 4.16.1 if they have given at least one working days notice in writing of the question to the Chief Executive.

4.16.3 At Council, the previously submitted written question shall be read out by the questioner.

4.16.4 **Response:** An answer may take the form of:

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

4.16.5 **Supplementary question:** The Mayor may at his or her discretion permit a supplementary question arising directly out of the original question or the reply.

4.16.6 Questions asked under this section and a summary of the replies to the questions will be recorded in the minutes (except that supplementary questions and answers will not be recorded in the minutes) of the meeting.

4.16.7 The Order in which questions are taken shall be at the discretion of the Mayor.

4.16.8 Any question not asked because of insufficient time, will be answered subsequently in writing with a copy of the answer provided to all councillors.

4.17 Petitions from Members of the Public

- 4.17.1 At the request of any Councillor a member of the public defined in paragraph 4.16.1 may present a petition to the Mayor at a Council Meeting.
- 4.17.2 The right set out in 4.17.1 above only applies if the original petition is presented by the Councillor on behalf of the member of the public to the Proper Officer no later than 24 hours before the meeting at which the petition is to be presented.
- 4.17.3 At the Council Meeting the member of the public may present the petition publicly to the Mayor who will receive it on behalf of the Council and read the content of the petition to the meeting.
- 4.17.4 No petition will be accepted under these provisions if in the opinion of the Monitoring Officer it is defamatory, discloses confidential or personal information or where it's publication may constitute a criminal offence.

4.18 Motions on Notice

4.18.1 Notice

Except for motions which can be moved without notice under paragraph 4.19, written notice of every motion, signed by the Member moving the motion, must be delivered to the Chief Executive not later than seven working days before the date of the meeting.

4.18.2 Motions set out in agenda

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

4.18.3 Scope

Motions must be about matters for which the Council has responsibility or which affect the area.

4.19 Motions without Notice

4.19.1 The following motions may be moved without notice:

- to appoint a Chair of the meeting at which the motion is moved;
- in relation to the accuracy of the minutes;
- to change the order of business in the agenda;
- to refer something to any appropriate body or individual;
- to appoint a Committee or Member arising from an item on the invitation for the meeting;
- to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- to withdraw a motion;

- to amend a motion;
- to proceed to the next business;
- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;
- to suspend a particular rule of debate;
- to exclude the public and press in accordance with the Access to Information Rules;
- to not hear further a Member named under paragraph 4.25.3 or to exclude them from the meeting under paragraph 4.25.4; and
- to give the consent of the Council where its consent is required by this Constitution.

4.20 Rules of Debate

4.20.1 General

The Mayor shall be responsible for maintaining order at the meeting in accordance with good practice and any legislative requirements and for ensuring that decisions are made in a proper manner. Paragraphs 4.20.2 to 4.20.14 below on rules of debate may be brought into effect by the Mayor at his or her discretion at any time during any meeting and shall then apply for the remainder of the meeting, unless suspended by resolution. Otherwise, these rules shall not apply.

4.20.2 No speeches until motion seconded

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

4.20.3 Right to require motion in writing

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

4.20.4 Seconders' speech

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

4.20.5 Content and length of speeches

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

4.20.6 When a Member may speak again

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

- to speak once on an amendment moved by another Member;

- to move a further amendment if the motion has been amended since he/she last spoke;
- if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- in exercise of a right of reply;
- on a point of order; and
- by way of personal explanation.

4.20.7 Amendments to motions

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

- to refer the matter to an appropriate body or individual for consideration or reconsideration;
- to leave out words;
- to leave out words and insert or add others; or
- to insert or add words

as long as the effect is not to negate the motion.

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

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

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

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

4.20.8 Alteration of motion

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

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

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

4.20.9 Withdrawal of motion

Once moved a Member may withdraw a motion with the consent of both the meeting and the seconder. If a Member declines to move a motion or is not

present it shall be treated as withdrawn. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

4.20.10 Right of reply

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

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

The mover of the amendment has no right of reply to the debate on his or her amendment.

4.20.11 Motions which may be moved during debate

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

- to withdraw a motion;
- to amend a motion;
- to proceed to the next business;
- that the question be now put;
- to adjourn a debate;
- to adjourn a meeting;
- to suspend a particular rule of debate;
- to exclude the public and press in accordance with the Access to Information Rules; and
- to not hear further a Member named under 4.25.3 or to exclude them from the meeting under 4.25.4.

4.20.12 Closure motions

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

- to proceed to the next business;
- that the question be now put;
- to adjourn a debate; or
- to adjourn a meeting.

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

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

If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.20.13 Point of order

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

4.20.14 Personal explanation

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

4.21 Voting

4.21.1 Majority

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

4.21.2 Mayor's casting vote

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

4.21.3 Show of hands

Unless a ballot or recorded vote is demanded under 4.21.4 or 4.21.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting confirming agreement to the resolution that has been identified by the Mayor and proposed and seconded.

4.21.4 Ballots

The vote will take place by written ballot if a Member present at the meeting demands it. The Mayor will announce the numerical result of the ballot immediately the result is known.

4.21.5 Recorded vote

If six Members present at the meeting demand it, the names for and against the motion or amendment and the names of those abstaining from voting will be taken

down in writing and entered into the minutes.

4.21.6 Right to require individual vote to be recorded

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

4.21.7 Voting on appointments

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

4.22 Minutes

4.22.1 Signing the minutes

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

4.22.2 Form of minutes

Minutes will contain all motions and amendments in the exact form and order that they were put.

4.23 Record of Attendance

4.23.1 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting. This attendance sheet will constitute the official record of attendance for the purpose of the minutes.

4.24 Exclusion of the Public

4.24.1 Members of the public and press may only be excluded in accordance with the Access to Information Rules in paragraph 4.28 or Disturbance by the Public Rules in paragraph 4.26.

4.25 Members' Conduct

4.25.1 Speaking at Council

When a Member speaks at full Council they will address the Council through the Mayor. The Mayor will call Members to speak. Other Members should not interrupt unless they wish to make a point of order or a point of personal explanation.

4.25.2 Call for Order

When the Mayor calls for order during a debate, any Member speaking at the time must stop. The meeting must be silent.

4.25.3 Member not to be heard further

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

4.25.4 Member to leave the meeting

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

4.25.5 General disturbance

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary, without debate.

4.26 Disturbance by the Public

4.26.1 Removal of member of the public

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

4.26.2 Clearance of part of meeting room

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

4.27 Suspension and Amendment of Council Rules of Debate

4.27.1 Suspension

Any rule of debate may be suspended by a simple majority of Members present and voting.

4.28 Public access to information

4.28.1 The public shall have the following rights of access to information about Council decision making. These provisions are contained in the Local Government Act 1972 (as amended) which are paraphrased below.

Public notice of meetings

4.28.2 Public notice of the time and place of each meeting shall be given at least three clear working days before the meeting or, if the meeting is convened at shorter

notice then at the time the meeting is convened.

Public access to the agenda for meetings and reports

4.28.3 Copies of the agenda for each meeting and copies of any report for the meeting shall be open to inspection by members of the public at the Civic Centre unless paragraph 4.28.8 applies.

4.28.4 These papers shall be available three clear working days before the meeting unless:

- The meeting is convened at less than three clear working days notice in which case they shall be available from the time of publication of the agenda; or
- An item is added to the agenda after its publication in which case they shall be available from the time at which it is added to the agenda.

4.28.5 These papers shall be available for inspection by members of the public for a period of six years from the date of the meeting.

4.28.6 Background papers referred to in any report shall also be available for inspection by members of the public from the time the agenda is published until four years after the date of the meeting. This requirement is satisfied if arrangements exist to produce the background paper on request as soon as reasonably practicable after a request is made. This paragraph shall not apply to any background papers that disclose exempt or confidential information.

4.28.7 Where a meeting is open to the public, a reasonable number of copies of the agenda and supporting reports shall be available at the meeting for use by the public.

4.28.8 Paragraphs 4.28.3 to 4.28.5 shall not apply to any report where the Proper Officer is of the opinion that the meeting is likely not to be open to the press and public during the consideration of the report.

4.28.9 Where a document is open to inspection, a member of the public may make a copy or require the Proper Officer to provide a copy on payment of a reasonable fee.

Public access to minutes

4.28.10 After a meeting, the minutes shall be available for public inspection for a period of six years from the date of the meeting.

4.28.11 Paragraph 4.28.10 shall not apply to any part of the minutes during which the meeting was not open to the public and which discloses exempt information but in this case, if the public minute does not provide a reasonably fair and coherent record of the whole or part of the proceedings, the Proper Officer shall provide a written summary of the proceedings or the part which provides a record without disclosing exempt information.

Items only to be added to agenda if urgent

4.28.12 An item of business may not be considered by the Council unless a copy of the

agenda including the item has been available for inspection by the public for at least three clear days before the meeting (or from the time the meeting was convened if it was convened at less than three clear days notice) or (because of special circumstances which must be recorded in the minutes), the Mayor is satisfied that the matter should be considered at the meeting because of its urgency.

Access to meetings by the press and public

4.28.13 All meetings will be open to the press and public, unless the Council resolves to exclude the press and public during an item of business for one of the following reasons:

- because, in view of the nature of the business to be transacted or the nature of the proceedings, it is likely that confidential information would be disclosed to them in breach of the obligation of confidence or exempt information would be disclosed to them; or
- the Council is excluding a member of the public or the public at large because of the conduct of that person or because of a general disturbance under the powers set out in paragraph 4.26.

4.28.14 The definition of confidential information is set out in section 100A of the Local Government Act 1972 and the definition of exempt information is contained in schedule 12A of that Act.

4.28.15 A resolution to exclude the press and public because exempt information is likely to be disclosed shall identify the part of the proceedings to which it applies and the paragraph of schedule 12A that applies to the information.

Photographs and tape recording at meetings

4.28.16 Proceedings at meetings may not be photographed, videoed, tape recorded or transmitted in any way outside the meeting room without the prior permission of the Mayor or Chief Executive.

Statutory Provisions:

Parts I, II and VA, Section 99 and Schedule 12 of the Local Government Act 1972

Part II of the Local Government Act 2000

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 as amended.

PART 5

THE EXECUTIVE

5.1 The Cabinet

5.1.1 The Cabinet comprises the Executive of the Council.

5.1.2 The Cabinet will comprise ten Members appointed by Council at its Annual Meeting as follows:

- The Leader
- The Deputy Leader
- Eight other Executive Members.

5.1.3 The Cabinet provides strategic leadership and direction to the Council:

- It is responsible for developing and proposing to the Council the plans and strategies which make up the Policy Framework of the Council. (see Part 4).
- It is responsible for proposing the budget to the Council for approval, including the allocations to different services and projects, proposed council tax levels and contingency funds.

5.1.4 The Cabinet is responsible for all the functions of the local authority except where these are specifically reserved to full Council or delegated to other bodies or persons by this Constitution. This includes social services functions.

5.1.5 A Member of the Cabinet will be elected to serve on the Cabinet by the Council and will remain in office until:

- He or she resigns from office; or
- He or she ceases to be a Councillor or is suspended from being a Councillor.

5.2 The Leader

5.2.1 The Leader will be elected by Council at the Annual Meeting.

5.2.2 The Leader will chair the Cabinet if present.

5.2.3 The portfolio responsibilities of the Leader are set out in Appendix 6.

5.2.4 The Leader shall act as substitute if any Executive Member with portfolio is unable to act, may appoint another Executive Member to act on his or her behalf or may delegate matters to Strategic Directors or Chief Officers as he or she considers fit.

5.3 The Deputy Leader

- 5.3.1 The Deputy Leader will be elected by Council at the Annual Meeting.
- 5.3.2 The portfolio responsibilities of the Deputy Leader are set out in Appendix 6.
- 5.3.3 The Deputy Leader will act as Vice-Chair of the Cabinet and will deputise for the Leader in respect of all of his/her responsibilities in the Leader's absence.

5.4 Other Executive Members

5.4.1 Seven of the eight other Executive Members shall be appointed to a portfolio at the Annual Meeting of the Council. The portfolios are:

- Children and Young People
- Health, Social Care and Wellbeing
- Housing and Community Safety
- Planning and Public Protection and Customer Focus
- Regeneration
- Resources
- Operational Services and Performance

5.4.2 The portfolio areas are set out in Appendix 6. The Leader may allocate specific responsibilities not referred to in the Appendix to any Executive member at her or his discretion and shall notify the Monitoring Officer of any such allocation. Cabinet may allocate responsibilities for decision making on Partnership bodies to Executive Members.

5.4.3 Within their portfolio areas, the Executive Members have the following broad responsibilities including those set out in Appendix 6:

- to provide leadership for the services and issues within their respective portfolios and to have key accountability for respective policies and plans;
- along with other members of the Cabinet to ensure consistency within the Authority's overall Policy Framework when implementing policies;
- to oversee the approved portfolio budget including the relevant capital programme;
- to provide the public focus for democratic accountability and involvement for their respective portfolio areas;
- to work with the respective Strategic Directors and Chief Officers towards professionally managing the delivery of services by providing political guidance/judgement; and
- to represent the Authority on key outside bodies, in particular in areas in which the Council's community leadership role will be enhanced.

5.4.4 The eighth Executive Member shall not have a portfolio. It is expected that this Executive Member shall be a representative of the Minority Group. His or her

role is to adopt a questioning role within the Cabinet and to provide a different perspective on matters under discussion.

5.5 Assistants to Executive Members

5.5.1 The Council shall appoint an Assistant to the Executive Member for each of the seven Executive portfolios.

5.5.2 The role of the Assistant to the Executive Member is to:

- Speak at meetings of the Cabinet where the Executive Member is unable to attend, but not participate in the voting.
- Act as a source of specific consultation and advice in respect of Strategic Director or Chief Officer decision-making particularly in the absence of the Executive Member.
- Represent the service area either with or instead of the Executive Member, eg. at a specific function. In this connection they shall not participate in any voting that might take place.

5.6 Principles of the Scheme of Delegation of Executive Decision-making

5.6.1 The formal delegation of powers to make Executive decisions is as follows:

Cabinet

- Cabinet may exercise any of the functions of the authority not reserved to Council by this Constitution or by law or otherwise delegated to some other body or person in this Constitution.
- Cabinet may delegate specific functions to a Sub-Committee consisting of members of the Cabinet or to Officers from time to time and may determine the functions and membership of any such Sub-Committee.
- Cabinet may delegate any function to the Executive of another local authority or to a Joint Committee. Details of any Sub-Committees or Joint Committees established will be listed in Appendix 4.

Executive members

- Executive members may make decisions about matters exclusively within their portfolio responsibility, portfolio budget and approved capital programme provided that:
 - the decision is not referred to Cabinet under the rules on Executive decision making in Appendix 5; and
 - if there are legal implications, the decision has been taken with advice from the Monitoring Officer; and
 - if there are human resources implications, the decision has been taken with advice from the Head of Personnel Services and Standards; and

- the decision is consistent with the policies and strategies determined by Council and Cabinet.
- Two or more executive members may make decisions within their joint portfolio responsibilities, budgets and approved capital programmes subject to the same provisos as above
- Executive members may make decisions within their portfolios but outside their budget and approved capital programme only if the decision is made jointly with the Executive Member for Resources or in the case of the Executive Member for Resources, jointly with the Leader.

Officers

- Officers may exercise the powers delegated to them in Part 12 of this constitution and any other powers delegated to them by Council, Cabinet, Committees or Executive Members.

5.6.2 The rules on Executive decision making set out in Appendix 5 shall apply.

5.6.3 Within this formal framework of delegation, it is for the decision-maker to determine what category any particular decision falls into after such consultation with other Officers and Members about the appropriate category as they consider appropriate. The decision-maker is accountable for the decision they make and can be called upon to justify their decision to categorise the decision in accordance with the framework.

5.7 Decisions within Partnership bodies

5.7.1 Executive members and officers who attend meetings of Partnerships at which joint decisions are made are making an Executive decision. The portfolios for Executive members sets out those partnerships in relation to which those Executive members may make decisions.

5.7.2 The Rules in Appendix 5 apply to decisions at Partnerships by Executive members and officers when the nature of the decisions by meetings of the Partnership are such that they would be reported to the relevant Overview and Scrutiny Committee if made by the Council alone.

5.8 Joint Committees

5.8.1 Cabinet may establish such Joint Committees as it considers appropriate with other authorities to be responsible for specified services jointly with another authority. The current joint committees established and a summary of how decisions are made within them is set out in Appendix 4.

5.8.2 Cabinet will decide the membership of joint committees by the Council and appointees may be any member or officer.

5.9 Decisions outside the Policy Framework

5.9.1 The Cabinet, individual Executive Members and Officers may not make a decision

that is covered by the Policy Framework or the Budget and which is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget unless:

- The urgency provisions in paragraph 5.9.2 apply; or
- They are authorised by the Financial Standing Orders or the Scheme of Delegation to Officers to make the decision.

5.9.2 A decision can be made which is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget only if the individual or body who will be making the decision has obtained from the Chair of an Overview and Scrutiny Committee within whose terms of reference the decision falls or if they are unwilling or unable to act from the Mayor or in his or her absence the Deputy Mayor a statement in writing that the decision needs to be made as a matter of urgency.

5.9.3 The advice of the Chief Executive, Monitoring Officer and Chief Financial Officer shall be obtained before the decision under paragraph 5.9.2 above is made.

5.9.4 Where a decision is made under paragraph 5.9.2, a report shall be made to the next meeting of Council reporting the decision, the reasons for its urgency and the reasons for the decision.

5.9.5 If:

- The Chief Executive, Monitoring Officer or Chief Financial Officer certifies that any decision by any body or person exercising Executive functions is contrary to the Policy Framework or is contrary to or not wholly in accordance with the Budget; and
- The procedure in paragraph 5.9.2 has not been followed; and
- The decision-maker is not authorised by the Financial Regulations or any Scheme of delegation in this Constitution to make the decision

then the implementation of the decision shall immediately be suspended and the decision shall be of no effect until the matter has been referred to Council for consideration as to whether the Policy Framework or Budget should be varied.

5.10 Executive Forward Plan

5.10.1 The Cabinet, Executive Members, Strategic Directors and Chief Officers will develop a forward work programme (known as the Forward Plan). This will provide information on key decisions that will be taken within the next month or such longer period as may be agreed.

5.10.2 The provisions of Appendix 5 in relation to the Forward Plan shall apply.

5.11 Challenge and Scrutiny of Cabinet decisions

Implementation of Cabinet decisions

5.11.1 No decision of the Cabinet other than those referred to in paragraph 5.11.2 will be

implemented before the conclusion of the next Council meeting or for a period of eight clear calendar days following the decision (whichever is the shorter period), to enable Members who are not on the Cabinet to have an opportunity to challenge or call the decision in.

5.11.2 A decision of the Cabinet may only be implemented before there has been an opportunity to challenge or call-in the decision in the following circumstances:

- On the recommendation of a Strategic Director or the Monitoring Officer, Cabinet resolves at the time they make a decision that the decision must be implemented before the process of challenge and call-in has been completed because implementation is required urgently; or
- After the decision has been made the Chief Executive, Monitoring Officer or Chief Financial Officer is satisfied that because of circumstances which were unknown to the Cabinet, implementation of the decision has become urgent.

5.11.3 Where either of the circumstances set out in paragraph 5.11.2 apply, the decision may be implemented immediately but may still be reviewed by the Council Overview and Scrutiny Committee after implementation.

Challenge or call-in of Cabinet decisions

5.11.4 Cabinet decisions should only be called in where there are genuine and serious grounds. Nothing in the challenge and call-in process prevents Members exercising their right to ask questions at Council of the Leader about a decision of the Cabinet.

5.11.5 Where a Council meeting is programmed to follow a Cabinet meeting within the period of eight calendar days, any Member may give notice to the Proper Officer not later than noon on the day before a Council meeting (or another time if another time is published, e.g. where special circumstances apply due to a bank holiday) that they wish to challenge one or more decisions of the Cabinet.

5.11.6 The deadline for members to give notice of challenge in paragraph 5.11.5 shall not apply if Council is programmed to meet within 2 working days of the Cabinet meeting. In those circumstances, any Member not on Cabinet may give notice to the Proper Officer not later than half an hour before the start of the Council meeting.

5.11.7 If a challenge is received under paragraph 5.11.5 or 5.11.6 and the Council is scheduled to meet within the challenge period, the Council meeting concerned will adjourn and a meeting of the Council Overview and Scrutiny Committee will take place to consider the challenge.

5.11.8 Where no meeting of Council is programmed to take place within the eight day period following a Cabinet meeting any Member who is not a member of the Cabinet may notify the Proper Officer within the eight calendar day period that they wish to challenge one or more decisions of the Cabinet.

5.11.9 If five or more Members give notice of challenge, then a special meeting of the

Council Overview and Scrutiny Committee shall be convened and held not later than 29 days after Cabinet. The decision shall not be implemented until the Council Overview and Scrutiny Committee has considered the challenge unless the Chief Executive, Monitoring Officer or Chief Financial Officer are satisfied that implementation is too urgent to await the Committee's consideration of the challenge.

5.11.10 If less than five Members give notice of challenge:

- If the Chief Executive, Monitoring Officer or Chief Financial Officer are satisfied that implementation of the decision is too urgent to await the meeting of the Council Overview and Scrutiny Committee, the decision may be implemented immediately; or
- The Mayor or Chief Executive may require the Proper Officer to convene a special meeting of the Council Overview and Scrutiny Committee to consider the challenge; or
- Consideration of the challenge can be deferred until the next ordinary meeting of Council during which the Council Overview and Scrutiny Committee will be convened.

5.11.11 If no challenge is received by the Proper Officer to a decision of the Cabinet within the periods set out above, then the decision becomes effective and can be implemented immediately.

5.11.12 If the Council Overview and Scrutiny Committee recommends that Cabinet reconsider its decision, the decision shall not be implemented until the Cabinet has reconsidered the matter.

5.11.13 The Leader may convene a meeting of the Cabinet immediately following the meeting of the Council Overview and Scrutiny Committee to reconsider the matter submitted to it.

Review of Cabinet decisions

5.11.14 Decisions of Cabinet which fall within the terms of reference of particular Overview and Scrutiny Committees will be reported to the next meeting of the Committee for scrutiny and review.

5.12 Meetings of the Cabinet

5.12.1 The Cabinet shall meet at times to be agreed by the Leader on the recommendation of the Proper Officer. In addition the following may require a meeting of the Cabinet to be convened:

- The Council
- The Chief Executive
- The Monitoring Officer

5.13 Challenge, Scrutiny and Review of Executive Member and Officer Decisions

5.13.1 Decisions made by Executive Members will be reported to the Chair of the relevant Overview and Scrutiny Committee within 7 days and a summary of decisions will be reported to the next Committee meeting as set out in the Rules in Appendix 5.

5.13.2 Key decisions made by Chief Officers will also be reported to the next meeting of the appropriate Overview and Scrutiny Committee for scrutiny and review.

5.14 Rules of Proceedings

5.14.1 The following paragraphs relating to the Council apply to the Cabinet with references to the Leader in place of references to the Mayor, and to the Deputy Leader in place of the Deputy Mayor. They also apply to any Sub-Committee of the Cabinet with references to the Chair in place of references to the Mayor:

4.12, 4.13, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27.

5.14.2 The agenda and order of business for meetings of the Cabinet shall be determined by the Leader or in her or his absence by the Deputy Leader.

5.14.3 At least three clear days before a meeting, or if the meeting is convened at shorter notice, as soon as it is convened, the Proper Officer will send an invitation and agenda to every Member of the Cabinet and a copy to every Member of the Council. The agenda will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are appropriate.

5.14.4 After any meeting of the Cabinet, the Proper Officer shall produce a written statement of each decision at the meeting as soon as reasonably practicable and in any event within three working days. The statement shall be circulated to all Members as soon as it is available.

5.14.5 The statement (which may form part of minutes of the proceedings) shall include the following:

- A record of the decision and the date it was made
- A record of the reasons for the decision
- A record of any declaration of interest by any Member in relation to that decision
- In relation to any declared interest, any dispensation granted by the Ethics and Standards Committee
- Details of any consultation undertaken in accordance with this Constitution and where such consultation has not taken place, the reasons why that is the case.

5.15 Public Access to Information

5.15.1 The public shall have the following rights of access to information about Executive decision making meetings. These provisions are contained in the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings)(Wales) Regulations 2001.

Public notice of decision making meetings

5.15.2 Public notice of the time and place of each decision making meeting shall be given at least three clear days before the meeting or, if the meeting is convened at shorter notice then at the time the meeting is convened.

Public access to the agenda for decision making meetings and reports

5.15.3 Copies of the agenda for each decision making meeting and copies of any report for the meeting shall be open to inspection by members of the public at the Civic Centre unless paragraph 5.15.8 applies.

5.15.4 These papers shall be available at least three clear working days before the meeting unless:

- The meeting is convened at less than three clear working days notice in which case they shall be available from the time of publication of the agenda;
- An item is added to the agenda after the publication of the agenda, in which case they shall be available from the time at which it is added to the agenda.

5.15.5 These papers shall be available for inspection by members of the public for a period of six years from the date of the meeting.

5.15.6 Background papers referred to in any report shall also be available for inspection by members of the public from the time the agenda is published until four years after the date of the meeting. This requirement is satisfied if arrangements exist to produce the background paper on request as soon as reasonably practicable after a request is made. This paragraph shall not apply to any background papers that disclose exempt or confidential information.

5.15.7 Where a meeting is open to the public, a reasonable number of copies of the agenda shall be available at the meeting for use by the public.

5.15.8 Paragraphs 5.15.3 to 5.15.5 shall not apply to any report where the Proper Officer is of the opinion that the meeting is likely not to be open to the public during the consideration of the report.

5.15.9 Where a document is open to inspection, a member of the public may make a copy or require the Proper Officer to provide a copy on payment of a reasonable fee.

Public access to written statements of meetings

5.15.10 After a meeting, the written statement of each decision at the meeting shall be available for public inspection for a period of six years from the date of the meeting.

5.15.11 Paragraph 5.15.10 shall not require any information to be disclosed in the written statement which is confidential or exempt and accordingly a statement or some part of a statement may not be available to the public where items were considered and the meeting was not open to the public.

Items considered to be included in the published agenda

5.15.12 An item of business may not be considered by the Cabinet unless:

- a copy of the agenda including the item has been available for inspection by the public for at least three clear days before the meeting;
- the meeting is convened at shorter notice and the item is available from the time the meeting is convened;
- by reason of special circumstances, which shall be specified in the record of the meeting, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Access to meetings by the press and public

5.15.13 All meetings will be open to the press and public, unless the Cabinet resolves to exclude the press and public during an item of business for one of the following reasons:

- because, in view of the nature of the business to be transacted or the nature of the proceedings, it is likely that confidential information would be disclosed to them in breach of the obligation of confidence or exempt information would be disclosed to them; or
- the Cabinet is excluding a member of the public or the public at large because of the conduct of that person or because of a general disturbance under the powers set out in paragraph 4.26.

5.15.14 The definition of confidential information is set out in section 100A of the Local Government Act 1972 and the definition of exempt information is contained in schedule 12A of that Act.

5.15.15 A resolution to exclude the public because exempt information is likely to be disclosed shall identify the part of the proceedings to which it applies and the paragraph of schedule 12A that applies to the information.

Photographs and tape recording at meetings

5.15.16 Proceedings at meetings may not be photographed, videoed, tape recorded or transmitted in any way outside the meeting room without the prior permission of the Leader or Chief Executive.

Statutory Provisions:

Sections 11, 13, 15, 19, 20 and 22 and Schedule 1 of the Local Government Act 2000

The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 as amended.

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 as amended.

PART 6

OVERVIEW AND SCRUTINY

6.1 Arrangements for Delivery of the Overview and Scrutiny Function

- 6.1.1 The Overview and Scrutiny function is delivered through Overview and Scrutiny Committees.
- 6.1.2 Members of the Cabinet cannot be members of any of the Overview and Scrutiny Committees and Assistants to Executive Members cannot sit on Overview and Scrutiny Committees for their portfolio.
- 6.1.3 Executive Members and officers can be required to attend Overview and Scrutiny Committees to answer questions.

6.2 Service based Overview and Scrutiny Committees

- 6.2.1 There are seven strategic and service based Overview and Scrutiny Committees of fourteen Members each.
- Health and Wellbeing
 - Planning and Public Protection
 - Operational Services
 - Regeneration
 - Housing and Community Safety
 - Children and Young People
 - Resources.
- 6.2.2 In addition, as required by the Local Government Act 2000 the Children and Young People Overview and Scrutiny Committee, whose functions relate to education, includes the following as voting members of the Committee:
- Two Church representatives, one appointed by the Church in Wales and one by the Roman Catholic Church.
 - Three representatives of parent governors elected in accordance with regulations made by the Welsh Assembly Government.
- 6.2.3 The Chair, Vice Chair and Members of each Committee (other than the Church and parent governor representatives referred to in paragraph 6.2.2) will be elected by Council.
- 6.2.4 Overview and Scrutiny Committees may (through the Chair) invite individuals who are not councillors to participate in their meetings if they have particular expertise on a matter under discussion. Decisions to have standing invitations shall be approved by Council.

6.3 Council Overview and Scrutiny Committee

6.3.1 There is also a Council Overview and Scrutiny Committee which is convened, where necessary, during the Council meeting to consider challenges to Cabinet decisions. (See paragraph 5.11)

6.3.2 All Councillors who are not members of the Cabinet are automatically members of the Council Overview and Scrutiny Committee (including Assistants to Executive Members).

6.4 Scrutiny Co-ordinating Committee

6.4.1 There is also a Scrutiny Co-ordinating Committee, which is responsible for Overview and Scrutiny of:

- The Community Strategy
- Relationships with the Voluntary Sector
- Cultural Development
- European Policy
- External funding
- Customer Focus
- Citizen Engagement including the contribution of older people
- Equalities and Social Inclusion
- Performance Improvement. Performance of a particular service area should be scrutinized by the relevant O&S committee.
- Any other matter not within the terms of reference of a particular Overview and Scrutiny Committee including matters within the Leader's and Deputy Leader's portfolio that are not within the remit of a particular committee.
- Any matter called in by the Scrutiny Coordinating Committee which is under consideration by an Overview and Scrutiny Committee but which affects the portfolios of more than one Committee.

6.4.2 The Scrutiny Co-ordinating Committee has power to establish task and finish groups consisting of any members who are not on the Cabinet, to carry out cross cutting scrutiny reviews.

6.4.3 The Chair of the Scrutiny Coordinating Committee will be appointed directly by the Council and shall not be the Chair of any other Overview and Scrutiny Committee.

6.4.4 The remaining members of the Scrutiny Coordinating Committee shall be the Chairs of all the other Overview and Scrutiny Committees.

6.5 The Role of Overview and Scrutiny Committees

6.5.1 Overview and Scrutiny Committees form a focus for the non-executive role of Councillors.

6.5.2 Each strategic and service based Overview and Scrutiny Committee will formulate its own work programme which will guide its primary activity during the year.

6.5.3 The work programme will be designed to enable Members to:

- exercise their scrutiny role by scrutinising and reviewing decisions of the Cabinet, Executive Member and officers within their terms of reference and challenging decisions which have not been implemented.
- carry out Scrutiny Reviews;
- establish and operate a system for performance review of areas within their remit, including developing performance indicators for the specific areas and monitoring performance against these indicators;
- consider policy proposals for submission to the Cabinet and assist in other matters of policy development following reference from the Cabinet or Executive Member;
- act as a sounding board before significant executive decisions are made which will be listed in the Executive Forward Plan produced by the relevant Executive member and Strategic Director.
- Scrutinise the work and performance of the Planning and Licensing Committees as appropriate.

6.6 Terms of Reference of Service Based Overview and Scrutiny Committees

6.6.1 The terms of reference of service based Overview and Scrutiny Committees shall reflect the individual Executive portfolios and the functions of the other Committees and Directorate and Service based structure of the Council as follows:

Executive Portfolio and other Decision-making responsibilities	Strategic Director and Chief Officer of Service	Overview & Scrutiny Committee
Children and Young People	Strategic Director for Children & Young People Chief Officer of Education Services	Children and Young People Scrutiny Co-ordinating Committee for major cross-cutting themes or projects
Planning and Public Protection and Customer Focus	Strategic Director for Performance	Planning and Public Protection

- Planning Committee - Licensing Committee	and Engagement Chief Officer of Planning & Public Protection	Scrutiny Co-ordinating Committee for Customer Focus, Citizen Engagement and any other major cross-cutting themes or projects
Housing and Community Safety	Strategic Director for Communities Chief Officer of Social Care & Housing	Housing and Community Safety Scrutiny Co-ordinating Committee for major cross-cutting themes or projects
Health, Social Care and Well Being - Welfare rights and benefits - Social care including Children's Social Care	Strategic Director for Health & Wellbeing Chief Officer of Social Care & Housing	Health and Wellbeing Scrutiny Co-ordinating Committee for major cross-cutting themes or projects Children and Young People for children's social care
Resources	Corporate Director for Resources Chief Financial Officer Chief Legal Officer and Monitoring Officer	Resources Audit committee for matters within their remit Scrutiny Co-ordinating Committee for major cross-cutting themes or projects
Operational Services and Performance	Strategic Director for Performance and Engagement Strategic Director for Communities Chief Officer of Operational Services	Operational Services Scrutiny Co-ordinating Committee for Performance Improvement and other major cross-cutting themes or projects
Regeneration	Strategic Director for Communities Strategic Director for Health & Well-being Chief Officer of Regeneration	Regeneration Scrutiny Co-ordinating Committee for Sustainability, Cultural Development/Diversity and major cross-cutting themes or projects

6.7 Work Programmes

- 6.7.1 Each subject based Overview and Scrutiny Committee will develop a work programme as required. The paragraphs that follow set out the process normally followed to develop such a programme.
- 6.7.2 Each year each Overview and Scrutiny Committee convenes a ‘visioning session’. At this meeting, Members consider their key priorities for the forthcoming year in terms of:
- Areas for scrutiny review
 - A suite of performance indicators on which performance information is to be received
 - Key policy issues they wish to tackle.
- 6.7.3 At or before the Visioning session, the relevant Executive member will make a report to the Committee outlining her or his priorities for the forthcoming year and the progress made during the past year.
- 6.7.4 These issues are formulated into a forward work programme approved by the Committee.
- 6.7.5 Progress towards the achievement of the work programme priorities will be monitored by the Committee.

6.8 Participation at Scrutiny Coordinating Committee and Subject Based Overview and Scrutiny Committees and Recording and Publishing their Business

- 6.8.1 All Members of the Committee will receive the agenda for each meeting of every Overview and Scrutiny Committee and Members who are not on the Committee may attend meetings and speak with the permission of the Chair, but not vote subject to the next paragraph.
- 6.8.2 Executive members may only attend Overview and Scrutiny Committees by invitation or when required to do so under the provisions in paragraph 6.10.7.
- 6.8.3 Minutes of each meeting shall be made and approved and signed as a correct record at the next meeting of the Committee.
- 6.8.4 A programme of meetings for the year shall be established. A special meeting may be convened at the request of the Chair of the Committee and shall be convened within 21 days if requested in writing by at least five Members of the Committee.

6.9 Access to Information

- 6.9.1 The provisions of paragraph 4.28 apply to Overview and Scrutiny Committees as they apply to Council, with references to the Chair replacing references to the Mayor.

6.10 Rules of Proceedings

6.10.1 The following paragraphs of Part 4 of this Constitution shall apply to Overview and Scrutiny Committees for any part of any meeting where they are considering or making a resolution, with references to the Chair replacing references to the Mayor and references to the Vice Chair replacing references to the Deputy Mayor:

4.11, 4.12, 4.13, 4.15, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27.

6.10.2 The right for Members to ask questions on notice shall relate only to questions to the Chair on matters within the remit of the Committee.

6.10.3 Any member of an Overview and Scrutiny Committee who is participating in any business of the Committee where he or she is a member of a political group which has applied a whip to the matter under consideration (whether that whip has been applied at Council, Cabinet or at Overview and Scrutiny Committee) shall declare that he or she is subject to the whip on that matter. For the avoidance of doubt, he or she may continue to participate in the proceedings.

6.10.4 The agenda and order of business for meetings of an Overview and Scrutiny Committee shall be determined by the Chair or in her or his absence by the Vice Chair.

6.10.5 An Overview and Scrutiny Committee may request production of any documents relevant to a scrutiny review in progress. Such documents shall be provided unless the Monitoring Officer is satisfied that there are exceptional reasons requiring that confidentiality of the documents is maintained.

6.10.6 An Overview and Scrutiny Committee may make reports and recommendations on any matters within their terms of reference to an Executive Member, Cabinet, Council, Planning Committee, Licensing Committee or another public body as appropriate.

6.10.7 Overview and Scrutiny Committees may:

- Adopt an inquisitorial role and question an Executive Member, Officer or other person who has appeared before the Committee for this purpose;
- Require an Executive Member or Officer to attend the Committee to answer questions;
- Invite speakers to address the Committee;
- Make visits to parts of the area, other areas and to organisations;
- Arrange public or private meetings to gather information or for consultation purposes.

6.10.8 The provisions of Part 4 listed in paragraph 6.10.1 shall not apply when the Committee is exercising its rights under paragraph 6.10.7 and the Chair shall

adopt such procedure as he or she considers appropriate to ensure that the Committee's objectives are fulfilled.

6.10.9 An Overview and Scrutiny Committee may appoint a Sub-Committee and may delegate any matters as it so decides to such a Sub-Committee or to Officers from time to time.

6.10.10 The Chair or in her or his absence the Vice Chair of any Overview and Scrutiny Committee may request the attendance of the Executive Member at the next meeting of the Committee.

6.11 Challenge, Scrutiny and Review of Executive Decisions

6.11.1 Overview and Scrutiny Committees have the power to challenge, scrutinise and review all decisions of the Cabinet, Executive Members, Planning Committee, Licensing Committee and officers which fall within their terms of reference. As set out in paragraph 5.11 most decisions of the Cabinet cannot be implemented until the process of challenge, scrutiny and review is complete.

Cabinet decisions

6.11.2 These are challenged and scrutinised by the Council Overview and Scrutiny Committee which meets at the request of any non-Executive Member of the Council, usually during an adjournment of the Council meeting.

6.11.3 All Cabinet decisions within the terms of reference of a particular Overview and Scrutiny Committee are also reported to the next meeting of that Committee for scrutiny and review.

Executive Members' and Officer decisions

6.11.4 All Executive Member decisions are reported to the Chair of the relevant Overview and Scrutiny Committee within 7 days and are reported to the next meeting of the Overview and Scrutiny Committee in summary form for scrutiny or review. All key officer decisions are also reported to the next Overview and Scrutiny Committee in summary form.

Powers of the Overview and Scrutiny Committees (including Council Overview and Scrutiny Committee)

6.11.5 When exercising their challenge, scrutiny and review functions Overview and Scrutiny Committees may do any of the following:

- Note the decision.
- Ask for further information including additional information on which the decision was based, background documentation and the reasons for the decision.
- Require the decision maker and any other Executive Member or Officer to attend committee to answer questions.

- Require the decision maker to reconsider any decision which has not been implemented.
- Record their comments on the decision.
- Approve recommendations for the Cabinet, Executive Members, Planning Committee, Licensing Committee, Strategic Directors and Chief Officers of Service or Council in relation to the future handling of similar decisions.

6.11.6 Motions proposing the matters listed in paragraph 6.11.5 shall not require notice.

6.11.7 It is expected that Strategic Directors and Chief Officers of Service will attend to answer questions at a Committee. The Chair can also request that the Strategic Director or Chief Officer of Service makes available other Officers from the discipline under review to answer questions at a Committee, where appropriate.

6.12 Scrutiny Reviews

6.12.1 Overview and Scrutiny Committees will undertake detailed Scrutiny Reviews of particular areas of policy or service. The aim of these reviews varies depending on the subject matter but fundamentally they challenge existing policy, are based on thorough research, scrutiny and consultation and ultimately take the form of proposals to improve the policy or service.

6.12.2 Areas for Scrutiny Review are determined by the Overview and Scrutiny Committees themselves as part of the development of a Work Programme.

6.12.3 Proposals arising from a Scrutiny Review will be presented by the Chair of the Overview and Scrutiny Committee to the Cabinet (unless they relate to a matter which is not the function of the Executive, in which case such proposals will be presented by the Chair to the Council or appropriate regulatory Committee).

Statutory Provisions:

Section 21 and Schedule 1 of the Local Government Act 2000

Part VA, Section 99 and Schedule 12 of the Local Government Act 1972

PART 7 REGULATION

7.1 Arrangements for the Delivery of the Regulatory Function

- 7.1.1 The regulatory functions are those functions which cannot by law be performed by the Executive and are not strategic or policy functions which must be performed by full Council.
- 7.1.2 There will be a Planning Committee consisting of sixteen Members appointed by the Council. No member of the Cabinet may be a member of the Planning Committee.
- 7.1.3 There will be a Licensing Committee consisting of twelve members appointed by the Council. No member of the Cabinet may be a member of the Licensing Committee.
- 7.1.4 The Chairs and Vice-Chairs of the Planning Committee and the Licensing Committee shall be elected at the Annual meeting of the Council.
- 7.1.5 The Licensing Committee may appoint panels to deal with specific licensing issues or appeals. Such panels will consist of no less than three members, one of whom will be the Chair of the Licensing Committee or in her or his absence the Vice Chair unless they are both unable to attend. The procedure for the hearing of cases and appeals is in Appendix 13.
- 7.1.6 The Planning Committee may delegate its powers to a sub-committee with such members as it appoints to determine applications.

7.2 Terms of Reference of the Planning Committee

- 7.2.1 The Planning Committee will discharge the following functions:
- The functions set out in Part A of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 (as amended from time to time) relating to town and country planning and development control—and functions relating to health and safety at work.
 - The miscellaneous functions set out in Part I of those regulations which are listed in column 1 of Appendix 7 where the Committee appears in column 2.
 - The local choice functions in Schedule 2 of those regulations which are listed in column 1 of Appendix 8 where the Committee appears in column 2.
- 7.2.2 The functions referred to in paragraph 7.2.1 includes the functions of:
- imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted;
 -

- determining any other terms to be attached;
- deciding whether and in what manner to enforce any failure to comply with or contravention of any such approval, consent, licence, permission or failure to comply with or contravention of any term or condition;
- amending, modifying, varying or revoking any approval, consent, licence, permission or registration.

7.2.3 For the avoidance of doubt, the function of enforcement does not include the determination of policy in relation to enforcement, which is an Executive responsibility.

7.3 Terms of Reference of the Licensing Committee

7.3.1 The Licensing Committee will discharge the following functions and powers:

- The functions set out in Part B of Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 (as amended from time to time) relating to licensing and registration functions.
- The miscellaneous functions set out in Part I of those regulations which are listed in column 1 of Appendix 7 where the Committee appears in column 2.
- The local choice functions in Schedule 2 of those regulations which are listed in column 1 of Appendix 8 where the Committee appears in column 2.
- The functions assigned to the Licensing Committee under the Licensing Act 2003.

7.3.2 The functions referred to in paragraph 7.3.1 include the functions of:

- imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted;
- determining any other terms to be attached;
- deciding whether and in what manner to enforce any failure to comply with or contravention of any such approval, consent, licence, permission or failure to comply with or contravention of any term or condition;
- amending, modifying, varying or revoking any approval, consent, licence, permission or registration.

7.3.3 Licensing policy including enforcement policy is the function of the Executive and not the Licensing Committee.

- 7.3.4 Where any licensing or registration function is delegated to officers, the Licensing Committee shall hear appeals against officer decisions unless there is a right of appeal direct to the courts.

7.4 The Scheme of Delegation to Officers

- 7.4.1 The Planning Committee and the Licensing Committee may establish schemes of delegation giving officers powers to make decisions on such terms as they consider appropriate. The current schemes of delegation are set out in Appendix 9 in relation to planning decisions and in Appendix 10 in relation to licensing and registration decisions.

7.5 The Roles of the Chairs of the Planning Committee and of the Licensing Committee

- 7.5.1 The Chair of the Planning Committee (or the Vice-Chair, in the Chair's absence) will Chair meetings of the Planning Committee and the Planning Site Inspection Panel (see Appendix 11).
- 7.5.2 The Chair of the Licensing Committee (or the Vice-Chair, in the Chair's absence) will Chair meetings of the Licensing Committee and any Licensing Panel unless they are unable to attend for any reason, in which case a Panel may appoint its own chair.
- 7.5.3 The Chair of each Committee will be consulted in respect of certain planning or licensing decisions as set out in the Schemes of Delegation attached as Appendix 9 and Appendix 10.

7.6 Rules of Procedure for the Planning Committee

- 7.6.1 The Committee meets regularly (usually every four weeks) to determine planning applications and any other necessary matters for which it is responsible.
- 7.6.2 The following provisions of Part 4 of this Constitution apply to meetings of the Committee with references to the Chair replacing references to the Mayor and references to the Vice – Chair replacing references to the Deputy Mayor:

4.10, 4.11, 4.12, 4.13, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27.
- 7.6.3 Special procedures apply in relation to third party speaking rights at the Planning Committee. These are set out in Appendix 12.

7.7 Rules of Procedure for the Licensing Committee/Panels

- 7.7.1 The Licensing Committee meets regularly (usually every quarter) to determine matters within its terms of reference. It will approve rules for the selection of panels to determine specific appeals or applications.
- 7.7.2 When considering appeals or applications for licences or registration, the Committee and its panels will adopt a procedure to ensure that the requirements of natural justice are met. The procedures for such panels are set out in Appendix 13 but may be varied in an individual case at the discretion of the Chair of the Panel.

7.7.3 The provisions of Part 4 of this Constitution set out in paragraph 7.6.2 above apply when the Licensing Committee is not considering appeals or applications for licenses or registration.

7.8 Access to Information

7.8.1 The provisions of paragraph 4.28 apply to the meetings of the Planning Committee and the Licensing Committee, with references to the Chair replacing references to the Mayor. They also apply to meetings of any Licensing Panel.

7.9 Recording and Publishing the Decisions of the Planning Committee and the Licensing Committee and Licensing Panels

7.9.1 Minutes are prepared and approved at the subsequent meeting as a correct record. In the meantime they are available for public inspection but are not ‘published’ as such, until they are published with the agenda for the meeting which is due to approve them.

7.9.2 A decision of either Committee or panel that a permission, licence or consent shall be granted shall only take effect when the formal permission, licence or consent is issued by an authorised officer on behalf of the Council.

7.10 The Exercise of Regulatory Functions by the Council

7.10.1 Any of the functions of the Planning Committee may be exercised by the full Council. Any of the functions of the Licensing Committee may be exercised by full Council except those reserved to the Licensing Committee by the Licensing Act 2003.

7.10.2 The Chief Executive or Monitoring Officer may refer a decision of the Planning Committee to full Council for review and any decision referred in such way shall not take effect until it has been considered by Council.

7.10.3 The Chief Executive or Monitoring Officer may refer a decision of a Licensing Panel to the Licensing Committee for review. Any decision referred in such way shall not take effect until it has been considered by the Licensing Committee.

Statutory Provisions:

Section 13 of the Local Government Act 2000

Part VA, Section 99 and Schedule 12 of the Local Government Act 1972

Licensing Act 2003

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 as amended.

PART 8

ETHICS AND STANDARDS

8.1 Ethics and Standards Committee

8.1.1 There shall be an Ethics and Standards Committee consisting of eight Members namely:

- three Councillors appointed by the Council;
- one person appointed by the Council who shall be a Member of a Community Council within the Torfaen area; and
- four persons appointed by the Council for a period of four years who shall not be Members or Officers of any County Borough Council, County Council, National Park Authority or Fire Authority or be the spouses of any such Member or Officer. (Referred to in this section as ‘independent members’)

8.1.2 The Leader of the Council cannot be a member of the Ethics and Standards Committee and the Committee may not include more than one Member who is a member of the Cabinet.

8.1.3 The Chair and Vice Chair of the Ethics and Standards Committee shall be elected from amongst the independent members of the Committee.

8.1.4 The requirements of the Standards Committee (Wales) Regulations 2001 shall be followed in relation to the procedure for selecting and appointing independent members.

8.1.5 The political balance rules do not apply to the appointment of Councillors to the Ethics and Standards Committee.

8.2. Terms of Reference of the Ethics and Standards Committee

8.2.1 The Ethics and Standards Committee shall have the following terms of reference in relation to the Council and the Community Councils within Torfaen:

- To promote and maintain high standards of conduct;
- To assist Torfaen County Borough Council and Community Council Members in observing their respective Codes of Conduct;
- To advise their respective Councils on the adoption or revision of a Code of Conduct;
- To monitor the operation of their respective Codes of Conduct;
- To advise, train or arrange training on matters relating to the Code of Conduct;

- To determine matters relating to alleged breaches of the Code of Conduct which may be referred to the Committee in accordance with Regulations made under Section 73 of the Local Government Act 2000; and
- To grant dispensations enabling participation in business which is prohibited by the Code of Conduct in accordance with Regulations made under Section 51(5) of the Local Government Act 2000.

8.3. Rules of Proceedings of the Ethics and Standards Committee

8.3.1 The following paragraphs of Part 4 of this Constitution shall apply to meetings of the Ethics and Standards Committee as if reference to the Council were to the Committee and references to the Mayor were to the Chair of the Committee:

4.10, 4.11, 4.12, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27.

8.3.2 The minutes of meetings of Ethics and Standards Committee shall include:

- A record of any decision made by the Committee
- The reasons for the decision
- Any declaration of interest by any member of the Committee which is relevant to any matter decided by the Committee.

8.3.3 The Ethics and Standards Committee may adopt their own procedure and order of business when determining a complaint against any Member to ensure that the requirements of natural justice are met. The procedure adopted by the Committee from time to time is included as Appendix 14.

8.3.4 The Ethics and Standards Committee shall meet at least once during each calendar year.

8.3.5 The quorum for any meeting of the Ethics and Standards Committee shall be at least three members of the Committee, of whom at least half must be independent members.

8.4. Access to Information

8.4.1 The provisions of section 4.28 shall apply to proceedings of the Committee as they apply to Council.

8.4.2 The Council may also provide for agendas, reports and other documents to be made available for inspection at offices of Community Councils in the area.

Statutory Provisions:

Part III, Chapter I and section 73 of the Local Government Act 2000

Part VA, section 99 and Schedule 12 of the Local Government Act 1972

The Standards Committee (Grant of Dispensations) (Wales) Regulations 2001

The Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001

The Standards Committees (Wales) Regulations 2001

PART 9

AUDIT

9.1 Audit Committee

9.1.1 There shall be an Audit Committee consisting of six Councillors (appointed at the Annual meeting of the Council) together with such other independent members as Council may determine and appoint from time to time for such period as Council thinks fit.

9.1.2 An “independent member” means a person who is not a member or officer of any County Borough Council, County Council, National Park Authority or Fire Authority or the spouse or partner of any such Member or Officer.

9.1.3 The Chair of the Audit Committee shall be appointed by the Audit Committee and may be one of the independent members.

9.1.4 No member of the Cabinet shall be a member of the Audit Committee.

9.2 Terms of Reference of the Audit Committee

9.2.1 The Audit Committee shall have responsibility for overseeing the following functions:

- Ensuring that Council assets are safeguarded
- Maintaining proper accounting records
- Ensuring the reliability of financial information
- Ensuring independence and effectiveness of internal and external audit
- Developing effective internal financial control systems
- Encouraging the creation of a sound control environment (including measures to prevent and detect fraud).

9.3. Rules of Proceedings of the Audit Committee

9.3.1 The following paragraphs of Part 4 of this Constitution shall apply to meetings of the Audit Committee as if reference to the Council were to the Committee and references to the Mayor were to the Chair of the Committee:

4.10, 4.11, 4.12, 4.13, 4.19, 4.20, 4.21, 4.22, 4.23, 4.24, 4.25, 4.26, 4.27.

9.3.2 The Audit Committee shall meet at least once during each calendar year.

9.4. Access to Information

9.4.1 The provisions of paragraph 4.28 shall apply to proceedings of the Committee as they apply to Council.

Statutory Provisions:

Section 101 and Part VA of the Local Government Act 1972

PART 10 APPEALS

10.1 The Appeals Procedures

10.1.1 The bodies listed below will follow a proper procedure which accords with the requirements of natural justice.

10.1.2 Each body will determine its own standard procedures but these may be varied by the Chair from time to time at his or her discretion.

10.1.3 Standard procedures will be available to any party appearing before the Committee and to any other persons on request.

10.2 Names and Terms of Reference of Appeals Bodies

10.2.1 Social Services Complaints Panel

- To consider and make recommendations to the Authority in relation to complaints under the provisions of the Children Act 1989, the Local Authority Social Services Act 1970 and the Complaints Procedure Directions 1990.

10.2.2 Housing Appeals Panel

- **To determine appeals by tenants against housing allocation decisions.**
- To determine reviews in accordance with the Introductory Tenants (Review) Regulations 1997, where the tenant has specifically requested such a review.

10.2.3 Personnel Appeals Panel

- To hear and consider appeals by individual employees in respect of decisions of the Council on pay and conditions of service and to determine grievances.

10.2.4 Disciplinary Appeals Panel

- To determine appeals by individual employees against decisions of dismissal, against demotion, withholding of an increment or suspension without pay as a disciplinary sanction.

10.3 Membership of Appeals Bodies

10.3.1 Social Services Complaints Panel

Two independent persons appointed for the purpose by the Director of Social Services and one Councillor and one reserve Councillor appointed at the Annual meeting of the Council.

10.3.2 Housing Appeals Panel

Four Councillors and four reserve Councillors appointed at the Annual meeting of the Council.

10.3.3 Personnel Appeals Panel

Chair of Resources and Performance Improvement Overview and Scrutiny Committee

Two Chairs of the relevant Overview and Scrutiny Committee

A member of the minority Group

10.3.4 Disciplinary Appeals Panel

Leader, Deputy Leader and Leader of the Minority Group. If any of these is unable to act for any reason another member of Cabinet shall act as a substitute.

10.4 Access to Information

10.4.1 The provisions of paragraph 4.28 shall apply to meetings of the Appeal Bodies listed above as they apply to Council. However, in practice, meetings of all these bodies will almost always be considering exempt information during their proceedings. As a result full agendas, reports and other documents are only likely to be available to the press and public in exceptional circumstances.

10.4.2 Parties appearing before each of the above bodies will receive a record of the proceedings of the Panel and the reasons for the decision reached which has been approved by the Panel members and signed by the Chair.

Statutory Provisions:

Section 13 of the Local Government Act 2000

Part VA of the Local Government Act 1972

The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 as amended.

The Local Authority Social Services Act 1970 and the Complaints Procedure Directions 1990

The Introductory Tenants (Review) Regulations 1997

PART 11

OTHER BODIES

11.1 Area Forums / Area Committees

11.1.1 The Council has endorsed the principle of introducing some form of area based approach (such as area forums or committees) if the right model for Torfaen can be found. The Scrutiny Co-ordinating Committee is charged with reviewing the implications and options relating to area forums and committees and is expected to report back during the 2004/05 municipal year.

11.2 Task Groups

11.2.1 Task Groups can be established by the Council, the Cabinet or an Overview and Scrutiny Committee. Any proposal to establish a Task Group must be based on the following principles:

- Task Groups would be Member led but could be Member/Officer Groups and could involve representatives from other agencies;
- The Task Groups could operate on a 'task and finish' or 'standing' basis.

11.2.2 Task Groups are informal in their operation and fall outside Access to Information requirements. Each will report back to their parent body as that parent body decides is appropriate.

11.3 Members' Services Working Party

11.3.1 The Members' Services Working Party is a formal Committee of the Council and the usual access to information, political balance and other rules relating to committees therefore apply. It has no decision making powers but will consider issues and make recommendations on general matters relating to elected Members to the Council.

11.3.2 Its remit is to:

- Drive the Member Development process for the Council
- Act as a sounding board for issues affecting elected Members
- Develop policies on matters relating to the role of the Elected Member.
- Identify Member support needs and develop solutions.

11.3.3 Its membership, to be appointed by the Council, comprises:

- A Chair to be appointed by the Council
- the Leader
- the Deputy Leader
- the Leader of the Minority Group
- the Mayor

- The Executive Member for Resources
- The Assistant to the Executive Member for Resources and
- Two other Councillors.

11.4 Appointments Committee

11.4.1 The Appointments Committee is made up of 10 Members appointed by Council.

It must include at least one member of the Executive but must not comprise a majority of Members of the Executive.

NOTE This is required by the Local Authorities (Standing Orders) (Wales) Regulations 2006.

11.4.2 The Terms of Reference of the Appointments Committee are:

- To interview applicants for second tier posts (posts designated as Head of Service, Deputy and Assistant Chief Officer).
- To appoint second tier Officers (posts designated as Head of Service, Deputy and Assistant Chief Officer), with the exception of the Monitoring Officer.
- To be involved in all stages of the selection process for the above Officers.

11.4.3 Appointments of Officers at below second tier level (ie. posts designated as Head of Service, Deputy and Assistant Chief Officer) are dealt with by Officers.

11.4.4 The table below summarises the appointment process for employees within the Council.

CATEGORY OF EMPLOYEE	PROCESS
Chief Executive, Directors and Monitoring Officer	Appointment by Full Council Shortlisting by the Chief Executive# and Head of Personnel Services and Standards in consultation with the Leader and the Executive Member* for appropriate service plus Executive Member* for Resources.
Head of Service, Deputy and Assistant Chief Officer	Appointment by Appointments Committee. Shortlisting: Decision taken by Chief Officer and Head of Personnel Services and Standards in consultation with the Executive Member* for appropriate service plus Executive Member* for Resources.
Principal Officers	Appointment by Chief Officer and Head of Personnel Services and Standards, in consultation with Executive Member* for appropriate service (Failure to agree would be reported to the Appointments Committee for resolution).

	Shortlisting: Decision taken by Chief Officer in consultation with Executive Member* for the appropriate service area and the Head of Personnel Services and Standards.
Senior Officers and below	<p>Appointment by Chief Officer in consultation with the Head of Personnel Services and Standards.</p> <p>Shortlisting: by Chief Officer in consultation with the Head of Personnel Services and Standards.</p> <p>NB. The Chief Officer and Head of Personnel Services and Standards may delegate their functions in this regard.</p>

In the circumstances of the appointment of the Chief Executive an approved external consultant would be employed to advise on shortlisting.

* a) It is anticipated that consultation with Executive Members will take place following interviews or meetings that the Executive Members have attended. However Executive Members have the discretion not to attend interviews for Principal Officers but to be consulted on the proposed appointment by the Chief Officer and the Head of Personnel Services and Standards prior to the appointment being offered.

b) Assistants to Executive Members may be invited to attend as observers at any meeting or interview where the Executive Member is performing any of his/her appointment or shortlisting functions.

Statutory Provisions:

Section 101 and Part VA of the Local Government Act 1972

11.5 Investigations Committee

11.5.1 Where it appears to the Council that an allegation of misconduct which may lead to disciplinary action has been made against

- The Chief Executive
- The Monitoring Officer
- The Chief Financial Officer

(“the relevant officer”) the Council must appoint an Investigation Committee to consider the alleged misconduct.

11.5.2 No disciplinary action (other than action to which 11.5.3 applies) in respect of the Chief Executive (unless the Chief Executive is also a Council Manager of the Authority), its Monitoring Officer or its Chief Financial Officer may be taken by the Council or by a Committee, a sub Committee, a Joint Committee on which the authority is represented or any other person acting on behalf of the authority other than in accordance with the recommendation in the report made by a designated

independent person under Regulation 9 of the Local Authorities (Standing Order) (Wales) Regulations 2006 (investigation of alleged misconduct).

11.5.3 The action to which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.

11.5.4 The Investigation Committee must ;

11.5.4.1 Consist of a minimum of three members of the Council.

11.5.4.2 Be politically balanced in accordance with Section 15 of the Local Government and Housing Act 1989 and must within one month of its appointment consider the allegation of misconduct and decide whether it should be further investigated.

11.5.5 For the purpose of considering the allegation of misconduct the Investigation Committee;

11.5.5.1 May make such enquiries of the relevant officer or any other person it considers appropriate;

11.5.5.2 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

11.5.5.3 May receive written or oral representations from the relevant officer or any other person it considers appropriate.

11.5.6 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”).

11.5.7 The designated independent person who is appointed

11.5.7.1 Must be such a person as may be agreed between the Council and the relevant officer within one month of the date on which the requirement to appoint the designated independent person arose; or

11.5.7.2 Where there is no such agreement must be such a person as is nominated for the purpose by the National Assembly for Wales.

11.5.8 The designated independent person

11.5.8.1 May direct

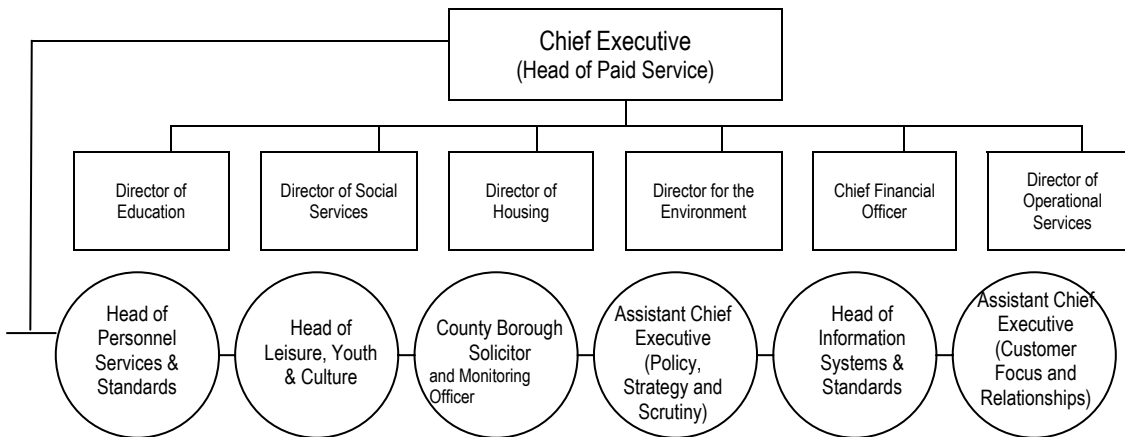
- (i) That the Council terminate any suspension of the relevant officer
- (ii) That any suspension is to continue after the expiry of the period referred to in paragraph 11.5.3 above

- (iii) That the terms on which any such suspension has taken place are to be varied in accordance with the directions; or
 - (iv) That no steps (whether by the Council or any Committee, sub Committee or officer acting on behalf of the Council) by way of disciplinary action or further disciplinary action against the relevant officer other than steps taken in the presence or with the agreement of the designated independent person are to be taken before a report is made under 11.5.8.3 below.
- 11.5.8.2 May inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council or which the Council has power to authorise designated independent person to inspect;
- 11.5.8.3 Must make a report to the Council
- (i) Stating an opinion as to whether (and if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officers;
 - (ii) Recommending any disciplinary action which appears appropriate for the relevant authority to take against the relevant officer; and
- 11.5.8.4 Must no later than the time at which the report is made under 11.5.8.3 send a copy of the report to the relevant officer.
- 11.5.8.5 Subject to 11.5.10, the relevant officer and relevant Council must after consulting the designated independent person attempt to agree a timetable within which the designated independent person is to undertake the investigation.
- 11.5.9 Where there is no agreement under 11.5.9 the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
- 11.5.10 The Council must consider the report prepared by the independent person under 11.5.8.3 above within one month of receipt of that report.
- 11.5.11 A relevant authority must pay a 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.
- 11.5.12 These rules do not apply in the case of a Head of Paid Service who is also the Council Manager.
- 11.5.13 The Disciplinary Appeals Panel (excluding those persons who served on the investigation committee) will consider the report under 11.5.8.3 along with representations from the officer against whom the allegations are made, in accordance with the Council's disciplinary procedures. An appeal will be to the Full Council from the decision of the Disciplinary Panel 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).

PART 12 OFFICERS

12.1 The Officer Structure

12.1.1 The management structure of the Council is as follows:



12.1.2 All the post holders of Offices named above are classified as Chief Officers for the purposes of decision making.

12.2 Statutory Roles

12.2.1 **Functions of the Head of Paid Service**

Discharge of functions by the Council

The Chief Executive will be appointed by Council and is the Head of Paid Service and will report to the Council when he or she 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 staff required for the discharge of functions, the organisation of the authority's staff and the appointment and proper management of those staff.

Restrictions on functions

The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Financial Officer if he/she is a qualified accountant.

12.2.2 **Functions of the Monitoring Officer**

Maintaining the Constitution

The Monitoring Officer will be appointed by Council and will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public. He or she will keep the Constitution under review and make reports recommending changes as appropriate.

Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council (or to the Cabinet in relation to an executive function) if he or she considers that any proposal, decision or omission has given rise to or is likely to or would give rise to a contravention of any statute, rule of law or code of practice. Where any report is prepared, the implementation of any proposal or decision to which the report relates shall be suspended until the report has been considered by Council or the Cabinet as the case may be.

Supporting the Ethics and Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct and support the work of the Ethics and Standards Committee.

Receiving reports

The Monitoring Officer will receive and act on any reports on the conduct of any member by the Commissioner for Local Administration in Wales (Local Government Ombudsman) as required by Part III of the Local Government Act 2000 and regulations made under that Act.

Conducting investigations

The Monitoring Officer will conduct investigations into matters referred to him or her for investigation by the Commissioner for Local Administration in Wales and make reports following completion of those investigations to the Ethics and Standards Committee.

Proper Officer under the Constitution and for access to information

The Monitoring Officer will ensure that Council, Executive, scrutiny and regulatory decisions together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible and is a Proper Officer under this Constitution.

Advising whether executive decisions are within the Budget and Policy Framework

The Monitoring Officer will advise whether decisions of the Cabinet Committee and Chief Officers are in accordance with the Budget and Policy Framework and may refer any matter to Council where he or she considers that any Executive decision is contrary to the Budget and Policy Framework and the conditions for urgent decisions set out in paragraph 5.9.2 are not satisfied.

Providing advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and Chief Officers.

Restrictions on posts

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

12.2.3 Functions of the Chief Financial Officer

Administration of financial affairs

The Chief Financial Officer will be appointed by Council and is the person having responsibility for the financial affairs of the authority under section 151 of the Local Government Act 1982.

Ensuring lawfulness and financial prudence of decision making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will 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 is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

Contributing to corporate management

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

Providing advice

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

Giving financial information

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

12.3 Recruitment, Appointment, Dismissal and Disciplinary Processes

- 12.3.1 The Appointments Committee will be responsible for interviewing and appointing candidates for second tier posts (posts designated as Head of Service, Deputy and Assistant Chief Officer), except for the post of Monitoring Officer.
- 12.3.2 Only full Council shall appoint the Chief Executive, Directors and Monitoring Officer.
- 12.3.3 Appointments to all posts below second tier level shall be the responsibility of Officers, subject to consultation as set out in the schedule at paragraph 11.4.
- 12.3.4 Any decision to dismiss or otherwise discipline the Chief Executive, Monitoring Officer or Chief Financial Officer must be taken by Full Council in accordance with the procedure set out in 11.5.
- 12.3.5 The Chief Executive shall have delegated authority to take disciplinary action against other Chief Officers subject to the powers of the Personnel Appeals Panel.
- 12.3.6 Chief Officers shall have responsibility for disciplinary matters within their Departments in consultation with the Head of Personnel Services and Standards and the relevant Executive Members, subject to the right of appeal to the Personnel Appeals Panel.
- 12.3.7 Recruitment of the Chief Executive and Chief Officers shall follow the procedures set out in Appendix 20.

12.4 The Employee Code of Conduct

- 12.4.1 The Employee Code of Conduct is set out in Appendix 15. Protocols regarding Member and Officer working if developed will be added at Appendix 2.

12.5 Delegations to Officers

General delegation: Chief Executive

- 12.5.1 The Chief Executive shall, without prejudice to the general delegation to the Chief Executive and Directors as set out below, be authorised to act on behalf of the Council in relation to any matter and consider and determine within the overall policies of the Council any matter except those matters reserved to the Council by Statute, subject to (except in an emergency) consultation with the Leader, the Cabinet or Executive Member for that portfolio in respect of matters for which they have respectively been allocated responsibility.
- 12.5.2 Where an appointment is required (other than on an annual basis at the Annual meeting of the Council) the Leader and Chief Executive acting jointly will have the authority to make and give effect to appointments to bodies to exercise advisory and other functions on the Council's behalf, and make appointments to outside bodies.

Delegations to Chief Officers

12.5.3 The Chief Executive, Monitoring Officer, Chief Financial Officer and the Service Directors and Heads of Service shall as and when required (after consulting the Executive Member, Chair of any relevant Committee or the Cabinet as appropriate) take all necessary steps for protecting the interests or advancing the business of the Council.

12.5.4 The Chief Executive and each Chief Officer, as set out in paragraph 12.1 is authorised to act on behalf of the Council in relation to any matters within the service area for which he/she is responsible subject to the overriding provision in paragraph 12.5.5.

12.5.5 Any action by a Chief Officer under delegated powers shall be in accordance with:

- The overall policies approved by the Council, the Cabinet or the relevant Executive Member;
- The requirements of this Constitution including financial and contract rules.

12.5.6 Where the exercise of a delegated power is likely to affect more than one service area, consultation shall take place with any other Chief Officer whose service area is likely to be affected.

12.5.7 A Chief Officer is expected to:

- Maintain a close liaison with the appropriate Executive Member and Overview and Scrutiny Committee;
- Ensure that the Councillor for the local electoral ward is consulted on or advised of the exercise of delegated powers;
- Consult the Monitoring Officer and Chief Financial Officer where any matter has legal or financial implications;
- Consult the Head of Personnel Services and Standards on any matter which has human resources implications
- Ensure that the Chief Executive is consulted or informed where appropriate.

12.5.8 Any power conferred upon a Chief Officer may be exercised by an authorised officer in his/her absence or at other times in accordance with any specific or general directions or scheme of delegation approved by the Chief Officer.

General Delegations: Personnel

12.5.9 Delegations relating to the recruitment, appointment, dismissal and discipline of staff are detailed in paragraph 11.4. For all other personnel matters each Chief Officer in consultation with the Head of Personnel Services and Standards or his or her staff, is authorised to act, within their sphere of responsibility, within the

policies contained in the Personnel Handbook.

12.5.10 Each Chief Officer may authorise staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence or authority as may be appropriate to the execution of their duties and in respect of which the Council has statutory powers.

General Delegations: Property

12.5.11 Chief Officers may subject to the consent of the Director for the Environment and the Chief Legal Officer authorise and approve the acquisition of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange.

12.5.12 A Chief Officer may declare land surplus to the requirements of the Department concerned.

12.5.13 The Director for the Environment may with the consent of the Chief Legal Officer authorise and approve the disposal of land and the granting, or variation in granting, of leases, licences, dedications of or over any land subject to any policy approved by the Cabinet.

12.5.14 A Chief Officer may arrange for sessional lettings of premises for periods of less than 24 hours.

General Delegations: Legal and Procedural

12.5.15 The Chief Legal Officer is authorised to serve statutory notices to ascertain the legal interest of any person in land.

12.5.16 The Chief Legal Officer is authorised to institute, defend or settle legal proceedings (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 byelaw conferring functions upon the Council or in respect of functions undertaken by them and to lodge an appeal against any such decision. For the avoidance of doubt this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter notices, and Notices to Quit.

12.5.17 The Chief Legal Officer may 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.

12.5.18 The Common Seal of the Council shall be kept in a safe place by the Chief Legal Officer. The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by some person or body authorised to do so but the decision authorising the action shall be sufficient authority for sealing any document necessary to give effect to the decision of the Council, Cabinet, Planning or Licensing Committee or a Chief Officer.

12.5.19 The seal shall be witnessed by, and any associated documents shall be signed by, the Chief Legal Officer (in addition to witnessing by the Mayor in some cases) and an entry of every sealing or signing of a document shall be made and consecutively numbered in the book to be provided for the purpose and kept under the control of the person who shall have attested the seal or signed any associated documents.

12.5.20 Where any document will be a necessary step in legal proceedings or shall be a legal agreement, contract, notice or order under hand on behalf of the Council, it shall, unless any enactment otherwise requires or authorises, or the Council or Chief Legal Officer shall have given the necessary authority to some other person for the purpose of such proceedings, be signed by the Chief Legal Officer.

General Delegations: Contracts

12.5.21 Chief Officers' authority in respect of letting contracts is contained in the Council's Contract Standing Orders as set out at Appendix 16.

General Delegations: Financial matters

12.5.22 The powers of Chief Officers in relation to financial matters are set out in the Financial Regulations in Appendix 17.

12.6 Confidential Reporting Procedure

12.6.1 The Confidential Reporting Procedure for employees is attached as Appendix 18.

Statutory Provisions:

Section 101 of the Local Government Act 1972

Part VA, section 99 and Schedule 12 of the Local Government Act 1972

The Public Interest Disclosure Act 1998

Part I of the Local Government and Housing Act 1989

Section 82 of the Local Government Act 2000

The Code of Conduct (Qualifying Local Government Employees) (Wales) Regulations 2001

THE CONSTITUTION OF TORFAEN COUNTY BOROUGH COUNCIL

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THE CODE OF CONDUCT FOR COUNCILLORS

INTRODUCTION

Torfaen County Borough Council, in common with other relevant authorities in Wales, is required by the Local Government Act 2000 (the Act) to adopt a Code as regards the conduct which is expected of its members and co-opted members.

The National Assembly for Wales has issued a Model Code of Conduct under the Act, the provisions of which are to be regarded as mandatory and must be included in the Council's Code. Although the Act enables the Council to include other provisions in its Code, which are consistent with the Model, the Council resolved at its meeting on 20 November 2001 to adopt a Code entirely in the form of the Model, without including any further provisions. Members and co-opted members are required to give a written undertaking to the authority that, in performing their functions, they will observe its Code of Conduct. This must be given by 20 January 2002.

The Code appears at pages 4 to 11 of this document. It is in three parts which may be summarised as follows: -

- Part I deals with interpretation.
- Part II deals with the circumstances in which members and co-opted members must observe the code, together with issues of conduct concerning promotion of equality and respect for others, accountability and openness, the duty on members and co-opted members to uphold the law, selflessness and stewardship, objectivity and propriety and integrity.
- Part III deals with the circumstances in which a member or co-opted member can regard themselves as not having a personal interest in a matter and where they must regard themselves as having such an interest. The Code provides for the circumstances in which a personal interest should be disclosed, requires members and co-opted members to register such interests in the register maintained by the Monitoring Officer under section 81(1) of the Act and where applicable withdraw from consideration of the matter. Part III of the Code also deals with the registration of gifts and hospitality.

The Council's Ethics and Standards Committee, which comprises four independent persons, three Torfaen Councillors and one Community Councillor, will play an important part in relation to the Code of Conduct. This will include assisting members in observing the Code, monitoring its operation and advising the Council on any adoptions or revisions which may be necessary.

Members who have any queries in relation to the Code or its operation, are advised to consult with the Monitoring Officer

Lynda Willis
CHIEF LEGAL OFFICER AND MONITORING OFFICER
TORFAEN COUNTY BOROUGH COUNCIL

PART I

Interpretation

In this code -

"co-opted member", means a person who is not a member of the authority but who -

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority,

and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

"meeting" means any meeting -

(a) of the authority;

(b) of any executive or board of the authority;

(c) of any committee, sub-committee, joint committee, joint sub-committee or area committee of the authority or of any such committee or sub-committee of any executive or board of the authority; or

(d) where members or officers of the authority are present.

"member" includes a co-opted member.

PART II

General Provisions

Scope

1. Members must observe this code of conduct whenever they:

- conduct the business of the authority;
 - (b) undertake the role of member to which they were elected or appointed; or
 - (c) act as representatives of the authority.
- This code of conduct shall, unless otherwise indicated, only apply to those activities which a member undertakes in an official capacity.
- Where a member acts as a representative of the authority on another body, that member must, when acting in that capacity, comply with this code of conduct, unless it conflicts with any legal obligations arising as a consequence of service on that body. Where a member's appointment to another body does not arise from the member's position as a member of the authority, this code shall not apply to the member, who shall instead be subject to the code of the other body. Such a member will, however, be expected to have regard to the general principles of conduct and the requirement not to bring the office of member or the authority into disrepute.

Promotion of Equality and Respect for Others

4. Members of the authority:

- must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others,
- must not do anything which compromises, or which is likely to compromise, the impartiality of the authority's employees.

Accountability and Openness

5. Members:

- must not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- must not prevent any person from gaining access to information to which that person is entitled by law.

Duty to uphold the law

6. - (1) Members:

(a) must not in their official capacity or otherwise commit a criminal offence or cause one to be committed;

(b) must not in their official capacity or otherwise behave in a manner which could be reasonably regarded as bringing the office of member or the authority into disrepute;

(c) must report to the Commissioner for Local Administration in Wales and to the authority's monitoring officer any conduct by another member which they believe involves or is likely to involve a failure to comply with this code of conduct;

(d) must report, whether through the authority's confidential reporting procedure or direct to the proper authority, any conduct by another person which they believe involves or is likely to involve criminal behaviour;

(e) must not in relation to (c) above make vexatious or malicious complaints against other persons.

(2) A member of the authority (other than a member who is the subject of an investigation by a monitoring officer in accordance with regulations made under section 73(1) of the Local Government Act 2000) must comply with any requirement made by the monitoring officer of that authority in connection with such an investigation.

Selflessness and stewardship

7. Members:

(a) must not, in their official capacity or otherwise, use their position improperly to confer on or secure for any person and in particular their family, friends or those with whom they have a close personal association an advantage or disadvantage or to secure an advantage for themselves;

(b) must, when using or authorising the use by another member of the resources of the authority, do so prudently and in accordance with the law and the authority's requirements; and

(c) must ensure that the resources of the authority are not used improperly for their own private purposes, their family, friends and persons with whom they have a close personal association.

(d) when using ICT equipment and software provided by the Council, a member must at all times comply with the ICT protocol approved by the Council and contained within the Constitution and the Council's ICT Security Policy as amended from time to time.

Objectivity and Propriety

8. A member when reaching decisions:

- must reach decisions on the basis of the merits of the circumstances involved and in the public interest;
- must reach decisions having regard to any relevant advice provided by the authority's officers - in particular by:
 - (i) the authority's Chief Financial Officer acting in pursuance of that officer's duties under section 114 of the Local Government Finance Act 1988;
 - (ii) the authority's Monitoring Officer acting in pursuance of that officer's duties under section 5 of the Local Government and Housing Act 1989;
 - (iii) the authority's Chief Legal Officer who should be consulted when there is any doubt as to the authority's power to act, or as to whether the action proposed lies within the policy framework agreed by the authority; where the legal consequences of action or failure to act by the authority might have important repercussions.
- must give reasons for decisions in accordance with the authority's requirements and, in operating executive arrangements, regulations made by the National Assembly for Wales.

Integrity

9. Members:

- (a) must observe the law and the authority's rules governing the claiming of expenses and allowances in connection with their duties as members;
- (b) must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the authority) material benefits or services for themselves or any person with whom the member is living that would, or might reasonably appear to, place them under an improper obligation.

PART III

DISCLOSURE AND REGISTRATION OF INTERESTS

- 10.** Members must in all matters consider whether they have a personal interest, and whether this code of conduct requires them to disclose that interest.
- 11.** A member has a personal interest in a matter if that member anticipates that a decision upon it might reasonably be regarded as likely to benefit or disadvantage:
- (a) the member, one of the member's family or a friend, or any person with whom the member has a close personal association, or
 - (b) a body which employs those persons, or for which those persons have any degree of ownership, control or management,
- to a greater extent than other council tax payers, ratepayers or inhabitants of the authority's area.
- 12.** Members must regard themselves as having a personal interest in a matter to the extent that it relates to:
- (a) another relevant authority of which they are a member;
 - (b) a body in which they hold a position of general control or management;
 - (c) a body to which they have been appointed or nominated by the authority as a representative.
- 13.** Members must regard themselves as having a personal interest in a matter to the extent that it relates to:
- (a) any full-time, part-time or intermittent employment, office, trade or profession carried on by them for profit or gain;
 - (b) any person who employs or has appointed them, any firm in which they are a partner, or any company of which they are a remunerated director;
 - (c) any person, other than a relevant authority, who has made a payment to them in respect of their election or any expenses incurred in carrying out their duties;
 - (d) any corporate body which has a place of business or land in the authority's area, where the member has a beneficial interest in a class of securities of that body which exceeds £25,000 in value or one hundredth of the total issued share capital of that body (whichever is the lower);
 - (e) any contract for goods, services or works made between the authority and the member, a firm in which the member is a partner, a company of which the member is a director, or a body falling within sub-paragraph (d);
 - (f) any land in which the member or a member of the member's family has a

beneficial interest and which is in the area of the authority;

(g) any land of which the landlord is the authority and the tenant is a firm in which the member is a partner, a company of which the member is a director, or a body falling within sub-paragraph (d);

(h) any land in the authority's area in which the member has a licence (alone or jointly with others) to occupy for a month or longer; and

(i) any visit outside the United Kingdom for which the authority has paid or will pay.

14. Members must regard themselves as having a personal interest in a matter to the extent that it relates to any membership, or position of general control or management which they have in any organisation. Such organisations include any:

(a) private club or society, such as the Freemasons, a recreational club, working men's club, or private investment club;

(b) organisation whose principal purpose includes influencing public opinion or policy such as a lobby group;

(c) trade union or professional association;

(d) company, industrial and provident society or other organisation which has charitable objects.

15. Members can regard themselves as not having a personal interest in a matter to the extent that it relates to:

(a) the housing functions of the authority where the member may hold a tenancy or lease with the authority, provided -

(i) that they do not have arrears of rent of more than two months, and

(ii) there are in respect of the matter a significant number of tenants who are not members who would be affected in the same or a similar manner to the member in question;

(b) the functions of the authority in respect of school meals, transport and travelling expenses, where the member is a parent with a child in full-time education, unless -

(i) the matter relates specifically to the school which the child attends, or

(ii) the matter relates solely to the member's own particular circumstances;

(c) the functions of the authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where -

(i) the member is in receipt of, or is entitled to, such pay from a relevant authority, and

(ii) the matter does not relate solely to the member's own particular circumstances;
and

(d) the functions of the authority in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972 or Section 18 of the Local Government and Housing Act 1989.

16. - (1) A member who has a personal interest in a matter specified in paragraph 12 and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case that member may speak but must not vote on the matter.

(2) A member who has a personal interest in a matter specified in paragraphs 13 or 14 above and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that discussion or when the interest becomes apparent. In such a case, that member must withdraw from consideration of the matter unless granted a dispensation by the relevant standards committee.

(3) A member who has a personal interest in a matter which is not specified in paragraphs 12, 13 or 14 above and who attends a meeting of the authority at which the matter is discussed must disclose the existence and nature of the interest at the commencement of that 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 authority's standards committee.

17. - (1) In relation to a matter which a 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.

(2) A member with a personal interest in a matter which that member has delegated authority to decide must disclose the existence and nature of the interest, and withdraw from involvement in the decision, and refer it to a member or committee having power to take the decision. In the case of a the Authority operating executive arrangements, the fact that such a declaration has been made must be included in the record of the decision.

18. For the purposes of paragraph 16(2) and (3), the standards committee shall not consider granting a dispensation unless the member has previously notified the monitoring officer of that interest, together with relevant details.

19. Any disclosed interests must be registered in the register maintained by the monitoring officer under Section 81(1) of the Local Government Act 2000.

20. Members must exercise personal responsibility in deciding whether they have a personal interest such that they should disclose it. They may seek advice from the authority's

monitoring officer and must have regard to any advice from the relevant standards committee in doing so.

21. Members must notify the monitoring officer of any change to the interests registered under paragraph 19 within one month of their occurrence.

The registration of gifts and hospitality

22. - (1) Subject to sub-paragraph (2) below, a member must notify the authority's monitoring officer of the existence and nature of any gifts, hospitality, material benefits or advantage received by the member, or to the member's knowledge any person with whom the member is living, from any company, organisation or person and relating to or arising out of their position as a member, where the value of the item or benefit exceeds such amount as the authority shall from time to time determine.

(2) Any gift accepted by a member on behalf of that member's relevant authority need not be notified to that authority's monitoring officer.

CODES OF CONDUCT AND PROTOCOLS

This Appendix is reserved for the inclusion of any Codes of Conduct or Protocols developed to assist Councillors in the specific roles they perform.

Members ICT Protocol

This document sets out specific requirements in relation to the operation of ICT equipment, software and services provided by the Council. Members are required to conform to all aspects of this protocol AND the relevant sections of the ICT Security Policy, the main points of which are attached for ease of reference.

A breach of the ICT Security Policy^{#1} or this Protocol is a breach of the Code of Conduct for Elected Members. Additional guidance for members is attached which is not mandatory.

You may use the equipment, software and services only in accordance with the uses permitted under this Protocol and you must not use it for any other purposes whatsoever.

If you have any doubt about the application of the Protocol or the ICT Security Policy you should seek clarification and advice from the Chief Legal Officer and Monitoring Officer.

You must at all times meet the following conditions for using the equipment and software provided.

- You comply with any specific guidelines issued by the Chief Legal Officer and Monitoring Officer during any election period and at no time use the equipment for publishing^{#2} any material which in whole or in part appears designed to effect public support for a political party.
- You are permitted to use the equipment, software and services for the purposes of carrying out Council business and the business of an organisation on which you represent the Council.
- You are permitted to make ancillary use of the equipment, software and services for personal, business and political purposes but the following conditions apply:
 - The use is genuinely ancillary to your use for Council business
 - Use for personal, business or political purposes is only “ancillary” if you are making regular significant use of the equipment, software and services for Council business and that your use for any other purposes does not interfere with Council business.
 - There is no additional cost to the Council
 - The provision of IT hardware and software is for Council business purposes but the member and his/her family are to use the equipment for personal use. Members however, must ensure that anyone utilising the equipment must comply this protocol and the Council’s ICT Security Policy
 - Personal use is allowed but it must not interfere with Council needs and members should therefore keep personal use to a minimum.

^{#1} ICT Security Policy is stored on Members Intranet site under Useful Documents

^{#2} Please refer to ‘Publishing’ Note at the end of this Protocol

- The provision of Broadband however is considered to be a vital business tool for Council, it is thus provided for business purposes and must be kept available for such work.
- You must lock your computer if it is left unattended and you must not allow it to be used by an unauthorised person.
- You must take all reasonable steps to safeguard the system against accidental or deliberate damage, theft, vandalism, misuse and loss.
- If equipment is either stolen or damaged by intruders while at the home of a member, then you must be able to demonstrate a forced entry to the home (to ensure that the insurance cover operates).
- If left in a vehicle between office, home, etc, then the equipment must be stored in the boot of the vehicle where it is not visible to a potential thief.
- If left in a vehicle overnight, then the vehicle must be kept in a secure compound. As a garage, in most circumstances, would probably not meet this description, members are strongly advised not to leave equipment in a vehicle overnight.
- Any equipment stored or affixed in a members home must be protected against extremes of temperature and dust.
- In accessing any information relating to individual persons you must ensure that you comply with the provisions of the Data Protection act 1998 and you should ensure that you obtain the consent of any individual before you store any personal information about them.
- The equipment will need to be Portable Appliance Tested (PAT) on an annual basis to conform to current I.E.E. regulations and prevailing legislation. If a visit is required to your home by the PAT engineer you must give them access to carry out this test.
- You must make the equipment available for audit if necessary.
- You must return the equipment to the Council on request.

When using the Council's equipment and software you must not:

- Use any equipment that you already own or operate to access the Council network but use the equipment that we provide.
- Alter the technical setup of the equipment or add any additional software or hardware without the written consent of Head of Information Services and Standards or the Services and Technical Manager.
- Access the Council's information data systems except for the purposes of carrying out the Council's business.
- Send on the Internet confidential information about the Council or any of its partner agencies or associates
- Send, receive or copy copyright; sensitive or personal material via the internet unless it is encrypted.
- To engage in online gambling.
- Use the equipment for any illegal purposes including the posting or sending of information that may tend to disparage or harass others on the basis of gender, race, age disability, religion, sexual orientation or nation of origin or for the purposes of accessing, displaying or disseminating pornography or obscene material.

SUPPORT

Support will be provided on the basis set out in the Members Additional Guidance document attached.

HEALTH & SAFETY

Working at home is subject to Health and Safety requirements. Ensure that you comply with the instructions set out in the Members Additional Guidance document attached.

TRAINING

Provision of equipment is conditional on each individual member's ability to use it. Member training is therefore a key element in ensuring the best use of systems and the delivery of potential benefits.

It is a responsibility of members to use reasonable endeavours to make themselves available for any training which has been jointly identified. Periodically the levels of use and proficiency will be reviewed to ensure that the necessary capabilities are in place.

COST AND CHARGES

Equipment and services will be provided to members free of charge for the duration of their tenure. Information on any tax implications are detailed in the Members Additional Guidance document attached.

Note: #2 Publishing Material

For the purposes of defining what is meant by the phrase "publishing material which in whole or in part appears designed to affect public support for a political party" the following apply:

- You must not use the Council's e-mail address provided to you for the purpose of publishing any material which in whole or in part appears designed to effect public support for a political party.
- You must not use the equipment to canvass members of the public for political support
- You may use the equipment to communicate with your colleagues within your own political group (including party members who are not elected members)
- You may not circulate materials provided to you by your political party which are designed or appear to be designed to effect public support
- You may use the equipment to communicate with your own constituents on matters that are politically contentious and which relate to the Council's decision making or functions provided and to explain your views provided in doing so you do not explicitly seek their support for a political party or its political position on that issue.
- You may use the equipment for carrying out your responsibilities as a Ward representative including constituency casework and make representations on behalf of the Constituents provided that these are not of a party political nature.

THE SCHEME OF MEMBERS' ALLOWANCES

The following pages set out the scheme of allowances. First they explain the entitlement to allowances and expenses and what they cover. Then they set out the current levels of allowances and maximum expense limits. Finally they set out the definition of “approved duties”. Councillors can only claim expenses for approved duties.

ALLOWANCES AND EXPENSES (FOR CURRENT RATES SEE BELOW)

<u>ALLOWANCES</u>	<u>DESCRIPTION OF ALLOWANCE</u>
TYPE OF ALLOWANCE	ENTITLEMENT - WHAT YOU CAN CLAIM
BASIC ALLOWANCE	<p>This is paid to all Members. All costs incurred by Members in carrying out their constituency work (including telephones (see below) and office costs) will be borne by the Council. The Basic Allowance will be uplifted annually in April in line with changes in the Wales persons average wage as published in the Annual Survey of hours and earnings with effect from the 1 April 2004.</p> <p>Note: To assist members to carry out constituency business a free phone line is provided into the Council switchboard to make contact with Council officers. Mobile phones are available for members but the rental and the cost of calls must be met from this Basic Allowance.</p> <p>The Council meets the costs of accommodation for Councillor surgeries where these are unavoidable and provides stationery solely for Council and constituency business.</p> <p>These are paid to individual Members who undertake specific duties for which the Authority has resolved that Special Responsibility Allowance will be paid see Appendix for these duties). The Special Responsibility Allowance will be uplifted annually in April in proportion to any increase in the basic salary level of Members of the Welsh Assembly Government.</p>
SPECIAL RESPONSIBILITY ALLOWANCE	<p>No claim is required; payment is automatic every month.</p> <p>No Member can claim more than one Special Responsibility Allowance</p> <p>Special Responsibility Allowances are paid pro rata if a member does not have a particular special responsibility throughout a financial year based on the number of days during which they have that responsibility.</p>
CARE ALLOWANCE	<p>An agreed allowance will be paid each month. Members will be required to make a monthly claim in order to receive this allowance. The claim will require a Member to sign to say that they have dependants fulfilling the criteria and that they have incurred expenditure in making arrangements for their care.</p> <p>Members are entitled to claim a Care Allowance if they have dependent children under the age of 15 or if they can satisfy the Council that they have a dependant aged 15 or over who requires supervision and for whom they have caring responsibilities. Members must necessarily incur expenditure to enable them to perform their duties. The rate of allowance will be uplifted annually in April in line with the Basic Allowance. Members who are in receipt of a SRA in excess of a prescribed limit are not entitled to claim this allowance. Currently this is £15,000. The Care Allowance would not be paid to more than one Member of the authority in relation to the same dependent</p> <p>More than one Care Allowance will not be paid to any member, unless it can be clearly demonstrated that that member needs to make separate arrangements for the care of different dependants, and needs to pay for that care. Members must disclose any financial support provided under this allowance when applying for other care services offered by the Local Authority</p>

Mayoral Allowance

This is paid to the Mayor and Deputy Mayor. Mayoral Allowances are outside the Members Allowance Scheme, which only applies to the political management arrangements of the Council. The Council has agreed to pay an appropriate allowance to the Mayor and Deputy Mayor for their terms of office, equal to the level of Special Responsibility Allowance paid to a Chair and Vice Chair of Overview and Scrutiny Committees respectively. All costs incurred in carrying out these offices (excluding travel and subsistence expenses for both Office holders and Consorts which are reimbursed in the normal way) are contained within the Mayoral Allowance.

No claim is required and payment is automatic each month. The Mayoral Allowance will be paid pro rata to the period of time in office

EXPENSES (CURRENT RATES ARE DETAILED BELOW)

TRAVEL

A Member is entitled to travel by road, rail, air or sea when carrying out "Approved duties" and by any reasonable route. Members are expected to travel by the most effective means, taking into account the actual cost of the travel and cost of any overnight stay expenses. However, the time involved in a journey may also be taken into account and where benefits from savings in journey time can be demonstrated, exceptionally it may be possible to claim at a higher rate of reimbursement. A Member who, in the opinion of the Monitoring Officer does not travel by the most cost effective means may have the amount of his/her claim adjusted by an appropriate amount. For example if a Member chooses to use a car/taxi when the journey could reasonably and more economically be made by public transport the cost of the public transport will be payable unless an explanation is included with the claim demonstrating why public transport was not appropriate.

A claim for payment by way of travel or subsistence expenses shall include a statement signed by the Member that the Member has not made and will not make any other claim in respect of the matter to which the claim relates.

Members are encouraged to claim their travel expenses monthly and at least quarterly. The annual accounts must include details of member's entitlement to expenses for the previous financial year. For that reason, a member will lose his or her entitlement to claim travel expenses for any year if he or she has not claimed those expenses by 30th April following the year-end unless there are exceptional reasons why it was not possible to claim before this date.

TYPE OF EXPENSE	DESCRIPTION OF EXPENSE	ENTITLEMENT – WHAT YOU CAN CLAIM
MILEAGE	An agreed mileage rate per mile travelled will be paid for all business journeys where travel is by means of car, motorcycle or bike. These will be the same rates as paid to Members of the Welsh Assembly Government.	A Member may undertake travel by car/motor vehicle/bicycle and claim a mileage allowance based on actual mileage travelled. The claim should be based on the shortest route and should not be a private journey. Where a business journey includes a detour for private purposes this must be deducted from the claim. Claims must be based on the personal use of a vehicle by the Member of his/her personal expense. The level of allowances will be the same as those paid to Members of the Welsh Assembly Government. A Member may also claim for other assisted travel expenses necessarily incurred such as parking fees, tolls etc based on actual expenditure incurred, supported by relevant receipts. Passenger supplements are not payable.

		<p>The council allows Members to claim the journey between their house and Council Offices as a business journey.</p> <p>Where a Member uses a vehicle for travel from their home to the nearest suitable railway station/bus station/airport etc the cost of the return journey may be claimed if undertaken by another person</p> <p>REMEMBER</p> <p>Members are reminded to make sure that insurance covers them for their business journeys.</p> <p>If you change your vehicle during the month then a separate claim form should be completed for each vehicle used in the period relating to the claim.</p>
<p>TYPE OF EXPENSE</p> <p>TAXI FARES</p> <p>RAIL / AIR FARES / FERRY CROSSINGS</p>	<p>DESCRIPTION OF EXPENSE</p> <p>A business journey necessarily undertaken by taxi, where other modes of transport are unavailable or not appropriate to the circumstances</p> <p>For Business Travel as appropriate</p>	<p>ENTITLEMENT – WHAT YOU CAN CLAIM</p> <p>Subject to the expectation that Members will travel by the most cost effective means, there may be occasions when a Member will need to travel by taxi, in cases of urgency, or where suitable public transport is not available or appropriate</p> <p>Normally the reimbursement would not exceed the mileage allowance that would have been payable if the journey had been undertaken by car. If it was not reasonably practicable for the Member to travel other than by taxi, they shall be entitled to claim the actual level of expense incurred by them (including any reasonable gratuity).</p> <p>Claims must be supported by the submission of relevant receipts.</p> <p>Rail fares and ferry crossings can be claimed at either first or standard class depending on a Members personal preference and availability.</p> <p>Air fares can be claimed at either the standard class or available cheap fare rate, depending on a Members personal preference and availability</p> <p>A member may also claim for other related expenses necessarily incurred, such as booking fees, reservation fees, based on actual expenditure incurred</p> <p><i>Claims must be supported by the submission of relevant receipts.</i></p> <p>REMEMBER</p> <p>Tickets purchased through Member Services make use of specially negotiated discount facilities with approved suppliers</p> <p>The cost of railcards / bus cards will be met if it can be demonstrated that, by providing a Member with a railcard, the</p>

Council will save money.

SUBSISTENCE

A Member is entitled to receive payments by way of subsistence allowance where expenditure is actually and necessarily incurred in the performance of an “approved duty”. The allowances in the Appendices other than the Basic Allowances are the amounts for 2006-07. Allowances are uplifted from 1 April each year, in accordance with the increase over the previous year in the UK Retail Price Index for March, unless stated otherwise.

Members are encouraged to claim their subsistence monthly and at least quarterly. The annual accounts must include details of member’s entitlement to expenses for the previous financial year. For that reason, a member will lose his or her entitlement to claim subsistence for any year if he or she has not claimed those expenses by 30th April following the year-end unless there are exceptional reasons why it was not possible to claim before this date.

CATEGORY OF SUBSISTENCE	PROVISIONS RELATING TO THESE CATEGORIES	ENTITLEMENT – WHAT YOU CLAIM
Breakfast Allowance	The period for claiming breakfast allowance be fixed at any two hour period ending at 11.00 am away from the normal place of residence	Allowances provided are maximum sums that can be paid and reimbursed will be on the basis of actual expenditure incurred up to these amounts, supported by relevant receipts.
Lunch Allowance	The period for claiming lunch allowance must be more than 4 hours away from the normal place of residence, including the lunch time between 12 noon and 2.00 pm	
Tea Allowance	The period for claiming tea allowance must be more than 4 hours away from the normal place of residence including the period 3.00 pm to 6.00 pm.	
Evening Meal Allowance	An evening meal allowance may be claimed for a period of 3 hours and after 7.00 pm away from the normal place of residence	
Day Allowance	Where the main expenses of attending a course, conference or specific function /event are met directly by the Council, host organisation or a 3 rd party then a day allowance will be payable to cover incidental expenses. A claim can only be made for expenses within this, where the member is engaged on Council business for a period of not less than 7 hours, and is not entitled to any other allowance	
Overnight Allowance (Outside London)	An absence overnight from the normal place of residence shall be deemed to cover a continuous period of absence of 24 hours as far as the maximum rate payable is concerned and this sum will cover all expenses incurred including incidental expenses such as newspapers, laundry and telephone calls home. Expenses cannot be claimed under this allowance if a meal allowance or day allowance is claimed (see above).	
Overnight Allowance (London)	London means the City of London, and the London Boroughs of Camden, Greenwich, Hackney, Hammersmith and Fulham, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster. For attendance at the following Annual Conferences the London Allowance will be payable: - Local Government Association , Association of British Market Authorities, British Resorts Association, Council of Local Education Authorities, National Association of Local Council’s.	

	Expenses cannot be claimed under this allowance if a meal allowance or day allowance is claimed (see above).	
Overnight Allowance (outside UK)	The maximum rate payable for an absence overnight outside of the United Kingdom is set at the European Commission Allowance Rate that applies to the Committee of the Regions and will be uplifted in line with this rate.	
Overnight Allowance (Incidental Expenses)	Expenses cannot be claimed under this allowance if a meal allowance or day allowance is claimed (see above) Where the main expenses of an absence overnight (i.e. Accommodation, Breakfast, Lunch and Evening Meal) are met directly by the Council, the host organisation or a third party (e.g., Attendance Courses or Conferences, Participation in Twinning Visits, etc), so that none of the allowances above are payable, then an overnight allowance will still be payable but at a reduced rate to cover incidental expenses.	

MEMBERS' EXPENSES AND ALLOWANCES

LEVEL OF ALLOWANCES AND RATES OF EXPENSES

1 APRIL 2006 – 31 MARCH 2007

1. ALLOWANCES

<i>ALLOWANCE TYPE</i>	<i>AMOUNT</i> £
Leader of the Council	26,840
Deputy Leader	14,762
Executive Member	13,419
Chair of Planning Committee	8,052
Chair of Licensing Committee	8,052
Chairs of Overview and Scrutiny Committees	8,052
Chairs of Committees (other)	5,367
Basic Allowance	12,312
Mayor's Allowance	8,052
Deputy Mayor's Allowance	5,367
Care Allowance*	£363 per month

1. MILEAGE RATES

<i>MODE OF TRANSPORT</i>	<i>DISTANCE TRAVELLED</i>	<i>RATE PER MILE</i>
<i>Motor Vehicle</i>	Up to 8,500	50.1p*
	8501 – 20,000	45p
	Over 20,000	25p
<i>Motor Cycle</i>	Up to 20,000	22.1p
	Over 20,000	9p
<i>Bicycle</i>	All miles travelled	6.9

* If the CC of the vehicle as stipulated in the vehicle registration document is less than 1200cc then 45pence per mile will be paid for the first 8,500 miles travelled. The Assembly rate is 40p per mile so the figure of 50.1 will remain frozen until Assembly rates exceed it.

1. **SUBSISTENCE EXPENSES**

<i>NATURE OF EXPENSE INCURRED</i>	MAXIMUM CEILING OF REIMBURSEMENT
Breakfast	£5.24
Lunch	£7.21
Tea	£2.85
Evening Meal	£15.48
Day Allowance (incidental expenses)	£2.58
Overnight Allowance (London / Agreed Annual Conferences)	£123.84
Overnight Allowance (other)	£103.20
Overnight Allowance (outside UK)	£213
Overnight Allowance (incidental expenses UK rate)	£10.32
Overnight Allowance (incidental expenses outside UK)	£30.96

Councillors are entitled to claim expenses where expenditure is necessarily incurred when undertaking “approved duties”.

Approved duties are defined as follows:

- (a) 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;
- (b) Attendance at a meeting of any association of authorities of which the authority is a member;
- (c) 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;
- (d) A duty undertaken for the purpose of or in connection with the discharge of the functions of an executive where the authority is operating executive arrangements within the meaning of Part II of the 2000 Act;
- (e) A duty undertaken in pursuance of a standing order which required a member or members to be present when tender documents are opened;
- (f) 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;
- (g) Attendance at any training or developmental event approved by the authority or its executive or board;
- (h) Any other duty approved by the authority, or any other duty of a class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees;
- (i) Attendance at a Civic function when invited to attend as the representative of the authority; and

- (j) Attendance at a meeting with officers of the authority where attendance by the member is necessary to progress the essential business of the authority.

SUB-COMMITTEES AND JOINT COMMITTEES OF THE CABINET

SUB-COMMITTEES

Objective One Sub-Committee

The Objective One Sub-Committee is a standing Sub-Committee of the Cabinet.

Its Terms of Reference are as follows:

- To work with partners to develop a joint Objective One Strategy and Action Programme for Torfaen, for approval by the Cabinet.
- To develop partnership mechanisms to ensure an inclusive approach to the development of this Strategy and Action Programme.
- To make formal comments on all proposals emanating from the European Task Force and the Welsh Assembly Government for Wales relating to European Funding.
- To establish procedures and structures for the implementation of Torfaen's Objective One Strategy and Action Programme.
- To monitor implementation of the Strategy and review it as appropriate.

The membership is determined by the Cabinet as:

- Leader
- Deputy Leader
- Executive Member for Resources
- Executive Member for Environment, Economic Development and Regeneration
- Executive Member for Education and Young People
- Leader of the Minority Group

Equalities Sub-Committee

The Equalities Sub-Committee is a standing Sub-Committee of the Cabinet.

- Its Terms of Reference are to oversee the Council's approach to Equalities.

The membership is the full Cabinet.

TASK GROUPS

Social Services Task Group

Membership:

Leader
Deputy Leader
Executive Member for Social Services and Health
Assistant to the Executive Member for Social Services and Health
Chair of the Social Services and Health Overview and Scrutiny Committee
Vice-Chair of the Social Services and Health Overview and Scrutiny Committee
Leader of the Minority Group

Purpose:

- to monitor the progress on the Social Services Joint Review as appropriate;
- to be a focus for in-depth discussion of key issues and to focus on the strategic direction as part of helping to create an environment that helps managers to manage effectively.

JOINT COMMITTEES

GREATER GWENT CENTRAL SUPPLIES JOINT COMMITTEE

(NOTE: The following is a summary of the functions, arrangements and committee responsibilities of the above joint committee.. The Joint Agreement between the constituent Local Authorities sets out the arrangements in more detail. The constituent Local Authorities are Caerphilly County Borough, Monmouthshire County, Newport City and Torfaen County Borough).

FUNCTIONS OF THE SERVICE

The services of the Central Supplies Organisation incorporate the following:-

- Catalogue trading
- Term contracts and specialist contracting
- Daily purchasing
- Consultancy/ advice as required
- Reprographics
- Advertising

FUNCTIONS OF THE JOINT COMMITTEE

Subject to the terms of the Joint Agreement the constituent Local Authorities delegate to the Joint Committee all powers of the councils with reference to the business affairs of the Central Supplies Organisation other than powers of :-

- (a) borrowing money
- (b) incurring capital expenditure
- (c) incurring revenue expenditure not provided for in Estimates approved by the council.

Arrangements

The Joint Committee holds two meetings in every year for the transaction of general business and may hold such other meetings (including special meetings, called by the Chair or requisitioned by members) at such intervals as it finds necessary or convenient. The Joint Committee shall have the power to appoint sub committees from among its members for any purpose which in its opinion could be better considered or managed by a sub committee.

MEMBERSHIP

The Joint Committee consists of eight members, two members to be appointed by each of the constituent Local Authorities. A member attending any meeting of the Joint Committee may be accompanied by any officer from the appointing council.

QUORUM

Four voting members.

VOTING

Each council has one vote and in the case of an equality of votes the Chairman has an additional casting vote.

CHAIRMANSHIP

At its first meeting in each municipal year the Joint Committee appoints a Chairman and Vice Chairman respectively for the ensuing year. It is good practice for the Chairmanship to pass each year to the next constituent authority.

HOST AUTHORITY

The Finance and Contract Standing Orders of Torfaen County Borough Council apply.

The Chief Financial Officer and Monitoring Officer for this function are the Chief Financial Officer and Monitoring Officer of Torfaen County Borough Council.

The staff are employed by Torfaen County Borough Council and that Council's Personnel policies and procedures apply to those staff.

The Committee is managed and supported by the Democratic Services Team in the Governance and Democracy Division of Torfaen County Borough Council which publishes the agenda for meetings. They can be contacted on 01495 766082 or at The Civic Centre, Pontypool, Torfaen, NP4 6YB.

GWENT CONSULTANCY JOINT COMMITTEE

(NOTE: The following is a summary of the functions, arrangements and committee responsibilities of the above body. The Joint Agreement between the constituent Local Authorities sets out the arrangements in more detail. The constituent Local Authorities are Blaenau Gwent County Borough, Caerphilly County Borough, Monmouthshire County Council and Torfaen County Borough).

FUNCTIONS OF THE COMMITTEE

Capita Gwent Consultancy is a limited company jointly owned by the Capita Group and the authorities referred to above. The joint Committee has responsibility to oversee the responsibilities owed by the Company to the authorities under the terms of the joint venture agreement and Service Framework Agreement.

FUNCTIONS OF THE JOINT COMMITTEE

Subject to the terms of the Joint Agreement the constituent Local Authorities delegate to the Joint Committee all powers of the councils with reference to the above other than powers of :-

- (a) borrowing money
- (b) incurring capital expenditure
- (c) incurring revenue expenditure not provided for in estimates approved by the councils
- (d) payment of salaries or wages or granting of conditions of service.

Arrangements

The Joint Committee will meet at least once in every year for the transaction of general business and may hold such other meetings (including special meetings, called by the Chair or requisitioned by members) at such intervals as it shall find necessary or convenient. The Joint Committee has the power to appoint sub-committees from among its members for any purpose which in its opinion could be better considered or managed by a sub committee.

Not later than the last day of February in every year the Joint Committee, based on information available at the time, will estimate the amount of money required by it for expenditure which will be incurred during the next financial year.

In every year the Joint Committee will forward to each of the councils a copy of its estimates of expenditure and revenue for the next financial year.

MEMBERSHIP

The Joint Committee consists of three members from each of the constituent Local Authorities.

QUORUM

Representation of three councils will form a quorum.

VOTING

Each constituent authority has one vote and in the case of an equality of votes the Chair has an additional casting vote.

CHAIRMANSHIP

At its first meeting in each municipal year the Joint Committee appoints a Chairman and Vice Chairman respectively for the ensuing year. It is good practice for the Chairmanship to pass each year to the next constituent authority.

HOST AUTHORITY

The Finance and Contract Standing Orders of Monmouthshire County Council apply.

The Chief Financial Officer and Monitoring Officer for this function are the Chief Financial Officer and Monitoring Officer of Monmouthshire County Council.

The staff are employed by Monmouthshire County Council and that Council's Personnel policies and procedures apply to those staff.

The Committee is managed and supported by the Democratic Services Team within Monmouthshire County Council which publishes the agenda for meetings. The contact is the Democratic Services Manager, Monmouthshire County Council, County Hall, Cwmbran

GREATER GWENT CREMATION JOINT COMMITTEE

(NOTE: The following is a summary of the functions, arrangements and committee responsibilities of the above body. The Joint Agreement between the constituent Local Authorities sets out the arrangements in more detail. The constituent Local Authorities are Blaenau Gwent County Borough, Caerphilly County Borough, Monmouthshire County, Newport City and Torfaen County Borough).

FUNCTIONS OF THE SERVICE

All matters relating to the Crematorium to include land, buildings and equipment and ensuring the provision of an efficient cremation service for the benefit of all the inhabitants of Greater Gwent.

FUNCTIONS OF THE JOINT COMMITTEE

Subject to the terms of the Joint Agreement the constituent Local Authorities delegate to the Joint Committee all powers of the councils with reference to the joint discharge of cremation functions other than the powers of :-

- (a) borrowing money
- (b) levying or issuing of precept or rate
- (c) incurring capital expenditure
- (d) incurring revenue expenditure not provided for in Estimates approved by the councils
- (e) payment of salaries or wages or granting of conditions of service other than those approved by the councils

Arrangements

The Joint Committee holds four meetings in every year for the transaction of general business and may hold such other meetings (including special meetings, called by the Chair or requisitioned by members) at such intervals as it finds necessary or convenient. The Joint Committee has the power to appoint sub committees from among its members for any purpose which in its opinion could be better considered or managed by a sub committee.

Not later than 30 November in every financial year the Joint Committee determines its Estimates for the forthcoming financial year and forwards them to each of the councils.

MEMBERSHIP

The Joint Committee consists of 10 members, two members to be appointed by each of the constituent Local Authorities. If a representative member fails to attend four consecutive meetings of the Joint Committee the Council by whom that member was appointed may declare that office to be vacant and nominate a replacement member.

QUORUM

Three voting members.

VOTING

Each constituent authority has one vote and in the case of an equality of votes the Chairman has an additional casting vote.

CHAIRMANSHIP

At its first meeting in each municipal year the Joint Committee appoints a Chairman and Vice Chairman respectively for the ensuing year. It is good practice for the Chairmanship to pass each year to the next constituent authority.

HOST AUTHORITY

The Finance and Contract Standing Orders of Newport City Council apply.

The Chief Financial Officer and Monitoring Officer for this function are the Chief Financial Officer and Monitoring Officer of Newport City Council.

The staff are employed by Newport City Council and that Council's Personnel policies and procedures apply to those staff.

The Committee is managed and supported by the Democratic Services Team in the Information Systems and Communications Division of Newport City Council which publishes the agenda for meetings. They can be contacted on 01633 232044 or at The Civic Centre, Newport, NP20 4UR.

GREATER GWENT JOINT RECORDS COMMITTEE

(NOTE: The following is a summary of the functions, arrangements and committee responsibilities of the above body. The Joint Agreement between the constituent Local

Authorities sets out the arrangements in more detail. The constituent Local Authorities are Blaenau Gwent County Borough, Caerphilly County Borough, Monmouthshire County, Newport City and Torfaen County Borough).

FUNCTIONS OF THE SERVICE

The services of the Gwent Record Office are divided into 3 main categories:-

- (1) services connected with the custody of historic records – obtaining, preserving, conserving and managing the archives.
- (2) services involving the management of legal and recent administrative records including title deeds, contracts, committee agendas and minutes, advice and information and public relations.
- (3) services provided for the public including public search rooms, advice and information, postal and telephone enquiries, library, photocopying and photographic services, publications, archive educational service to schools, open studies classes and talks on local history given by staff.

FUNCTIONS OF THE JOINT COMMITTEE

Subject to the terms of the Joint Agreement the constituent Local Authorities delegate to the Joint Committee all powers of the councils with reference to the care, preservation and maintenance of archives and records other than powers of :-

- (a) borrowing money
- (b) incurring capital expenditure
- (c) incurring revenue expenditure not provided for in estimates approved by the councils
- (d) payment of salaries or wages or granting of conditions of service.

Arrangements

The Joint Committee holds two meetings in every year for the transaction of general business and may hold such other meetings (including special meetings, called by the Chair or requisitioned by members) at such intervals as it shall find necessary or convenient. The Joint Committee has the power to appoint sub-committees from among its members for any purpose which in its opinion could be better considered or managed by a sub committee.

Not later than 30 November in every year the committee determines it's Estimates for the forthcoming financial year and forwards them to each of the councils.

MEMBERSHIP

The Joint Committee consists of two members (one voting and one reserve) from each of the constituent Local Authorities, plus an ex-officio member (The Lord Lieutenant of Gwent) and five co-opted members, one each to represent the:

- University of Wales College, Newport
- Diocese of Monmouth
- Gwent County History Association
- Gwent Local History Council
- Friends of Gwent Record Office

QUORUM

Three voting members.

VOTING

Each constituent authority has one vote and in the case of an equality of votes the Chair has an additional casting vote.

CHAIRMANSHIP

At its first meeting in each municipal year the Joint Committee appoints a Chairman and Vice Chairman respectively for the ensuing year. It is good practice for the Chairmanship to pass each year to the next constituent authority.

HOST AUTHORITY

The Finance and Contract Standing Orders of Torfaen County Borough Council apply.

The Chief Financial Officer and Monitoring Officer for this function are the Chief Financial Officer and Monitoring Officer of Torfaen County Borough Council.

The staff are employed by Torfaen County Borough Council and that Council's Personnel policies and procedures apply to those staff.

The Committee is managed and supported by the Democratic Services Team in the Governance and Democracy Division of Torfaen County Borough Council which publishes the agenda for meetings. They can be contacted on 01495 766082 or at The Civic Centre, Pontypool, Torfaen, NP4 6YB.

SOUTH EAST WALES TRANSPORT ALLIANCE

(NOTE: The following is a summary of the functions, arrangements and committee responsibilities of the above body. The Joint Agreement between the constituent Local Authorities sets out the arrangements in more detail. The constituent Local Authorities are Blaenau Gwent County Borough, Bridgend County Borough, City and County of Cardiff, Caerphilly County Borough, Merthyr Tydfil County Borough, Monmouthshire County, Newport City, Rhondda Cynon Taf County Borough, Torfaen County Borough and Vale of Glamorgan).

FUNCTIONS OF THE SERVICE

The functions of the South East Wales Transport Alliance are:-

- (a) to prepare regional strategies comprising transportation policies, proposals and programmes;
- (b) to apply for external funding in pursuit of those regional strategies (including formulating public transport capital and revenue programmes for that purpose);
- (c) to discharge the council's transportation functions in implementation of those regional strategies, including obtaining advice and services and the appointment of staff;
- (d) to respond to consultations which have regional transportation implications;
- (e) to provide advice to the councils on strategic, regional and local policy and operational transportation issues relating to the area of South East Wales; and
- (f) to do such other things agreed by the councils.

CORE AIM AND OBJECTIVES OF THE ALLIANCE

Subject to the terms of the Joint Agreement the Alliance will exercise its functions so as to work for better co-ordinated and more effective transport for the people and businesses in South East Wales by:

- working in partnership with the people and organisations with a stake in transport in South East Wales;
- co-ordinating the delivery of an integrated transport strategy for South East Wales, seeking to influence the modal choice through an appropriate mix of transport projects and supporting policies in the transport and related fields;
- promoting the essential role of transport in economic and land use planning, and influencing land development to make necessary provision for transport, in particular public transport;
- ensuring that full account is taken of safety, sustainability, social inclusion and relevant environmental policies in transport plans and schemes;
- seeking to increase the resources for transport for Wales and maximising the share available for South East Wales;
- pursuing common standards for transport across the whole of South East Wales based on best practice; seeking cost effective use of resources and identifying and monitoring targets to judge the success of its strategy;
- driving the policy debate as a champion for transport in particular public transport and raising awareness of the role of local government in transport.

ARRANGEMENTS

The Alliance will hold meetings in every year (including special meetings, called by the Chair or requisitioned by members) at such intervals as it finds necessary or convenient. The Alliance has the power to appoint sub-committees from among its membership for any purpose which in its opinion could be better considered or managed by a sub committee.

At its first meeting in every year the Alliance shall agree a budget for the forthcoming financial year and forward it to each of the councils.

MEMBERSHIP

The Alliance consists of one or two members from each of the constituent Local Authorities. The Alliance may appoint co-opted persons to the Alliance or any sub-committee as it determines and these people may be individuals or representatives of organisations as determined by the Alliance.

QUORUM

Five voting members.

VOTING

Each constituent authority has one vote and in the case of an equality of votes the Chair has an additional casting vote. Prior to any formal vote taking place each council will indicate to the Chairman which of its members will exercise that council's vote at that meeting. If the Alliance reaches a decision where less than 80% of the votes cast were in support of the decision, the Alliance will not implement the decision. Co-opted members may not vote at meetings of the Alliance or its sub-committees.

CHAIRMANSHIP

At its first meeting in each municipal year the Alliance will appoint a Chairman and Vice Chairman respectively for the ensuing year. It is good practice for the Chairmanship to pass each year to the next constituent authority.

HOST AUTHORITIES

The Finance and Contract Standing Orders of Torfaen County Borough Council apply.

The Chief Financial Officer for this function is the Chief Financial Officer of Torfaen County Borough Council.

The Monitoring Officer for this function is the Monitoring Officer of Newport City Council.

The staff is employed by Newport City Council and that Council's Personnel policies and procedures apply to those staff.

The Alliance is managed and supported by the Democratic Services Team in the Information Systems and Communications Division of Newport City Council which publishes the agenda for meetings. They can be contacted on 01633 232044 or at The Civic Centre, Newport, NP20 4UR.

THE WELSH PURCHASING CONSORTIUM

There shall be constituted a joint committee known as the Management Committee of the Welsh Purchasing Consortium consisting of twelve Authorities:

Blaenau Gwent County Borough Council, Bridgend County Borough Council, Caerphilly County Borough Council, the Council of the City and County of Cardiff, Merthyr Tydfil County Borough Council, Monmouthshire County Council, Neath Port Talbot County Borough Council, Newport City Council, Rhondda Cynon Taff County Borough Council, the Council of the City and County of Swansea, Torfaen County Borough Council and the Vale of Glamorgan Council.

FUNCTIONS OF THE SERVICE

To improve the co-ordination of local authority purchasing with the object of effecting savings in public expenditure.

FUNCTIONS OF THE CONSORTIUM MANAGEMENT COMMITTEE

The member authorities have delegated to the Committee such powers as are necessary to operate the joint arrangements (but retained the power to also carry out such activities themselves) other than powers to:-

- incur capital expenditure and/or
- enter into an arrangement or order goods or make purchases on behalf of a member or in any other way incur revenue expenditure without that members previous consent.

Contracts are entered into by the responsible authority which is Rhondda Cynon Taff County Borough Council. but those members who take advantage of such contracts are also liable in equal proportions for any liabilities arising out of those contracts.

ARRANGEMENTS

The Management Committee shall hold at least four meetings in every year for the transaction of general business and may hold such other meetings at such intervals as they shall find necessary or convenient.

MEMBERSHIP

The Management Committee of the Welsh Purchasing Consortium consists of twelve elected members, one member to be appointed by each of the member authorities . The Torfaen nominee is appointed by Cabinet and will usually be the Executive member for Resources

QUORUM

Five voting members.

VOTING

Each Member shall have one vote and in the case of equality of votes the Chairman shall have an additional casting vote.

CHAIRMANSHIP

The Management Committee shall annually in June appoint a Chairman and Vice Chairman for the ensuing year with the Vice Chairman automatically succeeding to the Chair in the following year.

HOST AUTHORITY

The Finance and Contract Standing Orders of the authority undertaking the purchasing function on behalf of the consortium will apply. This is the County Borough Council of Rhondda Cynon Taff. (RCT)

The Chief Financial Officer and Monitoring Officer for this function are the Chief Financial Officer and Monitoring Officer of RCT.

The staff of the service are employed by RCT and that authority's Personnel policies and procedures apply to those staff.

The Secretary of the Consortium is employed by Rhondda Cynon Taf.

The Committee is managed and supported by Member Services at Rhonda Cynon Taf, who publishes the agenda for meetings. They can be contacted on 01443 424071 or at the Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX Email: or visit their website on .

EXECUTIVE DECISION-MAKING RULES

Introduction

1. This Appendix sets out the Rules for Executive decision making referred to in paragraph 5.6.2 of the Constitution.
2. The formal delegation of powers to make Executive decisions is set out in paragraph 5.6 of the Constitution.
3. These rules set out the process for making decisions.

Who should make the decision?

4. Executive decisions can be made:
 - By Cabinet
 - By an Executive member
 - By the Strategic Director or Chief Officer or delegated to other officers
 - By Council if the decision is contrary to the Policy Framework (see paragraph 4.7 of the Constitution).
5. The formal powers delegated to Executive members and officers to make decisions are wide. Provided that a decision is within the formal powers of a decision maker it will be his or her judgement whether to make the decision or refer it higher. He or she will be accountable not just for the decision itself but also for why he or she chose to make the decision rather than refer it higher and may have to justify it to the Overview and Scrutiny Committee, Cabinet or to Council.
6. Executive members, Strategic Directors and Chief Officers are expected to work together to develop mutually agreed understandings on the type and range of decisions that will be referred to the Executive member for a decision.

Decision making by Cabinet

7. The procedure for Cabinet decision making is set out in the Constitution part 4 and is not repeated here.

Decision making by Executive members

8. Decisions by Executive members can only be made on the basis of a written report from a Strategic Director or Chief Officer with recommendations that is in a format and includes the information required by the Proper Officer for such reports. The report shall make clear if it is exempt or confidential.
9. The report must have been provided to the Executive member and the Chair of the relevant Overview and Scrutiny Committee not less than one clear day before the decision is sought unless the Chief Executive or Monitoring Officer certifies that the decision is too urgent to permit such notice. The report may be provided by email.

10. Where the decision is a key decision, it is expected that longer notice will be given to both the Executive member and the Chair of the Overview and Scrutiny Committee.
11. The Executive Member and Strategic Director/Chief Officer will agree the type of decisions that will be treated as key decisions and the period of notice that is to be expected for such decisions. The agreed arrangements will be reported to the relevant Overview and Scrutiny Committee.
12. Notice of intention to make key decisions will be included in the Forward Work Programme referred to below unless the decision needs to be made too urgently for such inclusion.
13. If the Strategic Director or Chief Officer does not accept the decision of the Executive member, he or she may refer the matter to the Cabinet to make the decision. If such a referral is made, the decision of the Executive member will not be effective and the decision making responsibility on that matter on that occasion shall be that of Cabinet whose decision shall be final (subject to the call in powers of the Council Overview and Scrutiny Committee).
14. The Leader, Chief Executive, Chief Financial Officer or Monitoring Officer may refer any Executive member decision that has not been implemented to Cabinet for a decision. If such a referral is made, the decision shall not take effect until Cabinet have considered the matter.
15. A record shall be made of each Executive decision in a form and containing information required by the Proper Officer and the decision shall not be implemented until that record has been provided to the Monitoring Officer and the nominated officer within the Democratic Services Team responsible for the relevant Overview and Scrutiny Committee. It may be provided by email. The record shall contain a certificate by the Executive member which is either signed or has a confirmation email attached.
16. A copy of the record of decision shall be provided by the Democratic Services Team to the Chair of the relevant Scrutiny Committee within 7 days of receiving it.
17. A summary of Executive decisions made will be reported to the next Overview and Scrutiny Committee and the full reports and records of decisions will be available for inspection by members of the Committee and by the public (unless they are exempt or confidential business).

Forward work programme

18. Strategic Directors and Chief Officers shall forward to the Democratic Services Team a forward work programme setting out the key decisions expected to be taken within the next month. They may choose the frequency of updating.
19. The programme will be in a form and contain such information as the Proper Officer shall determine.
20. The Democratic Services Team will publish the programme and forward a copy to the members of the relevant Overview and Scrutiny Committee and to the Chief

Executive, Chief Financial Officer, Monitoring Officer and Assistant Chief Executive who is responsible for Scrutiny.

Decision making by Strategic Directors and Chief Officers

21. The types of decisions that are key decisions may include some decisions by Strategic Directors and Chief Officers or by other officers and notice of these key decisions by officers will also be included in the Forward Work Programme unless the decision needs to be made too urgently for such inclusion.
22. Key decisions by officers shall also be recorded and reported to the next Overview and Scrutiny Committee in the same manner as Executive member decisions. A key decision by a Strategic Director or Chief Officer shall not take effect until the record of the decision has been provided to the Executive member.
23. If the Executive member does not accept a decision of the Strategic Director or Chief Officer he or she may refer the matter to the Cabinet whose decision is final (subject to call in by the Council Overview and Scrutiny Committee.)

Partnerships

24. Where an Executive member or a Strategic Director or Chief Officer is attending a meeting of a decision making Partnership body listed in Appendix 19, the following rules apply in place of those set out above if the Partnership has a constitution approved by the Monitoring Officer on behalf of the Council and by all the Partners which is publicly available and sets out the terms of reference of the partnership and the rules requiring advance publication of agendas and reports and the publication of minutes.
25. A decision making Partnership body means a partnership body that is making decisions which would be reported to the Overview and Scrutiny Committee if made by the Council alone.
26. Executive members and officers attending partnerships may participate in decisions and vote on matters being considered by the Partnerships including decisions that would normally amount to key decisions.
27. The Democratic Services Team will be nominated to receive all agendas, reports and minutes of partnerships with Constitutions and will publish these documents (unless exempt or confidential) and circulate them to members of the relevant Overview and Scrutiny Committee

EXECUTIVE PORTFOLIOS

LEADER OF THE COUNCIL

The Strategic oversight and direction of the following policy and operational areas and the lead role on the following strategies:

- Community Leadership including the Community Strategy
- Medium and Long Term Financial and Service Planning and any Corporate Plan
- External Relationships
- External Communication
- Policy co-ordination
- European Policy
- External Funding
- Any matters not within the responsibility of another Executive member that is an Executive function.

Accountable to:-

- Council in all matters
- Cabinet
- Scrutiny Co-ordinating Committee

DEPUTY LEADER OF THE COUNCIL

The Deputy Leader and the Leader will agree those elements of the Leader's portfolio that will be discharged by the Deputy Leader. The Deputy Leader will also act on the Leader's behalf in his/her absence.

The Deputy Leader has strategic oversight and direction of the following policy and operational areas and the lead role on the following strategies:

- Equalities
- Older Persons Strategy, as the Older Persons Champion

Accountable to:-

- Council in all matters
- Cabinet colleagues
- Scrutiny Co-ordinating Committee

EXECUTIVE MEMBER FOR RESOURCES

The Strategic oversight and direction of the following policy and operational areas and the lead role on the following strategies:

- Financial planning, budgeting, financial management, asset management and the capital programme
- Payroll
- Legal
- Emergency Management including Business continuity and Risk Management
- Archives
- Mailroom and Couriers
- Housing benefit, Non domestic Rates, Council Tax and Council Tax Benefit
- Internal audit
- Debt management and collection policy
- Procurement
- The use and development of ICT
- Human resources policy and procedures
- Health and safety
- The Greater Gwent (Torfaen) Pension Fund
- Land charges, Records and Registrars
- Asset management and Valuation

Responsible for the performance of the:

- Corporate Director for Resources and those areas that come under his remit and as shown above
- Chief Legal Officer and Monitoring Officer
- Chief Financial Officer.

Accountable to:-

- Council in all matters
- Cabinet
- Resources Overview and Scrutiny Committee
- Audit Committee for matters within their remit
- Scrutiny Co-ordinating Committee for major cross-cutting themes or projects.

EXECUTIVE MEMBER FOR HOUSING AND COMMUNITY SAFETY

The Strategic oversight and direction of the following policy and operational areas and the lead role on the following strategies:

- Strategic Housing Forum
- Community Safety Partnership
- The Housing Strategy
- The Housing Revenue Account
- Housing grants and renewal areas
- Housing accommodation owned and managed by the Council
- Social housing investment
- Affordable homes and homelessness
- Community safety
- Operational housing issues such as private sector housing renewal and disabled facility grants

Responsible for the performance of the:

- Strategic Director for Communities on housing strategy and community safety
- Chief Officer of Social Care and Housing on operational housing issues
- Community Safety Team

Accountable to:-

- Council in all matters
- Cabinet
- Housing and Community Safety Overview and Scrutiny Committee
- Scrutiny Co-ordinating Committee for major cross-cutting themes or projects

EXECUTIVE MEMBER FOR CHILDREN AND YOUNG PEOPLE (lead member for children)

The Strategic oversight and direction of the following policy and operational areas and the lead role on the following strategies:

- Learning Strategy
- Children and Young Peoples Framework Partnership
- Out of school activities
- Protection and support for vulnerable children
- Children's rights
- Education/business links
- Citizenship for children and young people
- Community focussed schools
- The education of children and young people including the improvement of school and educational outcomes
- Youth Service
- Play Service
- The Education Strategic Plan

Responsible for the performance of the:

- Strategic Director for Children and Young People
- Chief Education Officer

Accountable to:-

- Council in all matters
- Cabinet
- Children and Young People Overview and Scrutiny Committee
- Scrutiny Co-ordinating Committee for major cross-cutting themes or projects

EXECUTIVE MEMBER FOR REGENERATION

The Strategic oversight and direction of the following policy and operational areas and the lead role on the following strategies:

- Economic development and cultural development
- Communities First
- Regeneration Partnership
- Urban regeneration
- Countryside
- Cultural diversity
- Tourism
- Torfaen Training
- Post 19 skills for work
- Community development
- Museums and arts interests
- Community halls
- Sports development
- Adult and community learning, lifelong learning
- Community libraries
- Environmental sustainability
- Leisure services and centres

Responsible for the performance of the:

- Strategic Director for Communities on strategic regeneration
- Strategic Director for Health and Wellbeing on sustainability
- Chief Officer, Regeneration

Accountable to:-

- Council in all matters
- Cabinet
- Scrutiny Co-ordinating Committee for sustainability and for major cross-cutting themes or projects
- Regeneration Overview and Scrutiny Committee

EXECUTIVE MEMBER FOR PLANNING AND PUBLIC PROTECTION AND CUSTOMER FOCUS

The Strategic oversight and direction of the following policy and operational areas and the lead role on the following strategies:

- Customer Focus
- Citizen Engagement
- Development Control (Planning (but not any matters that are within the remit of the Planning Committee – see part 6 of this Constitution))
- Building Control
- Local Development Plan preparation
- Trading Standards and Environmental Health (excluding Licensing matters within the remit of the Licensing Committee)

Responsible for the performance of the:

- Strategic Director for Performance and Engagement on customer focus and citizen engagement issues
- Chief Planning and Public Protection Officer

Accountable to:-

- Council in all matters
- Cabinet
- Scrutiny Co-ordinating Committee for major cross-cutting themes or projects
- Planning and Public Protection Overview and Scrutiny Committee

EXECUTIVE MEMBER FOR HEALTH, SOCIAL CARE AND WELLBEING

The Strategic oversight and direction of the following policy and operational areas and the lead role on the following strategies:

- Health Improvement agenda
- Social care including children's social care
- Health, Social Care and Wellbeing Partnership.

Responsible for the performance of the:

- Strategic Director for Health and Wellbeing
- Chief Officer of Social Care and Housing on social care issues including children's social services

Accountable to:-

- Council in all matters
- Cabinet
- Scrutiny Co-ordinating Committee for major cross-cutting themes and projects
- Health and Wellbeing Overview and Scrutiny Committee
- Children and Young People Overview and Scrutiny Committee on children's social care issues

EXECUTIVE MEMBER FOR OPERATIONAL SERVICES AND PERFORMANCE

The Strategic oversight and direction of the following policy and operational areas and the lead role on the following strategies:

- Waste management and recycling
- Performance Improvement
- Highways engineering and maintenance
- Street scene
- Grounds maintenance and environmental cleansing
- Housing maintenance and repairs

- Property construction and property maintenance and management (including Civic buildings)
- Catering and Building Cleaning
- Cemeteries
- Architectural, engineering and surveying services
- Fleet management
- Parks and open spaces
- Transportation

Responsible for the performance of the:

- Strategic Director for Communities on waste management
- Strategic Director for Performance and Engagement on performance
- Chief Officer of Operational Services

Accountable to:-

- Council in all matters
- Cabinet
- Scrutiny Co-ordinating Committee for major cross-cutting themes or projects
- Operational Services Overview and Scrutiny Committee

ALLOCATION OF MISCELLANEOUS FUNCTIONS

	Function	Decision Making Body
1.	Power to create footpaths and bridleways	Officers or Planning Committee
2.	Power to stop up footpaths and bridleways	Officers or Planning Committee
3.	Power to divert footpaths and bridleways	Officers or Planning Committee
4.	Duty to assert and protect the rights of the public to use and enjoyment of highways	Officers
5.	Powers relating to the removal of things so deposited on highways as to be a nuisance	Officers
6.	Duty to keep a definitive map and statement under review	Officers
7.	Duty to reclassify roads used as public paths	Officers
8.	Duty to approve authority's statement of accounts and expenditure and balance sheet or record of receipts and payments (as the case may be)	Council
9.	Functions relating to sea fisheries	Officers
10.	Powers relating to the preservation of trees	Officers or Planning Committee
11.	Powers relating to the protection of important hedgerows	Officers or Planning Committee
12.	Power to make limestone pavement order	Officers
13.	Power to make standing orders	Council
14.	Power to appoint staff	See Section 11 (Officers)
15.	Power to make standing orders as to contracts	Council
16.	Power to consider adverse reports from the Local Commissioner	Council

17.	Power to make an order identifying a place as a designated public place for the purposes of Police powers in relation to alcohol consumption	Licensing Committee
18.	Powers in respect of registration of Motor Salvage Operators	Licensing Committee and officers
19.	Power to appoint officers to a Particular Purpose, Appointment of Proper Officers	Council and the Chief Executive
20.	Duty to designate an officer as the head of the authority's paid service and to provide staff etc	Council
21.	Duty to designate an officer as the monitoring officer and to provide staff etc	Council
22.	Duty to determine Affordable Borrowing Limit	Council
23.	Approval of Annual Investment Strategy in accordance with Guidance	Council
24.	Duty to make arrangements for proper administration of financial affairs	Director of Finance

ALLOCATION OF LOCAL CHOICE FUNCTIONS

	Function	Decision Making Body
1	Any function under a local Act other than a function specified or referred to in Schedule 1.	No local Acts in force
2	The determination of an appeal against any decision made by or on behalf of the authority.	The Appeals Committees identified in Section 9 in relation to matters within their terms of reference. Officers for other matters.
3	The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998[55].	No longer required.
4	The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (appeals against exclusions of pupils).	Director of Education, in consultation with the Monitoring Officer.
5	The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards Framework Act 1998 (admission appeals).	Director of Education, in consultation with the Monitoring Officer.
6	The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Director of Education, in consultation with the Monitoring Officer.
7	The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996[56] for enabling questions to be put on the discharge of the functions of a police authority.	Cabinet
8	The making of appointments under paragraphs 2 to 4 (appointments of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Council
9	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999[57].	Chief Officers and the Cabinet /relevant Executive Members in consultation with the relevant Overview and Scrutiny Committees.

	Function	Decision Making Body
10	Any function relating to contaminated land[58].	Director for the Environment and the Planning Committee.
11	The discharge of any function relating to the control of pollution or the management of air quality[59].	Director for the Environment and the Planning Committee.
12	The service of an abatement notice in respect of a statutory nuisance[60].	Officers
13	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area[61].	Cabinet
14	The inspection of the authority's area to detect any statutory nuisance[62].	Officers
15	The investigation of any complaint as to the existence of a statutory nuisance[63].	Officers
16	The obtaining of information under section 330 of the Town and County Planning Act 1990[64] as to the interests in land.	Officers
17	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976[65].	Officers
18	The making of agreements for the execution of highways works[66].	Director for the Environment, in consultation where appropriate with Executive Members
19	The appointments of any individual <ul style="list-style-type: none"> a) to any office other than an office in which he is employed by the authority; b) to any body other than – <ul style="list-style-type: none"> i) the authority; ii) 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.	Appointments to be made at the Annual Council and thereafter appointments to be made by the Leader and Chief Executive.
20	Power to make payments or provide other benefits in cases of maladministration etc[67].	Officers and the Council where adverse reports are received.
21	The discharge of any function by an authority acting as a harbour authority.	Officers
22.	Functions in relation to the setting of the Council tax base referred to in section 82 of the Local Government Act 2003	Cabinet

THE SCHEME OF DELEGATION FOR PLANNING MATTERS

1. All members will be consulted:
 - i) on all applications through the distribution of the weekly planning list to all members;
 - ii) on specific applications in their ward (and given 21 days in which to comment, including requesting that the application be determined by the Planning Committee, for valid planning reasons).

2. All matters which are delegated to the Planning Committee under this constitution are delegated to the Director for the Environment - except for the following planning applications which will be referred to the Planning Committee:
 - i) where a councillor makes a written request for the application to be determined by committee giving valid planning reasons;
 - ii) where the Director (or his nominated representative) considers that the application should be considered by committee;
 - iii) where approval of the application would represent a significant departure from policies contained within the approved Development Plan;
 - iv) where the proposal involves the Council either as applicant or land owner and the scheme is not of a minor nature and/or is subject to objections which are of material weight in the assessment of the application;
 - v) where the applicant is a member of Torfaen County Borough Council;
 - vi) where the applicant is a member of staff within the Department for the Environment;
 - vii) where the applicant is a member of the Council's Management Team, or a service head or any member of staff within the authority who could be seen as having a direct input to and therefore influence on an application decision;
 - viii) where there are objections on an application (which is recommended for approval) which, in the opinion of the Director or Assistant Director, are of material weight in the assessment of the proposal (this would exclude applications for prior notification and Lawful Development Certificates).

3. The Chair of the Planning Committee will only be consulted on delegated planning applications where:
 - i) he/she specifically asks to be consulted;
 - ii) in the view of the Director or Assistant Director there are issues that need to be brought to the attention of the Chair prior to determination of the application.

THE SCHEME OF DELEGATION FOR LICENSING MATTERS

The determination of all matters (including licensing applications) within the terms of reference of the Licensing Committee is delegated to Officers with the following exceptions:

Matters to be determined by the Licensing Committee:

- Licences for sex shops and sex cinemas.
- Any matters (including Licensing Applications) which the Licensing Committee has reserved to itself.
- Where the Chair of the Committee (or in his or her absence the Vice Chair) considers that a matter should be determined by the Committee or the Director for Environment (or his nominated representative) considers the application should be considered by the full Committee.
- Where a matter is referred to the Licensing Committee by the Chief Executive or Monitoring Officer following a decision of a Licensing Panel under paragraph 7.10.3 of the Constitution.

Matters to be determined by Licensing Panels

- Application for a personal licence where there is a Police objection
- Application for a personal licence with unspent convictions where there is a Police objection
- Application for a premises licence/club premises certificate if a relevant representation is made
- Application for a provisional statement if a relevant representation is made
- Application to vary premises licence/club premises certificate if a relevant representation is made
- Application to vary a designated premises supervisor if a Police objection is made
- Application for transfer of a premises licence where there is a Police objection
- Application for interim authorities if there is a Police objection.
- Any application to review premises licence/club premises certificate
- Any decision to object when the Council is a consultee and not the relevant authority considering the application
- Determination of a police objection to any temporary event notice

- Applications for other licences or renewals of licences, permits and registrations where there are representations or objections from third party consultees or relevant unspent convictions.
- Where a Councillor makes a written request for the application to be determined by a Panel giving valid licensing reasons; or the Director for the Environment (or his nominated representative) considers the application should be considered by a Panel
- Where the proposal involves the County Borough Council either as applicant or land owner and the scheme is not of a minor nature and/or is subject to objections which are of material weight in the assessment of the application;
- Where the applicant is a Councillor of Torfaen County Borough Council, a member of staff within the Department for the Environment, a member of the Council's Management Team, or service head or any member of staff within the Authority who could be seen as having a direct input to and therefore influence an application decision;
- Where approval of the application would represent a significant departure from the Licensing Policy of the Council or other published policy.

SITE INSPECTION PROCEDURES

VISIT REQUEST GUIDELINES

- 1 Any Member requesting a site visit must be able to demonstrate that there is at least an aspect of the proposed development which needs to be clarified on site - or that a site visit is necessary to gain a better understanding and appreciation of the likely impact of the proposed development. Any request for a site meeting **must** be made in writing (and the request explain the justification) to the Assistant Director for the Environment (Planning and Protection) (via Members' Services) **at least one clear working day** before the Committee meeting to which the original report is submitted, so that the request can be properly considered. A pro forma will be issued to Members for this purpose.
- 2 A site visit **may** be justified in the following circumstances:
 - a) where the proposal is likely to have a major visual impact which could only be fully appreciated on site;
 - b) where the likely impact of the proposed development on adjoining development is such that it can only be fully appreciated on site;
 - c) to gain a better understanding of policy issues against which the proposed development is to be judged;
 - d) where the proposed development is likely to have a major impact over a wide area; or
 - e) where there are significant objections to a proposed development which could only be fully taken into account by visiting the site (a large number of objections in itself is not sufficient justification).
- 3 The Assistant Director for the Environment has delegated powers to agree a site visit. If the application is on the published agenda for the Planning Committee, he may withdraw that item from the agenda. Any objectors or applicants wishing to speak at the meeting will then be informed of the application being deferred pending a site visit.
- 4 A request for a site visit that is considered by the Planning Committee will only be accepted with a majority vote. Before a vote is taken the Chair will seek advice from the Assistant Director and indicate to the Committee whether he considers a site visit is justified. The reasons for the site visit will be minuted and site visits will, wherever possible, be arranged as a matter of urgency (in consultation with Members), so that the Committee at its following meeting can reconsider the application in question.
- 5 Provisional dates for site visits will be entered in the Corporate Diary and if they are not needed the visits will be cancelled.

VISITING AND DECISION-MAKING PROCEDURES

- 1 A “Site Inspection Panel” will be established to include the Chair and Vice-Chair of the Planning Committee and three additional Members (who will not be Ward Members for the sites to be visited) selected on a rotational basis. As the site visit is only intended for information gathering purposes only, it will not be necessary for the Chair and Vice Chair to attend all site visits if they are not available. Two further planning committee members will be invited in their place.
- 2 The local Ward Members will be invited to attend site inspection panel meetings and, although they will not be members of the panel, they can nevertheless make representations to the panel on site if they so wish.
- 3 Appropriate officers will attend to outline the application proposals and issues and to answer questions.
- 4 The applicant, objectors and any other interested parties will not be invited to the meeting, and will not therefore be able to participate or lobby.
- 5 If the panel requires access to the site the permission of the owner will need to be obtained beforehand but he/she will not be permitted to participate.
- 6 The purpose of the site visit will be to view the site, its relationship to the surroundings and to clarify points of fact. Discussions between Members on matters affecting the merits of the proposals will inevitably take place on site, but will be of an informal nature only as the meeting itself will be informal and will not have decision-making powers.
- 7 Notes will be taken of the site visit (by the Democratic Services Officer) and a brief summary of the facts established reported to the following meeting of the Planning Committee, along with the original report and recommendation. The notes will also give a flavour of the discussion which takes place at the site visit.
- 8 The final decision will then be taken at the Planning Committee, taking account of the information contained in the notes of the site inspection panel.
- 9 Third parties will be allowed to address the full Planning Committee in the Council Chamber in accordance with the procedures adopted by the Cabinet on 13 November 2001.

THIRD PARTY SPEAKING RIGHTS AT MEETINGS OF THE PLANNING COMMITTEE

1. Context

- 1.1 The procedures outlined below comprise the process for allowing third parties to address the Planning Committee in respect of planning applications.
- 1.2 It is suggested that the procedures be reviewed on a regular basis to allow Members and Officers to reflect on their effectiveness and to recommend any changes that could improve the process.

2. A Suggested Process

- 3.1 Members of the public will be entitled to speak on any planning application that appears on the agenda of the Planning Committee. However, there will be certain exceptions to this rule.
- 3.2 Should an application be deferred for a site meeting after speakers have addressed the Committee, when the application is reconsidered speakers will not be entitled to speak again at the Committee meeting, although the views that they have expressed will be taken into account.
- 3.3 If an application is deferred for amendment or further information, speakers will be invited to address the Committee at the next appropriate meeting. However, they will be asked to limit their comments to the changes to the application rather than repeat previous observations.

4. Who Is Entitled To Speak?

- 4.1 **Objectors:** Objectors should express their objections to a particular application in writing to the Planning Section as part of the planning application process. They should notify the Democratic Services Section of their intention to speak two working days before the start of the Committee, e.g. 11.00am on the Friday preceding Committee on the Tuesday.
- 4.2 **Community/Town Council Representatives:** Should the Community/Town Council make representations on an application within its boundaries, then a representative may address the Planning Committee. Community/Town Councils should also inform the Democratic Services Section of their intention to speak two working days before the date of the Planning Committee.
- 4.3 **Ward Councillors who are not members of the Planning Committee:** Councillors who are members of the Committee are entitled to speak on any planning application and may influence the decision. Councillors who are not members of the Committee should be given the right to address the Committee on a planning application within their own ward. The Ward Councillor would be required to notify the Chair of their desire to speak.

- 4.4 **Applicants or their Nominated Agent:** The applicant or nominated agent (the agent identified on the application details) is entitled to speak if objectors or the Community/Town Council exercise their right to address the Planning Committee. This entitlement allows the applicant to refute the oral objections made. Applicants may not address the Committee if there are no objectors to the application, or if there are objectors who do not wish to address the Committee.

5. How The Process Will Work Prior To Planning Committee Meetings

- 5.1 Community/Town Councils and potential objectors to a planning application will be advised of the relevant application in a standard consultation letter. The letter will be sent from the Department for the Environment advising them of the application, their right to speak should they object and a guidance note on the procedure.
- 5.2 The applicant will also receive a guidance note on third party speaking rights in the planning process and will be informed if there are speakers to enable them to prepare to answer any objectors at the next Planning Committee.
- 5.3 The onus is placed on the Community/Town Councils and objectors to inform the Authority of their objections and whether they wish to speak at the Committee Meeting. A person or representative will not be permitted to speak at the Committee if they do not give the Council two working days notice. Therefore, the initial consultation letter from the Department for the Environment has to be sent out giving all parties a reasonable notice period, e.g. at least 21 days prior to the application being considered by the Planning Committee.
- 5.4 It is the responsibility of Objectors to find out when a particular application is to be determined by the Planning Committee. A full list of Committee dates will be available from the Democratic Services Section.
- 5.5 Every effort will be made to inform the applicant if there are any objectors to their planning application who have taken up their right to address the Planning Committee. The Democratic Services Section will inform them (either in writing or by telephone, depending on time constraints) that they may attend the Committee, should they wish to reply to any of the comments made by the objectors. Applicants will be able to attend the Committee as observers even if there are no objectors to their application.
- 5.6 Prior to the meeting, the Chair of the Planning Committee and the Assistant Director for the Environment will be provided with a list of persons wishing to speak, who they are representing (if applicable) and on which application they wish to speak, by an officer from Democratic Services.

6. How The Process Will Work During the Planning Committee

- 6.1 The order of business on each application will be:

Planning Officer introduces the application;
The Chair calls upon the objectors to speak;
The Chair calls upon the Community/Town representatives to speak;
The Ward Councillor is invited to speak;
The applicant or agent responds to the comments made;

Officers comment on the remarks made if necessary;
Debate by Members, with officers comments and answers to question;
Decision.

7. Time Allowed For Speakers

- 7.1 Each category of speaker is allowed to speak for up to five minutes. Each objector is entitled to speak, but only if there are three or less objectors. If there are more than three objectors to an application then a nominated spokesperson will be entitled to speak on their behalf. The spokesperson will be entitled to speak for up to ten minutes. A committee room will be available prior to the Committee meeting for objectors to discuss their concerns and nominate a spokesperson. Objectors will be advised of this prior to the meeting.
- 7.2 The time limits for each speaker will be closely monitored and adhered to.
- 7.3 Speakers can use an overhead projector or a lap top projector to aid their presentation during the Planning Committee but only if they have advised the Democratic Services Officer no less than two hours before the meeting commences and have provided a copy of any presentation needing to be loaded on to a laptop by this deadline. If a speaker wishes, a copy of their presentation or any written submissions can be included with the minutes of the meeting.
- 7.4 The Chair will have the discretion to extend or curtail the speaking arrangements in exceptional circumstances. For instance, if an application is particularly controversial. This would happen on rare occasions only.
- 7.5 The members of the Committee will not be allowed to directly question the objectors, Community/Town Council representatives, the Ward Councillor or the applicant. The Chair will clarify points on behalf of the Committee.
- 7.6 In very clear extenuating circumstances when the objector cannot attend at the last minute, a statement can be read out by the Democratic Services Officer.

8. Following the Decision

- 8.1 Following the decision, a copy of the minutes of the meeting will be available to all those attending on request.

APPENDIX 13

The procedure to be followed at meetings of Licensing Panels and at meetings of the Licensing Committee when conducting a hearing.

1. Public Hearings

- 1.1 All meetings of Licensing Panels and the Licensing Committee when conducting a hearing shall take place in public subject to paragraphs 1.2 and 1.3.
- 1.2 Material may be withheld from the public in advance of the hearing and at the hearing if the Proper Officer considers that the public interest in withholding the material outweighs the public interest in providing it.
- 1.3 A Licensing Panel or Licensing Committee may exclude the public from all or part of the hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing taking place in public.
- 1.4 For the avoidance of doubt, a party and a person assisting or representing a party may be treated as a member of the public and therefore may be excluded from all or part of the hearing where the public interest in excluding that person outweighs the public interest in permitting them to attend the hearing.

2. Right of Attendance, Assistance and Representation

- 2.1 Subject to the provisions of paragraph 1 (under which members of the public including their representatives may be excluded) and the rules below on disruptive behaviour, any party may attend the hearing and may be assisted or represented by any person, whether or not that person is legally qualified.

3. Procedure at the Hearing

- 3.1 The procedure at the hearing shall be at the discretion of the Chair of the Panel or Committee considering the matter.
- 3.2 At the beginning of the hearing, the Chair shall explain to the parties the procedure which he/she proposes to follow at the hearing and shall consider any request made by a party for permission for another person to appear at the hearing. That permission shall not be unreasonably withheld.
- 3.3 The hearing shall take the form of a discussion led by the Panel and its legal adviser and no cross-examination shall be permitted unless the Panel or Committee considers cross-examination is required in order for it to consider the representations, application or notice as the case may require.
- 3.4 The Chair of the Panel must allow the parties an equal maximum period of time in which to exercise their rights to make representations, question another party and provide supporting information.
- 3.5 The Panel or Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit that person to return or permit them to return only on such conditions as the Panel may specify. Any person excluded from the hearing under this rule may submit to the Panel or Committee in writing any information which they would have been entitled to give orally had they not been required to leave.

- 3.6 Where the Council has given notice to a party that it will want clarification of particular points at the hearing, a party attending the hearing shall be entitled to give that further information in support of their application.
- 3.7 At the hearing a party may be permitted to question any other party at the hearing at the discretion of the Chair of the hearing.
- 3.8 At the the hearing, any party attending will be entitled to address the Panel or Committee.
- 3.9 Members of the Panel or the Committee shall be given an opportunity to question any party or other person appearing at the hearing.
- 3.10 The Panel or Committee may take into account documentary or other information produced by a party in support of their application or representations or notice provided either before the hearing or with the consent of all the other parties at the hearing.

4. Failure to Attend the Hearing

- 4.1 If any party has informed the Authority that they do not intend to attend the hearing or to be represented at the hearing, the hearing may proceed in his/her absence.
- 4.2 If any party fails to attend or be represented at the hearing the Panel or Committee may adjourn the hearing to a specified date if it considers this to be in the public interest, or hold the hearing in the party's absence.
- 4.3 If the Panel or Committee continues to have a hearing in the absence of a party, they shall take into account representations or notice provided in advance by that party.

5. Decision

- 5.1 Where required by law and in other cases where this is possible, the Panel or Committee will make its decision at the conclusion of the hearing. In other cases will do so within a period of 5 working days beginning with the last day on which the hearing was held.
- 5.2 Notification of the decision will be given to the parties within the timescale provided for in the Act or in other cases immediately on the making of a decision.

6. Record of Proceedings

- 6.1 Proceedings of a Panel and Committee shall be recorded in permanent form.
- 6.2 The record of the hearing shall be approved by the Proper Officer or her or his representative on behalf of the Panel.

7. Quorum

- 7.1 The quorum of a Panel holding a hearing shall be two members. In the case of an equality of votes, the Chair of the Panel shall have a second and casting vote.

APPENDIX 14

**ETHICS AND STANDARDS COMMITTEE
PROCEDURE FOR DEALING WITH COMPLAINTS
AGAINST COUNCILLORS**

Once developed the procedure will be included within this Appendix.

THE EMPLOYEE CODE OF CONDUCT

1 Introduction

- 1.1 The public is entitled to expect the highest standards of conduct from all employees who work for Torfaen County Borough Council. This Code outlines existing laws, regulations and conditions of service and provides further guidance to assist us in our day-to-day work. The Code is produced in the light of the challenges that we face in the new and more commercially orientated Local Government environment. This includes the introduction and extension of compulsory competitive tendering (CCT), market testing, changes in the management of the education and housing services, care in the community, management buyouts, etc.

2 Status of the Code

- 2.1 The aim of the Code is to lay down standards which will help maintain and improve the esteem in which our Council is held by the public we serve. It will protect us from misunderstanding or criticism.
- 2.2 The Code has been developed through consultations with the Council's recognised trade unions. Adherence to the standards it contains is a requirement of our Contract of Employment.
- 2.3 Failure to apply the standards of the Code may be regarded as misconduct and treated within the terms of the Council's Disciplinary Code.

3 Who the Code is aimed at?

- 3.1 Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others. The Code is intended to cover all employees under a Contract of Employment with the Council, including office holders such as registrars. Activities carried out by employees acting as members of companies or voluntary organisations should be subject to the minimum standards within this Code.
- 3.2 The Code is recommended for adoption by governing bodies of maintained schools within the County Borough.

Peter Durkin
ACTING CHIEF EXECUTIVE

1 Standards

- 1.1 We are expected to give the highest possible standard of service to the public and, where it is part of our duties, to provide appropriate advice to Councillors and fellow employees with impartiality. We will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of our Chief Officer any deficiency in the provision of service. We must report to our Chief Officer any impropriety or significant breach of procedure.

2 Disclosure of Information

- 2.1 We should not pass on to colleagues, the public or other public or private sector organisations information concerning any aspect of the operation of the Council, which falls outside the boundaries of our duties and responsibilities. Information concerning the circumstances of identifiable individuals should never be passed on to colleagues, the public or other public or private sector organisations unless we are required by law, or authorised by our Chief Officer, to do so.
- 2.2 In order to ensure a co-ordinated approach to the Council's external relations, requests for information from the media should be dealt with only by a Chief Officer or an Officer authorised by a Chief Officer.
- 2.3 If in any doubt as to whether we should divulge information to anyone we should refer the person making the request to our Chief Officer.
- 2.4 We should not use any information obtained in the course of our employment for personal gain or benefit, nor should we pass it on to others who might use it in such a way. In particular information we receive from a Councillor which is personal to that Councillor and does not belong to the Council should not be divulged without the prior approval of that Councillor.

3 Political Neutrality

- 3.1 We serve the Council as a whole. It follows that we 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 If we are required to advise political groups we will only be asked to do so in ways which do not compromise our political neutrality.
- 3.3 Whether or not our post is politically restricted, we must follow every lawful expressed policy of the Council and must not allow our own personal or political opinions to interfere with our work.

4 Relationships

4.1 Councillors:

4.1.1 We are responsible to the Council through its management structure. Our role may be to give advice to Councillors and Senior Managers and we are all here to carry out the Council's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between ourselves and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

4.1.2 In our capacity as an employee of the Council we should operate within the Council's management structure and personnel procedures on all matters affecting service delivery and/or employment. We must not 'lobby' Councillors as employees even if approached. If we are asked by a Councillor to comment on a matter which falls outside the boundaries of our duties and responsibilities, we should ask them to raise the matter with our Chief Officer.

4.2 The Local Community and Service Users:

4.2.1 We should always remember our responsibilities to the community we serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council.

4.3 Contractors:

4.3.1 All relationships we have of a business or private nature with external contractors or potential contractors, must be notified in writing to our Chief Officer. He/she will keep a record of such notifications. 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.

- If we 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 we should notify our chief officer, in writing, of this relationship. He/she will keep a record of such notifications.
- All staff must comply with Contract Standing Orders in relation to the declaration of interests.

5 Appointment and other Employment Matters

- 5.1 If we are involved in appointments, we should ensure that these are made on the basis of merit. It would be unlawful for us 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, we should not be involved in an appointment where we are related to an applicant or have a close personal relationship outside work with him or her.
- 5.2 Similarly, we should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6 Outside Commitments

- 6.1 Salaried employees graded above Scale 6 on the NJC for Local Government Services Scales or its equivalent on other salaried scales, are required to obtain written consent to take any outside employment. Regardless of our grade we should be clear about our contractual obligations and should not take outside employment which conflicts with the Council's interests.

7 Personal Interests

- 7.1 We must declare to our Chief Officer, in writing, any non-financial interests that we consider could bring about conflict with the Council's interests.
- 7.2 We must declare to our Chief Officer, in writing, any financial interests which could conflict with the Council's interests.
- 7.3 We should declare to our Chief Officer, in writing, membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. We need not declare our membership of a recognised religion.
- 7.4 Our Chief Officer will keep a record of these notifications.

8 Equality Issues

- 8.1 We should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

9 Separation of Roles During Tendering

- 9.1 If we are involved in the tendering process and dealing with contractors, we should be clear on the separation of client and contractor roles within the Council.
- 9.2 If we have both a client and contractor responsibility, we must be aware of the need for accountability and openness.

- 9.3 If we are employed in contractor or client units we must exercise fairness and impartiality when dealing with all customers, suppliers and other contractors and sub-contractors.
- 9.4 If we are privy to confidential information on tenders or costs for either internal or external contractors, we should not disclose that information to any unauthorised party or organisation.
- 9.5 If we are contemplating a management buyout we should, as soon as we have formed a definite intention, inform our Chief Officer, in writing, and withdraw from the contract awarding processes.
- 9.6 We 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.

10 Corruption

- 10.1 We must be aware that it is a serious criminal offence if we 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 our official capacity. If an allegation is made it will be for us to demonstrate that any such rewards have not been corruptly obtained.

11 Use of Financial Resources

- 11.1 We must ensure that we use public funds entrusted to us in a responsible and lawful manner. We should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

12 Hospitality

- 12.1 We should only accept offers of hospitality if there is a genuine need to impart information or represent the Council in the Community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. We should request, in writing, our Chief Officer's permission to attend.
- 12.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 12.3 We should not accept significant personal gifts from contractors and outside suppliers, although insignificant items of token value such as pens, diaries, etc are acceptable.
- 12.4 When receiving authorised hospitality we should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 12.5 Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal, where the Council 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, we should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

13 Sponsorship - Giving and Receiving

- 13.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 13.2 Where the Council wishes to sponsor an event or service neither we, nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure, in writing, to our Chief Officer of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means gives support in the community, we should ensure that impartial advice is given and that there is no conflict of interest involved.

14 Declaration of Interests

- 14.1 The Declaration Forms attached as Appendices 1 & 2 of this Code of Conduct will enable us either to certify that we have no interests needing to be declared within the terms of this Code or to list those interests that require declaration.
- 14.2 The Declaration Forms must be completed by all employees of the Council graded at Principal Officer level (or its equivalent) or above, together with other employees who their Chief Officer considers to have a significant involvement in contract matters.
- 14.3 Declarations of interests will be treated as confidential and will only be made available to Chief Officers or Members on a strictly 'Need to Know Basis'. We are required to complete the Declarations on the basis that this requirement is a reasonable instruction within the terms of our existing contracts of employment.
- 14.4 Chief Officers will be responsible for ensuring that declarations are completed by the appropriate employees on appointment or promotion and that fresh declarations are made on or about 1 April each year. Completed forms will be held in the Personnel Services & Standards Division. The Chief Officer (the Chief Executive in the case of Chief Officers) will be responsible for deciding whether anything revealed in the Declaration is incompatible with the duties of the employee making it. Where instances of incompatibility occur which cannot be resolved to the Chief Officer's satisfaction by agreement, a report will be submitted to the Executive Member for Resources. The employee and if appropriate, his/her trade union, will be consulted on such a report prior to its submission.
- 14.5 Section 117 of the Local Government Act 1972 provides that we must give notice in writing of any pecuniary interest in a Council contract. Contravention of this requirement is a criminal offence. The Declaration of Interest attached as Appendices to this Code are not suitable for giving notice of pecuniary interest in compliance with Section 117 because such notice must be given in respect of a particular contract. As a result, written notice of pecuniary interest in particular contracts, must be made on each occasion to our Chief Officer.

15 Conclusion

- 15.1 The standards laid down in this Code are considered to be fundamental to the reputation of our employer. As such, uncertainty on our part as to their meaning, will not be accepted as a reason for our failing to comply with them.
- 15.2 If we are in doubt about the application of these standards to our personal circumstances, we should request an interpretation by our Chief Officer. Subject to the Council's Grievance Procedure, we will be bound by that interpretation.

GENERAL DECLARATION OF INTERESTS
EMPLOYEES INVOLVED WITH CONTRACTS
AND ALL SENIOR EMPLOYEES

Declaration A

Name of Officer:
Department:
Post and Grade:

(Block Capitals)

I declare that I have read the Council's Code of Conduct for Employees and Declaration B below and that there are no facts or circumstances that I would be required to specify if I completed Declaration B truthfully, accurately and completely.

In the event of any fact or circumstance changing this position, I agree to make Declaration B to my Chief Officer within 21 days.

Signed :

Date:

[**Note:** This Declaration must be made without amendment or qualification. If you cannot make it without amendment or qualification, you must complete Declaration B]

Chief Officer's Certificate

I have considered the above Declaration of Interest and confirm that no matters have been disclosed and to my knowledge this is an accurate statement.

Signed:

Designation:

(Block Capitals)

GENERAL DECLARATION OF INTERESTS
EMPLOYEES INVOLVED WITH CONTRACTS
AND ALL SENIOR EMPLOYEES

Declaration B

Name of Officer:

Department:

Post and Grade:

(Block Capitals)

I declare that I have read the Council's Code of Conduct for Employees and that to the best of my knowledge and belief the answers specified below are truthful, accurate and complete. I agree to inform my Chief Officer in writing of any change to these answers within 21 days of that change taking place.

[**Note:** If Declaration B is to be made and the answer to any section is that you have no interest to declare in that particular section, write 'None' - do not leave sections blank]

EMPLOYMENT: *(Other than with Torfaen County Borough Council)*

1. I am employed by:

of [address]:

as a:

2 I am self-employed as a:

and my place(s) of business are as follows:

and I trade under the following name(s):

3 I am in partnership with:

as a:

my firm's place(s) of business are as follows:

the firm(s) trade under the following name(s):

4 I am a consultant with or to:

and their place(s) of business are as follows:

and they trade under the following name(s):

DIRECTORSHIPS:

- 5** I or a member of my family hold the following Directorships in the following trading (give the companies' names, any names under which the companies trade, the companies' registered addresses and the names of all other directors):

SHAREHOLDINGS

- 6** I, my family or their or my nominees have significant (1) shareholdings in the following companies (2):

FOOTNOTES:

- (1) A shareholding is significant for these purposes if its size or value (either absolutely or in relation to the share capital of the company as a whole), is such that it could give rise to the appearance of a conflict of interest if the Council were to enter into a contract with the company.
- (2) A shareholding need not be declared if it is in a company which trades in a field wholly unrelated to your field of work for Torfaen County Borough Council.

TORFAEN PROPERTY

- 7 I or a member of my family or my or their nominees holds (directly or indirectly) a tenancy/leasehold interest in the following properties (other than my or their principal home) which are owned by Torfaen County Borough Council.

Address of Property:

LAND IN TORFAEN COUNTY BOROUGH

- 8 I or a member of my family or my or their nominees holds (directly or indirectly) a leasehold interest in the following properties (other than my or their principal home) within the Torfaen County Borough.

Address of Property:

APPROVED LIST

- 9 I or a member of my family or my or their nominees have the following connection with the following businesses on the Council's Approved List of Contractors & Consultants, or my Department's lists of suppliers. (Connections which must be declared include, but are not limited to, being employed by/in partnership with/a consultant to/a director of/a shareholder in a business on the corporate or Departmental lists):

SECRET ORGANISATIONS

10 I am/am not* a member of any organisation which administers oaths of secrecy and which has a general or particular intention of ensuring that members assist one another, eg Freemasons. If you are a member of such an organisation(s), specify the name(s) of the organisation(s) and the lodge(s), branch(es) or section(s).

* Delete as appropriate

ANY OTHER CONFLICT OF INTERESTS

11 I have the following interests which could give rise to a conflict of interest or to the appearance of a conflict of interest, with my duties as an employee of Torfaen County Borough Council.

Signed: Date:

Chief Officer's Certificate

I have considered the above Declaration of Interest and am satisfied that nothing it reveals is incompatible with the duties of the officer making the Declaration.

Signed:

Designation:
(Block Capitals)

CONTRACT STANDING ORDERS

CSO 1

INTERPRETATION

Approved Officer	is a Council Officer approved by the relevant Chief Officer to carry out the duties set out herein
Chief Officer	is a Departmental Director, Deputy Director, Assistant Director or within the Chief Executive's Department a Head of Service
CSO	Contract Standing Order
Committee	is the Cabinet or a Sub-Committee appointed by the Cabinet
Contract	is any agreement for the supply of goods, materials or services, the execution of work and the awarding of concessions
EU Contract	is a contract covered by the Public Works / Supplies / Services / Utilities Contract Regulations
Deputy Leader	is the Deputy Leader for the time being of the majority political party as notified to the Council in accordance with the Local Government (Committees and Political Groups) regulations 1990
Executive Member	is the Member appointed by the Council to have portfolio responsibility for the relevant subject area in accordance with the constitution of the Council or in his/her absence the Leader
Leader	is the Leader for the time being of the majority political party as notified to the Council in accordance with the Local Government (Committees and Political Groups) Regulations 1990.
Provider	is any contractor supplying or offering to supply goods, works, or services (including concessions) to the Council and includes any firm, agent, company, partnership ,public authority individual or other organisation .
Monitoring Officer	is the officer designated by the Council for the purposes of Section 5 of the Local government and Housing Act 1989 or his/her Deputy
Chief Financial Officer	is the officer with responsibility for the proper administration of the financial affairs of the Council in accordance with Section 151 of the Local Government Act 1972 or his/her Deputy
Overview and Scrutiny Committee	is the Committee appointed by the Council with responsibility for the relevant subject area in accordance with its Terms of Reference
Collective Social Care Contract	is the provision of personal Social Services which may include (but not be limited to), care, support, development or advice to groups of clients in order to promote their well being

CSO 1

INTERPRETATION

Individual Social Care Contract is the provision of personal Social Services which may include (but not limited to) care, support development or advice to individual clients in order to promote their well being

CSO 2 COMPLIANCE WITH CONTRACT STANDING ORDERS AND LEGISLATION

- 2.1 Every contract made by the Council or on its behalf shall comply with the European Community Treaty and all relevant European Community and domestic legislation, these Contract Standing Orders and Codes of Practice and the Council's Financial Regulations subject to the following provisions;
- 2.2 These Contract Standing Orders shall apply to schools and to the activities under the purview of the Contract (Operational) Services Department only to the extent that the provisions of these Contract Standing Orders are consistent with the statutory provisions and the arrangements made in relation to schools and to the activities of the Contract (Operational) Services Department
- 2.3 Arrangements made to meet the requirements of any present or future domestic legislation or E.U. Directive shall take precedence over any provision of these Contract Standing Orders.

CSO 3 EXEMPTIONS FROM CONTRACT STANDING ORDERS

- 3.1 Exemptions from the requirements of these Contract Standing Orders are to be the exception and not the rule. They must not be granted as a matter of administrative convenience and must be supported by documented and evidenced reasons as to the legitimate need for the exemption to be granted.
- 3.2 Where an exemption is sought from tendering or price testing, the report will justify the use of an alternative method of selection so that propriety value for money and compliance with EC and domestic legislation can be demonstrated. It will also include reasons such as:
 - (a) that only one provider is able to carry out the work or service or to supply the goods for technical or artistic reasons or because of exclusive or proprietary rights;
 - (b) that time limits required for tendering cannot be met for reasons of extreme urgency and which (in EC cases) were unforeseen and unattributable to the Council;
 - (c) that additional goods, works or services are required which, through unforeseen circumstances, were not included in the original contract and which either are strictly necessary for the completion of the contract or, for technical or economic reasons, cannot be carried out separately without great inconvenience;

- (d) that goods are required as a partial replacement for or addition to existing goods or installations and obtaining them from another provider would result in incompatibility or disproportionate technical difficulties in operation or maintenance.
- 3.3 For contracts with a value of less than £40,000 exemptions may be granted by the relevant Chief Officer with the approval of the Executive Member, and after consultation with the Monitoring Officer or Chief Financial Officer.
- 3.4 For contracts with a value in excess of £40,000 exemptions may be granted by the relevant Chief Officer with the approval of the Executive Member and Leader or Deputy Leader and, after consultation with the Monitoring Officer or Chief Financial Officer (and if appropriate by reason of the scale or sensitivity of the contract) the Chief Executive.
- 3.5 No exemption may be granted:
- (a) which would result in a breach of European or UK law;
 - (b) from CSO 15
 - (c) from CSO 16.
- 3.6 Each Chief Officer will keep a register of exemptions granted with full details thereof and will report same to the relevant Overview and Scrutiny Committee for scrutiny on a quarterly basis.

CSO4 CONTRACTS NOT REQUIRING TENDERING

- 4.1 The following contracts need not be tendered.
- (a) Contracts valued at less than £5,000 (unless required by EU law).
 - (b) Where a Chief Officer or officer reporting directly to a Chief Officer considers that there are good reasons for doing so, the reasons for which will be evidenced on the relevant contract file, contracts valued at over £5,000 but less than £25,000 subject to compliance with the following requirement to obtain competitive quotations on scale band basis as follows:
 - (i) estimated contract value of between £5,000 and £10,000 - to seek from the approved list at least two written quotations and obtain at least one
 - (ii) estimated contract value of between £10,000 and £25,000 - to seek from the approved list at least three written quotations and obtain at least two.
 - (c) Contracts for which an exemption from tendering has been granted.
 - (d) Purchase or sales by auction or at public fairs or markets.

- (e) Contracts for the sale of land.
- (f) Contracts for the engagement of Counsel.
- (g) Orders placed under a corporate contract arranged by a central purchasing unit or department.
- (h) Orders placed with such consortia as may be approved by the Council provided it is satisfied that the purchasing arrangements of the consortia in question comply with EU and UK legislation and provide value for money.
- (i) Social care contracts, being the provision of personal social services to individual clients or groups of clients
- (j) Collective Social Care Contracts
- (k) Individual Social Care Contracts which are established through the Council's Care Management Process
- (l) Contracts formalising the funding of particular voluntary sector bodies where the purpose of the contract is to establish the general conditions whereby the body may be funded by the Council

PROVIDED that all such contracts referred to above are effected in compliance with the Council's Financial Regulations and all appropriate internal control.

CSO 5 AWARD OF CONTRACTS

- 5.1 Contracts of a value of less than £150,000 are to be awarded on behalf of the Council by a Chief Officer in accordance with procedures determined by the Monitoring Officer and Chief Financial Officer who shall audit the process at regular intervals.
- 5.2 Contracts with a value in excess of £150,000 that are awarded purely on the basis of price may be awarded on behalf of the Council by a Chief Officer with the approval of the Executive Member in accordance with procedures determined by the Monitoring Officer and Chief Financial Officer who shall audit the process at regular intervals.
- 5.3 Contracts with a value in excess of £150,000 that are awarded on the basis of both price and quality criteria shall be awarded on behalf of the Council by the Cabinet or sub committee appointed by the Cabinet for that purpose.
- 5.4 Notwithstanding the provisions of CSO 5.1 – 3 above, Individual Social Care Contracts shall be awarded on behalf of the Council by a Chief Officer in accordance with the Council's Care Management process and such procedures as may be determined by the Monitoring Officer and S. 151 Officer who shall audit the process at regular intervals.
- 5.5 With the exception of Individual Social Care Contracts each Chief Officer will maintain a register of Contracts let under these delegated powers and will report the same to the relevant Overview and Scrutiny Committee at quarterly intervals.

CSO 6 DECLARATION OF INTERESTS

- 6.1 The following will declare any interests which may affect the contract process:
- (a) all permanent or temporary staff graded S.O. or above;
 - (b) all permanent or temporary staff whom each Chief Officer considers plays an influential role in any aspect of the contracts process;
 - (c) external consultants.
- 6.2 Chief Officers will ensure that staff and consultants appointed by them make declarations on their appointment (and annually in the case of staff) and will either certify them as acceptable or take any necessary action in respect of potential conflicts of interest.
- 6.3 Chief Officers shall keep a register of such declarations.
- 6.4 The Chief Executive shall record particulars of any notice of pecuniary interest in a contract given by an Officer and such record shall be open to inspection by Members.

CSO 7 APPROVED LISTS

- 7.1 There shall be compiled and maintained lists of providers in respect of Council contracts. Such lists shall contain the names of all providers who wish to be included in them and who are approved by the relevant Chief Officer according to written criteria.
- 7.2 At least every three years a public notice shall be given in one or more local newspapers and such trade journals as are considered desirable inviting providers to apply to have their names placed on the approved lists and the said lists shall be reviewed at similar intervals.

CSO 8 ESTIMATES OF CONTRACT VALUE

- 8.1 Before inviting tenders for execution of any work the Chief Officer shall record an estimate in writing of the likely expense of executing the work, or the provision of goods or services in a suitable manner.

CSO 9 PRE TENDER / QUOTATION ENQUIRIES

- 9.1 Enquiries of providers may be made before tenders or quotations are invited in order to:
- (a) establish whether the goods, works or services the Council wishes to purchase are available and within what price range;
 - (b) prepare tender documents, price estimates and contracts;
 - (c) establish whether particular providers wish to be invited to tender or quote.
- 9.2 In making enquiries:
- (a) no information will be disclosed to one provider which is not then disclosed to all those of which enquiries are made or which are subsequently invited to tender or quote;
 - (b) no provider will be lead to believe that the information they offer will necessarily lead to them being invited to tender or quote or be awarded the contract.

CSO 10 COMPETITIVE TENDERING - CONTRACTS OVER £25,000

- 10.1 No contract which exceeds £25,000 in value or amount for the execution of works or the supply of goods, services or materials shall be made unless:-
- (a) at least 10 days public notice has been given in one or more of the local newspapers and in such trade journals as the appropriate Chief Officer shall consider desirable, stating the nature and purpose of the contract, inviting tenders for its execution and stating the last date when tenders will be received; or
 - (b) tenders have been invited by the appropriate Chief Officer from amongst the appropriate approved list of providers compiled under CSO 7; or

- (c) public notice has been given in respect of a particular contract in the manner described in CSO 10 (a) inviting applications from providers to be placed on a list to be approved by the Council from which providers selected by the appropriate Chief Officer will be invited to submit tenders for the execution of the works or supply of the goods or services; or
- (d) The proposed contract for the execution of work forms part of a serial programme the terms having been settled with the contractor at the date of his original tender on the basis of the application of a stated addition or deduction to the rates and prices contained in an initial contract awarded competitively following an invitation to tender in accordance with the provisions of (a), (b), or (c) above; or
- (e) Where exceptionally, and following a written report from the appropriate Chief Officer, the Cabinet considers it desirable in the best interest of the Council that a tender be invited for the execution of work from a contractor settled by it or negotiated with a contractor already engaged by the Council, and the Cabinet approve the terms of any such tender.

CSO11 CENTRAL SUPPLIES ORGANISATION

- 11.1 In the case of the Central Supplies Organisation the sum of £80,000 shall be substituted for the sums that respectively appear in CS05 and 10 and the said CSOs shall be read and construed accordingly.

CSO 12 TENDER INVITATION

- 12.1 When tenders are invited following public advertisement, contract documents will be sent within 6 days of request provided they are requested in good time and any specified fee has been paid.
- 12.2 When tenders are invited following public advertisement providers will be given at least 40 days to return tenders unless:
- (i) a prior information notice has been published in the Official Journal of the European Union in which case only 26 days need be given; or
 - (ii) by reasons of urgency the time limit cannot be complied with when at least 10 days must be given and justification for the reduction recorded.
- 12.3 Reasonable requests for further information relating to the contract documents will be granted provided the request enables the Council to supply the information not less than 6 days (or 4 days in cases of emergency) before the date specified for receipt of tenders.
- 12.4 Every invitation to tender will state that a tender will only be considered:
- (a) if it is addressed to the relevant Chief Officer in a plain sealed envelope which shall bear the word Tender followed by the subject to which it relates, but shall not bear any name or mark indicating the sender;

- (b) if it is accompanied by an undertaking which shall become a condition of the contract that the amount of the tender has not been calculated by agreement or arrangement with any person other than the Council and that the amount of the tender has not been communicated to any person other than the Council and will not be communicated to any person until after the closing date for the submission of tenders.

12.5 Tenders submitted by facsimile or electronic transmission will not be considered.

CSO 13 RECEIPT OF TENDERS

- 13.1 Envelopes received in accordance with the provision of CSO No 12 shall immediately on receipt be consecutively numbered and remain in the custody of the Chief Officer or Approved Officer until the time appointed for the opening.
- 13.2 An officer receiving tenders shall indicate on the envelope the date and time of its receipt by him/her.
- 13.3 Any tender received after the date and time indicated for the receipt of tenders unless in the opinion of the Monitoring Officer or Chief Financial Officer there is clear evidence that the tender was posted or hand delivered before the date of receipt of tenders in which case the Chief Officer shall have discretion to consider the tender. Subject to this exception late tenders shall be retained unopened by the Chief Officer or Approved Officer designated by him until after the result of the tendering process has been published to tenderers.

CSO 14 OPENING OF TENDERS

- 14.1 All tenders with an estimated value of less than £40,000 will be opened by the relevant Chief Officer or Approved Officer in accordance with procedures determined by the Monitoring Officer and Chief Financial Officer who shall audit the process at regular intervals.
- 14.2 All tenders with an estimated value in excess of £40,000 will be opened by the relevant Chief Officer or Approved Officer in the presence of a Democratic Services Officer. The Executive Member will be notified of the tenders that have been received in accordance with procedures determined by the Monitoring Officer and Chief Financial Officer who shall audit the process at regular intervals.
- 14.3 All tenders will be opened at the same time and place and shall be immediately initialled and dated by the Chief Officer or the Approved Officer.
- 14.4 The Chief Officer or Approved Officer will, at the time the tenders are opened, record:
 - (a) the nature of the goods or materials to be supplied or the work to be executed;
 - (b) the name of each person by or on whose behalf a tender was submitted together with the consecutive number endorsed on the tender envelope;
 - (c) the amount of each tender;
 - (d) the date and time of the opening of the tender;

(e) the names of the persons present at the opening of the tenders.

14.5 The appropriate Officer will keep securely all tenders with the envelopes received for a period of at least 12 months after the award of the contract or such longer period as may be required by domestic or EU legislation .

CSO 15 ALTERATIONS

15.1 Where examination of tenders reveals arithmetical or copying errors present in the documents submitted at the time of tender these shall be corrected. If the correction has the effect that the tender is no longer the most competitive tender then the next tender in competitive order is to be examined and dealt with in the same way.

15.2 Where examination of tenders reveals errors or discrepancies (other than arithmetical errors as in 15.1 above) which would affect the tender figure(s) in an otherwise successful tender, the tenderer is to be given details of such errors and discrepancies but no other information and afforded an opportunity of confirming or withdrawing his offer.

15.3 If the tenderer withdraws, the next tender in competitive order is to be examined and dealt with in the same way. Any exception to the procedure outlined above may be authorised only by the Monitoring Officer and Chief Financial Officer after consideration of a report by the Chief Officer concerned.

CSO 16 ACCEPTANCE OF TENDERS

- 16.1 A tender (other than the lowest tender if payment is to be made by the Council or the highest tender if payment is to be received by the Council) shall not be accepted until the Monitoring Officer and Chief Financial Officer shall have considered and approved a written report from the appropriate Chief Officer.
- 16.2 No contract may be awarded unless the expenditure involved has been included in approved estimates or on capital or revenue accounts or has been otherwise approved by or on behalf of the Council.

CSO 17 FORM OF CONTRACT

- 17.1 Every contract exceeding £2,500 in value and in any other case where the Monitoring Officer or Chief Financial Officer so decides, shall be either an approved Standard Form of Contract or shall be in writing in a form approved by the Chief Legal Officer and shall specify:
- (a) the works or services to be performed and/or the goods or materials to be supplied;
 - (b) the parties to the contract including any guarantor;
 - (c) the price to be paid with a statement of discounts or other appropriate adjustments;
 - (d) the time within which the contract is to be performed or carried out;
 - (e) that the provider will not assign the contract without the written consent of the Council;
 - (f) where appropriate, that the provider will pay liquidated damages (where these can be assessed and ascertained) or other damages to the Council, should the terms of the contract not be properly carried out, including the method by which such damages will be calculated and the circumstances in which they will be payable;
 - (g) any performance bond or parent company guarantee required and, in contracts exceeding £25,000 such bond or guarantee will be required unless the Chief Officer concerned after consultation with the Chief Financial Officer considers that same shall not be necessary and places a written statement to that effect on the appropriate file;
 - (h) that the provider will adopt safe methods of work and comply with all other requirements of the Health and Safety at Work etc. Act 1974;
 - (i) that the Council may cancel and recover any loss if the provider, its employees agents and sub-providers offer any reward relating to the contract or commit any offence under the Prevention from Corruption Acts 1889 to 1916 or have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

CSO 18 EXECUTION OF CONTRACTS

18.1 Contracts of less than £40,000 in value shall be signed for and on behalf of the Council by the Chief Legal Officer or his/her Deputy.

18.2 Contracts in excess of £40,000 in value shall be made under the seal of the Council.

CSO 19 CONTRACT VARIATION

19.1 Where, by reason of any extra or variation, it is apparent that

(a) the tender sum is to be exceeded by 5% (or 10% if the tender sum contains no contingency provision); or

(b) the variation would extend the contract period by more than 3 months or 50% of the original period; or

(c) if the works, services or goods to be added or deleted from the contract are substantially different in scope

the relevant Chief Officer shall report the same to the Chief Financial Officer and Executive Member.

19.2 Should further variations (as set out in 19.1 above) arise after the Chief Officer's report, these further variations shall also be reported as set out in 19.1 above.

FINANCIAL REGULATIONS

INTRODUCTION

This document refers to a number of supplementary guidance and procedural manuals which are available on the Authority's Intranet site.

- 1.1 The interpretation of terms shown in Contract Standing Orders (CSO 1) apply also to Financial Standing Orders.

FS02 GENERAL

- 2.1 This part of Standing Orders shall apply to all Services provided by the Council, schools and to joint arrangements where the Council is either lead or host Authority but only to the extent that they are consistent with such statutory provisions and any lawful agreements made in relation to schools and the said joint arrangements. FSO 27 deals with monies held on behalf of partnerships.
- 2.2 Reference in this part of Standing Orders to "Chief Officers" are to all Members of the Green Team, Chief Officers of the Torfaen County Borough Council and Heads of Service. References to "the Council" means the Torfaen County Borough Council (and where the context so admits) the Cabinet, a Committee or Sub Committee of the Council or the Cabinet exercising executive powers or an officer exercising his/her authority under the Council's approved Scheme of Delegation or under these regulations.
- 2.3 Chief Officers shall immediately consult the Chief Financial Officer upon matters which are likely to materially affect the finances of the Council before any commitment is made and/or before any report is submitted to the Council, or its Committees.
- 2.4 The Chief Financial Officer shall be notified of all Government or other circulars, orders sanctioned regulations, etc affecting finance.

FS03 FINANCIAL ADMINISTRATION

- 3.1 The Chief Financial Officer shall, for purposes of Section 151 of the Local Government Act, 1972 (as extended by Sections 114-116 of the Local Government Finance Act 1998) be responsible under the general direction of the Council for the proper administration of the Council's financial affairs.
- 3.2 The Cabinet will be responsible for regulating and controlling the finances of the Council subject to those matters which are or may be reserved by law to the Council.
- 3.3 The Chief Financial Officers shall each year report to the Council with respect to the level of resources proposed to be utilised in each financial year and shall keep the Cabinet informed with respect to the Council's

finances and financial performance and he shall take steps to ensure that all Service Areas of the Council are informed of the financial implications of their activities.

- 3.4 Each Service through its Chief Officer shall be responsible to the Council for the observance of the Council's Financial Standing Orders and Financial Regulations as they relate to the Service and to partnership funds held by the Council falling within her or his area of responsibility.
- 3.5 Each Chief Officer shall be responsible for the accountability and control of staff, and the security, custody and control of all other resources appertaining to their respective Service Area and to partnership resources held by the Council falling within her or his area of responsibility.
- 3.6 The Chief Financial Officer shall report to the Council and to the Audit Committee any issues of financial irregularity, fraud or error that are of material significance to the Council.
- 3.7 The Scrutiny Committees or such other Committees of the Council which may be appointed for the purpose shall scrutinise such elements of their Service Area budgets as may be deemed appropriate from time to time.

FS04 FINANCIAL PLANNING

Preparation of Annual Estimates

- 4.1 Annual estimates of revenue and capital expenditure shall be prepared by the Chief Financial Officer in conjunction with the responsible officers of the spending Services and submitted with any necessary explanations to the Cabinet for timely consideration before the annual budget meeting of the full Council.
- 4.2 After any necessary decision by the Cabinet in particular on the distribution between services of the available resources, the Cabinet shall consider the aggregate effect of these estimates upon the Council's financial resources and submit them for approval with a recommendation of the Council Tax to be levied for the ensuing financial year to a meeting of the full Council.
- 4.3 Each member of the Council shall be provided with a copy of the proposed estimates, together with a statement by the Chief Financial Officer of their effect on the Council's finances and the Council Tax to be levied. The estimates and statement shall be provided with the summons to attend the meeting of the Council at which such matters will be considered.
- 4.4 Where any sanction of a Government Department is required to expenditure, such expenditure shall not be incurred before any such approval has been obtained.

Revenue Forward Planning

- 4.5 Revenue forward planning will be set by the Cabinet in accordance with the budget framework. The Cabinet shall subsequently settle the long term plans for Council services and the distribution between services of available resources to provide a framework within which annual budgets will be prepared.

Capital Forward Planning

- 4.6 The Chief Financial Officer shall submit a programme for capital expenditure to the Cabinet and estimates of the revenue consequences of that expenditure, and income for such future periods, in such form and by such dates as the Cabinet may from time to time require.
- 4.7 The Cabinet shall consider the aggregate effect of these programmes and estimates upon the Council's financial resources and shall recommend the programme to Council accordingly.
- 4.8 Upon the approval by the Council of a programme of capital expenditure the relevant Chief Officer shall be authorised:
- (a) to prepare a scheme and estimate including associated revenue expenditure for decision by the appropriate Service Area, within approved revenue budget and
 - (b) to take steps in conjunction with the Chief Executive or his or her authorised representative to enable land required for the purposes of the programme to be acquired in due time.

Scrutiny

- 4.9 The Overview and Scrutiny Committee shall receive such reports as are necessary to effectively scrutinise compliance with the requirements of FS04.

FS05 BUDGETARY CONTROL

- 5.1 It shall be the duty of every Service Area through its Chief Officer to monitor and regulate its financial performance during the currency of each estimate period. In order to assist with the financial monitoring the Chief Financial Officer has issued guidance entitled 'A Guide to Financial Management – A Statement of Proper Practice'.
- 5.2 A Service Area may not incur expenditure which cannot be met from the amount provided in the revenue estimates under a head of estimate (including any virement made in accordance with Standing Order 5.5 below) to which that expenditure would be charged or would result in an overspending in the year on that head of estimate unless a supplementary estimate has been submitted to and approved by the Chief Financial Officer in consultation with the relevant Executive Member or by the Cabinet. This

Standing Order shall equally apply to a reduction in income as to an increase in expenditure.

- 5.3 Where a Service Area proposes to adopt or to recommend to the Council a policy which, if implemented, will involve the Council in expenditure not already specifically approved by the Council, or for which provision has not been made in the appropriate estimates, it shall first obtain from the relevant Chief Officer and Chief Financial Officer, an estimate of the cost. It shall then forward to the Cabinet such an estimate of the cost as will enable that Service Area to report to the Cabinet upon the immediate and prospective financial effects of the proposal. No liability shall be incurred by the Service Area without the consent of the Cabinet or the Chief Financial Officer under the Council's approved Scheme of Delegation.
- 5.4 Amounts provided under the approved annual revenue estimates may be diverted to other purposes by the Service Area concerned in accordance with the approved virement scheme operating within that Service Area, which has been previously approved by the Chief Financial Officer but may not be diverted otherwise than strictly in accordance with such scheme.
- 5.5 The Cabinet or the Chief Financial Officer may vire capital expenditure between projects and may add projects to the capital programme. Subject to paragraph 5.7, Chief Officers may not vire capital expenditure without the consent of the Cabinet or the Chief Financial Officer. Cabinet may also increase the overall capital programme where additional resources become available from any source and may authorise the use of revenue for capital purposes.
- 5.6 Chief Officers may incur expenditure which is essential to meet any immediate needs related by a sudden emergency or which is referable to Section 138 of the Local Government Act 1972 subject to this action being reported to the Cabinet, as soon as practicable.
- 5.7 The inclusion of items in approved revenue estimates or capital programmes, shall, subject to any Government sanction, constitute authority to incur such expenditure save to the extent to which the Cabinet or the Council shall have placed reservation on any such item or items. Expenditure on any such reserved items may be incurred only when and to the extent that such reservation has been removed.
- 5.8 The Cabinet shall from time to time keep the Council informed as to the state of the Council's finances and shall report on the accounts of each financial year as soon as practicable.
- 5.9 The relevant Overview and Scrutiny Committee shall receive such reports as are necessary to effectively scrutinise the requirements of FS05.

FS06 ACCOUNTING

- 6.1 The Chief Financial Officer shall be responsible to the Council for the whole of the accounting records of the Council and Chief Officers shall obtain the approval of the Chief Financial Officer before introducing any books, forms,

computer systems or procedure relating to cash, stores or other accounts of the Council and it shall be the duty of the Chief Financial Officer to see that uniform systems shall, as far as practicable, be adopted throughout the Service Areas of the Council.

- 6.2 The following principles shall be observed in the allocation of accounting duties:-
- (a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them.
 - (b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these functions.

FS07 IMPREST ACCOUNTS AND ADVANCES

- 7.1 The Chief Financial Officer shall provide such imprest accounts as he considers appropriate for such officers of the Council as may need them to meet petty disbursements which shall be supported by receipted vouchers to the extent that the Chief Financial Officer may require.
- 7.2 Petty disbursements shall not include payments to employees, sums due to any tradesman with whom the County Borough Council normally trade, nor any account for goods exceeding a sum fixed from time to time by the Chief Financial Officer, unless as otherwise agreed, nor travelling and subsistence expenses other than those of a casual nature.
- 7.3 Where he considers it appropriate, the Chief Financial Officer shall open an account with the Council's bankers or National Giro for use by the imprest holder who shall not cause such account to be overdrawn. It shall be a standing instruction to the Council's bankers that the amount of any overdrawn balance on an imprest holder's banking account shall forthwith be reported to the Chief Financial Officer.
- 7.4 No income received on behalf of the Council may be paid into an advance or imprest account but must be banked or paid to the Council as provided in Section 12(6) of Financial Standing Orders unless specifically agreed with the Chief Financial Officer.
- 7.5 An officer responsible for an advance or imprest account shall, if so requested, give to the Chief Financial Officer a certificate as to the state of his or her advance or imprest account.
- 7.6 On leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest advance, an officer shall account to the Chief Financial Officer for the amount advanced.

FS08 AUDIT

- 8.1 A continuous internal audit, under the independent control and direction of the Chief Financial Officer, shall be arranged to carry out an examination of accounting, financial and other operations of the Council.
- 8.2 The Chief Financial Officer shall have the responsibility to independently review, appraise and report to the Audit Committee and the Council upon the internal controls and procedures in operation as a contribution to the efficient, effective and economic use of resources. This includes:
- (i) The soundness, adequacy and application of internal control.
 - (ii) The extent to which the Council's assets and interest are properly accounted for and safeguarded.
 - (iii) The suitability and reliability of financial and related management information, and
 - (iv) That value for money is being obtained.
- 8.3 The Chief Financial Officer or his representative duly authorised by him shall have authority to:-
- (a) enter at all reasonable times on any Council premises or land
 - (b) have access to all records, documents, computer programmes and files and correspondence relating to any financial and other transactions of the Council
 - (c) require and receive such explanations as are necessary concerning any matter under examination, and
 - (d) require any employee of the Council to produce cash, stores or any other Council property under his or her control.
- 8.4 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the Council or any suspected irregularity in the exercise of the functions of the Council, the Chief Officer concerned shall forthwith notify the Chief Executive and the Chief Financial Officer who shall take such steps as are necessary by way of investigation and report.
- 8.5 The Chief Internal Audit shall liaise with the Council's external auditors and Monitoring Officer where appropriate to maximise the efficient use of audit resources.

FS09 BANKING ARRANGEMENTS AND CHEQUES

- 9.1 All arrangements with the Council's bankers shall be made by or under arrangements approved by the Chief Financial Officer, who shall be authorised to operate such banking accounts, including National Giro Accounts, as he may consider necessary.

9.2 All cheques, but excluding cheques drawn on authorised imprest accounts, shall be ordered only on the authority of the Chief Financial Officer who shall make proper arrangements for their safe custody.

9.3 Cheques on the Council's main banking accounts, shall bear the facsimile signature of the Chief Financial Officer or be signed by the Chief Financial Officer, or other officer so authorised.

FS010 CONTRACTS FOR BUILDING, CONSTRUCTIONAL OR ENGINEERING WORK

10.1 Where contracts provide for payment to be made by instalments, the Chief Financial Officer shall arrange for the keeping of a contract register or registers to show the state of account on each contract between the Council and the contractor, together with any other payments and the related professional fees.

10.2 Payments to contractors on account of contracts shall be made only on a certificate issued by the appropriate Chief Officer (or private architect, engineer or consultant where engaged by the Council issued through the appropriate Chief Officer) or by an officer nominated by him in writing for the purpose.

10.3 All payments made to contractors must be in line with the requirements of the Construction Industry Tax Scheme as outlined in the Guide prepared by the Chief Financial Officer.

10.4 Subject to the provisions of the contract in each case every extra or variation shall be authorised in writing at the time the decision is made by the appropriate Chief Officer (or private architect, engineer or consultant as may be appropriate) or by an officer nominated by him in writing for the purpose. The variation order shall record the estimated costs of that variation.

10.5 Where by reason of such extra or variation it is apparent that the original tender sum is to be exceeded by 7½% (or 10% if the tender sum contains no contingency), the Chief Officer concerned in consultation with the Chief Financial Officer shall report to the next meeting of the Cabinet. Should further variations cause additions to the tender sum by a further 2½% these also shall be reported to the Cabinet.

10.6 The final payment for any contract shall not be authorised until the appropriate officer, private architect, engineer or consultant has produced to the Chief Financial Officer a detailed statement of account, and all relevant documents if required and the Chief Financial Officer has signified his agreement to the final payment due.

10.7 The Chief Financial Officer shall, to the extent he considers necessary, examine final accounts for contracts and he shall be entitled to make all such enquiries and receive such information and explanations as he may require in order to satisfy himself as to the accuracy of the accounts.

- 10.8 Claims from contractors in respect of matters not clearly within the terms of any existing contract shall be referred to the Chief Executive or his or her approved legal representative for consideration of the Council's legal liability and, where necessary to the Chief Financial Officer for financial consideration before a settlement is reached.
- 10.9 Where completion of a contract is delayed, it shall be the duty of the Chief Officer concerned to take appropriate action in respect of any claim for liquidated damages. The Chief Officer shall submit a report describing the action taken to the Executive Member and the Chief Financial Officer where the delay is anticipated to exceed a period of three months.
- 10.10 A report concerning expected final costs at practical completion shall be made to the Executive Member in respect of all contracts in excess of a sum prescribed from time to time by the Chief Financial Officer.

FS011 PROPERTY

- 11.1 The Chief Executive or an officer nominated by him or her will maintain an asset register of all properties owned by the Council, recording the holding Service Area, purpose for which held, location and extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.
- 11.2 Before acquiring any building, the appropriate Chief Officer shall report to the appropriate Executive Member/Cabinet. The report shall contain:
- Confirmation that appropriate financial approval has been received.
 - Confirmation that sufficient provision is available within the current revenue estimates to meet the revenue costs of owning and operating the property.
 - An assessment of the future revenue cost stream relating to owning and operating the property and the anticipated impact of future revenue spending.
- 11.3 The Chief Executive or his or her legal representative shall have the custody of and responsibility for all title deeds of the Council under secure arrangements.

FS012 INCOME

- 12.1 The collection of all money due to the Council shall be under the supervision of the Chief Financial Officer and in accordance with the Debt Management Strategy approved by the Council.
- 12.2 Each Chief Officer shall furnish the Chief Financial Officer with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due, as may be required by him to record correctly all sums due to the Council, and to ensure the prompt rendering of accounts for the recovery of income due.

- 12.3 All accounts for money due to the Council (other than periodical items such as rents, etc or unless otherwise agreed by the Chief Financial Officer) shall be issued in accordance with procedures determined by the Chief Financial Officer.
- 12.4 The Chief Financial Officer shall be notified promptly in writing of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council, and shall have the right to inspect any documents or other evidence in this connection as he may decide.
- 12.5 All receipts, forms, books, tickets and cash receipting machines etc shall be ordered and supplied to departments in accordance with procedures determined by the Chief Financial Officer.
- 12.6 All money received by an officer on behalf of the Council shall without delay be paid to the Chief Financial Officer, or, as he may direct, to the Council's banking or National Giro account or transmitted directly to any other body or person entitled thereto. No deduction may be made from such money save to the extent that the Chief Financial Officer may specifically authorise. Each officer who so banks money shall enter on the paying-slip a reference to the related debt (such as the receipt number or the name of the debtor) or otherwise indicate the origin of the cheque; on the reverse of each cheque, the officer shall enter the name of his or her service area, office or establishment.
- 12.7 Personal cheques shall not be cashed out of the money held on behalf of the Council.
- 12.8 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.
- 12.9 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full. The definition "payment in full" includes payment of the full amount by instalments where such arrangements are governed by guidelines and procedures issued by the Chief Financial Officer. Where a debit cannot be discharged by payment (either in part or full), the debt outstanding can only be written off following a decision of the Chief Financial Officer in accordance with a write off policy approved by the Executive Member for Resources.

FS013 INSURANCES

- 13.1 The Chief Financial Officer shall effect all insurance cover and negotiate all claims in consultation with other officers where necessary.
- 13.2 The Chief Financial Officer is authorised to incur any necessary expenditure deemed appropriate to protect the assets and income of the Authority against avoidable loss.

- 13.3 Chief Officers shall give prompt notification to the Chief Financial Officer of all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances, and shall advise the amount of cover required for new risks or alterations.
- 13.4 Chief Officers shall notify the Chief Financial Officer in writing forthwith upon knowing of any loss, liability or damage or any event likely to lead to a claim, and shall arrange for an estimate of the cost or reinstatement to be obtained.
- 13.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.
- 13.6 The Chief Financial Officer shall annually, or at such other period as he may consider necessary, review all insurances in consultation with other Chief Officers as appropriate.
- 13.7 Chief Officers shall consult the Chief Financial Officer respecting the terms of any indemnity or guarantee which the Council is requested to give.

FS014 RISK MANAGEMENT

- 14.1 The County Borough Council has an active Risk Management Policy and all Chief Officers should ensure adherence to this policy. Chief Officers must bring to the attention of all staff the need for risk awareness and loss prevention.
- 14.2 Wherever necessary, risk assessments will be undertaken and in these circumstances, and any other situation where doubt exists; the advice of the Chief Financial Officer must be sought.

FS015 INVENTORIES

- 15.1 All Service Areas (including outlying establishments) shall maintain inventories recording an adequate description of furniture, fittings and equipment, computer hardware/software, plant and machinery, belonging to the Council. The extent of such property shall be so recorded and the form in which the inventories shall be kept will be determined by each Chief Officer in consultation with the Chief Financial Officer.
- 15.2 Each Chief Officer shall be responsible for ensuring that systems are in place to undertake an annual check of all items on the inventory, for taking action in relation to surpluses or deficiencies and noting the inventory accordingly.
- 15.3 The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used to otherwise than for the Council's purposes except in accordance with specific directions issued by the Chief Officer of each Service Area.

FS016 INVESTMENTS, BORROWINGS AND TRUST FUNDS

- 16.1 All investments of money under its control excepting where necessary Pension Fund monies for which the Council is responsible as administrating authority, shall be made in the name of the Council or in the name of nominees approved by the Chief Financial Officer; bearer securities shall be excepted from this Standing Order but any purchase of such securities shall be reported to the Council as part of the Council's Treasury Management Strategy.
- 16.2 All securities of the property of, or in the name of, the Council or its nominees shall be held in custody of the Council's bankers, or otherwise, as the Council may specifically direct.
- 16.3 All borrowings shall be effected in the name of the Council.
- 16.4 The Chief Financial Officer or such registrar as the Council may appoint, shall be the Council's registrar of stocks, bonds and bills.
- 16.5 The management of the Pensions Fund is delegated to the Chief Financial Officer, who will not act contrary to advice given by the Investment Panel. In carrying out the role the Chief Financial Officer shall delegate day-to-day investment decisions to authorised investment managers duly appointed by the Council.
- 16.6 The County Borough Council has adopted CIPFA's "Code of Practice for Treasury Management in Local Authorities" which requires:-
- (a) A Treasury Policy Statement setting out its strategy and procedures shall be adopted by the Council, reviewed periodically by the Council, and thereafter its implementation and monitoring shall be delegated to the Resources Overview and Scrutiny Committee.
 - (b) All money in the hands of the Council excepting where necessary Pension Fund monies or other monies held in trust shall be aggregated for the purposes of treasury management and shall be under the control of the officer designated for the purposes of Section 151 of the Local Government Act 1972, Section 73 of the Local Government Act 1985 and Section 113 of the Local Government Finance Act 1988, referred to in the Code as the Financial Officer.
 - (c) All executive decisions on borrowing, investment or financing shall be delegated to the Chief Financial Officer or through him to his staff, who shall all be required to act in accordance with CIPFA's "Code of Practice for Treasury Management in Local Authorities".
 - (d) The Chief Financial Officer shall report to the Council or other appropriate decision making forum not less than twice in each financial year on the activities of the treasury management operation and on the exercise of treasury management powers delegated to him. One such report shall comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

- 16.7 All Trust Funds shall be in the name of the Council unless the Trust deed otherwise provides.
- 16.8 All officers acting as trustees by virtue of their official position shall deposit all securities etc relating to the Trust with the Chief Financial Officer, or according to his order, unless the Trust deed otherwise provides.

FS017 ORDERS FOR WORK, GOODS AND SERVICE

- 17.1 Official orders shall be in a form approved by the Chief Financial Officer (after consultation, if appropriate, with the Chief Executive) and are to be signed only by officers authorised by the appropriate Chief Officer who shall be responsible for official orders issued from his or her service area. The Chief Financial Officer may approve the use of electronic orders and such orders shall only be input and approved electronically by officers authorised by the appropriate Chief Officer.
- 17.2 Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments such as rent or rates, for petty cash purposes or such other exceptions as the Chief Financial Officer may approve.
- 17.3 Each order shall conform with the directions of the Council with respect to central purchasing and the standardisation of supplies and materials.

FSO18 PAYMENT OF ACCOUNTS

- 18.1 Apart from petty cash and other payments from advance accounts the normal method of payment of money due from the Council shall be by cheque, BACS or other instrument drawn on the Council's banking account by the Chief Financial Officer.
- 18.2 The Chief Officer issuing an order is responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment vouchers or accounts arising from sources in his or her service area. Such certification shall be in manuscript by or on behalf of the Chief Officer. The names of officers authorised to sign such records shall be sent to the Chief Financial Officer by each Chief Officer, together with specimen signatures and initials and shall be amended on the occasion of any change thereof.
- 18.3 Before certifying an account, the certifying officer shall, save to the extent that the Chief Financial Officer may otherwise determine, have satisfied her/himself that:-
- (a) the work, goods or services to which the account relates have been received carried out and approved;
 - (b) the prices, extensions calculations, trade discounts, other allowances, credits and tax are correct;

- (c) the relevant expenditure has been properly incurred and is within the relevant estimates provision;
- (d) appropriate entries have been made in inventories, stores records or stock books as required; and
- (e) the account has not been previously passed for payment and is a proper liability of the Council.

18.4 Duly certified accounts shall be submitted for payment without delay. The officer responsible for effecting payment shall examine them to the extent that that s/he considers necessary, for which purpose s/he shall be entitled to make such enquiry and to receive such information and explanation as s/he may require.

18.5 Invoices should not be amended, rather on additional invoice/credit note should be obtained prior to payment.

18.6 Each Chief Officer shall as soon as possible after 31 March and not later than 30 April in each year, notify the Chief Financial Officer of all outstanding expenditure relating to the previous financial year. The final notification date shall be specified by the Chief Financial Officer within the accounts closure timetable issued annually.

FSO19 PROTECTION OF PRIVATE PROPERTY

19.1 The Director of Social Services and any other Chief Officer affected shall notify the Chief Financial Officer in such form as s/he may require, of any case known to him/her where steps are necessary to prevent or mitigate loss or damage of moveable property of a third party into the possession of the Council, or of that officer, and shall forward to the Chief Financial Officer an itemised inventory in each case, prepared in the presence of two officers.

19.2 All valuables such as jewellery, watches and other small articles of a similar nature and documents of title belonging to a third party (unless in any case otherwise decided by the Chief Financial Officer) be deposited with the Chief Financial Officer for safe custody.

FS020 SALARIES, WAGES AND PENSIONS

20.1 The payment of all salaries, wages and pensions, compensation and other emoluments to all employees and former employees of the Council shall be made by the Chief Financial Officer or under arrangements approved and controlled by him. The Authority has produced a number of specific procedural guidance documents relating to this area:

- Procedure document for the appointment, termination or amendment of conditions of service of employees
- Personnel Policies and Procedures Guide for Managers
- Guidance for school based staff on the administration of conditions of service of employees

- Criminal Records Bureau – Disclosures - Updated Guidance
 - Employment Status Procedure
- 20.2 Each Chief Officer shall notify the Chief Financial Officer as soon as possible and in the form prescribed by him, of all matters affecting the payment of such emoluments and in particular:-
- (a) appointments, resignations, dismissals, suspension, secondments and transfers;
 - (b) absences from duty for sickness or other reason, apart from approved leave;
 - (c) changes in remuneration, other than normal increments and pay awards and agreements of general application; and
 - (d) information necessary to maintain records of service for pensions, income tax, national insurance and the like.
- 20.3 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.
- 20.4 All records or other pay documents shall be in a form prescribed or approved by the Chief Financial Officer and shall be certified in manuscript by or on behalf of the Chief Officer. The names of officers authorised to sign such records shall be sent to the Chief Financial Officer by each Chief Officer, together with specimen signatures and shall be amended on the occasion of any change.

FSO21 SECURITY

- 21.1 Each Chief Officer is responsible for maintaining reasonable security at all times for all buildings, stocks, stores, furniture, equipment, cash etc under his or her control. He or she shall consult the Chief Financial Officer in any case where security is thought to be inadequate or where it is considered that special security arrangements may be needed.
- 21.2 Maximum limits for cash holding shall be agreed with the Chief Financial Officer and shall not be exceeded without his express permission.
- 21.3 Each Chief Officer will be responsible for making reasonably secure arrangement in regard to the custody and availability of keys to safes and similar receptacles in his or her service area and the loss of any such keys must be reported to the Chief Financial Officer forthwith.
- 21.4 No property belonging to the Council shall be sold or otherwise disposed of without the prior approval of the Chief Officer concerned in accordance with the Council's approved Scheme of Decision making.

FS022 STOCKS AND STORES

- 22.1 Each Chief Officer shall be responsible for the care and custody of the stocks and stores in his/her service area.
- 22.2 Stocks shall not be in excess of normal requirements except in special circumstances with the approval of the Chief Officer concerned in accordance with the Council's approved Scheme of Decision making.
- 22.3 Chief Officers shall arrange for periodical test examinations of stocks by persons other than storekeepers and shall ensure that all stocks are checked at least once in every year.
- 22.4 The Chief Financial Officer shall be entitled to receive from each Chief Officer such information as he requires in relation to stores for the maintenance of accounting, costing and financial records.
- 22.5 Surplus materials, stores or equipment shall be disposed of by competitive tender or public auction unless the Chief Officer concerned, in accordance with the Council's approved Scheme of Decision making, decides otherwise in a particular case taking into account any guidance that may be issued from time to time by the Chief Financial Officer.

FS023 DATA PROTECTION

- 23.1 Each Chief Officer shall furnish the Chief Financial Officer with sufficient information and in prescribed form, of all systems (IT and manual) holding personal data (as defined by the Data Protection act 1998), in order to notify such details to the Information Commissioner.
- 23.2 Each Chief Officer shall notify the Chief Financial Officer in writing forthwith of the introduction or amendment of any system (IT or manual) containing personal data.
- 23.3 All departments shall ensure, under the general direction of the Chief Financial Officer, compliance with the principles of the Data Protection Act 1998.
- 23.4 A general guide to the Data Protection Act is available on the Intranet.

FS024 TRAVELLING, SUBSISTENCE AND FINANCIAL LOSS ALLOWANCES

- 24.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted to the Chief Financial Officer duly certified in a form approved by him, made up to a specified day of each month, within three days thereof. The names of officers authorised to sign such claims shall be sent to the Chief Financial Officer by each Chief Officer together with specimen signatures and shall be amended on the occasion of any change. The Authority has a number of procedural documents relating to this area as follows:

- Departmental Guide to Officers Expenses and Benefits
 - Officers Expenses Manual
 - A Guide to Expenses Summary
 - Re-imbusement of disturbance allowances
 - Members expenses manual
- 24.2 The certification by or on behalf of the Chief Officer shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 24.3 Officers' claims submitted more than three months after the last date of a monthly claim will be forwarded to the Chief Financial Officer for consideration, while claims over six months will be submitted to the Executive Member for Resources.
- 24.4 Payments to members, including co-opted members of the Council or its committees who are entitled to claim travelling or other allowances, will be made by the Chief Financial Officer on receipt of the prescribed form duly completed in accordance with guidance issued from time to time. All claims for a financial year are to be submitted within one month of 31st March.
- 24.5 The accuracy of the information contained in a claim for travelling, and subsistence etc shall be the responsibility of the Officer or Member concerned.

FS025 UNOFFICIAL FUNDS

- 25.1 An unofficial fund is a fund not belonging to the Council.
- 25.2 The relevant Chief Officer shall be responsible for ensuring sound arrangements for the financial management and audit of unofficial funds and shall consult with the Chief Financial Officer before formulating regulations that apply to such funds.

FS026 DOCUMENT RETENTION

- 26.1 The relevant Chief Officer shall ensure that documentation is retained securely, in an appropriate format and in accordance with statutory and/or regulatory requirements. The Chief Financial Officer shall issue guidance concerning recommended document retention periods.

FS027 PARTNERSHIPS

- 27.1 Where the Authority holds monies or property belonging to a partnership as an accountable body for those monies or property, the relevant Service Area Chief Officer within whose responsibilities the activities and functions of the partnership falls shall ensure that those funds are handled and that property is dealt with in accordance with these Standing Orders subject only to any variation that may be approved in writing by the Chief Financial Officer from time to time.

FSO28 VALUE ADDED TAX (VAT)

- 28.1 The relevant Chief Officer shall ensure that all transactions involving Value Added Tax are correctly accounted for in accordance with the guidance issued by the Chief Financial Officer, namely, The VAT Guide and the VAT Guide for Schools.

FSO29 EXTERNAL FUNDING

- 29.1 The relevant Chief Officer shall ensure that all potential and actual bids for external funding to supplement the financial resources of the Authority are in accordance with the procedures laid down in the External Grants Protocol issued by the Chief Financial Officer.

CONFIDENTIAL REPORTING CODE FOR EMPLOYEES

1 Purpose of Code

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In the circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns **within** the Council rather than overlooking a problem or "blowing the whistle" outside.
- 1.4 The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes.
- 1.5 These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some Departments.
- 1.6 This policy has been discussed with the relevant Trade Unions and professional organisations.

2 Aims and Scope of this Policy

- 2.1 This policy aims to:
 - i) encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
 - ii) provide avenues for you to raise those concerns and receive feedback on any action taken;
 - iii) ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;

- iv) reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The Confidential Reporting Policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- i) conduct which is an offence or a breach of law;
- ii) disclosures related to miscarriages of justice;
- iii) health and safety risks, including risks to the public as well as other employees;
- iv) damage to the environment;
- v) the unauthorised use of public funds;
- vi) possible fraud and corruption;
- vii) sexual or physical abuse of clients; or
- viii) other unethical conduct.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or Members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. This may be about something that:

- i) makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to;
- ii) is against the Council's Standing Orders and policies;
- iii) falls below established standards of practice; or
- iv) amounts to improper conduct.

2.4 This policy does not replace the corporate complaints procedure.

3 Safeguards

3.1 Harassment or Victimisation

3.1.1 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.1.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

3.1.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.1.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4 Confidentiality

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5 Anonymous Allegations

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

5.3 In exercising this discretion the factors to be taken into account would include:

- i) the seriousness of the issues raised;
- ii) the credibility of the concern; and
- iii) the likelihood of confirming the allegation from attributable sources.

5.4 In the event anonymous concerns being expressed which are subsequently found to be untrue and malicious, every effort will be taken to identify the originator and to take disciplinary action up to and including dismissal.

6 Untrue Allegations

6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you. In the most serious cases this may include dismissal.

7 How to raise a concern

7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Chief Executive, Director of Finance, Chief Legal Officer, or Chief Internal Auditor. Any Council employee receiving a report within the terms of this Code must inform the Head of Personnel Services and Standards who is the Responsible Officer.

7.2 Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- i) the background and history of the concern (giving relevant dates);
- ii) the reason why you are particularly concerned about the situation.

7.3 The earlier you express the concern the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5 Obtain advice/guidance on how to pursue matters of concern from:

Peter Durkin, Acting Chief Executive	(01495 766052)
Julian Williams, Acting Head of Personnel Services & Standards	(01495 766185)
Lynda Willis, Chief Legal Officer and Monitoring Officer	(01633 648253)
Philip Nash, Director of Finance	(01495 766104)
Peter Williams, Chief Internal Auditor	(01495 766355)

7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

7.7 You may invite your Trade Union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8 How the Council will respond

8.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:

- i) be investigated by management, internal audit, or through the disciplinary process;
- ii) be referred to the police;
- iii) be referred to the external auditor;
- iv) form the subject of an independent inquiry.

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of

specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

8.5 Within ten working days of a concern being raised, the relevant Officer will write to you:

- i) acknowledging that the concern has been received;
- ii) indicating how we propose to deal with the matter;
- iii) giving an estimate of how long it will take to provide a final response;
- iv) telling you whether any initial enquiries have been made;
- v) supplying you with information on staff support mechanisms; and
- vi) telling you whether further investigation will take place and if not, why not.

8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a Union or professional association representative or a friend.

8.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

8.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9 The Responsible Officer

9.1 The Head of Personnel Services and Standards has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

10 How the matter can be taken further

10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- the external auditor;
- your Trade Union;
- your local Citizens Advice Bureau;
- relevant professional bodies or regulatory organisations;
- a relevant voluntary organisation;

- the police.
- 10.2 If you do take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with the contact point about that.

PARTNERSHIP BODIES

This Appendix will list the partnership bodies to which the Executive decision making rules set out in Appendix 5 paragraphs 23 to 25 apply. There are no such partnerships at present but they will added once arrangements have been approved

RECRUITMENT OF CHIEF EXECUTIVE & CHIEF OFFICERS

- 1. The Council Will**
 - 1.1 Draw up a statement specifying:**
 - (i) The duties of the officer concerned; and**
 - (ii) Any qualifications or qualities to the appointed;**
 - 1.2 Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention to persons who are qualified to apply for it; and**
 - 1.3 Make arrangements for a copy of the statement mentioned above to be sent to any person on request.**
- 2. Where a post has been advertised as provided in 1.2 above the Council must:**
 - 2.1 Interview all qualified applicants for the post, or**
 - 2.2 Select a shortlist of such qualified applicants and interview those included on the shortlist.**
- 3. Where no qualified person has applied or if the Council decides to re-advertise the appointment, the Council may make further arrangements for advertisement in accordance with 1.2 above.**

NOTE: This procedure is as required under the Local Authorities (Standing Orders) (Wales) Regulations 2006.